

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

Kevin Moitoso, Tim Lewis, Mary Lee Torline, and Sheryl Arndt, individually and as representatives of a class of similarly situated persons, and on behalf of the Fidelity Retirement Savings Plan,

Plaintiffs,

v.

FMR LLC, the FMR LLC Funded Benefits Investment Committee, the FMR LLC Retirement Committee, Fidelity Management & Research Company, FMR Co., Inc., and Fidelity Investments Institutional Operations Company, Inc.,

Defendants.

Case No. 1:18-cv-12122-WGY

**PLAINTIFFS' MOTION FOR  
APPROVAL OF ATTORNEYS' FEES  
AND COSTS, ADMINISTRATIVE  
EXPENSES, AND CLASS  
REPRESENTATIVE SERVICE  
AWARDS**

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

PLEASE TAKE NOTICE that on January 12, 2021 at 2:00 p.m., before the Honorable William G. Young, United States District Judge, in Courtroom 18, One Courthouse Way, Boston, Massachusetts 02210, Plaintiffs Kevin Moitoso, Tim Lewis, Mary Lee Torline, and Sheryl Arndt ("Plaintiffs") will and hereby do move this Court for an Order awarding: (1) attorneys' fees to Class Counsel in the amount of \$9,002,127.67 (one-third of the \$28.5 million settlement fund, net of expenses); (2) reimbursement of \$1,378,437.13 in litigation expenses and \$115,302 in settlement administration expenses that Class Counsel incurred in connection with this action; and (3) class representative service awards in the amount of \$10,000 to each of the named Plaintiffs (\$40,000 total).

This motion is made pursuant to Federal Rule of Civil Procedure 23(h) and Article 7 of the Parties' Class Action Settlement Agreement (ECF No. 243-01), and is based on the accompanying Memorandum of Law and authorities cited therein, the Declaration of Kai Richter and exhibits

attached thereto, the Declaration of Jason Leviton, the previously filed declarations of the Class Representatives (ECF Nos. 244, 245, 246, 247), the Settlement Agreement, and all files, records, and proceedings in this matter.

Counsel for Plaintiffs have conferred with counsel for Defendants regarding this motion and have been advised that Defendants do not oppose the motion as parties to the Settlement.

Respectfully Submitted,

Dated: December 8, 2020

**NICHOLS KASTER, PLLP**

s/Kai Richter

Paul J. Lukas (admitted *pro hac vice*)

Kai Richter (admitted *pro hac vice*)

James H. Kaster (admitted *pro hac vice*)

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ATTORNEYS FOR PLAINTIFFS AND  
THE CLASS

**CERTIFICATE OF SERVICE**

I hereby certify that on December 8, 2020, a true and correct copy of the foregoing was served by CM/ECF to the parties registered to the Court's CM/ECF system.

Dated: December 8, 2020

s/Kai Richter  
Kai Richter