

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
NEWPORT NEWS DIVISION**

Roger A. Herndon, on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

Huntington Ingalls Industries, Inc., the HII  
Administrative Committee, and John/Jane Does 1–5,

Defendants.

Civil Action No.: 4:19-cv-00052-HCM-DEM

CLASS ACTION

**DECLARATION OF GREGORY Y. PORTER  
IN SUPPORT OF PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

I, Gregory Y. Porter, declare as follows:

1. I make this Declaration of my own personal knowledge, and if called as a witness, I would and could testify competently to the matters stated herein.
2. I am a partner of the law firm Bailey & Glasser LLP and have been the lead attorney for my firm in this litigation representing the plaintiffs.
3. My firm, and co-Class Counsel Izard Kindall & Raabe LLP, have been actively involved in all stages of this litigation, including investigating and preparing the Complaint, successfully defending against Defendants' motion to dismiss and for summary judgment, seeking discovery, reviewing documents, taking deposition, hiring experts, briefing and obtaining class certification, preparing for trial, and settling this litigation.
4. Class Counsel have decades of experience with complex ERISA class action and are pioneers in litigation of this type.

5. Throughout the life of this case, the parties have engaged in numerous settlement discussions including a settlement conferences with Magistrate Judge Miller on June 14, 2021 and September 8, 2021. In connection with the settlement negotiations, the Parties exchanged information regarding their views on the merits, strengths, and weaknesses of the Actions, risks of litigation and the financial impact to Defendants, the Class, and the Plan, with respect to any judgment or settlement.

6. Plaintiffs served numerous document requests, interrogatories, and requests for admissions, largely concerning how the Defendants determined and monitored the Plan's actuarial assumptions.

7. In litigating this class action, Class Counsel retained Dr. Mitchell Serota as an expert to opine about actuarial equivalence and calculate damages. Dr. Serota calculated that the present value of additional past and future benefits from revising the pension calculation is approximately \$8.15 million.

8. The Settlement does not contemplate the need for a settlement administrator, as Defendants already communicate directly with class members regarding their monthly pension benefits. Class Counsel will secure, host, and operate a website, [www.HIIerisasettlement.com](http://www.HIIerisasettlement.com), in order to communicate relevant settlement information and provide key case documents to the Class, and the website will be included in the Class Notice. Plaintiffs anticipate the cost of securing and hosting the website will be less than \$5,000.

9. In preparation for filing this motion, I also reviewed Bailey & Glasser LLP time and expenses for this case.

10. The information in this declaration regarding my firm's time and expenses are taken from contemporaneous time and expense printouts prepared and maintained by my firm in

the ordinary course of business. The time reflected in my firm's lodestar calculation and the expenses for which payment is sought are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of the litigation. Bailey & Glasser LLP prosecuted this case on a wholly contingent basis and has received no compensation to date for either its litigation expenses or its time. Bailey & Glasser LLP has committed nearly 500 hours to the prosecution of this litigation from the beginning of this case through November 5, 2021, and anticipates exceeding 500 hours before the fairness hearing. Most of this time was spent by Mark Boyko, an experienced ERISA attorney with an hourly rate of \$650. He worked under my supervision, and my hourly rate is \$900. The total lodestar amount for attorney time based on the firm's current rates is \$277,206.50. The rates reflect our standard hourly rates and have been approved in other litigation.

Attorney	Years of Practice	Position	Rate	Hours	Lodestar
Gregory Porter	25	Partner	\$900	120.2	\$108,180
Katherine Charonko	10	Partner	\$750	7.8	\$5,850
Mark Boyko	17	Partner	\$650	161.9	\$105,235
Alex Serber	4	Associate	\$400	68.6	\$27,440
Melissa Chapman		Paralegal	\$265	60.0	\$15,900
Melissa Kestner-Clay		Paralegal	\$265	46.4	\$12,296
Violet Ramos		Paralegal	\$265	8.7	\$2,306
<b>Total</b>				<b>473.6</b>	<b>\$277,206.50</b>

11. Further, to date Bailey & Glasser LLP has had out-of-pocket expenses for this litigation of \$147,178.93. When combined with expert expenses paid by IKR, the total cost for expert services total over \$290,000.

Expense Description	Amount
Copying/Printing	\$78.80
Postage and Delivery Services	\$49.41
Court Fees	\$412.5
Depositions	\$3,725.95
Experts/Consultants	\$121,002.56
Document Management	\$16,633.66
Online Research	\$183.26
Travel	\$5,092.79
<b>Total</b>	<b>\$147,178.93</b>

12. It is my opinion that the proposed Settlement is fair and reasonable.
13. There are no side-agreements required to be identified under Rule 23(e)(3).
14. Acknowledging that notices have not been mailed to the Class, Plaintiffs are not aware of any Class member who intends to oppose the Settlement.
15. Attached hereto as Exhibit A is a copy of Bailey & Glasser LLP's firm resume including information on the attorneys involved in this matter.

I declare, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed at Washington, D.C. this 12<sup>th</sup> day of November, 2021.

/s/ Gregory Y. Porter  
Gregory Y. Porter