IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI

DERICK L. DOLL, CATHERINE M. FLUEGEL, and JOSEPH NAGLE, individually and as representatives of a Class of Participants and Beneficiaries on behalf of the Evergy, Inc. 401(k) Savings Plan, Plaintiffs, v. EVERGY, INC., DAVID A. CAMPBELL, TERRY BASSHAM, THE PLAN COMMITTEE OF THE EVERGY, INC. 401(k) SAVINGS PLAN; and SAGEVIEW ADVISORY GROUP LLC, Defendants.	)	Case No. 4:25-CV-00043 (SRB) **SUGGESTIONS IN SUPPORT OF PLAINTIFFS' MOTION TO APPOINT ANALYTICS CONSULTING LLC AS SETTLEMENT ADMINISTRATOR**

INTRODUCTION

Pursuant to the Court's Order on Vendor Disclosure (ECF No. 135), Plaintiffs respectfully move the Court to appoint Analytics Consulting, LLC ("Analytics Consulting") as the Settlement Administrator. Analytics Consulting was identified by Plaintiffs in the Settlement Agreement as the proposed administrator, *see* Ex. A to Plaintiffs' Motion for Preliminary Approval (ECF No. 134-1) at ¶2.48. Plaintiffs' counsel selected the firm after soliciting and reviewing competing bids from multiple qualified settlement administrators.

These Suggestions address each of the elements identified in Item No. (2) of the Court's Order: (i) Analytics Consulting's qualifications to administer this $2.6 million ERISA class action settlement; (ii) the prior matters in which Plaintiffs' counsel has retained Analytics Consulting; and (iii) the competitive process and due diligence by which counsel selected the firm, including diligence directed at the categories of risk enumerated in Item No. (1) of the Order. The accompanying Declarations of John Nestico (the "Nestico Decl.") and Analytics Consulting (the "Simmons Decl."), filed contemporaneously, supply the supporting detail.

I. Analytics Consulting Is Qualified and Capable of Administering This Settlement.

Analytics Consulting is an experienced, nationally recognized class action settlement administrator that has served in that capacity in more than a thousand settlements over 53 years of operation. Simmons Decl. ¶9. Analytics Consulting has experience administering class action settlements and performing the core functions required here, including implementing Court-approved notice, maintaining settlement-related records, operating settlement communications processes, processing claims or class-member information as needed, calculating and distributing payments, addressing returned or undeliverable payments, and preparing reports and accountings for counsel and the Court. See Simmons Decl. ¶1.

Analytics Consulting is well-suited to administer this Settlement in particular. The proposed Settlement establishes a $2.6 million common fund for the benefit of a non-opt-out class certified under Federal Rule of Civil Procedure 23(b)(1) consisting of participants and beneficiaries of the Evergy, Inc. 401(k) Savings Plan who invested in the American Century Target Date Funds during the Class Period. *See* Order Certifying Class (ECF No. 112). Analytics Consulting's bid contemplates total administrative fees of approximately $22,349[1] representing

[1] The bid from Analytics Consulting is based on certain assumptions about the number of Active and Former Participants which won't be known until data is collected by the Plan's recordkeeper and may increase or decrease depending on actual numbers.

approximately 0.65% (0.0065) of the Settlement Fund, for the scope of work described in the Settlement Agreement and the proposal attached to the Nestico Declaration. Nestico Decl. Exhibit 1. That figure is reasonable in both absolute and relative terms and reflects the efficient direct-distribution model the Plan of Allocation contemplates.

II. Plaintiffs' Counsel Has Previously Retained Analytics Consulting in Numerous Class Actions.

Class counsel has retained Analytics Consulting as settlement administrator in the matters listed on Exhibit A to these Suggestions. In each of those engagements, Analytics Consulting timely and accurately performed its obligations, including providing notice, processing class member inquiries, and distributing settlement proceeds without material incident. Nestico Decl. ¶ 4.

Counsel's repeated retention of Analytics Consulting reflects counsel's experience with the firm's competence, responsiveness, and reliability, particularly in ERISA defined-contribution plan settlements that, like this one, require coordination with plan recordkeepers and direct deposit of allocations into participant accounts.

III. Plaintiffs' Counsel Selected Analytics Consulting Through a Competitive Process and Reasonable Due Diligence.

Plaintiffs' counsel solicited competing bids from multiple qualified administrators before selecting Analytics Consulting. Nestico Decl. ¶2,4, *See* Order on Vendor Disclosure at 3 (ECF No. 135) (directing counsel to disclose "whether there were any competing bids" for settlement administrator services). Specifically, counsel contacted three potential settlement administrators Analytics Consulting LLC, Atticus Administration LLC, and Stretto. Each vendor was provided with the same scope-of-work parameters and class size estimates and asked to submit a written proposal. Nestico Decl. ¶2. The bids received are summarized in, and attached as exhibits to, the

Declaration of John Nestico. Counsel and Plaintiffs' co-counsel exchanged contemporaneous internal correspondence comparing the bids and the firms' prior performance. *See generally* Nestico Decl. Counsel selected Analytics Consulting based on a combination of factors, including (i) scope and pricing of the proposed services; (ii) counsel's prior experience with each bidder; (iii) the qualifications and capacity of proposed staffing; (iv) experience with ERISA defined-contribution plan administration; and (v) responsiveness and ability to meet the anticipated timeline. Nestico Decl. ¶4. As the Court has cautioned, "the value of services [is] not always represented by the lowest bid." Order on Vendor Disclosure at 3 (ECF No. 135). Counsel evaluated each bid on its merits rather than on price alone, and determined that Analytics Consulting's bid was in the best interests of the Class based on a combination of price and prior experience with Analytics. Nestico Decl. ¶4. Analytics Consulting's selection was further confirmed in the Settlement Agreement, in which the SageView and Evergy Defendants joined Plaintiffs in identifying Analytics Consulting as the proposed administrator. *See* ECF No. 134-1, see also Nestico Decl. ¶7.

Apart from having retained Analytics Consulting many times in the prior class action settlements identified on Exhibit A hereto with excellent results at competitive prices, Plaintiffs and their counsel have no other personal or business relationship with Analytics Consulting. Nestico Decl. ¶5.

Counsel also conducted due diligence directed at the categories of risk identified in Item No. (1) of the Court's Order. Nestico Decl. ¶6. Specifically, counsel sought and obtained information from Analytics Consulting regarding: (a) any compensation or thing of value the administrator would receive beyond the disclosed fee, including interest or float on settlement deposits and revenue-sharing arrangements with payment, claims-processing, social-media, or other vendors; (b) any fees that class members or claimants could be charged in connection with the Settlement, including interchange fees, dormancy fees, or retention of residual balances; (c) whether data about visitors to the settlement website or other class data would be shared with third parties not involved in administering the Settlement, including via trackers or pixels; (d) Analytics Consulting's fraud-prevention plan, including procedures for securely handling class member data, retention and destruction policies, crisis-response protocols, and errors-and-omissions insurance coverage; and (e) any prior instances in which Analytics Consulting was terminated from, or sued in connection with, the administration of a settlement. Nestico Decl. ¶6. Analytics Consulting's detailed responses on each topic are set forth in the Declaration of Analytics Consulting filed contemporaneously herewith pursuant to Item No. (1) of the Court's Order. *See generally* Simmons Decl. Although Class Counsel did not expressly inquire of each bidding vendor regarding their possible application of artificial intelligence in the administration of the settlement, analysis of the requirements for administration of the settlement, based on oversight of dozens of such settlements in the context of ERISA class actions, indicates that there is no opportunity to apply artificial intelligence to settlement administration. Nestico Decl. ¶3.

The Long Form and Short Form notices were individually drafted by Class Counsel and Defense Counsel involving multiple drafts and based expressly on the terms of the Settlement Agreement which itself was intensely negotiated over a period of weeks. Nestico Decl. ¶8. Settlement Notice will be delivered in accordance with U.S. Department of Labor rules governing delivery requirements for important plan documents and notices. Class Member identification and account information will be derived from Plan records maintained by the recordkeeper, and address information will be updated using the National Change of Address ("NCOA") database maintained by the United States Postal Service ("USPS"); certified via the Coding Accuracy Support System

("CASS") and verified through Delivery Point Validation ("DPV"). Allocation of the Net Settlement Fund will be accomplished using Excel spreadsheets or similar data analysis software applying a simple mathematical formula described in the Plan of Allocation, the results of which will be reviewed by Class Counsel and the Plan's recordkeeper. Nestico Decl.¶9.

Lastly, in accordance with item No. 4 of the order, Plaintiffs' counsel has no amendment to their responses to the Order on Ethics Conflict Disclosure (ECF Nos. 113, 117, 118).

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court enter an Order appointing Analytics Consulting LLC as the Settlement Administrator.

Dated: May 13, 2026

Respectfully submitted,

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Exhibit A

In Support of Plaintiffs' Motion to Appoint Analytics Consulting, LLC as Settlement Administrator

Start Date	Case Name	Case Number
6/08/2023	*Peck v. Munson Healthcare et al*	1:22-cv-00294 (W.D. Mich.)
11/08/2023	*Miller et al. vs. Packaging Corp. of America Inc. et al.,*	1:22-cv-00271 (W.D. Mich.)
11/21/2023	*Reichert, et al. v. Juniper Networks, Inc. et. al.*	Case No: 3:21-cv-06213-JD (N.D. Cal.)
12/21/2023	*Gruber v. Grifols Shared Services North America, Inc. et. al.*	Case No: 2:22-cv-02621-SPG-AS (C.D. Cal.)
12/21/2023	*Tolomeo v. R.R. Donnelley & Sons, Inc*	1:20-cv-07158, (N.D. Ill.)
4/29/2024	*Leon v. Maersk, Inc. et al.*	Case No. 3:23-cv-00602-RJC-SCR (W.D.N.C.)
4/29/2024	*Kruzell v. Clean Harbors Environmental Services, Inc. et al.,*	Case No: 1:22-cv-10524-GAO (D. Mass.)
5/31/2024	*Mazza v. Pactiv Evergreen Services, Inc., et al.*	No. 1:22-cv-5052 (N.D. Ill.)
10/12/2024	*Daggett, et al. v. Waters Corporation, et al.*	1:23-cv-11527 (D. Mass.)
11/18/2024	*Glick. v. ThedaCare, Inc., et al.*	1:20-cv-1236 (E.D. Wis.)
12/26/2024	*Dashon J. Gates and Yvette Bramley. v. Lippert Components, Inc.*	3:24-cv-00006-DRL-AZ (E.D. Ind.)
1/31/2025	*Nohara et al. v. Prevea Clinic Inc. et al.,*	Case No. 2:20-cv-01079 (E.D. Wis.)
1/31/2025	*Barnett et al. v. Iron Mountain Incorporated et al.*	Civil Action No. 1:24-cv-11239 (D. Mass.)
2/05/2025	*Smith v. UGN, Inc.*	1:24-cv-07908 (N.D. Ill.)
3/26/2025	*Dukes et a. v. AmerisourceBergen Corp., et al.,*	3:23-cv-313-DJH-CHL (W.D. Ky.)
4/04/2025	*Seidner et al. v. Kimberly-Clark Corp. et al.*	3:21-CV-00867-L (N.D. Tex.)
4/08/2025	*Remied, et al. v. NorthShore University HealthSystem, et al.*	Case No. 1:22-cv-02578 (N.D. Ill)
5/30/2025	*Rubke, et al. v Servicenow, Inc. et al*	Case No. 24-cv-01050-TLT (N.D. Cal.)
7/17/2025	*Nado v. John Muir Health, et al.,*	Case No: 3:24-cv-01632-AMO (N.D. Cal.)
7/28/2025	*Shaw v. Quad/Graphics Inc et al*	Case No. 2:20-cv-01645-PP (E.D. Wis.)
10/10/2025	*Cure, et al. v. Factory Mutual Insurance Co., et al.,*	Case No. 1:23-cv-12399-JEK (D. Mass.)
12/02/2025	*Dionicio et al. v. U.S. Bancorp et al.,*	0:23-cv-00026 (D. Minn.)
2/19/2026	*Nykiel et al v. Smith & Nephew Inc. et al*	1:24-cv-12247 (D. Mass.)
3/13/2026	*Buescher v. North American Lighting Inc. et al.,*	2:2024cv02076 (C. D. Ill.)