

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DONNA MOORE, FRENCHOLA HOLDEN
and KEITH MCMILLON, individually and on
behalf of all others similarly situated,

Plaintiffs,

Civil Action No. 2:07-cv-04296-PD

v.

GMAC MORTGAGE, LLC, GMAC BANK
and CAP RE OF VERMONT, INC.,

Defendants.

**PLAINTIFFS' UNOPPOSED MOTION FOR AWARD OF
ATTORNEYS' FEES, REIMBURSEMENT OF LITIGATION COSTS, AND
CASE CONTRIBUTION AWARDS FOR THE NAMED PLAINTIFFS**

Plaintiffs Donna Moore, Frenchola Holden and Keith McMillon (collectively, "Plaintiffs" or "Named Plaintiffs"), on behalf of themselves and all others similarly situated, by and through their attorneys, move for an award of Class Counsel's attorneys' fees, reimbursement of litigation costs and case contribution awards for the Named Plaintiffs, as described herein and as described in the Settlement Agreement¹ that is filed contemporaneously herewith as Exhibit 1 to the

¹ All capitalized terms not defined herein are defined in the Settlement Agreement ("Settlement Agreement") filed with this Court on January 24, 2014 (*see* Dkt. No. 272-3), and attached as Exhibit A to the Declaration of Edward W. Ciolko in Support of Named Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement, Certification of Settlement Class, Approval of Plan of Allocation, Appointment of Class Representatives, and Appointment of Lead Class Counsel and Class Counsel, and Unopposed Motion for Award of Attorneys' Fees, Reimbursement of Litigation Costs, and Case Contribution Awards for the Named Plaintiffs. Named Plaintiffs file this motion in conjunction with their Unopposed Motion for Final Approval of Class Action Settlement, Certification of Settlement Class, Final Approval of the Plan of Allocation, Appointment of Class Representatives, and Appointment of Lead Class Counsel and Class Counsel (the "Final Approval Motion"). On April 29, 2014, the Court preliminarily approved the proposed Settlement of this case for Six Million Two Hundred Fifty Thousand Dollars (\$6,250,000.00). *See* Dkt. No. 283. All capitalized terms not defined herein are defined in the Settlement Agreement and Release ("Settlement Agreement") filed with this Court on January 24, 2014. *See* Dkt. No.

Declaration of Edward W. Ciolko in Support of (1) Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement, Certification of Settlement Class, Approval of Plan of Allocation, Appointment of Class Representatives and Appointment of Lead Class Counsel and Class Counsel, and (2) Unopposed Motion for Award of Attorneys' Fees, Reimbursement of Litigation Costs, and Case Contribution Awards for the Named Plaintiffs.

By this motion, Named Plaintiffs request Class Counsel be awarded attorneys' fees in the amount of \$1,875,000, which represents thirty percent (30%) of the Settlement of \$6,250,000.00, and reimbursement of litigation expenses in the sum of \$454,097.14 for a total amount of \$2,329,097.14 to be paid from the Settlement Fund. Additionally, Named Plaintiffs request that a Case Contribution Award in the amount of \$5,000 each be awarded in recognition of their service to this Action. Awarded amounts shall be paid from the Settlement Fund, and in accordance with the terms of the Settlement Agreement.

In further support of this Unopposed Motion, Named Plaintiffs refer the Court to their Memorandum of Law in Support of Unopposed Motion for Award of Attorneys' Fees, Reimbursement of Litigation Costs, and Case Contribution Awards for the Named Plaintiffs.

WHEREFORE, Named Plaintiffs request the Court grant this Unopposed Motion and enter the [Proposed] Order submitted herewith.

Dated: August 6, 2014

**KESSLER TOPAZ
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*Counsel for Plaintiffs and the Proposed
Settlement Class*

CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the counsel of record in this matter who are registered on the CM/ECF.

/s/ Edward W. Ciolko
Edward W. Ciolko