INDIANA COMMERCIAL COURT

ALLEN SUPERIOR COURT NO. 2
CAUSE NO. 02D02-2103-PL-000116
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PLAINTIFFS' MOTION FOR APPROVAL OF ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARDS FROM CLASS ACTION SETTLEMENT

Plaintiffs Cliff and Wendy Decker, by counsel, under Trial Rule 23(D) and paragraph 9(d)(i) of the Settlement Agreement and Release (filed on July 18, 2024), respectfully move the Court, in conjunction with final approval of the Settlement, which is set for hearing on November 19, 2024, to enter the tendered Order Approving Payment of Attorneys' Fees, Expenses, and Service Awards (the "Order"). The Value of the

Settlement is \$3,787,974.17, and the Order approves payments from the Settlement Fund of:

- 1. \$1,250,000 (33% of the Value of the Settlement) as attorneys' fees to Class Counsel;
- 2. Reimbursement of \$4,780.23 in expenses advanced by Class Counsel, the majority of which were mediation fees (\$3,183.05), with the remainder being travel (\$849.30), court fees (\$454.31), transcript costs (\$242.72), and FedEx fees (\$50.85); and
- 3. Services awards of \$5,000 to each of the named Plaintiffs for their efforts in achieving the Settlement on behalf of the Class.

The Net Settlement Fund will then be distributed on a *pro rata* basis to Class Members by a credit directly to current customers' accounts or by check mailed directly to former customers, with no need for Class Members to make a claim or take any action. In addition, if any settlement funds remain uncollected after expiration of all settlement checks, the uncollected funds will not revert to Defendant but will instead be paid on a cy pres basis 50% to Junior Achievement of Northern Indiana and 50% to the Indiana Bar Foundation to support

the activities and programs of the Indiana Pro Bono Commission and its pro bono districts.

WHEREFORE, Plaintiffs respectfully request that at the final approval hearing scheduled for November 19, 2024, the Court entered the proposed Order.

Respectfully submitted,

/s/Lynn A. Toops

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 9th day of October, 2024, a true and correct copy of the foregoing Motion For Approval Of Attorneys' Fees, Expenses, And Service Awards From Class Action Settlement was served to all counsel of record by the Indiana E-Filing System, or other acceptable means of service, as follows:

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