

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

Jamie Hill, Kathryn Neild, and Tricia Marvin, as  
representatives of a class of similarly situated  
persons, and on behalf of the Mercy Health  
Corporation Employees' Retirement Plan, the  
Rockford Health System Retirement Plan, and the  
Rockford Health Physicians Retirement Plan,

Plaintiffs,

v.

Mercy Health Corporation, Mercy Health System  
Corporation, and Does 1-20,

Defendants.

Case No. 20-cv-50286

**DECLARATION OF  
PAUL SECUNDA IN SUPPORT  
OF MOTION FOR  
ATTORNEYS' FEES AND  
COSTS, ADMINISTRATIVE  
EXPENSES, AND CLASS  
REPRESENTATIVE SERVICE  
AWARDS**

I, Paul Secunda, declare as follows:

1. I am a partner of Walcheske & Luzi, LLC. I, along with my colleagues at Walcheske & Luzi, served as co-counsel in connection with this class action suit. I submit this Declaration in Support of Plaintiffs' Motion for Approval of Attorneys' Fees and Costs, Administrative Expenses and Class Representative Service Awards.

2. Walcheske & Luzi, LLC has significant class action experience, including experience in ERISA class action cases. A summary of my personal ERISA class action litigation experience, as the head of Walcheske & Luzi, LLC's ERISA practice, is attached hereto as **Exhibit 1**.

3. To date, our firm has spent a total of 51.5 hours of attorney and staff time on this action, representing a total of \$22,745.00 at our current billing rates. Based on my knowledge of the case and my firm's role, the time expended was reasonable and appropriate.

4. Over the course of the litigation, Walcheske & Luzi, LLC also has incurred the following expenses in connection with this action:

Expense	Amount
Court Fees	\$400.00
Printing/Copying	\$31.10
Expert Consultants	\$17,837.25
<b>TOTAL:</b>	<b>\$18,268.35</b>

These expenses were necessary to the prosecution of the case and are of the type that would be billed to hourly clients of the firm.

5. Because Walcheske & Luzi, LLC handled this matter on a contingent fee basis, the firm has not been compensated for any of the foregoing time or expenses.

6. Details and material supporting the time records and expenses referenced in this declaration are available upon the request of the Court.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 1, 2022

*/s/ Paul Secunda*  
Paul Secunda

# **EXHIBIT 1**

## EXHIBIT 1

**Paul M. Secunda, Esq.**  
**Head, ERISA Practice**  
**Walcheske & Luzi, LLC**  
**Brookfield, Wisconsin**

Attorney Secunda is a Partner at the law of firm of Walcheske & Luzi, LLC in Brookfield, Wisconsin, where he concentrates his practice on all aspects of employee benefits (ERISA) litigation, with a recent emphasis on ERISA retirement excessive fee class action litigation. He has litigated numerous cases involving employer-sponsored retirement benefit plans and welfare benefit plans under ERISA. He also has substantial experience and expertise advising clients on administrative and investment fees in 401(k)/403(b) plans, fiduciary and co-fiduciary liability under ERISA, and state trust and fiduciary liability for benefit plans exempted from ERISA.

After graduating *cum laude* in Government from Harvard College in 1993, Attorney Secunda received his J.D. in 1997 from Georgetown University Law Center, *magna cum laude*, where he was elected to the Order of the Coif. Following law school, he was a federal law clerk for Judge Murray M. Schwartz of the United State District Court for the District of Delaware from 1997-1998. Attorney Secunda then practiced law as an associate labor and employment law attorney, focusing on ERISA and workplace litigation, with the Philadelphia law firms of Montgomery, McCracken, Walker & Rhoads, and Morgan, Lewis & Bockius from 1998 to 2002. Attorney Secunda is a member of the Bars of Pennsylvania (1998), Wisconsin (2009), and the U.S. Supreme Court (2009).

In private practice, Attorney Secunda regularly files and litigates breach of fiduciary duty claims under ERISA and related laws, with a recent emphasis excessive retirement fee class action litigation. Attorney Secunda currently has over twenty ERISA litigation matters pending in different federal courts across the country, including:

*Reichert v. Juniper Network, Inc.*, No. 4:21-cv-06213 (N.D. Cal.)  
*Gleason et al. v. Bronson Healthcare*, No. 1:21-cv-00379 (W.D. Mich.)  
*Traczyk v. Aspirus, Inc. et al.*, No. 2:21-cv-00077-RJJ-MV (W.D. Mich.)  
*Case v. Generac, Inc.*, No. 2:21-cv-00752-RSM (W.D. Wash.)  
*Seidner et al. v. Kimberly Clark Corp*, No. 3:21-cv-00867-L (N.D. Tex.)  
*Walter v. Kerry Inc.*, No. 2:21-cv-00539-BHL (E.D. Wis.)  
*Bangalore v. Froedert Health, Inc.*, No. 2:20-cv-893-PP (E.D. Wis.)  
*Shaw v. Quad/Graphics, Inc.*, No. 2:20-cv-01645-PP (E.D. Wis.)  
*Lafreniere v. RR Donnelley Inc.*, No. 1:20-cv-07158 (N.D. Ill.)  
*Woznicki v. Aurora Health Care, Inc.*, No. 2:20-cv-1246-PP (E.D. Wis.)



*Albert v. Oshkosh Corp.*, No. 1:20-cv-901-WCG (E.D. Wis.)  
*Soulek v. Costco Corp.*, No. 1:20-cv-937-WCG (E.D. Wis.)  
*Cotter v. Matthews Int'l Corp.*, No. 1:20-cv-1054-WCG (E.D. Wis.)  
*O'Driscoll v. Plexus Corp.*, No. 1:20-cv-1065-WCG (E.D. Wis.)  
*Nohara v. Prevea Clinic, Inc.*, No. 2:20-cv-1079-WCG (E.D. Wis.)  
*Glick v. Thedacare, Inc.*, No. 1:20-cv-1236-WCG (E.D. Wis.)  
*Laabs v. Faith Techs., Inc.*, No. 1:20-cv-1534-WCG (E.D. Wis.)  
*Guyes v. Nestle USA Inc.*, No. 1:20-cv-1560-WCG (E.D. Wis.)  
*Hughes v. Mercy Health Corp.*, No. 3:20-cv-50286 (N.D. Ill.)  
*Hanson et al. v. General Dynamics*, No. 0:21-cv-00988-PAM-ECW (D. Minn.)  
*Curtis v. Komastu U.S. Pension Plan*, No. 2:20-cv-01611-BHL (E.D. Wis.)

Prior to his role at Walcheske & Luzi, Attorney Secunda was a full Professor of Law, with tenure at the Marquette University Law School in Milwaukee, Wisconsin. He joined the Marquette University Law School faculty in 2008, after having been an Assistant Professor of Law at the University of Mississippi School of Law from 2002 through 2008. As a full-time professor for eighteen years, Attorney Secunda regularly taught J.D. classes in employee benefits law (ERISA), trusts and estates law, labor law, employment law, employment discrimination law, education law, and civil procedure (both rules and jurisdiction). In his employee benefits law classes, Attorney Secunda taught about: (1) ERISA litigation; (2) what constitutes an ERISA plan (versus a church plan); (3) the nature of fiduciary duties surrounding retirement and health plans; (4) the nature of co-fiduciary duties; and (5) state law preemption issues.

In December of 2012, Attorney Secunda was appointed by the United States Secretary of Labor, Hilda L. Solis, to the 2013 ERISA Advisory Council. The ERISA Advisory Council is established pursuant to ERISA Section 512. The duties of the council are to advise the Secretary and submit recommendations regarding the Secretary's functions under ERISA. The council consists of 15 members appointed by the Secretary of Labor. Attorney Secunda was appointed Chairman of the Council in 2015 by then-Secretary of Labor Thomas Perez. Over his three years on the Council, he helped draft nine expert reports on all aspects of employee benefit law, including a number of issues concerning excessive fees and fiduciary duties.

Attorney Secunda is an elected Fellow of the American College of Employee Benefit Counsel (ACEBC); a Senior Fulbright Scholar (in employee benefits law); an elected Fellow of the American Bar Foundation (ABF); and an elected member of the American Law Institute (ALI), serving as a member of the Consultative Group on the Restatement of Employment Law. He also previously was: a consultant and testifying expert to private litigants in a number of retirement and welfare benefit plan cases; a consultant to the General Accounting Office (GAO) concerning a Congressional study on multiemployer pension plans; and have been national chair of the

Employee Benefits and Executive Compensation Section of the Association of American Law Schools (AALS).

Attorney Secunda has written ERISA amicus briefs in the U.S. Supreme Court case of *Conkright v. Frommert*, No. 08-810 (2009), and for the Seventh Circuit Court of Appeals case of *Hecker v. Deere*, Nos. 07-3605 & 08-1224 (2009). As a law professor, Attorney Secunda published sixteen law review articles, two book chapters, and three books on employee benefit plan-related topics. Overall, he has published over seventy law review articles and shorter pieces on workplace law, benefits law, and related fields. His article, *Constitutional Contracts Clause Challenges in Public Pension Litigation*, was selected as one of Top 10 employee benefit law review articles of 2011 by Tax Notes, and his law review article, *Sorry, No Remedy: Intersectionality and the Grand Irony of ERISA*, was selected as one of Top 10 employee benefit law review articles of 2010 by Tax Notes.

Attorney Secunda also has been a lecturer, moderator, and panelist at dozens of conferences, symposia, and conferences throughout the country and the world, presenting on ERISA and employee benefit plan topics sponsored by a myriad of organizations, including: the Association of American Law Schools, American Bar Association, the Southeastern Association of Law Schools, Law and Society Association, New York University Annual Conference on Labor, and the Center for the Interdisciplinary Study of Work and Social Capital at the Washington University School of Law.