

FILED

FEB 21 2017

**CLERK OF CIRCUIT COURT #75
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS**

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

WILLIAM TENNISON, individually, et al.)
and on behalf of all others similarly situated,)
)
Plaintiffs,)
)
v.)
)
MARION BASS SECURITIES)
CORPORATION, et al.,)
)
Defendants.)

Case No. 01-L-000457

**ORDER AWARDING ATTORNEYS' FEES AND EXPENSES,
SETTLEMENT COSTS, AND INCENTIVE AWARDS**

This matter having come before the Court on February 21, 2017, on Plaintiffs' motion for an award of attorneys' fees and expenses, Settlement Costs, and Incentive Awards; the Court, having considered all papers filed and proceedings conducted herein, having found the settlement of the Litigation to be fair, reasonable, and adequate and otherwise being fully informed in the premises and good cause appearing therefor;

HEREBY ORDERS, ADJUDGES, AND DECREES as follows:

1. All of the definitions and capitalized defined terms used herein shall have the same meanings as set forth in the Class Action Settlement Agreement (the "Agreement") dated as of October 17, 2016.
2. The Court has jurisdiction over the subject matter of Plaintiffs' motion and all matters relating thereto, including all Class Members who have not submitted timely and valid Opt Out Requests.

3. Pursuant to and in full compliance with 735 ILCS 5/2-806, the Court finds and concludes that due and adequate notice of Plaintiffs' motion for an award of attorneys' fees and expenses, Settlement Costs, and Incentive Awards was directed to all persons and entities who are Class Members, including individual notice to those who could be identified with reasonable effort, advising them of the application for fees and expenses, and a full and fair opportunity was accorded to all persons and entities who are Class Members to be heard with respect to the motion for fees and expenses, Settlement Costs, and Incentive Awards.

4. The Court hereby awards Class Counsel attorneys' fees of 25% of the Gross Settlement Fund and expenses of \$767,892.27, together with the interest earned thereon for the same time period and at the same rate as that earned on the Gross Settlement Fund until paid. The Court finds that the amount of fees awarded is fair and reasonable under the "percentage-of-the-fund" method and further finds, among other things, that:

- a. The requested fee award is well below what Illinois courts and courts have found to be reasonable in comparable class action settlements;
- b. the quality legal services provided by Class Counsel resulted in the settlement and supports the requested fee award;
- c. the contingent nature of the Litigation supports the requested fee award;
- d. the reaction of the Settlement Class supports the requested fee award;
- e. the substantial efforts expended by Class Counsel and the duration of the Litigation support the requested fee award; and
- f. the requested reimbursement of out-of-pocket litigation of \$767,892.27 is reasonable and merits approval.

5. Settlement Costs in the amount of \$9,000.00 have been incurred since entry of the Preliminary Approval Order. The Court approves such Settlement Costs, and directs the Settlement Administrator to deduct and pay them from the Gross Settlement Fund.

6. The Court hereby awards William Tennison and the Estates of Lillard Heddon and Al Kellerman Incentive Awards of \$5,000 each for their services to the Settlement Class as class representatives. The Settlement Administrator is directed to deduct and pay the Incentive Awards from the Gross Settlement Fund.

7. The awards of attorneys' fees and expenses, Settlement Costs, and Incentive Awards shall be paid to Class Counsel, the Settlement Administrator, and the present and former class representatives, respectively, within forty (40) days after Final Approval subject to the terms, conditions, and obligations set forth in the Agreement.

SO ORDERED, ADJUDGED, AND DECREED.

Dated: February 21, 2017


Judge Barbara Crowder