

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

LAWRENCE E. JAFFE PENSION PLAN, On )	Lead Case No. 02-C-5893
Behalf of Itself and All Others Similarly )	(Consolidated)
Situated, )	
Plaintiff, )	<u>CLASS ACTION</u>
vs. )	Honorable Jorge L. Alonso
HOUSEHOLD INTERNATIONAL, INC., et )	
al., )	
Defendants. )	

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**DECLARATION OF CHARLES A. PARKER IN SUPPORT OF MOTION FOR FINAL  
APPROVAL OF CLASS ACTION SETTLEMENT AND AWARD OF ATTORNEYS'  
FEES AND EXPENSES PURSUANT TO 15 U.S.C. §78u-4(a)(4)**

I, CHARLES A. PARKER, declare as follows:

1. I am the business manager for the International Union of Operating Engineers Local 132 ("OE 132"). I direct the everyday business of OE 132 and I am also a trustee of the Operating Engineers Pension Plan that invested in Household stock during the Class Period. As business manager, I succeeded Tommy Plymale, who passed away on May 22, 2015. I respectfully submit this Declaration in support of the motion for final approval of the settlement, an award of attorneys' fees and for the reimbursement of expenses pursuant to 15 U.S.C. §78u-4(a)(4).

2. The International Union of Operating Engineers is a progressive trade union representing heavy equipment operators and mechanics, as well as operations, maintenance and other workers in building and industrial complexes and service industries throughout the United States and Canada. On May 1, 1935, ten men in Charleston, West Virginia organized and filed for a charter under the banner of the International Union of Operating Engineers, which resulted in the formation of OE 132. The International Union of Operating Engineers Local 132 Pension Fund was initially established on April 1, 1962 with the purpose of providing Plan participants with income after their retirement. The Plan is maintained by collective bargaining agreements and governed by a Board of Trustees consisting of union and employer representatives. The pension benefits are provided solely through employer contributions and earnings on investments. Participant contributions are not permitted. Investment professionals selected by the Trustees invest the money pursuant to certain regulatory requirements.

3. The Court appointed OE 132 as both a Lead Plaintiff and as a Class Representative in this Litigation. In fulfillment of its responsibilities as a Lead Plaintiff, OE 132, assisted by its outside counsel, Lawrence Lowry, performed many duties in an effort to obtain a great result for our own participants and for other Class Members. My predecessor, Tommy Plymale, submitted a declaration on December 6, 2013 which summarized our efforts at that time. Dkt. No. 1968, at ¶¶2-3. Thereafter, Mr. Lowry and Mr. Plymale kept informed of the progress of defendants' appeal, as well as settlement discussions in the summer of 2014. When the Court of Appeals reversed the judgment that was obtained for OE 132 and almost 11,000 other class members, Mr. Lowry

continued to discuss the case with Lead Counsel and me as plaintiffs prepared for a second trial. We were pleased to approve the \$1.575 billion settlement, which was an outstanding recovery – more than we expected in this case.

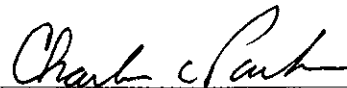
4. We believe that working hand-in-hand with Lead Counsel, we have achieved a tremendous result for the Class and urge the Court to approve the settlement and the plan of allocation which will ensure a recovery for Class Members who overcame significant hurdles during the claims process.

5. We also approve Lead Counsel's request for a fee award of 24.68% of the settlement amount. This fee is based on an agreement entered into by OE 132 and Lead Counsel, as Mr. Plymale explained in his December 2013 Declaration. *See* Dkt. No. 1968, at ¶4 and Ex. A thereto. Lead Counsel fought defendants for 14 years and achieved an incredible recovery in this case. We believe that the fee agreement provided a real incentive, which helped to drive this recovery. In our view, Lead Counsel deserve the agreed-to fee for bearing tremendous risks and obtaining a best-of-its-kind result.

6. OE 132 devoted a great deal of time and energy to the prosecution of this Litigation. The majority of this time was expended by Tommy Plymale and our counsel, Larry Lowry. Mr. Plymale and Mr. Lowry spent 108 hours on this Litigation, time that they would have otherwise spent on the daily activities of the Pension Fund. Based on the wages and expenses for Messrs. Plymale and Lowry, we respectfully request reimbursement in the amount of \$13,197.24 for OE 132's time expended in the prosecution of the Litigation on behalf of the Class, as set forth in Exhibit 1 hereto.

7. On behalf of OE 132, I appreciate the Court's consideration of the facts set forth in this declaration and respectfully request that the Court approve the settlement and plan of allocation, as well as Lead Counsel's application for an award of attorneys' fees and expenses, and award OE 132 \$13,197.24 for its time incurred in representing the Class in the Litigation.

8. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 12<sup>th</sup> day of August, 2016, at Huntington, West Virginia.



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CHARLES A. PARKER

Business Manager  
International Union of Operating Engineers Local  
132 Pension Plan

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2016, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses for counsel of record denoted on the attached Service List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 29, 2016.

s/ Spencer A. Burkholz

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SPENCER A. BURKHOLZ

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<p>Liaison Counsel for Plaintiffs</p>	



# EXHIBIT 1

**EXHIBIT 1**

1.	Barrett, Chafin, Lowry & Amos (Fund Counsel) Fees \$150 rate x 72 hours	= \$10,800.00
2.	Tommy Plymale – IUOE Business Manager/Fund Secretary Wage and benefits (\$66.59 per hour x 36 hours)	= <u>\$2,397.24</u>
	<b>TOTAL:</b>	<b>\$13,197.24</b>