

**STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
COUNTY OF WINNEBAGO**

LINDSEY GARCIA, LARRY BENNER, and
MICHAEL LUNGO, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

MIDLAND STATES BANK,

Defendant.

Case No. 2022-LA-0000104

**PLAINTIFFS' UNOPPOSED MOTION FOR FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND APPLICATION FOR ATTORNEYS' FEES, COSTS
AND SERVICE AWARDS**

Plaintiffs Lindsey Garcia, Larry Benner, and Michael Lungo ("Plaintiffs"), by counsel, respectfully move the Court, under 735 ILCS 5/2-806, to enter the tendered agreed [Proposed] Final Approval Order, which:

- (1) Grants Final Approval to the Settlement Agreement and Release (the "Agreement"), finding it to be fair, adequate, and reasonable;
- (2) Finally certifies the Settlement Classes for settlement purposes only and affirms the appointments of the Class Representatives, Class Counsel, and the Settlement Administrator;
- (3) Determines that the Notice provided satisfies 735 ILCS 5/2-803 and Due Process requirements;
- (4) Awards Class Counsel a total of \$1,041,666.66 in attorneys' fees (33.33% of the Settlement Fund);
- (5) Awards Class Counsel reimbursement of \$26,893.96 in litigation costs;

- (6) Awards Service Awards to Plaintiffs in the amount of \$10,000.00 each in addition to the Settlement Class Member Payment from the Settlement Fund of which they are entitled;
- (7) Approves payment of the Settlement Administration Costs to the Settlement Administrator;
- (8) Bars and enjoins all Releasing Parties from pursuing any Released Claims against Released Parties at any time, including during any appeal from the Final Approval Order; and retains jurisdiction over the enforcement of the Court's injunctions;
- (9) Releases Defendant and the other Released Parties from the Released Claims; and
- (10) Reserves the Court's continuing and exclusive jurisdiction over the Parties to this Agreement, including Defendant, all Settlement Class Members, and all objectors, to administer, supervise, construe, and enforce the Settlement in accordance with its terms.

Defendant does not oppose these awards as requested herein.

Plaintiffs have submitted a separate Memorandum in support of this Motion.

A copy of the [Proposed] Final Approval Order is being filed concurrently herewith.

Dated: August 29, 2025

Respectfully submitted,

/s/ Daniel J. McGrail

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