

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

**TRACY AND DENNIS COX, on behalf of themselves
and all others similarly situated,**

Plaintiffs,

v.

Case No. 5:23-cv-392

FIRST COMMUNITY BANK,

Defendant.

**ORDER GRANTING MOTION FOR APPROVAL OF ATTORNEYS' FEES,
EXPENSES, AND SERVICE AWARDS**

WHEREAS, the Parties in the above-captioned class action entered into a Class Action Settlement Agreement (the "Settlement");

WHEREAS, by separate Order the Court has granted final approval to the Settlement;

WHEREAS, the Settlement creates a benefit of \$5,300,000.00 for the Class Members, comprised of a \$4,800,000.00 Settlement Fund and forgiveness of \$500,000.00 in debt;

WHEREAS, the Class Representatives have moved for approval of payments of attorneys' fees, expenses, and service awards from the Settlement Fund;

WHEREAS, on November 25, 2024, at 3:00 p.m., the undersigned held a final approval hearing at which the Court considered the request for attorneys' fees, expenses, and service awards; and



WHEREAS, based on the foregoing, having considered the papers filed and proceedings held in connection with the Settlement, having considered all of the other files, records, and proceedings in the action, and being otherwise fully advised,

IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. Class Counsel is awarded attorneys' fees in the amount of \$1,766,666.67 (one-third of the Value of the Settlement) and expenses in the amount of \$6,039.40, such amounts to be paid from the Settlement Fund in accordance with the terms of the Settlement. This award is justified given Class Counsel's expertise, perseverance, and skill; the usual rate of fees in contingent class action litigation; and by the degree of success attained by Class Counsel on behalf of the Settlement Class Members in this action. *Carroll v. Wolpoff & Abramson*, 53 F.3d 626, 629 (4th Cir. 1995) (holding that the "most critical factor in determining the reasonableness of a fee award is the degree of success obtained"). In addition, Class Counsel's requested expenses are made up of "those reasonable out-of-pocket expenses incurred by the attorney which are normally charged to a fee-paying client, in the course of providing legal services," and are therefore appropriately reimbursed. *Spell v. McDaniel*, 852 F.2d 762, 771 (4th Cir. 1988) (internal quotations omitted).

2. The Class Representatives are awarded service awards in the amount of \$7,500.00 each (\$15,000.00 total) to be paid from the Settlement Fund in accordance with the terms of the Settlement. This award recognizes the efforts of the Class Representatives in achieving a benefit for the thousands of Settlement Class Members, and it is consistent with service awards in similar cases. *See, e.g., Hinton*

v. Atl. Union Bank, No. 3:20-cv-00651-JAG (E.D. Va. Mar. 30, 2022), ECF No. (\$7,500.00 service award); *Ryals v. HireRight Sols., Inc.*, No. 3:09cv625, ECF No. 127 (E.D. Va. Dec. 22, 2011) (\$10,000 service awards); *Manuel v. Wells Fargo Bank, N.A.*, No. 3:14CV238(DJN), 2016 WL 1070819, at *6 (E.D. Va. Mar. 15, 2016) (\$10,000 service award).

3. There being no just reason for delay, let judgment be entered.

SO ORDERED.

Dated: December 16, 2024



A handwritten signature in black ink that reads "Frank W. Volk".

Frank W. Volk
Chief United States District Judge

Judge Frank W. Volk