



STATE OF MAINE
CUMBERLAND, SS.

BUSINESS AND CONSUMER
DOCKET
CIVIL ACTION
Docket No. BCD-CIV-2021-00027

ETHAN A. CHURCHILL and
RHONDA YORK, on behalf of
themselves and all others similarly
situated,

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Plaintiffs,

v.

BANGOR SAVINGS BANK,

Defendant.

**ORDER GRANTING PLAINTIFFS’ MOTION FOR AWARD OF ATTORNEYS’ FEES,
COSTS, AND EXPENSES, SETTLEMENT ADMINISTRATOR’S COSTS, AND CLASS
REPRESENTATIVES’ SERVICE AWARDS**

This matter is before the Court on Plaintiffs’ Motion for Award of Attorneys’ Fees, Costs, and Expenses, Settlement Administrator’s Costs, and Class Representatives’ Service Awards. The Court, being duly advised, now finds that the motion should be, and hereby is, **GRANTED**.

IT IS HEREBY ORDERED, ADJUDGED, and DECREED as follows:

1. The proposed class action Settlement of this case, which the Court is finally approving by separate order, creates \$2,000,000.00 for the Settlement Class Members in monetary relief, that will be directly distributed on a pro rata basis—without the need for Class Members to complete a claim form or submit any accompanying proof.

2. As the Court has found it is separate order preliminarily approving the Settlement, the settlement is a fair, reasonable, and adequate compromise of the claims of the Class members.

3. The Settlement, and the benefits it provides to the Classes, is the product of the work and skill of Berman & Simmons, P.A. and KanielGold PLLC (“Class Counsel”), Ethan A.

Churchill and Rhonda York (“Class Representatives”) in prosecuting this action to a fair resolution.

4. Class Counsel is experienced in complex litigation and has prosecuted this case diligently and competently. They have done so on a contingent basis, meaning that they bore the risk of never being compensated for their efforts had the litigation been resolved in Defendant’s favor. In addition, in prosecuting this action, Class Counsel advanced the usual costs and expenses involved in litigation, including filing fees and expert fees, which again they risked never being reimbursed for had the litigation been resolved in favor of Defendant. This case was of a complex nature, involving novel issues relating to banking practices and processes along with specialized procedural issues such as class certification. Both Class Counsel and counsel for Defendant are skilled lawyers in their respective specialties, and the settlement is the result of arm’s-length negotiations between skilled adversaries.

5. The Class Representatives were also critical to attaining the benefits achieved for the absent Class Members, for without them, there would be no case and therefore, no settlement. The Class Representatives participated in the litigation and expended time to acquire the benefits of the Settlement for thousands of other people who were not required to exert any efforts or stay apprised of the litigation.

6. Before the Court now are the requests that, from the Settlement Fund, and in recognition of the substantial benefits provided by the Settlement, Class Counsel be awarded attorneys’ fees, costs, and expenses, that Epiq (the “Settlement Administrator”) be awarded costs, and that the Class Representatives be granted service awards.

7. The Court finds that under the common fund doctrine, a fee award of \$666,666.67, which represents one-third of the Settlement Amount (\$2,000,000.00) is appropriate, fair, proper,

and reasonable. Specifically, as set forth in the accompanying Memorandum, the following factors all favor awarding the requested fee: the contingent nature of the fee, the novelty and complexity of the case, the fees customarily awarded, and the results achieved. The one-third fee amount is consistent with fees customarily awarded to Class Counsel.

8. Likewise, the Court finds that reimbursement to Class Counsel of expenses in the amount of \$30,567.70 is warranted, as those expenses are reasonable litigation expenses.

9. Similarly, the Settlement Administrator has incurred costs and expenses in sending notice and administering the Settlement, and is entitled to reimbursement of those expenses.

10. Finally, the Court finds that payment of service awards in the amount of \$5,000 for each Class Representative is fair and reasonable and promotes the public policy of encouraging individuals to undertake the responsibility of representative lawsuits for the benefit of the public. The Class Representatives participated in the litigation and achieved an exceptional result for the Classes, which justifies the requested amount.

Therefore, **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that:

11. The Court hereby awards to Class Counsel attorneys' fees to be paid from the Settlement Fund in the amount of \$666,666.67.


12. The Court hereby awards to Class Counsel reimbursement of reasonable litigation expenses to be paid from the Settlement Fund in the amount of \$30,567.70.

13. The Court hereby approves reimbursement of expenses to the Settlement Administrator for the costs of notice and administering the Settlement to be paid from the Settlement Fund.

14. The Court hereby approves service awards to the Class Representatives to be paid from the Settlement Fund in the amount of \$5,000 each.

**THERE BEING NO JUST REASON FOR DELAY LET JUDGMENT BE
ENTERED ACCORDINGLY.**

DATED: **12/05/2022**



Judge, Business and Consumer Court

Entered on the docket: 12/05/2022