

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

JASON C. FRITTON, MAREA GIBSON,  
BRIAN W. MOTZENBEEKER, DAWN  
DUFF, and CHRISTOPHER SHEARMAN,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

TAYLOR CORPORATION, the BOARD OF  
DIRECTORS OF TAYLOR  
CORPORATION, the FIDUCIARY  
INVESTMENT COMMITTEE, and JOHN  
DOES 1-30,

Defendants.

Civil Action No. 22-cv-00415

Judge Jeffrey M. Bryan

Mag. Judge Tony N. Leung

**DECLARATION OF PLAINTIFF BRIAN W. MOTZENBECKER  
IN SUPPORT OF MOTION FOR AWARD OF ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES, AND CASE  
CONTRIBUTION AWARDS TO THE NAMED PLAINTIFFS**

I, Brian W. Motzenbecker, make this Declaration pursuant to 28 U.S.C. § 1746, and hereby declare as follows:

1. I am a Plaintiff in this action, listed in the operative Complaint.
2. I was appointed as a Class Representative by this Court in its April 24, 2024, Order Preliminarily Approving Settlement (ECF No. 90).
3. I was a resident of Eatontown, NJ at the start of this action, but currently reside in Albany NY.

4. From the inception of this case, I have been represented by the law firms of Capozzi Adler, P.C. (“Capozzi Adler”) and Edelson Lechtzin LLP (“Edelson Lechtzin”). Additionally, Gustafson Gluek serves as local counsel.

5. I worked at Taylor Corporation (“Taylor”) from 2002 to 2020 and participated in Taylor’s 401(k) Plan (the “Plan”).

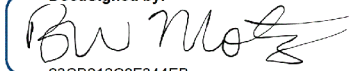
6. I joined the Taylor class action lawsuit because I felt I could contribute to the cause. I understood the lawsuit was on behalf of the Plan and a class of people just like me who were participants in the Plan. I wanted to be a Plaintiff in this case because I believed that Taylor had not been doing a good enough job in making sure participants had prudent investments to choose from in the Plan or paid reasonable Plan administration fees for things like recordkeeping. In other words, I alleged the Plan investments selected by Taylor and its representatives were not proper investments for my retirement and the Plan paid too much for Plan administrative and recordkeeping costs. In joining this lawsuit, I hoped to obtain a monetary recovery for myself and all other similarly situated Plan participants in the Plan.

7. Although I have not kept time sheets, I have spent many hours on this litigation conferring regularly with my attorneys at Capozzi Adler and Edelson Lechtzin. I reviewed Defendants’ discovery requests, conferred with my attorneys to answer questions, reviewed draft responses to Defendants’ document requests and interrogatories and spent time searching for documents. I have gathered relevant documents and provided them to my attorneys throughout the litigation. Additionally, I receive written updates on the litigation by email and letters.

8. My attorneys and I also discussed the events surrounding the settlement negotiations. I discussed and will continue to discuss in more detail the proposed Settlement throughout the final approval process.

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

Executed on 7/3/2024

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**BRIAN W. MOTZENBECKER**