

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

PHT HOLDING I LLC, and JAMES KENNEY,)
on behalf of themselves and all others similarly)
situated,)

Plaintiffs,)

v.)

PHL VARIABLE INSURANCE COMPANY,)

Defendant.)

Case No. 1:18-cv-03444 (MKV)

**[PROPOSED] ORDER AWARDING FEES,
EXPENSES, AND SERVICE AWARD**

WHEREAS, Plaintiffs, on behalf of themselves and all others similarly situated, entered into a Settlement Agreement with Defendant PHL Variable Insurance Company (“PHL” or “Defendant”);

WHEREAS, on August 9, 2023, the Court entered its Order Approving Preliminary Class Action Settlement and Certifying Class (“Preliminary Approval Order”). Dkt. 271. 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, and the Court held a fairness hearing on December 19, 2023, at 10:00 a.m.;

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

WHEREAS, this application is uncontested by Defendant;

NOW THEREFORE, having considered Class Counsel’s Motion for Attorneys’ Fees, Reimbursement of Litigation Expenses, and Service Award, supporting declarations, 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 in the amount of \$6,166,667 plus a *pro rata* share of the interest earned on the Settlement Fund.
3. Class Counsel shall be reimbursed \$1,062,41.04 in costs and expenses reasonably incurred in the presentation and settlement of this litigation, to be paid out of the Settlement Fund created by the Settlement.

4. The Settlement Administration Expenses through October 9, 2023, are \$9,427.91. Under the terms of the Settlement Agreement, those costs are payable out of the Settlement Fund. Any additional Settlement Administration Expenses may be paid out of the 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 James Kenney shall be paid a service award of \$25,000, payable out of the Settlement Fund.

7. This Order shall become effective immediately.

ENTERED this ____ day _____ of _____.

Mary Kay Vyskocil
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on all parties through their counsel of record via the Court's CM/ECF system, on October 9, 2023.

/s/ Michael Adamson
Michael Adamson