

X10-UWY-CV-12-6015956-S : SUPERIOR COURT  
:   
ALFONSE FORGIONE : COMPLEX LITIGATION DOCKET  
:   
VS. : AT WATERBURY  
:   
WEBSTER BANK, N.A. : MAY 20, 2016

**ORDER ON ATTORNEYS' FEES, COSTS AND EXPENSES, AND ON  
AN INCENTIVE AWARD FOR NAMED PLAINTIFF**

This matter coming to be heard on the Plaintiff's Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and Incentive Award for Named Plaintiff, together with the supporting papers filed by Alfonse Forgione, individually and on behalf of the Settlement Class (as defined below), and having heard and considered the evidence and arguments of counsel, the Court makes the findings and grants the relief set forth below.

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

1. The Court finds that the efforts of Plaintiff and Settlement Class Counsel IZARD Nobel, LLP and Tycko & Zavareei, LLP have resulted in the creation of a \$1.8 million common fund for the benefit of the Settlement Class.

2. Plaintiff has requested an award of attorneys' fees equal to 30 percent of the Settlement. The Court finds that it is appropriate to award attorneys' fees based on the percentage method. The Court further finds that Settlement Class Counsel have expended considerable time and effort prosecuting this litigation over a period of four years. The case involved considerable factual complexity and an untried theory of liability. The quality of representation was high and counsel achieved a good result for the Settlement Class. The requested fee of 30 percent is in line with awards in other complex class action cases, and public

policy supports an award of fees sufficient to ensure that the interests of consumers are represented ably represented by talented and experienced trial counsel. A lodestar cross-check indicates that a 30 percent fee represents a lodestar multiple of 1.73, which is substantially below lodestar multipliers that have been awarded in numerous cases. *See, e.g., Towns of New Hartford & Barkhamsted v. Connecticut Res. Recovery Auth.*, No. CV040185580S(X02), 2007 WL 4634074, at \*10 (Conn. Super. Ct. Dec. 7, 2007) (finding that a 4-5 multiple is “normal” and citing cases), *aff’d*, 291 Conn. 511, 970 A.2d 583 (2009).

3. Based upon the foregoing, and upon the Court’s consideration of all of the evidence and argument of counsel, the Court awards attorneys’ fees to be paid from the Settlement Fund in the amount of \$ 540,000.00

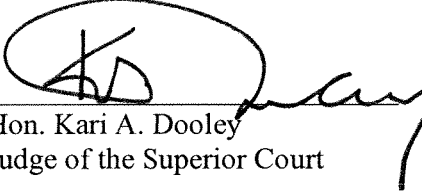
4. Plaintiff has further requested that the Court reimburse the expenses Settlement Class Counsel have incurred litigating this case, most of which involved payment of experts whose work was essential to achieving the Settlement and ensuring that its benefits could be fairly allocated to the Settlement Class. Based upon the foregoing, and upon the Court’s consideration of all of the evidence and argument of counsel, the Court finds that the claimed expenses were reasonable and necessary for the prosecution of the case, and awards Settlement Class Counsel the amount of \$ 118,281.47 for reimbursement of expenses, to be paid from the Settlement Fund.

5. Plaintiff has requested that a monetary award for Lead Plaintiff Alfonse Forgione, in recognition of his time and effort spent in litigating this case on behalf of the Settlement Class. Having reviewed all of the evidence and argument of counsel, the Court finds that Mr. Forgione devoted considerable time to the litigation and worked hard to achieve a good result for the entire Settlement Class. Accordingly, the Court awards Mr. Forgione an incentive award in the amount

of \$ 5,000.00 to be paid from the Settlement Fund and distributed in accordance with the terms of the Settlement Agreement.

6. In the event the Effective Date does not occur, this Order shall be rendered null and void and shall be vacated and, in such event, as provided in the Settlement Agreement, this Order shall be vacated and null and void.

SO ORDERED.

  
Hon. Kari A. Dooley  
Judge of the Superior Court

Dated: 7/6/, 2016