

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

MARTIN SILVERSTEIN,
Plaintiff,

v.

GENWORTH LIFE INSURANCE COMPANY,
Defendant.

Civil No. 3:23-cv-00684 (DJN)

MOTION FOR ATTORNEYS' FEES, COSTS, AND SERVICE AWARD

Pursuant to the Court's Order Preliminarily Approving Class Action Settlement (Dkt. 64), Class Counsel for Martin Silverstein, on behalf of himself and the certified class, move this Court before the Honorable David J. Novak for an order for attorneys' fees, reimbursement of litigation expenses, and incentive awards for Plaintiff.

In support of this motion, Class Counsel will rely upon the accompanying memorandum of law, the declarations attached hereto, and other written or oral argument as may be requested of permitted by the Court.

Dated: November 15, 2024

Respectfully submitted,

/s/ Kathleen J.L. Holmes

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Attorneys for Plaintiff Martin Silverstein

CERTIFICATE OF SERVICE

I certify that on this 15th day of November 2024, I electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to all counsel of record.

/s/ Kathleen J.L. Holmes

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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

MARTIN SILVERSTEIN, on behalf of himself
and all others similarly situated,

Plaintiff,

-against-

GENWORTH LIFE INSURANCE COMPANY,

Defendant.

Civil Action No.: 3:23-cv-684-DJN

[PROPOSED] ORDER

This matter is before the court on Plaintiff’s Motion Class Counsel’s Motion for Attorneys’ Fees, Reimbursement of Litigation Expenses, and Incentive Awards.

WHEREAS, Plaintiffs Martin Silverstein, on behalf of himself and all others similarly situated (“Plaintiff”), entered into a settlement (the “Settlement”) with Defendant Genworth Life Insurance Company;

WHEREAS, on October 11, 2024, the Court entered an Order Preliminarily Approving Class Action Settlement (“Preliminary Approval Order”). Dkt. 64. Among other things, the Preliminary Approval Order authorized Class Counsel to disseminate notice of the Settlement, the fairness hearing, and related matters to the Class. Notice was provided to the Class (Dkt. 65) pursuant to the Preliminary Approval Order, and the Court held a fairness hearing on January 3, 2025 at 2:00 p.m.; and

WHEREAS, Class Counsel filed a fee application, seeking attorneys’ fees, expenses, and service awards.

NOW THEREFORE, having considered Class Counsel’s Motion for Attorneys’ Fees, Reimbursement of Litigation Expenses, and Incentive Awards, supporting declarations, oral

argument presented at the fairness hearing, and the complete records and files in this matter,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. The capitalized terms used herein shall have the meanings set forth in the Settlement Agreement.

2. Class Counsel shall receive attorneys' fees equal to 33 1/3% of the Final Settlement Fund created by the Settlement, including a *pro rata* share of the interest earned on the Final Settlement Fund at the same rate and for the same period as earned by the Final Settlement Fund, to be paid out of the Final Settlement Fund.

3. Class Counsel shall be reimbursed \$168,992.28 in costs and expenses reasonably incurred in the prosecution and settlement of this litigation, to be paid out of the Final Settlement Fund created by the Settlement.

4. The Settlement Administration Expenses through October 31, 2024 are \$29,976.50. These are separate from the costs and expenses outlined in the paragraph above. Under the terms of the Settlement Agreement, those costs are payable out of the Final Settlement Fund. Any additional Settlement Administration Expenses may be paid out of the Final Settlement Fund as they become due.

5. The Court shall entertain any supplemental application for reimbursement of expenses incurred by Class Counsel on behalf of the Settlement Class.

6. Plaintiff Martin Silverstein shall be paid a service award equal to \$25,000, payable out of the Final Settlement Fund.

7. This Order shall become effective immediately.

Let the Clerk file a copy of this Order electronically and notify all counsel of record.

Richmond, Virginia

Dated: _____

DAVID J. NOVAK
United States District Judge

