

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

Benjamin Reetz, individually and as the representative of a class of similarly situated persons, and on behalf of the Lowe's 401(k) Plan,

Plaintiff,

v.

Lowe's Companies, Inc., Administrative Committee of Lowe's Companies, Inc., and Aon Hewitt Investment Consulting, Inc.,

Defendants.

Case No. 5:18-cv-00075-KDB-DCK

DECLARATION OF F. HILL ALLEN IN SUPPORT OF PLAINTIFF'S MOTION FOR ATTORNEYS' FEES AND COSTS, ADMINISTRATIVE EXPENSES, AND CLASS REPRESENTATIVE SERVICE AWARD

I, F. Hill Allen, declare:

1. I am a partner in the North Carolina law firm Tharrington Smith, LLP ("TS") and one of the attorneys of record for the Plaintiff and Settlement Class. I have personal knowledge of the facts stated herein and if called as a witness, I could and would competently testify to the following under oath.

2. This declaration is respectfully submitted in support of the motion for attorneys' fees and costs, administrative expenses, and class representative service award.

3. In this action, TS's role has largely been as "local counsel", with the responsibility for ensuring compliance with all local and court rules, and also to be sure that all pleadings comply with all ethical and other rules.

4. TS has a cooperative relationship with Nichols Kaster, PLLP ("NK"), and I had discussions at the outset of this action with Kai Richter (lead counsel from NK) on practices that we could implement that would enable the most efficient deployment of law firm resources in this action.

5. Consistent with this approach of minimizing duplication and maximizing efficiency in the prosecution of this action, I am the only billing attorney from TS assigned to this case. My time was largely devoted to providing necessary local perspectives for the action, ensuring compliance with local rules, trial preparation, and providing some advice on global issues consonant with my 28+ years of litigation experience.

6. During the three years that this case has been litigated through and including April 22, 2021, I have billed a total of 256.20 hours. Together with 3.75 hours of paralegal time, the lodestar value of this time at my firm's hourly rates equals \$115,702.50. This excludes time spent in connection with the recent trial and other time that I have written off in the exercise of my billing discretion.

7. In addition, TS seeks reimbursement of \$443.84 in costs. These costs are primarily for mileage at the standard IRS rate.

8. Attached hereto as Exhibit A is an online biography page outlining some of my experience, educational and other credentials.

9. The following are highlights of my experience:

- a. I have practiced litigation in North Carolina for almost 29 years, first with Hunton & Williams in Raleigh and, since 1997, with Tharrington Smith, LLP, where have been a partner since January 1, 2002. My practice has included both complex civil litigation and criminal defense, with a number of cases tried to verdict.
- b. I have served in other class actions including, for example, as defense counsel in *Hall v. United Airlines, Inc., et al*, No. 7:00-CV-123 (E.D.N.C.) (representing Delta Airlines), *Deloach v. Phillip Morris, Inc., et al.*, No. 00-CV-1235 (M.D.N.C.) (representing Universal Leaf), and *Gooden v. Smart Online, Inc.*, No. 1:07-CV-785 (M.D.N.C.) (representing Smart Online) and as plaintiff's counsel in, e.g., *Brown v. Delhaize America, LLC, et al.*, No. 1:14-CV-195 (M.D.N.C.).

10. As a result of my work, I have received the following peer-review recognitions: *Best Lawyers in America*® since 2012, *North Carolina's "Legal Elite"* and Martindale Hubbell (top rating AV®) since 2004, and *North Carolina Super Lawyers* since 2009.

11. In my experience, this action was an unusual case that required counsel with extensive experience in similar cases and deep substantive knowledge of ERISA, who were qualified, staffed, and otherwise resourced to handle it. I am not aware of any local practitioners who specialize in ERISA class actions or handle ERISA class actions of this size and complexity. I appeared in this case only after being well satisfied with the capabilities, experience, and expertise of lead counsel. I have had the opportunity and duty to closely examine the quality of lead counsel's work and have found it to be first-rate, thoroughly professional, and very much in keeping with the quality of work produced by other prominent national and North Carolina firms with whom I have had the pleasure to appear.

12. I am familiar with the efforts of the named Plaintiff, Ben Reetz, in connection with this case. Based on those efforts, I respectfully submit that the requested service award is warranted and pray the Court to award it.

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

Executed on this 13th day of July, 2021, at Raleigh, North Carolina.

/s/ F. Hill Allen
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