

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

DIANE G. SHORT, JUDITH DAVIAU, and)
JOSEPH BARBOZA, Individually and as)
representatives of a class of participants and)
beneficiaries in and on behalf of the BROWN)
UNIVERSITY DEFERRED VESTING)
RETIREMENT PLAN, and the BROWN)
UNIVERSITY LEGACY RETIREMENT PLAN,)

CA NO. 1:17-CV-318-WES-PAS

Plaintiffs,)

vs.)

BROWN UNIVERSITY in Providence in the)
State of Rhode Island and Providence)
Plantations,)

Defendant.)
_____)

**PLAINTIFFS’ UNOPPOSED MOTION FOR AN ORDER:
AWARDING REASONABLE ATTORNEY’S FEES AND COSTS AND FOR
PAYMENT OF CASE CONTRIBUTION AWARDS TO PLAINTIFFS**

Plaintiffs Diane G. Short, Judith Daviau, and Joseph Barboza (collectively, “Plaintiffs”), on behalf of the Brown University Deferred Vesting Retirement Plan (“Deferred Vesting Retirement Plan”) and the Brown University Legacy Retirement Plan (“Legacy Retirement Plan”; together, the “Plans”), and as representatives of a class of participants and beneficiaries of the Plans, by and through the undersigned counsel, hereby move this Court pursuant to Federal Rules of Civil Procedure 23, for an Order: (1) approving Class Counsel’s application for an award of attorney’s fees in the amount of Thirty Percent (30%) of the Settlement Fund, or \$1,050,000; (2) approving reimbursement of Class Counsel’s out-of-pocket litigation expenses and costs in the

amount of \$18,991.95; and (3) approving case contribution awards to be paid to the three named representatives of the Class, in the amount of \$5,000 each, for their efforts in support of the case.

In support of this motion, Plaintiffs submit the following:

- Memorandum of Law in Support of Plaintiffs' Unopposed Motion for an Order: Awarding Reasonable Attorney's Fees and Costs and for Payment of Case Contribution Awards to Plaintiffs;
- Declaration of Todd Schneider in Support;
- Declaration of Todd S. Collins in Support; and
- Proposed Order.

WHEREFORE, Plaintiffs respectfully request that the Court grant its Unopposed Motion and enter the Proposed Order submitted with this Motion approving Class Counsel's application for attorney's fees, reimbursement of litigation expenses, and payment of case contribution awards to Plaintiffs.

Respectfully submitted,

Dated: July 3, 2019

/s/Sonja L. Deyoe
Sonja L. Deyoe (R.I. Bar No. 6301)
Law Offices of Sonja L. Deyoe
395 Smith Street
Providence, RI 02908
Telephone: (401) 864-5877
Facsimile: (401) 354-7464
sld@the-straight-shooter.com

Todd S. Collins
Eric Lechtzin
Ellen T. Noteware
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103-6365
Telephone: (215) 875-3000
Facsimile: (215) 875-4604
tcollins@bm.net
scarson@bm.net
enoteware@bm.net

Garrett W. Wotkyns
John J. Nestico
SCHNEIDER WALLACE COTTRELL
KONECKY WOTKYNS LLP
8501 N. Scottsdale Road, Suite 270
Scottsdale, Arizona 85253
Telephone: (480) 428-0145
Facsimile: (866) 505-8036
gwoykyns@schneiderwallace.com
jnestico@schneiderwallace.com

Todd Schneider
SCHNEIDER WALLACE COTTRELL
KONECKY WOTKYNS LLP
2000 Powell Street, Suite 1400
Emeryville, California 94608
Telephone: (415) 421-7100
Facsimile: (415) 421-7105
tschneider@schneiderwallace.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2019, I caused to be served, via electronic mail a true and correct copy of Plaintiffs' Unopposed Motion for an Order Awarding Reasonable Attorney's Fees and Costs and for Payment of Case Contribution Awards to Plaintiffs to the following:

Steven M. Richard
NIXON PEABODY LLP
One Citizens Plaza, Suite 500
Providence, Rhode Island 02903
srichard@nixonpeabody.com

Charles M. Dyke
NIXON PEABODY LLP
One Embarcadero Center, 18th Floor
San Francisco, California 94111
cdyke@nixonpeabody.com

H. Douglas Hinson
ALSTON & BIRD
The Atlantic Building
950 F Street, NW
Washington, DC 20004-1404
doug.hinson@alston.co

Attorneys for Brown University

/s/ Sonja L. Deyoe

Sonja L. Deyoe