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

MARCIA G. FLEMING; CASEY FREEMAN; DAVID GUYON; ANTHONY LOSCALZO; PATRICK ROSEBERRY; and JULIO SAMNIEGO individually, on behalf of the Rollins, Inc. 401(k) Savings Plan and on behalf of all similarly situated participants and beneficiaries of the Plan, **Plaintiffs,** **v.** **ROLLINS, INC.; THE ADMINISTRATIVE COMMITTEE OF THE ROLLINS, INC. 401(k) SAVINGS PLAN, BOTH INDIVIDUALLY AND AS THE *DE FACTO* INVESTMENT COMMITTEE OF THE ROLLINS, INC. 401(k) SAVINGS PLAN; EMPOWER RETIREMENT, LLC F/K/A PRUDENTIAL INSURANCE AND ANNUITY COMPANY; PRUDENTIAL BANK & TRUST, FBS, AS DIRECTED TRUSTEE OF THE ROLLINS, INC. 401(k) PLAN TRUST; ALLIANT INSURANCE SERVICES, INC.; ALLIANT RETIREMENT SERVICES, LLC; PAUL E. NORTHEN, JOHN WILSON, JERRY GAHLHOFF, JAMES BENTON, and A. KEITH PAYNE in their capacities as members of the Administrative Committee; and John and Jane Does 1–10,** **Defendants.**	**Case No. 1:21-cv-05343-ELR**

PLAINTIFFS' MEMORANDUM IN SUPPORT OF MOTION TO AWARD OF ATTORNEYS' FEES AND EXPENSES

Class Counsel worked diligently in litigating this matter on behalf of the Class and achieved an outstanding result. Similar cases have been dismissed or have lingered for extended periods only to ultimately result in summary judgment or trial judgments for the defendants.

This case, in contrast, was resolved comparatively quickly after extensive work by Class Counsel, investigation by multiple experts, a contested all-day mediation, and extensive post-mediation negotiations. The result returns a material percentage of the alleged damages to class members now, allowing them the benefit of tax-deferred growth and generally does so without requiring any action, such as the return of a claim form, be taken by the class members themselves.[1]

Under the common fund doctrine, the Court should award Class Counsel a fee of $1,308,333 (one-third of the monetary recovery). In ERISA class actions, such as this, a one-third contingency fee is the market rate. A lodestar cross-check analysis further confirms the reasonableness of the fee request. Such an award is both appropriate and reasonable considering the risk and results in this case, the standards established by the Eleventh Circuit, and is consistent with the fee awards of other courts in similar cases. The Court should also reimburse Class Counsels' reasonable litigation expenses of $224,970.91.

I. BACKGROUND

This class action was brought on behalf of participants and beneficiaries of the ERISA defined contribution retirement plan sponsored by Rollins (the "Plan"). The Complaint alleges that the Defendants breached their fiduciary duties and engaged in prohibited transactions under ERISA, causing a loss to the Plan and Plan participants. First Am. Compl. ("FAC") ¶¶ 11–12, 15,

[1] With the exception of a small number of former plan participants whose recoveries will exceed $5,000 and who will receive a unique notice and claim form.

ECF No. 53. Defendants deny these allegations, deny any wrongdoing or liability, and have defended themselves in this Action. Defendants do not admit wrongdoing of any kind regarding the Plan.

On December 10, 2020, Plaintiffs submitted pre-suit claims alleging violations of ERISA and the Plan to the Administrative Committee for review. FAC ¶ 80, ECF No. 53. The Administrative Committee denied the claims on March 1, 2021, and Plaintiffs appealed on March 9, 2021. *Id.* ¶¶ 81–82. The same members of the Administrative Committee denied the appeal on May 6, 2021, and notified Plaintiffs of their right to bring suit under the terms of the Plan. *Id.* ¶ 83.

Plaintiffs filed the Complaint in the Northern District of Georgia on December 30, 2021. ECF No. 1. On March 28, 2022, the following parties filed separate motions to dismiss: (1) the Rollins Defendants; (2) the Alliant Defendants; (3) and LPL Financial LLC ("LPL"). ECF Nos. 48, 49, 51.

On April 18, 2022, Plaintiffs filed the First Amended Complaint, which, *inter alia*, added the Prudential Defendants. ECF No. 53. On July 15, 2022, the following parties filed separate motions to dismiss: (1) the Rollins Defendants; (2) the Alliant Defendants; (3) LPL Financial LLC; and (4) the Prudential Defendants. ECF Nos. 75, 76, 77, 78. Plaintiffs responded to each motion to dismiss on August 30, 2022. ECF Nos. 79, 80, 81, 82. Defendants filed their replies on September 29, 2022. ECF Nos. 83, 84, 85, 86. On October 25, 2022, the Rollins Defendants filed a notice of supplemental authority, ECF No. 87, and the Plaintiffs filed a response, ECF No. 88.

The Court issued an Order regarding Defendants' motions to dismiss on January 30, 2023. ECF No. 89. First, the Court denied the Rollins Defendants' motion to dismiss. *Id.* at 9–27. Second, the Court granted the Alliant Defendants' motion to dismiss for Plaintiffs' claims prior to

the ERISA repose period on December 30, 2015, and denied the motion to dismiss in all other respects. *Id.* at 34–45. Third, the Court granted LPL Financial LLC's motion to dismiss and directed the Clerk to terminate it as a party in the case. *Id.* at 27–34. Fourth, the Court granted the Prudential Defendants' motion to dismiss to the extent that Plaintiffs' claims in Counts I and II concern influence the Prudential Defendants allegedly had over the Rollins Defendants' investment decisions and denied the motion to dismiss in all other respects. *Id.* at 46–58.

Defendants answered the Complaint on March 13, 2023. ECF Nos. 105, 106, 107. Shortly thereafter, the Plaintiffs, Rollins and Alliant agreed to mediation and the Court stayed all pending deadlines on April 14, 2023, ECF No. 111. Substantial document discovery was completed through the administrative appeal and mediation processes. Among other documents, Plaintiffs received Plan and Trust documents; performance and benchmark information; and meeting minutes of the fiduciary committee. Boyko Decl. at ¶ 13. Class Counsel is experienced in litigating 401(k) Plan cases and therefore understands the key information needed to evaluate Plaintiffs' claims, which was included in the documents produced during administrative exhaustion and settlement negotiations. Boyko Decl. at ¶¶ 5–10. Class Counsel also retained and consulted experts who prepared assessments and calculations of loss, which were reviewed and assessed by Class Counsel before being exchanged with Defendants prior to mediation. Boyko Decl. at ¶¶ 11, 13.

II. ARGUMENT

a. Class Counsels' attorneys' fee request is appropriate and reasonable.

Class Counsel is entitled to a reasonable fee award from the common fund. Fed. R. Civ. P. 23(h*); Boeing Con. v. Van Gemert*, 444 U.S. 472, 478 (1980); *Lunsford v. Woodforest Nat'l Bank*, No. 12-103, 2014 WL 12740375, at *11 (N.D. Ga. May 19, 2014). In the Eleventh Circuit,

determining the amount of the attorneys' fees in common fund cases "shall be based upon a reasonable percentage of the fund established for the benefit of the class." *Camden I Condo. Ass'n, Inc. v Dunkle*, 946 F.2d 768, 774 (11th Cir. 1991). In common fund cases, the percentage method is superior to "any method premised upon the number of hours expended" because in such cases "the measure of the recovery is the best determinant of the reasonableness and quality of the time expended." *Id*. (cleaned up). "There is no hard and fast rule mandating a certain percentage of the common fund which may be awarded as a fee because the amount of any fee must be determined upon the facts of each case." *Lunsford*, 2014 WL 12740375, at *11 (*citing Camden*, 946 F.2d at 774). In the case of ERISA fiduciary breach class actions, fee requests of one-third of the monetary recovery "is reasonable and appropriate given the significant risk of nonpayment in these types of cases due to the novel nature of th[e] case and adverse precedents." *Henderson v. Emory Univ*., 2020 WL 9848978, *1 (N.D. Ga. Nov. 4, 2020).

District courts in the Eleventh Circuit analyze the following twelve factors to determine the reasonableness of a percentage-of-recovery fee award:

> (1) the time and labor required; (2) the novelty and difficulty of the relevant questions; (3) the skill required to properly carry out the legal services; (4) the preclusion of other employment by the attorney as a result of his acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the clients or the circumstances; (8) the results obtained, including the amount recovered for the clients; (9) the experience, reputation, and ability of the attorneys; (10) the "undesirability" of the case; (11) the nature and the length of the professional relationship with the clients and (12) fee awards in similar cases.

Lunsford, 2014 WL 12740375, at *11–12 (*citing Camden*, 946, 946 F.2d at 772 n.3). Each factor supports Class Counsels' requested fee.

1. Results obtained for the Class (Factor 8)

"The most critical factor in determining a fee award's reasonableness is the degree of success obtained[.]" *Farrar v. Hobby*, 506 U.S. 103, 114 (1992); *see also Camden*, 946 F.2d at 773 (recovery is "best determinant" of the reasonableness of attorneys' fees in common fund case) (cleaned up). Here, Class Counsel obtained $3,925,000 in monetary compensation for the Class. Plaintiffs' claimed damages were $1.6 million for alleged excessive recordkeeping fees, $4.3 million for the underperformance of the Plans' Stable Value Fund, and while Plaintiffs asserted $27 million in damages from two other plan investment funds included within the "GoalMaker" product, those losses were almost entirely mitigated by outperformance of other investments within GoalMaker. As a result, the Settlement represents a substantial percentage of the losses Plaintiffs could have hoped to achieve at trial.

Rather than "having to wait as long as a decade as other classes in similar 401(k) cases have to do," Class members will receive compensation and be able to invest their proceeds immediately in a tax-deferred vehicle, which adds more value. *Kruger v. Novant Health, Inc.*, No. 14-208, 2016 WL 6769066, at *5 (M.D. N.C. Sept. 29, 2016). The Investment Company Institute estimates that the benefit of the present value of tax deferral for 20 years is an additional 18.6%,[2] so the actual benefit to the Class exceeds the headline amount of $3,925,000.

2. Time and labor required (Factor 1)

Prosecuting and settling the claims in this action demanded considerable time and labor, making this fee request reasonable. *See, George v. Acad. Mortg. Corp. (UT)*, 369 F.Supp.3d 1356, 1376 (N.D. Ga. 2019). Though a lodestar cross-check is not required, court may use it to

[2] Peter Brady, Marginal Tax Rates and the Benefits of Tax Deferral, Investment Company Institute, Sept. 17, 2013, available at http://www.ici.org/viewpoints/view_13_marginal_tax_and_deferral

see whether a requested fee is in the "ballpark" of an appropriate fee. *In re Home Depot Inc*., 931 F.3d at 1091, n. 25. This involves determining the hours reasonably expended and then multiplying that amount by the reasonable hourly rate. *Camden*, 946 F.2d at 772. "A lodestar cross-check, however, does not require that time records be scrutinized or even reviewed." *In re Equifax Inc. Customer Data Sec. Breach Litig*., No. 17-2800, 2020 WL 256132, at *40 (N.D. Ga. Mar. 17, 2020). Class Counsel need only submit documentation appropriate to meet the burden establishing an entitlement to an award, not to satisfy "green-eyeshade accountants." *Fox v. Vice*, 131 S.Ct. 2205, 2216 (2011).

ERISA litigation, such as this, involves a national market because the number of plaintiff's firms who have the necessary expertise and are willing to take the risk and devote the resources to litigate complex claims is small. *Henderson*, 2020 WL 9848978 at *2; Boyko Decl. ¶ 16. Class Counsel has brought actions across the country defended by national firms with ERISA expertise, such as opposing counsel in this case. Boyko Decl. ¶¶ 6–10. Thus, the relevant hourly rate is the "nationwide market rate." *Henderson* at *2, *Kruger*, 2016 WL 6769066, at *4; *Clark v. Juke Univ*., No. 16-1044, 2019 WL 2579201, at *2 (M.D.N.C. June 24, 2019).

Class Counsel has spent 1,799.7 hours of attorney time and 26.9 hours of non-attorney time on this matter to date. Boyko Decl. ¶ 23; Sharman Decl ¶ 18; Pels Decl. ¶ 16. Class Counsel reviewed thousands of pages of documents, filed, responded to, and reviewed complex motions, selected and retained multiple experts and discussed and reviewed the findings of those experts. Boyko Decl. ¶ 11; Sharman Decl ¶ 8. The 1,826.6 hours spent on this case does not include time spent preparing this motion. In addition, Class Counsel has committed to (1) preparing for, traveling to, and attending the Fairness Hearing; (2) managing the process of handling many calls from participants regarding the notice, the timing, and the details of the settlement; (3)

interacting and working with the Settlement Administrator and the Independent Fiduciary; and (4) monitoring and overseeing distribution of the Settlement Funds and compliance with the Settlement Agreement. Based on experience in other cases, Class Counsel anticipates spending scores of additional hours administering the settlement after Final Approval. Boyko Decl. ¶ 25.

Using Counsels' rates, the lodestar would be $1,248,493 creating a multiplier of 1.05. Boyko Decl ¶ 21. Class Counsels' rates, it should be noted, are near or below those approved for class counsel in this district in an ERISA fiduciary breach class action settled in 2020. *Henderson*, 2020 WL 9848978, at *2 (finding hourly rates reasonable that ranged from $490–$1,060 per hour for attorneys and $330 per hour for paralegals and law clerks). Class Counsel's lodestar rates reflect hourly rates that have been approved by federal courts in light of Class Counsel's experience. *See, e.g., Godrey v. GreatBanc Tr. Co*., No. 18-7918 (N.D. Ill. Oct. 4, 2022); *Becker v. Wells Fargo & Co*., No. 20-2016, ECF 285 (D. Minn. Sept 1, 2022); *Baird v. BlackRock Int'l Tr. Co., N.A*., 2021 WL 5113030, at *7 (N.D. Cal. Nov. 3, 2021); *Blackwell v. Bankers Tr. Co*., No. 18-141, ECF No. 94 (S.D. Miss. June 23, 2021).

The lodestar multiplier here is well within the range of multipliers approved by district courts in the Eleventh Circuit. *Columbus Drywall & Insulation, Inc. v. Masco Corp.,* No. 04-3066, 2008 WL 11234103, at *3 (N.D. Ga. Mar. 4, 2008) (approving fee with lodestar multiplier between 2 and 3); *Ingram v. The Coca-Cola Co*., 200 F.R.D. 685, 696 (N.D. Ga. 2001) (noting that courts have approved lodestar multipliers greater than five); *Cox v. Cmty. Loans of Am., Inc*., No. 11-177, 2016 WL 9130979, at *3 (M.D. Ga. Oct. 6, 2016) (lodestar multipliers "in large and complicated class actions range from 2.26 to 4.5 while three appears to be the average[.]"). It's also far below lodestar multipliers approved in similar ERISA fiduciary breach class actions. *Bekker v. Neuberger Berman Group 401(k) Plan Comm*., 504 F.Supp.3d 265, 270 (S.D.N.Y.

2020) (finding multiplier of 5.85 "within the range of acceptable multipliers"); *Stevens*, 2020 WL 996418, at *13 (approving 6.96 multiplier).

The time and labor expended easily demonstrates the reasonableness of the requested fee award.

3. The Novelty, difficulty, and undesirability of the litigation (Factors 2 and 10)

ERISA claims are "complex." *Henderson* 2020 WL 9848978, at *3; *Stevens*, 2020 WL 996418 at *3. This "rapidly evolving, complex, and demanding area of the law" requires the devotion of significant resources. *In re BellSouth Corp. ERISA Litig*., No. 02-2440, 2006 WL 8431178, at *7 (N.D. Ga. Dec. 5, 2006). Excessive fee litigation "entails complicated ERISA claims" and "novel questions of law." *Martin v. Caterpillar, Inc*., No. 07-1009, 2010 WL 3210448, at *2 (C.D. Ill. Aug. 12, 2010). In addition to the novel questions of law, Plaintiffs also faced recent, adverse precedent. *See., e.g., Anderson v. Intel Corp*., 579 F.Supp.3d 1133 (N.D. Cal. Jan 8, 2022) (granting defendants' dispositive motion in case alleging imprudent selection of funds within an asset allocation product comparable to GoalMaker in a 401(k) plan).

Continued litigation would have required Class Counsel to complete fact discovery—including briefing potential motions to compel, taking depositions, preparing witnesses, and engaging in formal expert discovery—as well as preparing and arguing motions for class certification, *Daubert* motions, and likely motions for summary judgment. Trial of Plaintiffs' claims would have required substantial additional investment of attorney time and expenses, particularly with respect to experts. And, regardless of the outcome, there likely would have been appeals, further delaying resolution and incurring significant additional expense.

4. Skill required and quality of attorneys involved (Factors 3 and 9)

"Litigation of ERISA 401(k) breach of fiduciary duty claims requires significant expertise and the devotion of significant resources." *Henderson*, 2020 WL 9848978, *2. Bailey Glasser

LLP is one of the nation's preeminent ERISA litigation firms. See Boyko Decl. ¶¶ 5–10. Chambers and Partners has recognized Bailey Glasser's lead partner in this suit, Gregory Porter, as one of only six "Band 1" attorneys for ERISA Litigation: Mainly Plaintiffs, and Bailey Glasser's ERISA department is one of only four firms to earn a ranking from Chambers and Partners nationally in that category. Boyko Decl. ¶ 8–9. Courts have noted specifically that Porter and Boyko "have extensive experience at the forefront of this area of law." *Bekker v. Neuberger Berman Group 401(k) Plan Inv. Comm*., 504 F.Supp.3d 265, 270 (S.D.N.Y. 2020).

5. Attorneys' time limitations and opportunity costs (Factors 4 and 7)

The decision to pursue this case, advance substantial costs and commit substantial resources impacted Class Counsel's ability to handle "other simpler and less risky matters." *Kranauer v. Dish Network, LLC*, No. 14-333, 2018 WL 6305785, at *4 (M.D.N.C. Dec. 3, 2018); *McLendon v. PSC Recovery Sys., Inc*., No. 06-1770, 2009 WL 10668635, at *2 (N.D. Ga. June 2, 2009). The commitment for this type of litigation is made with the knowledge that it may require over ten thousand hours of attorney time and over a decade, including multiple appeals, to have a final result. This demonstrates why so few firms have the wherewithal to bring ERISA fiduciary breach cases.

6. Awards in similar cases (Factors 5 and 12)

In complex ERISA class actions, such as this one, a one-third contingency fee is routinely awarded. *Henderson*, 2020 WL 9848978, *1–2; *Stevens*, 2020 WL 996418 at *14 (awarding one-third of $6.8 million fund); *In re Cigna-Am. Specialty Health Admin. Fee Litig*., 2019 WL 4082946, at *14–15 (E.D. Pa. Aug. 29, 2019) (awarding one-third of $8.25 million fund and noting "In complex ERISA cases, courts in this Circuit and others also routinely award attorneys' fees in the amount of one-third of the total settlement fund"). Courts in this District also routinely approve fee awards of one-third of the common fund or more. *See, e.g.*, *Acrd. Mortg.*

Corp., 369 F.Supp.3d at 1382; *Lunsford*, 2014 WL 12740375, at *15–16; *McLendon*, 2009 WL 10668635, at *5.

7. The contingent nature of the fees (Factor 6)

Class Counsel litigated this matter on a contingent basis with no guarantee of recovery. Class Counsel entered into contingency fee agreements with each of the Named Plaintiffs for one-third of any monetary recovery plus reimbursement of expenses. Sharman Decl ¶ 12.[3] Despite this significant risk of nonpayment, Class Counsel devoted more than 1,800 hours of attorney and paralegal time and $224,970.91 in out-of-pocket expenses to litigating this matter to a successful resolution.

"Numerous cases recognize that the attorney's contingent fee risk is an important factor in determining the fee award." *Columbus Drywall & Insulation, Inc. v. Masco Corp*., No. 04-3066, 2008 WL 11234103, at *3 (N.D. Ga. Nar. 4, 2008) (citations omitted). "A fee award may be increased … to compensate attorneys for the risk of accepting a case on a contingency basis and to attract competent counsel." *Richardson v. Alabama State Bd. Of Educ*., 935 F.2d 1240, 1248 (11th Cir. 1991). "When the attorney fee is contingent on success, the hourly rate should ordinarily be raised to compensate the attorney for the risk of nonrecovery." *Carmichael v. Birmingham Saw Works*, 738 F.2d 1126, 1138 (11th Cir. 1984).

ERISA fiduciary breach class actions carry a "tremendous" risk. *Henderson*, 2020 WL 9848978, *1–2. Cases challenging investment selection are often won by defendants, either from a ruling on a dispositive motion, or after years of litigation and a costly trial. *Ortiz v. American Airlines, Inc., "Ortiz II",* No. 16-151, 2020 WL 4504385 (N.D.Tex. Aug 5, 2020) (summary judgment for defendants); *Sacerdote v. New York Univ*., 328 F.Supp.3d 273 (S.D.N.Y. 2018) (trial

[3] While the agreement with the Named Plaintiffs authorizes a 40% fee after Defendants answer, Plaintiffs are only seeking a one-third fee here.

decision for defendants); *Stegemann v. Gannett Co., Inc*., No. 18-325, 2023 WL 8436056 (E.D.Va. Dec. 5, 2023) (same). The *Ortiz* decision is particularly noteworthy because the court had earlier denied approval of a settlement after finding that on the merits a decision for the plaintiffs "appear[ed] likely." *Ortiz v. American Airlines, Inc., "Ortiz I",* No. 4:16-151, 2016 WL 8678361, *11 (N.D. Tex. Nov. 18, 2016).

8. The nature and length of the professional relationship between attorney and client (Factor 11)

Class Counsel did not have a professional relationship with any of the Named Plaintiffs prior to this litigation, which supports the requested fee award. *Smith v. Krispy Kreme*, No. 05-187, 2007 WL 119157, at *3 (M.D.N.C. Jan 10, 2007).

b. Class Counsels' expense reimbursement request is appropriate and reasonable

"Under Rule 23(h), a trial court may award nontaxable costs that are authorized by law or the parties' agreement. Fed. R.Civ. P. 23(h). A cost award is authorized by both parties the settlement agreement and the common fund doctrine. Settlement Agreement § 2.5. Class Counsel is entitled to reimbursement of litigation expenses of $224,970.91 advanced in prosecuting this case. Reimbursable expenses include expert fees, travel, postage, delivery services, and computerized legal research. Alba Conte, 1 Attorney Fee Awards §2:19 (3d ed. 2004). That is what the expenses submitted here cover. Boyko Decl. ¶ 31; Sharman Decl ¶ 24; Pels Decl. ¶ 21. The expenses incurred in this case were reasonable and justified. *See Acad. Mtg*., 369 F. Supp. 3d at 1383. They were necessary for the prosecution of the case and helped to achieve a successful result for the Class Members. Boyko Decl. ¶ 29. They were also of the "type routinely billed by attorneys to paying clients in similar cases" and should therefore be reimbursed from the Settlement Fund. *Schering-Plough*, 2012 WL 1964451, at *8.

Class Counsel brought this case without guarantee of reimbursement or recovery. "There was a strong incentive to limit costs." *Henderson*, 2020 WL 9848978, *4. Moreover, the costs incurred are much lower than what would be expected in a case of this magnitude that was litigated for years. *See, e.g., Spano v. The Boeing Co*., 2016 WL 3791123, at *1, 4 ($1.8 million in expenses).

III. Conclusion

For all the foregoing reasons, Plaintiffs' respectfully request that the Court grant their motion for an award of attorneys' fees in the amount of one-third of the Settlement Fund ($1,308,333) and authorize reimbursement from the Settlement Fund of Class Counsel's out-of-pocket costs in the amount of $224,970.91.

Dated: February 16, 2024

Respectfully submitted,

BAILEY & GLASSER LLP
By: */s/ Mark G. Boyko*
Mark G. Boyko
mboyko@baileyglasser.com
Bailey & Glasser LLP
34 N. Gore Ave., Suite 102
Webster Groves, Mo 63119
Telephone: (314) 863-5446
Facsimile: (314)-863-5483

PAUL J. SHARMAN
Georgia State Bar No. 227207
The Sharman Law Firm LLC
11175 Cicero Drive, Suite 100
Alpharetta, GA 30022
Phone: (678) 242-5297
Fax: (678) 802-2129
Email: paul@sharman-law.com

Jon D. Pels, Esq. (pro hac vice pending)
Email: jpels@pelslaw.com
Katerina M. Newell, Esq.

(pro hac vice pending)
Email: knewell@pallaw.com
The Pels Law Firm
4845 Rugby Avenue,
Third Floor
Bethesda, MD 20814
Phone: (301) 986-5570
Fax: (301) 986-5571

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this date the foregoing document was electronically filed with the Clerk using the CM/ECF system, which will send a notice of electronic filing to all registered users of the CM/ECF system.

Dated: February 16, 2024

By: /s/ *Mark G. Boyko*
Mark G. Boyko