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March 15, 2022

VIA ECF

Judge Alvin K. Hellerstein
Room 1015
United States Courthouse
500 Pearl Street New York, NY 10007

Re: *Leonard, et al. v. John Hancock Life. Ins. Co. of New York and John Hancock Life Insurance Company (U.S.A.)*, No. 18-cv-4994-AKH

Dear Judge Hellerstein:

We are class counsel in the above-captioned class action, whose settlement Your Honor preliminarily certified on January 10, 2022. Dkt. 203.

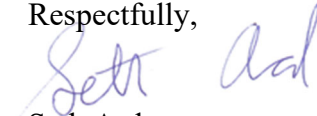
On March 11, 2022, we moved for attorneys' fees, reimbursement of litigation expenses, and incentive awards. Dkt. 206. In connection with that motion, a proposed order was submitted seeking, among other things, the Court's approval for payment of \$90,197.06 from the Final Settlement Fund for Settlement Administration Expenses that were incurred by the Settlement Administrator. Dkt. 211 ¶ 4.

Although the Settlement Administrator has incurred \$90,197.06 in Settlement Administration Expenses, the Settlement Administrator has just confirmed that \$64,110 of those expenses were expenses incurred in connection with publication of class notice in *The New York Times*, *The Financial Times*, *The Wall Street Journal*, *USA Today*, and on the PR Newswire Internet wire service. Those publication expenses were, pursuant to the Settlement Agreement, paid directly by Defendants to the Settlement Administrator, and thus need not be paid out of the Final Settlement Fund. See Dkt. 201-4 (Joint Stipulation and Settlement Agreement) § 7.5.

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Accordingly, Class Plaintiffs are seeking the Court's approval for payment of only \$26,087.06 in Settlement Administration Expenses out of the Final Settlement Fund. Enclosed is a revised proposed order that incorporates those changes, along with a redline comparison to the proposed order previously filed at Dkt. 211.

Respectfully,


Seth Ard

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JEFFREY LEONARD, IN HIS CAPACITY AS)
TRUSTEE OF THE POPLAWSKI 2008)
INSURANCE TRUST; PHYLLIS POPLAWSKI;)
PBR PARTNERS, BRIGHTON TRUSTEES,)
LLC, on behalf of and as trustee for COOK)
STREET MASTER TRUST III; BANK OF)
UTAH, solely as security intermediary for COOK)
STREET MASTER TRUST III; PEAK TRUST)
COMPANY, AK, on behalf of and as trustee for)
SUSAN L. CICIORA TRUST and STEWART)
WEST INDIES TRUST; and ADVANCE TRUST)
& LIFE ESCROW SERVICES, LTA, as)
securities intermediary for LIFE PARTNERS)
POSITION HOLDER TRUST, on behalf of)
themselves and all others similarly situated,)

Civil Action No. 18-cv-04994-AKH

Plaintiffs,

vs.

JOHN HANCOCK LIFE INSURANCE)
COMPANY OF NEW YORK and JOHN)
HANCOCK LIFE INSURANCE COMPANY)
(U.S.A.),)

Defendants.

[PROPOSED] ORDER AWARDING FEES, EXPENSES, AND INCENTIVE AWARDS

WHEREAS, Class Plaintiffs Jeffrey Leonard, in his capacity as Trustee of the Poplawski 2008 Insurance Trust; Phyllis Poplawski; PBR Partners, Brighton Trustees, LLC, on behalf of and as Trustee for Cook Street Master Trust III; Bank Of Utah, solely as Security Intermediary for Cook Street Master Trust III; Peak Trust Company, AK, on behalf of and as Trustee for Susan L. Ciciora Trust and Stewart West Indies Trust; and Advance Trust & Life Escrow Services, LTA, as Securities Intermediary for Life Partners Position Holder Trust, on behalf of themselves and on

behalf of the proposed Settlement Class, entered into a settlement (the “Settlement”) with Defendants John Hancock Life Insurance Company of New York and John Hancock Life Insurance Company (U.S.A.);

WHEREAS, on January 10, 2022, the Court entered its Order granting preliminary approval of the proposed settlement (“Preliminary Approval Order”) (Dkt. 203). Among other things, the Preliminary Approval Order authorized Class Plaintiffs to disseminate notice of the Settlement, the fairness hearing, and related matters to the Class. Notice was provided to the Class pursuant to the Preliminary Approval Order, and the Court held a fairness hearing on May 17, 2022, at 2:30pm;

WHEREAS, Class Counsel filed a fee application, seeking counsel fees, expenses and incentive awards;

WHEREAS, this application is uncontested by Defendants;

Having considered Class Counsel’s Motion for Attorneys’ Fees, Reimbursement of Litigation Expenses, and Incentive Awards, supporting declarations, oral argument presented at the fairness hearing, and the complete records and files in this matter,

NOW, THEREFORE, 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 of Susman Godfrey shall receive attorneys’ fees equal to \$34,400,000, 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 Final Settlement Fund created by the Settlement.

3. Class Counsel shall be reimbursed \$1,427,596.29 in costs and expenses reasonably incurred in the presentation and settlement of this litigation, to be paid out of the Final Settlement Fund created by the Settlement.

4. The Settlement Administration Expenses less Publication Expenses through February 28, 2022 are \$26,087.06. Under the terms of the Settlement Agreement, that \$26,087.06 is payable out of the Final Settlement Fund. Any additional Settlement Administration Expenses may be paid out of the Final Settlement Fund as they become due.

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

6. Each of the Plaintiffs shall be paid an incentive award equal to \$25,000, payable out of the Final Settlement Fund.

7. This Order shall become effective immediately.

ENTERED this ____ day of _____ 2022.

Alvin K. Hellerstein
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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securities intermediary for LIFE PARTNERS)	
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themselves and all others similarly situated,)	
)	
Plaintiffs,)	
vs.)	
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COMPANY OF NEW YORK and JOHN)	
HANCOCK LIFE INSURANCE COMPANY)	
(U.S.A.),)	
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Defendants.)	
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