

**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.)	
)	

**DECLARATION OF JAMES SMITH IN SUPPORT OF PLAINTIFFS’ UNOPPOSED
MOTION FOR FINAL APPROVAL OF SETTLEMENT AND PLAINTIFFS’
UNOPPOSED MOTION FOR ATTORNEYS’ FEES AND EXPENSE
REIMBURSEMENT, SETTLEMENT ADMINISTRATION EXPENSES, AND SERVICE
AWARDS**

I, James Smith, declare and state as follows:

1. I am a Named Plaintiff and one of the class representatives in this action.

2. I have personal knowledge of the matters set forth in this Declaration, which I

submit in support of Plaintiffs’ Unopposed Motion for Final Approval of Settlement and Plaintiffs’

Unopposed Motion for Attorneys' Fees and Expense Reimbursement, Settlement Administration Expenses, and Service Awards.

3. I was employed by Triad Manufacturing, Inc. ("Triad" or "the Company") from approximately January 2015 to June 2016. While employed by Triad, I participated in the Triad Manufacturing, Inc. Employee Stock Ownership Plan ("Triad ESOP," "the ESOP," or "the Plan") and was 20% vested in the ESOP account at the end of my employment at Triad. I received my paid distribution from the ESOP in 2019.

4. I understand that this case is a class action brought on behalf of all persons who are vested participants in the ESOP and the beneficiaries of such participants. I further understand that this case aims to recover losses caused by ERISA violations in connection with the purchase of Triad common stock by the ESOP in December 2015.

5. I was actively involved in the pre-filing investigation of these claims, as well as the litigation of this case for over three years.

6. In March of 2020, I requested documents from the Plan Administrator to the ESOP. During that same month, I received certain ESOP-related documents that I requested and subsequently provided them to my attorneys to review in connection with their investigation of my claims.

7. I acted as the sole Named Plaintiff in the Class Action Complaint, which was filed on April 15, 2020, and agreed to act as a class representative of the certified class. I understood that this would entail having my name in the publicly-filed complaint, ongoing engagement with my lawyers (Class Counsel), and acting at all times in the best interest of the class.

8. I understand my responsibilities as a class representative. Prior to joining this action, I reviewed and signed a form outlining those duties. A true and correct copy of that form is attached hereto as **Exhibit A**.

9. I have been directly involved in monitoring and overseeing the prosecution of this action from the pre-filing investigation of the claims to the present. Since I became involved in the case, I have been in regular communication with my lawyers (Class Counsel) and have actively contributed to the case. Among other things, I have provided Triad and ESOP-related information and documents to my counsel during the investigation of the potential claims in this action; I reviewed the allegations in the original and amended complaints and information in other documents filed in the course of this litigation; I provided a declaration in support of Plaintiffs' Motion for Class Certification; and I communicated regularly with my counsel, including participating in calls and corresponding by email, in order to stay informed about the case, including being available by phone during mediation and with regard to settlement negotiations.

10. Additionally, I assisted Class Counsel in discovery-related matters, including by searching for and producing documents to my lawyers, and responding to written interrogatories from Defendants. I sat for deposition on September 27, 2022.

11. Based on my involvement throughout the prosecution and resolution of this case, I support the settlement and believe that it provides an excellent recovery for the class, especially in view of the risks I and the rest of the class faced in establishing liability and damages.

12. I also understand and support my lawyers' request for attorneys' fees and litigation expenses, which I understand were incurred to prosecute the Class's claims.

I am over eighteen years of age and can competently testify under oath to the facts in this declaration. Pursuant to 28 U.S.C. § 1746 and under penalty of perjury, I declare that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: 6/26/2023 | 12:53 PM PDT

DocuSigned by:
James Smith
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James Smith

Exhibit A

February 12, 2020
Page 4

ATTACHMENT "A" — DUTIES OF CLASS REPRESENTATIVES

1. A class representative represents the interests of all members of his class in litigation to recover losses, damages, or other relief for the class.

2. A class member has claims which are typical of those of the class, and thus involve common issues of law or of fact. For example, as a class representative, your claims against the defendants are typical of the class claims against them, because all participants and beneficiaries of the Plans have been subjected to the same unlawful practice.

3. A class representative always considers the interests of the class just as he would consider his own interests.

4. With the assistance of his lawyers, a class representative participates actively in the lawsuit, such as by testifying at deposition and trial, and answering written interrogatories, and by keeping generally aware of the status and progress of the lawsuit.

5. A class representative recognizes and accepts that any resolution of the lawsuit, such as by settlement or dismissal, is subject to court approval, and must be determined to be in the best interests of the class as a whole.

6. A class representative is not required to be particularly sophisticated or knowledgeable with respect to the subject of the lawsuit. However, he should be interested, on a continuous basis, in the progress of the lawsuit, and must make every effort to provide his lawyers and the court with all relevant facts of which he is aware.

7. A class representative volunteers to represent many other people with similar claims, because he believes that it is important that all benefit from the lawsuit equally; because he believes that a class lawsuit will save time, money, and effort, and thus will benefit all parties, the class, and the court; and because he believes that the class action is an important tool to assure compliance with the law.

8. As a class member you may recover along with all class members in a recovery obtained by the class. In addition, you may receive an incentive award for your time and effort in serving as a class representative, which usually does not exceed \$25,000. Such an incentive award is at the sole discretion of the Court.

I have reviewed and acknowledge my duties as a class representative.

Date:

2/20/2020

By:

James Smith
James Smith