

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

MICHELLE ANDERSON, an individual,  
On Behalf of Herself and All Others  
Similarly Situated,

Plaintiff,

v.

TRAVELEX INSURANCE SERVICES  
INC. and TRANSAMERICA CASUALTY  
INSURANCE COMPANY,

Defendants.

Case No. 8:18-cv-00362-JMG-SMB

**[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR APPROVAL  
OF ATTORNEYS' FEES, EXPENSES AND SERVICE AWARD**

Plaintiff's<sup>1</sup> Motion for Approval of Attorneys' Fees, Expenses and Service Award (the "Fee Motion") came before the Court for hearing on September 22, 2021. The Court has considered the Fee Motion and all other submissions and argument in connection therewith, including the memorandum of law in support thereof, the Declaration of Peter R. Kahana, the declarations and other documents attached thereto, and all additional papers and argument filed in connection therewith and otherwise made during the Final Approval Hearing and all other prior proceedings in this litigation. Adequate notice of the Settlement and the Fee Motion having been given to the Settlement Class in accordance with the Court's Order entered June 16, 2021 preliminarily approving the Settlement (Dkt. 109), and the Court having considered all other papers and proceedings in this matter, hereby finds, concludes, and Orders, as follows:

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<sup>1</sup> Unless otherwise stated, all capitalized terms used herein are as defined in the Stipulation and Agreement of Settlement filed with the Court on June 11, 2021 (Dkt. 108-2) (the "Settlement Agreement").

1. This Court has jurisdiction over the subject matter of the Action and over all Parties to the Action, including the Settlement Class Members.

2. Notice of the Fee Motion was provided to Settlement Class members in a reasonable manner, and such notice complies with Rule 23(h)(1) of the FED. R. CIV. P. and the requirements of due process.

3. Settlement Class members were timely and properly given the opportunity to object to the Fee Motion in compliance with FED. R. CIV. P. 23(h)(2).

4. No Settlement Class member objected to the Fee Motion.

5. The Fee Motion is granted. Plaintiff's Counsel are hereby awarded a total attorneys' fee in the amount of \$1,079,166.67, or one-third of the total \$3,237,500 Gross Settlement Fund amount.

6. In addition, Plaintiff's Counsel are also awarded \$\_\_\_\_\_ in reimbursement of Litigation Expenses they incurred and disbursed in prosecuting this litigation.

7. In making this award of attorneys' fees and expenses to be paid from the Settlement, the Court has considered and found that:

- a. The Settlement has created a non-reversionary gross settlement fund of \$3,237,500 for the benefit of the Settlement Class pursuant to the terms of the Settlement Agreement;
- b. Each Settlement Class Member who is reached will automatically benefit from the Settlement and receive a monetary payment, because of the efforts of Plaintiff's Counsel;
- c. The fee sought by Plaintiff's Counsel is fair and reasonable in the circumstances of this case and supported by the Plaintiff, and no objections

from any member of the Settlement Class has been received to the Fee Motion;

- d. The Plaintiff has submitted a sworn declaration in support of the Settlement and the Fee Motion;
- e. The notice mailed, and/or emailed to putative Settlement Class members stated that Plaintiff's Counsel would seek attorneys' fees of up to one-third of the Settlement Amount, or \$1,079,166.67 total, and reimbursement of up to \$75,000 in Litigation Expenses, and further directed Settlement Class members to a website on which the Fee Motion and other information concerning the Settlement was accessible shortly after being filed with the Court, and no objections to the Fee Motion were made as stated above;
- f. This Action has been prosecuted with skill, perseverance, and diligence as reflected by the Settlement achieved and the positive reception of the Settlement by the Settlement Class;
- g. The Action involved complex factual and legal issues that were skillfully researched and developed by Plaintiff's Counsel, and vigorously disputed by Defendants Travelex Insurance Services Inc. and Transamerica Casualty Insurance Company;
- h. Had the Settlement not been achieved, a significant risk existed that Settlement Class Members may have recovered significantly less than the Settlement reached or nothing from the Defendants or that no class would be certified by the Court;
- i. Public policy considerations also support the requested fee in that Plaintiff's

Counsel undertook this litigation on a completely contingent basis, dedicating significant resources to successfully prosecute this Action on behalf of the Settlement Class; and

j. The amount of attorneys' fees awarded and expenses reimbursed is reasonable and appropriate to the specific circumstances of the Action.

8. Plaintiff Michelle Anderson is awarded \$6,500 payable from the Settlement Amount in view of her participation and contributions to this litigation and representation of and service to the Settlement Class.

9. The Court directs that the Settlement Administrator may be paid from the Settlement Amount its actual fees and costs incurred, up to \$199,500, in providing notice and settlement administration services.

10. There is no just reason for delay in the entry of this Order, and immediate entry of this Order by the Clerk of Court is expressly directed pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

BY THE COURT:

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John M. Gerrard  
United States District Judge