

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

BCBSM, INC., d/b/a BLUE CROSS and BLUE  
SHIELD OF MINNESOTA, on behalf of itself  
and those similarly situated,

Plaintiff,

v.

VYERA PHARMACEUTICALS, LLC,  
PHOENIXUS AG, MARTIN SHKRELI, and  
KEVIN MULLEADY,

Defendants.

Case No. 1:21-cv-1884-DLC

**[PROPOSED] ORDER GRANTING LEAD COUNSEL'S MOTION FOR ATTORNEYS'  
FEES, PAYMENT OF LITIGATION EXPENSES, AND INCENTIVE AWARD FOR  
PLAINTIFF**

Upon review and consideration of Robins Kaplan LLP's ("Lead Counsel") Motion for Award of Attorneys' Fees, Payment of Litigation Expenses, and Incentive Award for Plaintiff, and having held a Fairness Hearing on June 17, 2022, IT IS HEREBY ORDERED that the Motion is GRANTED as follows:

**Attorneys' Fees**

1. After considering the six factors set forth in *Goldberger v. Integrated Res., Inc.*, 209 F.3d 43, 50 (2d Cir. 2000), the Court finds that ~~Lead Counsel's current request for attorneys' fees equal to 25% of the money paid into the Class Settlement Fund to date is fair and reasonable and satisfies all criteria for compensating Lead Counsel for the work they performed in this litigation. Lead Counsel's fee request is unopposed, and a lodestar cross check confirms that the fee request is reasonable.~~ The Court awards Lead Counsel <sup>\$1,500,000.00</sup> ~~\$1,890,000~~ in attorneys' fees from the Class Settlement Fund, equal to 25% of the \$7,560,000 that has been paid into the Class Settlement Fund to date.

2. To the extent additional contingent settlement payments are paid into the Class Settlement Fund in the future, Lead Counsel may request additional attorneys' fees of up to 10% of any additional funds received. The Court reserves exclusive jurisdiction over any additional requests for attorneys' fees in this litigation.

**Reimbursement of Litigation Expenses**

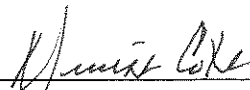
3. The Court also grants Lead Counsel's request to be reimbursed for \$294,055 in litigation expenses from the Class Settlement Fund, <sup>which includes</sup> ~~The \$241,555 in out-of-pocket expenses that Lead Counsel have incurred and the \$52,500 in anticipated future expenses are reasonable in size and scope and are the type of expenses that courts routinely reimburse in class action litigation.~~

4. As agreed to in the Settlement Agreement and previously ordered by the Court, *see* ECF No. 141 at ¶ 18, Lead Counsel may continue to pay from the Class Settlement Fund the actual costs of notice, settlement administration, and taxes without further order of the Court.

**Incentive Award for Plaintiff**

5. Lastly, the Court grants a \$50,000 incentive award to Plaintiff BCBSM, Inc. ("Plaintiff") in recognition of the time and resources that Plaintiff devoted to this case on behalf of the Settlement Class. Lead Counsel shall direct \$50,000 to be paid from the Class Settlement Fund to Plaintiff. *dle*

SO ORDERED this 14<sup>th</sup> day of June, 2022

  
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Hon. Denise L. Cote  
United States District Judge