

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

VALESKA SCHULTZ, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:16-cv-1346-JAR
)	
EDWARD D. JONES & CO., L.P., <i>et al.</i> ,)	
)	
Defendants.)	

**PLAINTIFFS’ MOTION FOR AN AWARD OF ATTORNEYS’ FEES,
REIMBURSEMENT OF EXPENSES AND CASE CONTRIBUTION AWARDS**

Plaintiffs Valeska Schultz, Melanie Waugh, and Rosalind Staley (collectively, “Named Plaintiffs” or “Plaintiffs”), respectfully file this Motion under Rule 23(h) of the Federal Rules of Civil Procedure for an award of attorneys’ fees for Plaintiffs’ counsel, reimbursement of expenses incurred in prosecuting this case and for case contribution awards for each of the Named Plaintiffs. In support this Motion, Plaintiffs state:

1. Plaintiffs allege in this case that Defendants breached their fiduciary duties under ERISA while operating Edward Jones’ 401(k) Plan. The parties reached a settlement on December 11, 2018 (the “Settlement”) which this Court preliminarily approved on December 13, 2018. Doc. 97. In conjunction with this Motion, Plaintiffs have also filed a motion asking the Court to grant final approval to the settlement agreement (the “Final Approval Motion”).

2. As set forth in the Final Approval Motion and its supporting Memorandum of Law, the Settlement creates a Settlement Fund in the amount of \$3.175 million and is an excellent result for the Class. Under Rule 23(h) and § 7.2 of the Settlement Agreement, Plaintiffs ask the Court to award their counsel at the firms of Bailey Glasser LLP, Izard, Kindall & Raabe, LLP and Kessler

Topaz Meltzer & Check LLP (collectively, “Class Counsel”) fees from the Settlement Fund that Class Counsel helped create by prosecuting this action.

3. Class Counsel requests an award of fees of one-third of the Settlement Fund, or \$1,058,333. This amount is reasonable under the “percentage of the fund” method and the factors the Eighth Circuit has determined are relevant to the analysis. *Caligiuri v. Symantec Corp.*, 855 F.3d 860, 866 (8th Cir. 2017). Namely, Class Counsel undertook significant risk in prosecuting this case and overcame substantial challenges from Defendants in a complex, evolving area of the law in procuring the Settlement for the Class. Class Counsel’s request for one-third of the Settlement Fund is also consistent with awards in this Circuit and in similar ERISA cases. *Id.* (awarding one-third of the settlement fund as attorneys’ fees); *Krueger v. Ameriprise Fin.*, No. 11-CV-2781 (SRN/JSM), 2015 WL 4246879, at * 1 (D. Minn. July 13, 2015) (awarding fees of one-third of common fund in ERISA class action).

4. Plaintiffs also request that Class Counsel be reimbursed for the \$19,018.50 in litigation expenses they incurred in prosecuting this case. These expenses, which include expert fees, travel and photocopying costs, are reasonable in amount and were necessary to achieve the Settlement. *Krueger*, 2015 WL 4246879 at *3.

5. Plaintiffs also request that the Court award each of them Case Contribution Awards of \$10,000 in compensation for the time and effort they spent successfully prosecuting this case on behalf of the Class. Each of the Plaintiffs’ work and dedication made the Settlement possible for the members of the Class and the requested awards are consistent with those given to class representatives in the Eighth Circuit. *Caligiuri*, 855 F.3d at 867.

6. In support of this Motion, Plaintiffs submit to the Court a Memorandum of Law and rely on the declarations of Gregory Y. Porter, Robert A. IZARD and Mark G. Gyandoh that they submitted with their Final Approval Motion. Plaintiffs also submit a proposed Order.

WHEREFORE, Plaintiffs request the following relief:

A. An award of attorneys' fees pursuant to Rule 23(h) of the Federal Rules of Civil Procedure in the amount of one-third of the Settlement Fund, or \$1,058,333.

B. Reimbursement of Class Counsel for the \$19,018.50 in litigation expenses they incurred from the Settlement Fund; and

C. Case Contribution Awards in the amount of \$10,000 to Valeska Schultz, Melanie Waugh, and Rosalind Staley from the Settlement Fund for their contribution to the Class.

Dated: March 19, 2019

Respectfully submitted,

/s/ Mark G. Boyko

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CERTIFICATE OF SERVICE

I, Mark G. Boyko, hereby certify that on this 19th day of March, 2019, a true and correct copy of the foregoing was served upon all counsel of record by operation of this Court's CM/ECF system.

/s/ Mark G. Boyko
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