

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**ASHBY HENDERSON and THOMAS
HERSHENSON**, Individually and on Behalf of
All Others Similarly Situated,

Plaintiffs,

v.

BNY MELLON, NATIONAL ASSOCIATION,

Defendant.

Civil Action No. 1:15-cv-10599-PBS

**PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES, COSTS, AND
INCENTIVE PAYMENTS**

Plaintiffs Ashby Henderson and Thomas Hershenson ("Plaintiffs") and Defendant BNY Mellon, N.A. ("BNY Mellon"), have reached a class action settlement of this matter (the "Settlement") which the Court granted preliminary approval of on May 28, 2019. ECF # 582.¹

Plaintiffs now move, for the reasons set forth in their accompanying Memorandum in Support, for an incentive payment of \$50,000 for each named Plaintiff, as well as an award of attorneys' fees of \$3,333,333 and expenses of \$404,234. Plaintiffs' proposed Final Approval Order incorporates Plaintiffs' requested attorneys' fee, expenses and the proposed incentive payments.

Dated: August 23, 2019

¹ All capitalized terms not defined herein have the meanings set forth in the Parties' Class Action Settlement Agreement ("Agreement"), previously filed at ECF # 578-1.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic File (NEF) on August 23, 2019.

/s/ Elizabeth Ryan
Elizabeth Ryan