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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA, BUTTE DIVISION**

LAWRENCE ANDERSON, as
trustee for the LAWRENCE T.
ANDERSON AND SUZANNE M.
ANDERSON JOINT REVOCABLE
LIVING TRUST, ROBERT AND
NORA ERHART, and TJARDA
CLAGETT,

Plaintiffs,

v.

BOYNE USA, INC., BOYNE
PROPERTIES, INC., and SUMMIT
HOTEL, LLC,

Defendants.

Case No. 2:21-cv-00095-BMM

**PLAINTIFFS'
MOTION FOR ATTORNEYS'
FEES, LITIGATION COSTS, AND
INCENTIVE AWARDS**

Pursuant to the Settlement Agreement, the Court's Preliminary Approval Order (Doc. 398), and Fed.R.Civ.P. Rule 23(h), Plaintiffs hereby move the Court for an order:

- 1) Awarding Class Counsel attorneys' fees in the amount of one-third (33.33%) of the Rule 23(b)(3) Settlement Fund (totaling \$6,266,472.50 plus one-third of accrued interest);
- 2) Awarding Class Counsel attorneys' fees in the amount of one-third (33.33%) of the Rule 23(b)(2) Capex Contributions (totaling \$2,066,860.83) to be paid by Boyne consistent with Section 3.2 of the Settlement Agreement;
- 3) Awarding Class Counsel reimbursement of their reasonably incurred litigation costs totaling \$344,564.65, to be paid from the Rule 23(b)(3) Settlement Fund;
- 4) Awarding Service Awards of \$10,000 to each of the four class representatives, totaling \$40,000, from the Rule 23(b)(3) Settlement Fund;
- 5) Setting aside \$40,000 from the Rule 23(b)(3) Settlement Fund to pay Administrative Costs; and

6) Setting aside \$15,000 from the Rule 23(b)(3) Settlement Fund to cover expert expenses associated with calculating payments to class members from the Rule 23(b)(3) Settlement Fund.

Pursuant to Local Rule 7.1, Plaintiffs advise that Defendants do not oppose this Motion.

The requested attorneys' fees, costs, Service Awards, and set asides will be included in the proposed order granting final approval, which will be filed with the Court along with the Unopposed Motion for Final Approval.

DATED this 18th day of April, 2025.

GOETZ, GEDDES & GARDNER, P.C.

By: /s/ J. Devlan Geddes

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