

WHEREAS, Plaintiff Helen Hanks, on behalf of herself and the certified class, entered into a settlement (the “Settlement”) with Defendant Voya Retirement Insurance and Annuity Company and its reinsurer and administrative agent the Lincoln Life and Annuity Company of New York;

WHEREAS, on February 3, 2022, the Court entered its Order Preliminarily Approving Class Action Settlement (“Preliminary Approval Order”) (Dkt. 286). Among other things, the Preliminary Approval Order authorized Class Counsel to disseminate notice of the Settlement, the fairness hearing, and related matters to the Class. Notice was provided to the Class pursuant to the Preliminary Approval Order (Dkts. 289–90), and the Court held a fairness hearing on June 29, 2022, at 2:00 p.m.;

WHEREAS, Class Counsel filed a fee application, seeking attorneys’ fees, expenses and an incentive award;

WHEREAS, this application is uncontested by Defendant;

WHEREAS, no Settlement Class Member objected to or opposed this application; and

WHEREAS, only four policies opted out during the Federal Rule of Civil Procedure 23(e)(4) period, which resulted in a Final Settlement Fund of \$92,461,152.45, pursuant to the terms of the Settlement Agreement.

NOW THEREFORE, having considered Class Counsel’s Motion for Attorneys’ Fees, Reimbursement of Litigation Expenses, and Incentive Award, supporting declarations, reply in support of the motion, oral argument presented at the fairness hearing, and the complete records and files in this matter,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. The capitalized terms used herein shall have the meanings set forth in the Settlement Agreement.

2. Class Counsel Susman Godfrey shall receive attorneys' fees equal to 33% of the Final Settlement Fund created by the Settlement, which equals \$30,512,180.31, plus a *pro-rata* share of the interest earned on the Final Settlement Fund at the same rate and for the same period as earned by the Final Settlement Fund, to be paid out of the Final Settlement Fund.

3. Class Counsel shall be reimbursed \$2,183,929.18 in costs and expenses reasonably incurred in the presentation and settlement of this litigation, to be paid out of the Final Settlement Fund created by the Settlement.

4. The Settlement Administration Expenses through March 18, 2022 are \$49,661.66. Under the terms of the Settlement Agreement, those costs are payable out of the Final Settlement Fund. Any additional Settlement Administration Expenses may be paid out of the Final Settlement Fund as they become due, subject to the terms of the Settlement.

5. The Court shall entertain any supplemental application for reimbursement of expenses incurred by Class Counsel on behalf of the Settlement Class.

6. Plaintiff Helen Hanks shall be paid an incentive award equal to \$25,000, payable out of the Final Settlement Fund.

7. This Order shall become effective immediately.

ENTERED this ____ day of _____ 2022.

P. Kevin Castel
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served on the following counsel, this June 22, 2022.

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