

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

	X
THOMAS S. SWANSON, Individually and on Behalf of All Others Similarly Situated,	:
Plaintiff,	:
vs.	:
INTERFACE, INC., DANIEL T. HENDRIX, JAY D. GOULD, BRUCE A. HAUSMANN and PATRICK C. LYNCH,	:
Defendants.	:
	X

Civil Action No. 1:20-cv-05518-BMC-RER
CLASS ACTION

**DECLARATION OF JAMES A. HARDING IN SUPPORT OF FINAL APPROVAL OF
THE SETTLEMENT AND PLAN OF ALLOCATION AND FOR LEAD COUNSEL'S
MOTION FOR AN AWARD OF ATTORNEYS' FEES AND EXPENSES AND AN
AWARD TO LEAD PLAINTIFF PURSUANT TO 15 U.S.C. §78U-4(a)(4)**

I, James A. Harding, declare as follows:

1. I am Chairman of Steamfitters Local 449 Pension Fund (the "Fund"). In that role, on behalf of the Fund, I am the primary person responsible for overseeing this litigation. I respectfully submit this Declaration in Support of Lead Plaintiff's Motion for Final Approval of the Settlement and Plan of Allocation, and Lead Counsel's Motion for an Award of Attorneys' Fees and Expenses, and an Award to Lead Plaintiff pursuant to 15 U.S.C. §78u-4(a)(4) in the amount of \$2,000 in connection with its representation of the Class. I have personal knowledge of the statements herein and, if called upon as a witness, could and would competently testify thereto.

2. The Fund understands that the Private Securities Litigation Reform Act of 1995 was intended to encourage institutional investors with large losses to manage and direct securities fraud class actions. In seeking appointment as Lead Plaintiff, the Fund understood its duty to represent the interests of the Class by supervising the prosecution of this Action.

3. Lead Counsel has vigorously prosecuted this case on behalf of the Class. Ultimately, after balancing the risks of trial and appeal against the immediate benefit of a \$7,500,000 recovery, Lead Counsel agreed to settle the case.

4. As Lead Plaintiff and over the course of the Litigation, I, on behalf of the Fund, was kept fully informed regarding case developments and procedural matters. Specifically, as a Lead Plaintiff in this Action, I, on the Fund's behalf: (a) engaged in numerous meetings, phone conferences, and correspondence with Lead Counsel; (b) reviewed pleadings and briefs; (c) reviewed detailed correspondence concerning the status of the Litigation; (d) searched for and provided Lead Counsel with documents relevant to this Litigation; (e) consulted with Lead Counsel regarding litigation and settlement strategy; and (f) was kept informed about all aspects of the mediation and settlement negotiations.

5. The Fund has evaluated the significant risks and uncertainties of continuing litigation, including the possibility of a nominal recovery or even no recovery at all, and has authorized Lead Counsel to settle this litigation for \$7,500,000. The Fund is aware of the possibility of losing at class certification, summary judgment, or trial and that, even if Lead Plaintiff were to prevail at each of these steps, defendants would likely appeal, further delaying any recovery for the Class. The Fund believes this Settlement is fair and reasonable, represents an excellent recovery, and is in the best interest of the Class.

6. While I recognize that the determination of attorneys' fees and expenses is made by the Court, I believe that Lead Counsel's request for an award of attorneys' fees of 33% of the Settlement Amount and their litigation expenses, plus interest on both amounts, is fair and reasonable, as this Settlement would not have been possible without Lead Counsel's diligent and aggressive prosecutorial efforts.

7. Since the Fund's involvement starting in 2021, I have expended approximately 16 hours on the prosecution of this Litigation, which would otherwise have been focused on daily business activities of the Fund. Based upon the time that I spent acting for the benefit of the Class, and my overall level of compensation and benefits, I believe the Fund's request for an award of \$2,000 is appropriate.

8. In light of the foregoing, the Fund respectfully requests that the Court grant final approval of the Settlement and the plan of allocation, approve Lead Counsel's motion for an award of attorneys' fees and expenses, and grant the Fund's request for a \$2,000 award for the time expended in representing the Class in the Litigation.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed this 7th day of August, 2023, in Pittsburgh, PA.



JAMES A. HARDING