

IN THE 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 SETTLEMENT CLASS COUNSEL'S MOTION FOR SUPPLEMENTAL
ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION EXPENSES**

Upon review and consideration of Settlement Class Counsel's Motion for Supplemental Attorneys' Fees and Reimbursement of Litigation Expenses, and the Court having been otherwise sufficiently advised, 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 Resources, Inc.*, 209 F.3d 43, 50 (2d Cir. 2000), the Court finds that Settlement Class Counsel's current request for attorneys' fees equal to 10% of the money paid into the Class Settlement Fund between June 17, 2022 and October 27, 2023 is fair and reasonable and satisfies all criteria for compensating Settlement Class Counsel for the work they performed in this litigation. Settlement Class Counsel's fee request is unopposed, and a lodestar cross check confirms that the fee request is reasonable. The Court awards Settlement Class Counsel \$122,643.61


in attorneys' fees from the Class Settlement Fund, equal to 10% of the \$1,226,436.08 paid into the Class Settlement Fund between June 17, 2022 and October 27, 2023.

2. As previously ordered by the Court, *see* Dkt. 159, ¶ 2, to the extent additional contingent settlement payments are paid into the Class Settlement Fund in the future, Settlement Class 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 Settlement Class Counsel's request to be reimbursed for \$36,740.56 in litigation expenses from the Class Settlement Fund. These 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 as previously ordered by the Court, *see* Dkt. 141, ¶ 18; Dkt. 159, ¶ 4, Settlement Class 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.

IT IS SO ORDERED on this 19th day of November, 2024.



Hon. Denise L. Cote
United States District Judge