

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

James Smith and Jerry Honse, on behalf of themselves and all others similarly situated, and on behalf of the Triad Manufacturing, Inc. Employee Stock Ownership Plan,)	
)	
)	
)	Civil Action No.: 1:20-cv-02350-FUV
)	
Plaintiffs,)	JUDGE FRANKLIN U. VALDERRAMA
)	
v.)	MAGISTRATE JUDGE YOUNG B. KIM
)	
)	
GreatBanc Trust Company, the Board of Directors of Triad Manufacturing, Inc., David Caito, Robert Hardie, Michael McCormick, Elizabeth J. McCormick, Elizabeth J. McCormick Second Amended and Restated Revocable Living Trust, Michael K. McCormick Second Amended and Restated Revocable Living Trust, David M. Caito Revocable Trust, and First Amended and Restated Robert Hardie Revocable Trust,)	
)	
)	
Defendants.)	
)	

I, Peter K. Stris, declare as follows:

1. This Declaration is submitted in support of Plaintiffs’ Motion for Attorneys’ Fees and Expense Reimbursement, Settlement Administration Expenses, and Service Awards.
2. I am a member in good standing of the State Bar of California and a founding partner of the law firm Stris & Maher LLP (“SMLLP”).
3. My firm drafted Appellees’ brief, argued, and managed the Seventh Circuit appeal in this Action. I make these statements based on personal knowledge and would so testify if called as a witness.

4. SMLLP attorneys and other professionals provided legal services to Plaintiff Smith during the appeal in this action. Our services included researching and drafting Appellees' brief, preparing for and presenting oral argument, and evaluating the resulting opinion and next steps.

5. In total, SMLLP has expended \$392,805 in professional services and \$485.50 in expenses for the work done on the Seventh Circuit appeal. This value for SMLLP's professional services was arrived at by using the "lodestar" methodology, which involves determining "the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate." *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983).

6. The following is a summary of the hours worked by all firm professionals, their billing rate (i.e., the hourly rate actually paid by current firm clients), and the total amount of lodestar expended in this Action:

Last Name	Title	Hours	Rate	Lodestar
Peter K. Stris	Partner	97.0	\$1,050	\$101,850
Bridget Asay	Partner	21.6	\$975	\$21,060
Radha Pathak	Partner	111.5	\$850	\$94,775
John Stokes	Partner	132.6	\$800	\$106,080
Douglas D. Geysers ¹	Counsel	113.3	\$600	\$67,980
Catherine Gorton ¹	Paralegal	5.3	\$200	\$1,060
TOTAL		479.0		\$392,805

¹ Mr. Geysers left the firm on June 10, 2022, and Ms. Gorton left the firm on December 15, 2022. The rates used for these timekeepers in the table above were their respective hourly rates when they left the firm and have not been updated to reflect increases that would have gone into effect were they employees of the firm today.

7. SMLLP's prevailing hourly rates have been approved by courts awarding attorneys' fees in class action settlements. *E.g.*, *Tom v. Com Dev USA, LLC*, No. 16-cv-01363, ECF No. 166 (C.D. Cal. Dec. 4, 2017); *Dennard v. Transamerica Corp.*, No. 15-cv-00030, ECF No. 121 (N.D. Iowa Oct. 28, 2016).

8. When SMLLP agreed to take on this litigation, we understood—based on our prior experience—that this matter could be expensive, hard-fought, and lengthy. And given the risky nature of ERISA class action litigation in general, we understood there was a significant likelihood that, after having invested a substantial amount of time and expense, we might recover nothing.

9. SMLLP has expended a total of \$485.50 for printing expenses, which have been invoiced and recorded in our accounting system. Printing expenses are the type of expense that are typically paid by fee-paying clients.

10. Attached as Exhibit A is a true and correct copy of Stris & Maher LLP's ERISA Practice Highlights.

11. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 14, 2023 in Los Angeles, California.

By: /s/ Peter K. Stris
Peter K. Stris

Exhibit A



**STRIS & MAHER LLP
- ERISA PRACTICE HIGHLIGHTS -**

Stris & Maher LLP is one of the nation's leading litigation boutiques. We are known for our nationwide appellate practice where we handle major appeals before every federal circuit court and the U.S. Supreme Court. We also have a prominent ERISA practice before trial and appellate courts, which has received *Chambers USA's* highest ranking for ERISA plaintiffs-side litigation.

Examples of our ERISA work at each level of the federal judiciary follow.

REPRESENTATIVE U.S. SUPREME COURT ERISA CASES (MERITS-STAGE)

***Montanile v. Board of Trustees of the National Elevator Industry Health Benefit Plan*, 136 S. Ct. 651 (2016).** We represented the petitioner, a plan participant, in this case about the scope of ERISA reimbursement rights. We filed a cert petition, persuaded the United States to support our side, briefed, and argued the case, prevailing 8-1 ([Petition](#) | [Brief](#) | [Reply](#) | [Argument](#) | [Opinion](#)). This was the third of three related cases we handled before the Supreme Court beginning with *Sereboff v. Mid Atl. Med. Servs., Inc.*, 126 S. Ct. 1869 (2006) and followed by *US Airways, Inc. v. McCutchen*, 133 S. Ct. 1537 (2013).

***LaRue v. DeWolff, Boberg & Assocs., Inc.*, 28 S. Ct. 1020 (2008).** We represented the petitioner, a plan participant, in this case about the scope of ERISA remedies under 502(a)(2) and (a)(3). We filed a cert petition, persuaded the United States to support our side, briefed, and argued the case, prevailing 9-0 in what the *New York Times* described as "one of the most important rulings in years on the meaning of the federal pension law known as ERISA" ([Petition](#) | [Brief](#) | [Reply](#) | [Argument](#) | [Opinion](#) | [Article](#)).

REPRESENTATIVE U.S. SUPREME COURT ERISA CASES (PETITION-STAGE)

***ERISA Industry Committee v. City of Seattle, Washington*, No. 21-1019 (U.S. 2022).** We represented the respondent, the City of Seattle, in successfully opposing certiorari in this closely watched case about ERISA preemption. After the Court called for the views of the Solicitor General, we persuaded the government to recommend denial. The petition was denied ([Brief](#)).

***Convergex Group, LLC v. Fletcher*, No. 17-343 (U.S. 2018).** We represented the respondent, an ERISA defined benefit plan participant, in successfully opposing certiorari on a significant question about Article III standing ([Brief](#)). Two Terms later, we persuaded the Supreme Court to grant review of the same question in another case: *Thole v. U.S. Bank, N.A.*, 140 S. Ct. 1616 (2020). Although we persuaded the United States to support our side, the Court rejected our position in a 5-4 decision ([Petition](#) | [Brief](#) | [Reply](#) | [Argument](#) | [Opinion](#)).

***Gobeille v. Liberty Mutual Insurance Co.*, 136 S. Ct. 936 (2016).** We represented the petitioner, the State of Vermont, in this ERISA preemption case. Firm partner Bridget Asay (then, the Solicitor General of Vermont) served as lead counsel. Our [Petition](#) was granted and the United States supported our position. The Court ruled against our side, however, in a split decision ([Brief](#) | [Reply](#) | [Argument](#) | [Opinion](#)).

REPRESENTATIVE FEDERAL CIRCUIT COURT ERISA CASES

First Circuit	<i>Mass. Laborers Health & Welfare Fund v. Blue Cross Blue Shield of Mass.</i> , 66 F.4th 307 (1st Cir. 2023) (Brief Reply U.S. Brief Opinion)
Second Circuit	<i>Sullivan-Mestecky v. Verizon Communications</i> , 961 F.3d 91 (2d Cir. 2020) (obtained reversal) (Brief Reply Argument Opinion)
Third Circuit	<i>Henry v. Wilmington Trust NA</i> , No. 21-2801 (3d Cir. June 30, 2023) (obtained affirmance) (Brief Argument Opinion)
Fourth Circuit	<i>McCravy v. Metro. Life Ins. Co.</i> , 690 F.3d 176 (4th Cir. 2012) (obtained reversal)
Fifth Circuit	<i>Humana Health Plan, Inc. v. Nguyen</i> , 785 F.3d 1023 (5th Cir. 2015) (obtained reversal) (Brief Reply Argument Opinion)
Sixth Circuit	<i>Cintas Corporation v. Raymond Hawkins and Robin Lung</i> , 32 F.4th 625 (6th Cir. 2022) (successfully defended appellee's victory before U.S. Supreme Court) (Brief)
Seventh Circuit	<i>Smith v. Bd. of Directors of Triad Mfg., Inc.</i> (7th Cir. 2021) (obtained reversal) (Brief Argument Opinion)
Eighth Circuit	<i>Rozo v. Principal Life Ins. Co.</i> , 949 F.3d 1071 (8th Cir. 2020) (obtained reversal) (Brief Reply Argument Opinion)
Ninth Circuit	<i>The Depot, Inc. v. Caring for Montanans, Inc.</i> , 915 F.3d 643 (9th Cir. 2019) (obtained reversal in part) (Brief Reply Argument Opinion)
Tenth Circuit	<i>Harrison v. Envision Mgmt. Holding, Inc. Bd. of Directors</i> , No. 22-1098 (10th Cir.) (obtained affirmance) (Brief Argument Opinion)
Eleventh Circuit	<i>Bd. of Trustees of Nat. Elevator Indus. Health Ben. Plan v. Montanile</i> , 593 F. App'x 903 (11th Cir. 2014) (unfavorably affirmed on appeal, but later obtained reversal by Supreme Court) (Brief Argument Opinion)

REPRESENTATIVE FEDERAL DISTRICT COURT ERISA CASES

***Baleja v. Northrop Grumman Space and Mission Systems Corp. Salaried Pension Plan, et al.*, No. 5:17-cv-00235-JGB-SP (C.D. Cal.) (pending on appeal).** We developed this large ERISA class action challenging the application of an appreciated offset. Our firm defeated multiple motions to dismiss, obtained class certification, completed fact and expert discovery, and defeated in part defendants' motion for summary judgment. After a bench trial, the court issued findings of fact and conclusions of law in defendants' favor. We have appealed to the Ninth Circuit, where the case is currently pending.

***Frommert v. Conkright*, No. 00-cv-06311 (W.D.N.Y.).** We represented the plaintiffs in this epic ERISA lawsuit challenging Xerox's use of an improper and undisclosed accounting method to calculate their pensions. The case reached the Second Circuit in 2008 (argued by Brendan Maher), 2012 (argued by Peter Stris), and 2018 (argued by Elizabeth Brannen), as well as the U.S. Supreme Court in 2010 (argued by Peter Stris). In the trial court, we ultimately recovered more than \$22 million for plaintiffs, including \$4.9 million in attorneys' fees.

***Moyle v. Liberty Mutual Retirement Benefit Plan*, No. 3:10-cv-02179-GPC-MDD (S.D. Cal.).** We served as strategic advisors to plaintiffs' counsel on ERISA issues in the trial and appellate courts in this class action. In 2018, a settlement was approved recovering approximately \$30 million in additional benefits for current and future retirees.

***Tom v. Com Dev USA, LLC, et al.*, No. CV 16-1363 PSG (GJSx) (C.D. Cal.).** We served as co-counsel in this class action alleging ERISA violations in the improper calculation, estimation, and payment of certain optional forms of benefits. In 2017, the case settled for roughly \$4 million.

***Dennard v. Transamerica Corp., et al.*, No. 1:15-cv-00030 (N.D. Iowa).** We served as co-counsel for plaintiffs in this ERISA class action which settled in 2016 for \$3.8 million and other valuable prospective relief.

***Hendricks v. UBS Fin. Servs., Inc.*, No. 2:12-cv-606-JRG-RSP (E.D. Tex.); *Eddingston v. UBS Fin. Servs., Inc.*, No. 2:12-cv-422-JRG-RSP (E.D. Tex.).** In 2013, we were appointed co-lead class counsel in this \$200+ million ERISA lawsuit after successfully briefing and arguing motions defeating defendants' efforts to dismiss or compel arbitration. The Fifth Circuit later reversed and compelled arbitration.

***Allen v. Honeywell Retirement Earnings Plan*, No. CV-04-424-PHX-ROS (D. Ariz.).** We served as co-counsel for plaintiffs in the second phase of this ERISA class action which settled in 2012 for \$23.8 million.

REPRESENTATIVE AWARDS AND RECOGNITION

National Boutique of the Year, *The American Lawyer* ([2019](#), [2022](#))

This award recognizes firms “at the core of industry-changing matters, leading the charge on their clients’ most important cases and operating at a level that sets them apart from their peers.” In 2019 and again in 2022, we were one of seven finalists in the country.

Appellate Hot List, *The National Law Journal* ([2016](#), [2018](#), [2019](#), [2021](#))

This award recognizes “star” law firms that “won key matters before the U.S. Supreme Court and federal courts of appeals.” We are a four-time recipient.

Band 1, ERISA Plaintiffs Litigation, *Chambers USA* ([current](#))

We are one of three firms in the country who hold *Chambers USA*’s highest rank for ERISA plaintiffs-side litigation.

Top 150 Under 150, *Vault* ([current](#))

Identifying us as a leading smaller firm, *Vault* writes, “Los Angeles-based litigation boutique Stris & Maher is small but mighty—its 17-attorney team is a go-to for high-stakes trials.”

Firms to Watch: Appellate, *Legal 500* ([current](#))

Recognizing our appellate capabilities, *Legal 500* writes, “The team at California’s Stris & Maher LLP may be more compact than many of its competitors, but sources attest its lawyers are ‘experts in Supreme Court and appellate practice’.”

KEY TEAM MEMBERS

Peter Stris, Founding Partner

- Harvard Law School, J.D. (2000) (editor, *Harvard Law Review*)
- University of Pennsylvania, B.A. (1997)
- American Law Institute, elected member
- American Academy of Appellate Lawyers, elected fellow
- American College of Employee Benefits Counsel, elected fellow
- One of four co-editors of *ERISA Litigation* (Bloomberg BNA 6th ed. 2017)
- Band 1, ERISA Plaintiffs Litigation (1 of 6 lawyers in America), *Chambers USA*

Bridget Asay, Partner

- Yale Law School, J.D. (1995)
- Harvard University, A.B. (1992)
- Former Solicitor General for the State of Vermont
- American Academy of Appellate Lawyers, elected fellow
- Law clerk to Hon. J. Garvan Murtha, Chief Judge, District of Vermont
- Law clerk to Hon. Denise Johnson, Vermont Supreme Court

Radha Pathak, Partner

- New York University School of Law, J.D. (2000) (editor, New York University Law Review)
- University of California, Berkeley, B.A. (1997)
- Law clerk to Hon. Raymond C. Fisher, Ninth Circuit
- Former tenured professor at ABA-accredited law school
- Numerous published articles concerning ERISA, with examples including *Enough About the Constitution: How States Can Regulate Health Insurance Under the ACA*, 31 Yale L. & Pol'y Rev. 275 (2013) (with Brendan Maher) and *Discretionary Clause Bans & ERISA Preemption*, 56 S.D. L. Rev. 500 (2011) (invited symposium)
- Recipient of California Lawyer of the Year (CLAY) award from the *Daily Journal* for victory in *Montanile v. Bd. of Trustees of Nat. Elevator Indus. Health Benefit Plan*, 136 S. Ct. 651 (2016)

John Stokes, Partner

- Yale Law School, J.D. (2014)
- Harvard University, A.B. (2011)
- Law clerk to Hon. Raymond C. Fisher, Ninth Circuit
- Associate to Watch, Appellate Litigation (1 of 2 associates in America), *Chambers USA*
- Associate to Watch, ERISA Plaintiffs Litigation (1 of 2 associates in America), *Chambers USA*
- Litigator of the Week, runner up, *Am Law Litigation Daily* (2023) (for victory in ERISA appeal)