

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

ALISON N. LEARY and TIMOTHY M. LEARY, Individually and On Behalf of All Others Similarly Situated,

Plaintiffs,

v.

MCGOWEN ENTERPRISES, INC.,

Defendant.

Civil Action No. 2:17-CV-02070-BMS

PLAINTIFFS' UNOPPOSED MOTION FOR AN AWARD OF REASONABLE ATTORNEYS' FEES, COSTS AND PAYMENT OF A SERVICE AWARD

Plaintiffs Alison N. Leary and Timothy M. Leary ("Plaintiffs") hereby move this Court for an unopposed Order awarding reasonable attorneys' fees, costs and payment of a service award. As stated in the supporting Declaration of Mark T. Johnson (Johnson Decl. ¶ 3), filed with this motion, good cause exists for granting such an Order because this Court entered its Order Granting Preliminary Approval of Class Settlement and Provision Settlement Class Certification (ECF No. 45).

Class Counsel seeks Court approval for the payment of attorneys' fees in the amount of \$280,000, which is the amount that Defendant McGowen Enterprises, Inc. ("MEI") agreed to pay, subject to Court approval, after the parties negotiated the relief that members of the Class would receive under the terms of the Settlement Agreement that has been preliminary approved by the Court. (ECF No. 45). Class Counsel also seek reimbursement of costs expended in this litigation in the amount of \$8,672.50, which is less than the maximum amount of \$10,000 in costs that MEI agreed to pay, and for a single shared incentive award in the amount of \$5,000 to compensate the

plaintiffs for their service in this case as class representatives and for their efforts and time expended in prosecuting the case on behalf of the Class.

This motion is unopposed and none of these amounts, if approved, will diminish the relief to which class members are entitled under the terms of the settlement agreement.

For the foregoing reasons, Plaintiffs respectfully request that this Court grant this motion and issue an Order:

- (a) awarding Class Counsel attorneys' fees in the amount of \$280,000 and costs in the amount of \$8,672.50; and
- (b) awarding a service award in the amount of \$5,000 to Plaintiffs Alison and Timothy Leary, to be paid by Defendant within thirty (30) days after the Final Settlement Date, pursuant to the terms of the Settlement Agreement.

Dated: June 15th, 2018

/s/ Mark T. Johnson
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of June, 2018, I caused the foregoing document to be filed electronically with the Clerk of the court using the Court's CM/ECF system, which served a copy on all interested parties registered for electronic filing, and is available for viewing and downloading from the ECF system.

DATED this 15th day of June, 2018

By: /s/ Kelle J. Winter
Kelle J. Winter