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ComEd walks back its admission to Feds that it benefitted in excess of \$150 million as a result of unlawful bribery of Michael Madigan

December 20, 2021

Romanucci & Blandin, LLC and [DiCello Levitt Gutzler LLC](#), Plaintiffs' Court-appointed Co-Lead Counsel in the Cook County class action litigation against ComEd and Exelon to recover damages caused by ComEd's admitted bribery scheme, provided comments about ComEd's latest attempt to lie on the record about the impact of its admitted bribery scheme while also trying to pick its own penalty before the Illinois Commerce Commission ("ICC"), which ComEd, by its outrageous conduct, apparently believes is biased in its favor.

To avoid criminal prosecution in 2020, ComEd admitted to the United States Department of Justice that the utility bribed former Speaker of the Illinois House, Michael Madigan, in exchange for favorable formula rates and Zero Emissions Credits (ZEC) credits paid for by ComEd consumers. At the time, ComEd acknowledged that its unlawful scheme benefitted the company in excess of \$150 million, which was paid for by ComEd ratepayers. Now, to avoid liability before the ICC, ComEd now claims its actions were completely lawful (See ComEd testimony to the ICC, December 16, 2021.) In its testimony, ComEd claims it should only have to refund consumers \$5 each for the unlawful actions. Not only is ComEd's latest representation demonstrably false, but it directly contravenes its obligation to not undermine its DPA admissions, thereby potentially placing it in contempt of court.

Plaintiffs' class action Co-Lead Counsel, Stephan Blandin and Adam Levitt, have intervened before the ICC to protect ComEd's customers and to remind the Commission and the State of Illinois of ComEd's contrary positions.

Class counsel have also learned that the damages from ComEd's consumer fraud and unjust enrichment are well in excess of the \$150 million claimed. The ZEC credits and formula rates stretch into the billions of dollars (see attached report).

"ComEd is behaving with utter arrogance, telling lie after lie and foisting inconsistency after inconsistency onto the courts, the ICC, and the public record, all in an effort to reduce its punishment in the form of dollars repaid to Illinois consumers. They're trying to pick their own penalty and ram it through the ICC, leaving the very customers who they hurt holding the bag," said Adam Levitt of DiCello Levitt Gutzler LLC.

"ComEd is using circular logic in its ongoing battle to avoid accountability. They are telling the ICC and others that ComEd's conduct and rates charged to consumers were legal under state law, but forgetting to include that they bribed state officials to enact those laws and rates. It

simply makes no sense and has robbed our consumers and businesses of billions of dollars,” said attorney Stephan Blandin of Romanucci & Blandin, LLC

The class action lawsuit on behalf of consumers and businesses alleging that Commonwealth Edison violated the Illinois Consumer Fraud Act and unjustly enriched itself by overcharging its 4 million customers in Illinois for years. The \$200MM ComEd agreement to pay the government following a federal bribery investigation does nothing to compensate the individuals and businesses who actually overpaid. The lawsuit was filed July 27, 2020 in the Circuit Court of Cook County, Chancery Division.

About Romanucci & Blandin, LLC

Romanucci & Blandin is a Chicago-based national trial practice committed to fighting for victims of negligence, abuse and wrongful death. Founded in 1998, we have decades of history securing verdicts and settlements for our clients - many for millions of dollars and others record-setting awards. Our expertise ranges from medical malpractice and sexual abuse cases involving individual or institutional negligence to civil rights, police misconduct and workers compensation, making Romanucci & Blandin a valuable legal resource to individuals and groups of people who have been injured by others' wrongdoing. Referring attorneys and clients say several factors differentiate our firm: Our record of success, depth of experience, talented and dedicated legal team, tireless preparation and strategic use of communications to fight for the rights of those whose lives have been changed forever. We are different from other personal injury firms in that our work does not stop when a verdict or settlement is secured. We are often inspired by our clients' experiences and commit resources to create change in our communities. For more information about Romanucci & Blandin, please visit www.rblaw.net or call (312) 458-1000.

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The DiCello Levitt Trial Advocacy Center proactively assists in all aspects of litigation strategy, framing, and trial preparation, with an in-house focus grouping and mock jury practice, using those tools to streamline cases, refine case messaging, and focus discovery on message-specific issues from the outset of litigation. For more information about DiCello Levitt Gutzler, please visit www.dicellolevitt.com or call (312) 214-7900.