

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

COURTLESS RAMPEY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO. 1:19-00220-JB-B
)	
WEST CORPORATION, et al.,)	
)	
Defendants.)	

ORDER

WHEREFORE, this 21st day of November 2022, upon consideration of Plaintiffs’ Motion for Awards of Attorneys’ Fees, Attorneys’ Costs, Administrative Expenses, dated September 23, 2022 in the above matter, the Court hereby **ORDERS**:

1. Except as specifically modified by the Final Approval Order, all capitalized terms used herein shall have the meaning set forth in the Settlement Agreement and Release between the Parties (“Settlement Agreement”) (Doc. 68, Ex. A).

2. The Court has previously provisionally certified a Class for settlement purposes defined as:

All persons who participated in the West Corporation Employee 401(k) Retirement Plan at any time between May 7, 2013 through (“Class Period”). including any Beneficiary of a deceased person who participated in the Plan at any time during the Class Period, and/or Alternate Payee, in the case of a person subject to a Qualified Domestic Relations Order who participated in the Plan at any time during the Class Period, except for past and present members of the Retirement Plan Committee of the West Corporation Employee 401(k) Retirement Plan

and has previously appointed Jordan Lewis of Jordan Lewis, P.A., Charles Crueger of Crueger Dickinson LLC, Arthur Stock of Milberg Coleman Bryson Phillips Grossman, PLLC, Mark J. Tamblyn

of Wexler Boley & Elgersma LLP, and Charles J. Potts of Briskman & Binion, P.C. as Class Counsel (Doc. 70).

3. The Settlement establishes a common fund of \$875,000.

4. Litigation of this action required counsel highly trained in class action law and procedure as well as the specialized issues presented here. Class Counsel possess these attributes, and their participation added significant value to the representation of this Class. The record demonstrates that the action involved a broad range of complex and novel challenges that Class Counsel met at every juncture.

5. The claims and defenses are complex and litigating them is both difficult and time consuming. This action settled following mediation almost three years after litigation commenced in May 2019. Recovery by any means other than settlement would likely have required substantial additional litigation.

6. In undertaking to prosecute this complex case entirely on a contingent fee basis, Class Counsel assumed a significant risk of nonpayment or underpayment. That risk warrants an appropriate fee.

7. Class Counsel spent years developing the theories underlying the claims in the instant action through their efforts in litigating (with both success and failure) many other 401(k) cases. These efforts certainly accrued to the benefit of Plaintiffs and the Settlement Class. In addition, Class Counsel engaged in extensive litigation both before this Court and in an administrative proceeding before the West Corporation 401(k) Plan Administrator, including document discovery and working with experts. (See Declaration of Arthur Stock, Doc. 76-1).

8. No objections were filed to the Motion for Awards of Attorneys' Fees, Attorneys' Expenses, and Administrative Expenses.

9. Finally, an award of up to 1/3 of the Settlement Fund is consistent with similar settlements throughout the Eleventh Circuit and other fee awards in 401(k) class action settlements that have been finally approved throughout the country.

10. The Court has reviewed the collective lodestar for Class Counsel and has determined that an award of \$290,000 is reasonable. This award will not fully compensate Counsel at their customary rates.

11. Therefore, Class Counsel is hereby awarded \$290,000 in attorneys' fees, which is 33.14% of the value of the settlement.

12. Further, the Court finds that Class Counsel's request for reimbursement of \$50,000 in expenses to be reasonable, and that the expenses were necessarily incurred in furtherance of the action. The attorneys' fee and expense amounts are approved.

13. Administrative Expenses of \$85,273.23 to the Claims Administrator, A.B. Data, Ltd., are approved.

14. The Court approves \$25,000 to cover the expenses of the Independent Fiduciary.

15. The Court approves a contingency amount of \$40,273.23, representing 8% of the Settlement Fund, as contemplated by the Settlement Agreement.

DONE and ORDERED this 21st day of November, 2022.

/s/ JEFFREY U. BEAVERSTOCK

CHIEF UNITED STATES DISTRICT JUDGE