

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

LINCOLN ADVENTURES, LLC, a
Delaware Limited Liability Company,
and MICHIGAN MULTI-KING, INC.,
a Michigan Corporation, on Behalf of
Themselves and All Those Similarly
Situated,

Plaintiffs,

vs.

THOSE CERTAIN UNDERWRITERS
AT LLOYD'S, LONDON MEMBERS
OF SYNDICATES, et al.

Defendants.

) No. 2:08-cv-00235-CCC-ESK

) CLASS ACTION

) ORDER AWARDING
) ATTORNEYS' FEES AND
) EXPENSES AND SERVICE
) AWARDS

This matter having come before the Court on December 14, 2023, on Plaintiffs' Motion for an Award of Attorneys' Fees and Expenses and Service Awards ("Fee Motion") (ECF 299), the Court, having considered all papers filed and proceedings conducted herein, and good cause appearing therefore:

WHEREAS, all capitalized terms herein not otherwise defined below shall have the same meaning as ascribed to them in the Stipulation of Partial Class Action Settlement ("Agreement"), dated June 15, 2023 (ECF 273-2).

WHEREAS, on July 10, 2023, the Court entered the Preliminary Approval Order (ECF 280), which:

1. Preliminarily approved the Partial Settlement;
2. Preliminarily certified a Settlement Class in accordance with Fed. R. Civ. P. 23(b)(3) for settlement purposes only;
3. Directed that the Plaintiffs provide notice to advise the members of the Settlement Class (the "Settlement Class Members") of: (i) the pendency of the Action, the Agreement, the Partial Settlement, the Plan of Allocation, and the Fee Motion; (ii) their right to exclude themselves from the Settlement Class; and (iii) their right to appear at the Fairness Hearing; and
4. Scheduled a hearing for December 14, 2023, at which the Court would consider the fairness of the foregoing and any objections thereto; and

WHEREAS, the Court held a Fairness Hearing on December 14, 2023, at which the Court considered, among other things, whether Plaintiffs' Fee Motion should be granted.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. This Order expressly incorporates by reference and makes a part hereof the July 10, 2023 Preliminary Approval Order (ECF 280) and the Agreement (including all of the exhibits annexed thereto) that were filed with this Court on June 30, 2023 (ECF 273-2).

2. The Court hereby awards attorneys' fees to Plaintiffs' Counsel in the amount of \$2,630,699, plus interest earned thereon, and litigation expenses in the amount of \$1,600,000, which amounts shall be paid in their entirety from the Settlement Fund, in accordance with the terms of the Agreement.

3. The Court finds that the amount of attorneys' fees awarded is appropriate and that the amount of attorneys' fees awarded is fair and reasonable under either the "percentage-of-recovery" or lodestar method.

4. In making this award of attorneys' fees and expenses to be paid from the Settlement Fund, the Court has considered and found that: (a) the Partial Settlement has created an additional cash fund of \$7,900,000 for the benefit of the Settlement Class, and Settlement Class Members who are eligible for payments will

benefit from the Partial Settlement that occurred solely due to the efforts of Plaintiffs' Counsel; (b) after implementation of the Notice Program, no Settlement Class Member or government entity has objected to the Fee Motion; (c) Plaintiffs' Counsel have conducted the Action and achieved this Partial Settlement with great skill, perseverance, and diligent advocacy; (d) the Action involves complex factual and legal issues, and, in the absence of this Partial Settlement, would involve further lengthy proceedings with uncertain resolution if the case were to proceed to trial against the Settling Defendants; (e) Plaintiffs' Counsel pursued the Action on a contingent basis, having received no compensation during the Action, and any fee award has been contingent on the result achieved; (f) the amount of attorneys' fees is consistent with awards in this case and similar cases and supported by public policy; and (g) the amount of expenses awarded is fair and reasonable and these expenses were necessary for the prosecution and settlement of the Action.

5. The Attorneys' Fee and Expense Award shall constitute the sole aggregate compensation for all Plaintiffs' Counsel with respect to this Partial Settlement and all claims against the Settling Defendants. This Section covers, without limitation, any and all claims for attorneys' fees and expenses, costs or disbursements incurred by Class Counsel, Plaintiffs' Counsel or any other counsel of record representing Plaintiffs or Settlement Class Members in this Action, or incurred by Plaintiffs or Settlement Class Members, or any of them, in connection

with or related in any manner to this Action, the Partial Settlement, the administration of the Partial Settlement, and/or the Released Claims, except to the extent otherwise specified in this Order or the Agreement.

6. The fees and expenses shall be allocated among Plaintiffs' Counsel in a manner that, in Class Counsel's good-faith judgment, reflects each such counsel's contribution to the institution, prosecution, and resolution of the Action.

7. Plaintiffs Lincoln Adventures, LLC and Michigan Multi-King, Inc. are each awarded service awards in the amount of \$5,000 in connection with this Partial Settlement, which amounts shall be paid solely from the Settlement Fund.

8. Any appeal or any challenge affecting the Court's award of attorneys' fees, expenses, or service awards will in no way disturb or affect the finality of the Final Approval Order and Judgment entered with respect to the Partial Settlement.

9. The Court retains exclusive jurisdiction over the parties and Settlement Class Members for all matters relating to this Action, including the administration, interpretation, effectuation, or enforcement of this Order.

10. If the Partial Settlement is terminated or the Effective Date of the Partial Settlement otherwise fails to occur, this Order will be rendered null and void to the extent provided by the Agreement.

11. The Fee Motion (ECF 299) is hereby **GRANTED** in its entirety.

IT IS SO ORDERED.

DATED: December 18, 2023 
THE HONORABLE CLAIRE C. CECCHI
UNITED STATES DISTRICT JUDGE