

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA, )  
)  
Plaintiffs, )  
)  
STATE OF NEW YORK, STATE OF NEW )  
JERSEY, STATE OF CONNECTICUT, )  
HOOSIER ENVIRONMENTAL COUNCIL, )  
and OHIO ENVIRONMENTAL COUNCIL, )  
) Civil Action No. 1:99-cv-1693-LJM-JMS  
Plaintiff-Intervenors, )  
)  
v. )  
)  
CINERGY CORP., PSI ENERGY, INC., and )  
THE CINCINNATI GAS & ELECTRIC )  
COMPANY, )  
)  
Defendants. )

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**DECLARATION OF MEGHAN COLLEEN DELANEY**

Meghan Colleen Delaney, being of legal age and pursuant to 28 U.S.C. § 1746, deposes and says:

1. I am an attorney licensed to practice since November 11, 2005 in the State of Illinois. I have been admitted to practice in the Northern District of Illinois since January 12, 2006, and I was also admitted to practice in D.C. Court of Appeals since June 16, 2008. I was admitted pro hac vice to this court on April 25, 2008. I am an attorney in good standing in all of these jurisdictions.

2. I have been employed as an associate with Sidley Austin LLP since 2005. I spent my first two years practicing in the general litigation group of Sidley Austin's Chicago office. In

Fall 2007, I transferred to the Washington D.C. office and began practicing in the litigation group.

3. I had no knowledge of the existence of any consulting agreement between Mr. Batdorf and Cinergy until after the jury rendered its verdict in the liability phase. Specifically, I became aware of the existence of these agreements at some point in September 2008, when Plaintiffs raised the issue in response to Cinergy's request that they contact Mr. Batdorf through counsel.

4. I began working on this matter in February, 2008. I had no role in discovery in the liability phase of the case. My main role was the creation of demonstrative exhibits, management of exhibits, and setting-up our trial headquarters in Indianapolis. I attended a witness preparation session with Mr. Batdorf several days prior to Mr. Batdorf's testimony at trial. During the session I showed Mr. Batdorf several demonstrative exhibits that would be accompanying his testimony. I have no knowledge of any pre-trial discussions with Mr. Batdorf about how to respond to questions concerning Mr. Batdorf's consulting agreements. I am not aware of, and do not believe there was, a strategy to conceal the existence of Mr. Batdorf's consulting agreement.

5. At no time have I been involved in or aware of any plan to conceal from the judge, the jury or Plaintiffs the existence of any consulting agreement between Mr. Batdorf and Cinergy.

I have declared under penalty of perjury that the foregoing is true and correct.

/s/Meghan Colleen Delaney  
MEGHAN COLLEEN DELANEY  
Sidley Austin LLP

Dated: January 9, 2009

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