

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**IN RE: TELEXFREE SECURITIES
LITIGATION**

MDL No. 4:14-md-2566-TSH

**This Document Relates to:
ALL CASES**

MOTION FOR AN INTERIM AWARD OF ATTORNEYS' FEES

Plaintiffs respectfully move, on behalf of all Plaintiffs' Counsel, pursuant to Federal Rule of Civil Procedure 23(h) for an award of attorneys' fees in the amount of \$6,750,000—thirty percent of the settlement amount—in connection with the proposed settlement with Fidelity Co-Operative Bank and John Merrill. Plaintiffs seek entry of orders granting Plaintiffs' Motion for an Interim Award of Attorneys' Fees and directing that payment be made from the settlement fund.

The grounds for this motion, as described more fully in the supporting documents filed herewith, are that (1) Plaintiffs have created a common fund for the class and are entitled to payment of reasonable attorneys' fees and expenses from that fund; (2) Plaintiffs' fee request for 30% of the settlement fund is consistent with the law and appropriate in the context of this case; (3) the award is supported by the factors identified in *Goldberger v. Integrated Res.*, 209 F.3d 43 (2d Cir. 2000) as applied by Courts within this district; (4) the reaction of the class to date; and (5) the lodestar cross-check (and negative multiplier) supports the reasonableness of the award.

This motion is based upon this Motion and the Memorandum of Law in Support of Plaintiffs Application for an Interim Award of Attorneys' Fees, the Declaration of Robert J. Bonsignore and the declarations attached thereto filed concurrently herewith, the complete files

and records of this action, and such other written or oral arguments that may be presented to the Court. The Proposed Order granting this Motion is attached hereto as Attachment 1.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Plaintiffs hereby request oral argument on this motion.

The Court has scheduled a hearing on this motion for February 26, 2021, at 2:30 p.m.

RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel for Plaintiffs contacted defense counsel by email on January 3, 2020 regarding this Motion and received one response from and conferred with counsel for the Fidelity defendants, Ian Roffman.

Dated: January 4, 2021

Respectfully submitted,
TELEXFREE CLASS PLAINTIFFS
By their attorneys,

/s/ Robert J. Bonsignore
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CERTIFICATE OF SERVICE

I, Robert J. Bonsignore, hereby certify that on this 4th day of January 2021, I caused the foregoing to be electronically filed with the Clerk of the Court by using the Case Management/Electronic Case Filing (CM/ECF) system, which will send a notice of electronic filing to all parties registered with the CM/ECF system in the above-captioned matter. A copy will be forwarded via first class mail, postage prepaid, to those parties not electronically registered at their last and/or only known address.

1. MOTION FOR AN INTERIM AWARD OF ATTORNEYS' FEES AND ATTACHED PROPOSED ORDER;
2. MEMORANDUM IN SUPPORT OF MOTION FOR ATTORNEYS' FEES; and
3. DECLARATION OF ROBERT J. BONSIGNORE IN SUPPORT OF MOTION FOR ATTORNEYS' FEES WITH EXHIBITS.

/s/ Robert J. Bonsignore
Robert J. Bonsignore