

EXHIBIT 5

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**IN THE COURT OF COMMON PLEAS OF
PHILADELPHIA COUNTY, PENNSYLVANIA**

KEVIN STEINKE, LOUIS FANTINI,
EMILY FANTINI, and DANIEL REYES,
on behalf of themselves and a class of all others
similarly situated,

Plaintiffs

vs.

AON INVESTMENTS USA, INC., et al.,

Defendants

CIVIL ACTION

JUNE TERM, 2021

No. 210601197

JURY TRIAL DEMANDED

CLASS ACTION

COMMERCE PROGRAM

DECLARATION OF JOHN JOSEPH CONWAY III

I, JOHN JOSEPH CONWAY III, under oath and penalty of perjury, state as follows:

1. I have personal knowledge of the following matters and, if sworn as a witness, I will be competent to testify to them.

2. I am co-lead counsel for the Plaintiffs in this Class Action matter.

3. I am an attorney licensed to practice law in Michigan and Arizona.

4. I have been a practicing trial attorney for twenty-seven years, handling a wide range of litigation matters involving employee benefit and healthcare disputes.

5. I am admitted to practice in the United States District Courts for the Eastern and Western Districts of Michigan, and the District of North Dakota. I have been admitted to practice *pro hac vice* in several state courts including Hawaii, Missouri, Montana, Idaho, Pennsylvania, North Dakota, California, Tennessee, Washington, D.C., and New Jersey, among others. I am admitted to practice before the United States Supreme Court, the Third Circuit Court of Appeals, the Sixth Circuit Court of Appeals, the Eighth Circuit Court of Appeals, and the Ninth Circuit Court of Appeals.

6. I graduated early (2 ½ years), ranked second in my class at the University of Detroit-Mercy School of Law. I served as the Articles Editor for the *State Bar of Michigan Business Law Journal*.

7. My first post-law school position was with the Michigan Court of Appeals working as a prehearing attorney.

8. I founded my law practice at age twenty-seven, and we have been serving the public since then for twenty-six consecutive years.

9. Since the practice was opened, I have earned an “AV” rating from Martindale-Hubbell and been annually voted as a SuperLawyer since 2014, a Leading Lawyer since 2019, and

an Elite Lawyer in Arizona since 2022. In 2025, I was selected for Best Lawyers in America in the categories of Employee Benefits and ERISA Litigation.

10. In service to the Bar, I am a Past-Member, State Bar of Michigan Board of Commissioners; Past-Member, Executive Council, Young Lawyers Division, American Bar Association (ABA); Past-Chairperson, State Bar of Michigan Young Lawyers Section; Member, State Bar of Michigan, Litigation Section; Member, ABA Tort and Insurance Practice Section; ABA Committee Member, ERISA and Employee Benefits Litigation; and I have served as a *Pro Bono* Mediator, Equal Employment Opportunity Commission.

11. I have been admitted to the Fellows of the American Bar Foundation and the Fellows of the Michigan Bar Foundation.

12. I was awarded the State Bar of Michigan's "Champion of Justice" award for my work in securing healthcare benefits for children with autism.

13. In 2021, I was named a "Leader in the Law" by *Michigan Lawyers Weekly*.

14. In service to the community, I am a past partner with the Detroit Cornerstone Schools Program and have served on advisory boards for Matrix Human Services, the Center for Faith and Action, and the University of Detroit Jesuit High School Alumni Board. I served as President of the Marquette University Alumni Club of Detroit for eight years.

15. I also served as a Board Member and Vice-Chair of the St. Vincent de Paul Foundation and a Presidential Advisory Board Member to Cristo-Rey High School in Detroit, Michigan.

16. I participate in charity mountain climbing events to support the Alpine Ascents Foundation for Nepali schools through the Sherpa Education Fund.

17. I was awarded the Thomas P. Moore Award for Leadership in Philanthropy from the Society of St. Vincent de Paul.

18. My work for the past two decades has included securing relief for families with children diagnosed with autism and children needing intensive mental healthcare treatment at inpatient residential care facilities.

19. My work in this area and in benefits law generally has been reflected in the following ways:

- Co-authoring *Refining Wilkins: A 20-Year Look at the Recurring Factors Used in the Sixth Circuit's Resolution of Disability Claims Under ERISA Section 502(a)(1)(B)*, WMU-Cooley Law (2018).
- Successfully litigating the first federal autism benefits healthcare action against an employee benefit plan where the Court held that denying medical treatment for autism was “arbitrary and capricious” on behalf of a five-year-old child.
- Being named co-lead class action counsel for the first autism class action settlement that provided a specific course of healthcare treatments for children with autism. Served as co-lead counsel for two nationwide class actions against insurers for their denial of healthcare benefits for autistic children.
- Named co-lead class action counsel for 9,000 pension plan participants against the City of Detroit's Pension Fund, its Trustees, and Advisors seeking protection of the funds themselves which resulted in a multi-million-dollar settlement and major structural reforms concerning the investment of pension monies in unregulated investments.
- Served as counsel for hundreds of patients transported via emergency air ambulance against a national healthcare insurer, seeking to recover proper payment under the participants' contract and to absolve them of significant balance bill liability.
- Served as co-lead class action counsel for a major governmental pension plan seeking disclosure protections and recompense for harm to the funds themselves which resulted in a multi-million-dollar settlement.
- Coordinated with U.S. Secretary of Labor as *amicus* in securing a ruling creating national uniformity on the issue of Article III standing for ERISA plan members whose medical care claims had been denied but were not pursued by their medical providers.
- Author of a regularly featured syndicated column for the *Detroit Legal News*, “Conway on Benefits” which focuses on emerging trends in employee benefits law.

20. In the preparation of this declaration, I have carefully reviewed all internal billing invoices for the firm related to this matter from June 2021 to the present.

21. I have also carefully reviewed the assertions of facts regarding my credentials and those of my law practice.

22. All representations made to the Court are true and correct based on my review of all relevant information.

23. The time capture reports reviewed accurately reflect the time, work, and cost expended on the Plaintiffs' behalf in securing the class settlements presented to the Court for approval.

24. Our office uses standard timekeeping law firm software that has been in place (with regular updates) for more than fifteen years.

25. The time is input by each attorney or litigation support personnel and independently reviewed by our office administrator.

26. My attorney fee rate of \$795 per hour is reasonable based on the extensive class action experience in the area of healthcare and benefits law honed over two decades and having resulted in several multimillion-dollar settlements and reforms, many of which are still in place today.

27. We also submit time incurred by legal assistants (\$250 per hour), and associate attorneys (\$350 and \$450) per hour based on their work exclusively in the area of healthcare and benefits law while employed with us.

28. For the period May, 2021 through and including January 13, 2025, I incurred a total of 1,664.90 billable hours on this case, at a rate of \$795 per hour. During that same period, one of my associates incurred a total of 159.40 billable hours on this case, at a rate of \$450 per hour,

while my other associate incurred a total of 175.30 billable hours on this case, at a rate of \$350 per hour. During that same period, my legal assistant incurred a total of 0.80 billable hours on this case, at a rate of \$250 per hour.

29. Our time was conservatively maintained, and many charges have been reduced in several instances. For example, time entries for portions of the initial review process were removed from the invoice along with several ministerial actions, and no fees associated with that work are included.

30. Furthermore, we attempted to reduce the overall hours incurred in this litigation by reducing our initial extensive involvement after a preliminary settlement agreement was reached, at which point, in agreement with our co-counsel, we reduced our involvement to save further expense in this matter.

31. For the period of May 1, 2021 through and including January 13, 2025, our law firm incurred a total of \$25,712.78 in expenses in this matter. None of the Plaintiffs have paid any of these expenses; the cost of these expenses have been borne by our law firm.

32. This figure is comprised of the following:

Category	Amount	Details, if any
Copying charges	\$550.70	self explanatory
Travel Expenses	\$7,496.12	(depositions in New York, and Pennsylvania, and mediation)
Meals	\$74.33	incurred during travel
Filing Fees	\$755.50	including pro hac vice expenses
Parking and Mileage	\$212.00	Travel related parking
Computer Assisted Research	\$16,624.13	Westlaw research
Total	\$25,712.78	

33. I verify that the statements in this document are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

FURTHER DECLARANT SAYETH NOT.


JOHN JOSEPH CONWAY III

Dated: August 15, 2025