

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE:

AXA EQUITABLE LIFE INSURANCE  
COMPANY COI LITIGATION

[This document relates to *Brach Family  
Found, Inc., et al. v. AXA Equitable Life Ins.  
Co.*, No. 16 Civ. 740 (JMF)]

ECF CASE

No. 1:16-cv-00740 (JMF)

~~PROPOSED~~ **ORDER AWARDING FEES,  
EXPENSES, AND SERVICE AWARD**

WHEREAS, Plaintiffs Brach Family Foundation, Inc. and Mary J. McDonough, as Trustee of the Currie Children Trust, as individuals and on behalf of the certified Classes in this Action, entered into a Settlement Agreement with Defendant AXA Equitable Life Insurance Company (“AXA” or “Defendant”);

WHEREAS, on June 22, 2023, the Court entered its Order Preliminarily Approving Class Action Settlement (“Preliminary Approval Order”) ([Dkt. 705](#)). 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 pursuant to the [17](#) Preliminary Approval Order, and the Court held a fairness hearing on October ~~12~~, 2023, at 2:30 p.m.;

WHEREAS, Class Counsel filed a fee application, seeking attorneys’ fees, expenses and a service award;

WHEREAS, this application is uncontested by Defendant;

WHEREAS, no Settlement Class Member objected to or opposed this application;

NOW THEREFORE, having considered Class Counsel’s Motion for Attorneys’ Fees, Reimbursement of Litigation Expenses, and Service Award, supporting declarations, reply in support of the motion, oral argument presented at the fairness hearing, and the complete records and files in this matter, [and for the reasons stated on the record during the Fairness Hearing held today](#),

**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 Susman Godfrey shall receive attorneys’ fees in the amount of \$101,076,853—which reflects 21.5% of the total value of the benefits conferred by the Settlement, or 33-1/3% of the cash Settlement Fund created by the Settlement, net of expenses—plus a *pro-*

*rata* share of the interest earned on the Settlement Fund at the same rate and for the same period as earned by the Settlement Fund, to be paid out of the Settlement Fund.

3. Class Counsel shall be reimbursed \$4,136,203.53 in costs and expenses reasonably incurred in the presentation and settlement of this litigation, to be paid out of the Settlement Fund created by the Settlement.

4. The Settlement Administration Expenses through July 31, 2023, are \$133,236.75. Under the terms of the Settlement Agreement, those costs are payable out of the Settlement Fund. Any additional Settlement Administration Expenses may be paid out of the Settlement Fund as they become due, subject to the terms of the Settlement.

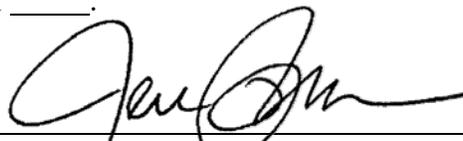
5. The Court shall entertain any supplemental application for reimbursement of expenses incurred by Class Counsel on behalf of the Settlement Class.

6. Class Counsel may in its sole discretion allocate and distribute the fees and expenses it receives pursuant to this Order among other counsel.

7. Plaintiff Brach Family Foundation, Inc. and Plaintiff Mary J. McDonough, as Trustee of the Currie Children Trust, shall each be paid a service award of \$100,000, payable out of the Settlement Fund.

8. This Order shall become effective immediately.

ENTERED this 17th day October of 2023.



Hon. Jesse M. Furman  
UNITED STATES DISTRICT JUDGE

The Clerk of Court is directed to terminate ECF No. 711.