

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

David Kinder, Tracy Scott, Elbert Peay, and  
Cherry Crawford, individually and as  
representatives of a class of similarly situated  
persons, and on behalf of the Georgia-Pacific  
LLC Hourly 401(k) Plan, the Georgia-Pacific  
LLC 401(k) Retirement Savings Plan, and  
the Koch Industries Inc. Employees' Savings  
Plan,

Plaintiffs,

v.

Koch Industries, Inc., Koch Business  
Solutions, LP, the Koch Benefits  
Administrative Committee, and John Does  
1-30,

Defendants.

Case No. 1:20-cv-02973-MHC

**DECLARATION OF  
ELBERT PEAY  
IN SUPPORT OF  
PLAINTIFFS' MOTION  
FOR PRELIMINARY  
APPROVAL OF CLASS  
ACTION SETTLEMENT**

I, Elbert Peay, declare and state as follows:

1. I am a named class representative in the above-captioned action, and I am a Former Participant in the Georgia-Pacific LLC 401(k) Retirement Savings Plan ("Georgia-Pacific Savings Plan"). I had an Active Account in the Georgia-Pacific Savings Plan from approximately 1991 until 2019.

2. I am fully aware of my duties as a class representative, and I signed a form acknowledging those duties at the outset of the litigation. A copy of that form

is attached as **Exhibit 1**. I am not aware of any conflicts of interest between myself and other Class Members.

3. I take my duties as a class representative seriously, and I have attempted to fulfill those duties throughout the course of the litigation. Among other things, I have (1) reviewed the allegations in the Complaint and operative Amended Complaint; (2) provided information and documents to counsel to assist in the prosecution of the action; and (3) reviewed the Settlement Agreement in its entirety and communicated with counsel regarding the Settlement.

4. I am fully informed of the terms of the Settlement. I understand that I am a member of the Settlement Class, and I am satisfied with the terms that were reached.

5. I believe the \$4 million monetary recovery represents a fair recovery for myself and the other Settlement Class Members, and I am in agreement with the plan of allocation.

6. I am also pleased that the Settlement provides for prospective relief, requiring a new request for proposals for recordkeeping services for the Plans within one hundred eighty (180) days of the Settlement Effective Date.

7. In my opinion, the Settlement is fair, reasonable, and adequate, both as to me and as to the other Settlement Class members. I approve the Settlement in this case, and encourage the Court to approve the Settlement as well.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 09, 2021

By: Elbert Peay  
Elbert Peay

# **EXHIBIT 1**

### Duties of Class Representatives

1. A class representative represents the interests of all members of the class in litigation.
2. A class member has claims which are typical of those of the class, and thus involve common issues of law or of fact. As a class representative, your claims against the defendant are typical of the class claims against it, because each class member suffered damage or injuries as a result of a common practice or event.
3. A class representative always considers the interests of the class just as he/she would consider his/her own interests.
4. A class representative participates actively in the lawsuit, such as by testifying at deposition and trial, providing documents, 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 a class action lawsuit, such as by settlement or dismissal, is subject to court approval, and must be designed 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 legal framework of the lawsuit. However, he/she should be interested, on a continuous basis, in the progress of the lawsuit, and must make every effort to provide his/her lawyers and the court with all relevant facts of which he/she is aware.
7. A class representative volunteers to represent many other people with similar claims and damages, because he/she believes that it is important that all benefit from the lawsuit equally, because he/she believes that a class lawsuit will save time, money, and effort, and thus will benefit all parties, and the court, and because he/she believes that the class action is an important tool to assure compliance with the law.

I have reviewed and acknowledge my duties as a class representative in the anticipated litigation related to the Georgia-Pacific LLC 401(k) Retirement Savings Plan, the Georgia-Pacific LLC Hourly 401(K) Plan, the Flint Hills Resources Chemicals Salary Deferral Plan, and the Koch Industries Inc. Employees' Savings Plan

Dated: 08/10/2020

*Elbert Peay*  
Elbert Peay