

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

KENNETH WALTON GEORGE, DENNIS)	Case No.: 8:06-CV-00373-RBH
REED BOWEN, CLYDE FREEMAN,)	
GEORGE MOYERS, JIM MATTHEWS,)	
and HENRY MILLER, on their own behalf and)	
on behalf of a class of persons similarly situated,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
DUKE ENERGY RETIREMENT CASH)	
BALANCE PLAN and DUKE ENERGY)	
CORPORATION,)	
)	
Defendants.)	
)	

**NOTICE OF FILING AFFIDAVIT OF HENRY MILLER IN SUPPORT OF MOTION
FOR RELIEF REGARDING IMPROPER CLASS COMMUNICATIONS TO SHOW
CAUSE WHY DUKE ENERGY CORPORATION SHOULD NOT BE HELD IN
CONTEMPT OF COURT**

I, Cheryl F. Perkins, do hereby file the Affidavit of Henry Miller attached hereto.

Respectfully submitted this 8th day of February, 2010

/s/Cheryl F. Perkins
Charles W. Whetstone, Jr. (Fed. I.D. #4604)
Thad Lee Myers (Fed. I.D. #6260)
Cheryl F Perkins (Fed. I.D. #4969)
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

KENNETH WALTON GEORGE, et al.,)	
)	
Plaintiffs,)	C/A No.: 8:06-CV-373-RBH
)	
vs.)	
)	
DUKE ENERGY RETIREMENT CASH)	
BALANCE PLAN, et al.,)	
)	
Defendants.)	
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DECLARATION OF HENRY MILLER

I, Henry Miller, hereby declare as follows:

1. I have personal knowledge of the facts set forth below and, if called upon to do so, could and would testify competently to those facts.

2. I am one of the named Plaintiffs and a Class Representative in this case. I have been a named Plaintiff in this case since it was filed in February, 2006.

3. I am age 62 and this is my 39th year working for Duke Energy at McGuire Nuclear Station in Mecklenburg County, North Carolina. I am employed as a nuclear instrument electrical specialist.

4. I have received an offer to retire under the Duke Energy Voluntary Opportunity Plan ("VOP").

5. Given my situation in which I am close to the normal retirement age, and in light of certain family circumstances, I would like to accept the offer.

6. In accepting the VOP offer I do not think I should have to give up my claim in the interest rate class for the benefits I am entitled to under the Duke Energy cash balance plan. Further, I would not like to have to take any action that could harm the larger class of fellow employees.

7. Accordingly, I would respectfully request the Court's guidance as to the effect, if any, of the waiver and release of claims Duke says must be signed if I take the VOP offer.

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

EXECUTED this 8th day of February, 2010 in Rowan County, North Carolina.

Henry F. Miller
Henry Miller