

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BENJAMIN MICHAEL MERRYMAN, AMY
WHITAKER MERRYMAN TRUST, B
MERRYMAN AND A MERRYMAN 4TH
GENERATION REMAINDER TRUST AND
CHESTER COUNTY EMPLOYEES
RETIREMENT FUND, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

CIVIL ACTION NO. 1:15-cv-09188-VEC

**NOTICE OF MOTION AND LEAD COUNSEL'S MOTION FOR AN AWARD OF
ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION EXPENSES**

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 23(e) and this Court's Order Preliminarily Approving Settlement and Providing for Notice entered July 18, 2018 (ECF No. 104), and upon (i) the Declaration of Sharan Nirmul in Support of (I) Plaintiffs' Motion for Final Approval of Proposed Class Action Settlement and Plan of Allocation; and (II) Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses and the exhibits thereto; (ii) the Memorandum of Law in Support of Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses; and (iii) all other papers and proceedings herein, Lead Counsel Kessler Topaz Meltzer & Check, LLP, on behalf of Plaintiffs' Counsel, will and do hereby move this Court, before the Honorable Valerie E. Caproni, on August 8, 2019 at 11:00 a.m., in Courtroom 443 of the Thurgood Marshall United States

Courthouse, 40 Centre Street, New York, NY 10007, or at such other location and time as set by the Court, for entry of an Order awarding attorneys' fees and reimbursement of expenses. A proposed Order granting the requested relief will be submitted with Lead Counsel's reply papers after the deadline for objecting to the motion has passed.

As explained in more detail in the accompanying Nirmul Declaration and Memorandum, Lead Counsel respectfully requests that the Court approve an award of attorneys' fees in the amount of 33⅓% of the \$9.5 million Settlement Fund, plus interest. That amount would be allocated as follows: (i) 85% to Kessler Topaz Meltzer & Check, LLP and (ii) a total of 15% to two attorneys that served as local counsel when the litigation was originally filed in the Western District of Arkansas and continue to serve as liaison counsel for the Merryman Plaintiffs—*i.e.*, 10% to Amy C. Martin, Esq. of Amy C. Martin P.A. and 5% to G. Chadd Mason, Esq. of Prevost, Shaff, Mason & Carns, PLLC. Lead Counsel further requests that the Court award reimbursement of Lead Counsel's expenses in the amount of \$264,680.05. Finally, Lead Counsel respectfully requests service awards to Plaintiffs as follows: \$2,500.00 to Benjamin Michael Merryman, Amy Whitaker Merryman Trust, and B Merryman and A Merryman 4th Generation Remainder Trust and \$2,500.00 to Chester County Employees Retirement Fund, for an aggregate of \$5,000.00.

Dated: June 20, 2019

Respectfully Submitted,

**KESSLER TOPAZ MELTZER
& CHECK, LLP**

s/Sharan Nirmul
Joseph H. Meltzer
Sharan Nirmul
Ethan J. Barlieb
Jonathan F. Neumann
280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706

Facsimile: (610) 667-7056
jmeltzer@ktmc.com
snirmul@ktmc.com
ebarlieb@ktmc.com
jneumann@ktmc.com

*Counsel for Plaintiffs and
the Settlement Class*