

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI

RONALD TUSSEY, *et al.*, )  
 )  
 Plaintiffs, )  
 )  
 v. ) Case No. 06-04305-CV-C-NKL  
 )  
 ABB, INC., *et al.*, )  
 )  
 Defendants. )

**PLAINTIFFS' MOTION FOR ATTORNEY FEES**

Pursuant to this Court's order on March 31, 2012 and the scheduling order entered on April 10, 2012 and Federal Rules of Civil Procedure 23(h)(1) and 54(d)(2), Plaintiffs move that the Court award attorney fees and non-taxable costs as follows:

1. Pursuant to Federal Rule of Civil Procedure 23(h), Plaintiffs request that the Court award Plaintiffs' counsel from the Class a total of \$16,420,228.75, which is \$14,356,209 in attorney fees and \$2,064,019.75 in non-taxable costs. *See* Memorandum In Support, Part I.
2. Pursuant to ERISA §502(g)(1), 29 U.S.C. §1132(g)(1), Plaintiffs request that the Court order Defendants, jointly and severally, to compensate the Class a total of \$14,350,131.39, which is \$14,001,052.61 in attorney fees and \$349,078.78 of the non-taxable costs for which Defendants are liable. *See* Memorandum In Support, Part II.
3. Plaintiffs further request pursuant to Federal Rule of Civil Procedure 23(h) that the Court award Class Representatives Tussey, Fisher, and Pinnell, \$25,000 each from the Class as compensation for their efforts in representing the Class in this litigation. *See* Memorandum In Support, Part I.

4. By separate motion, Plaintiffs provide suggestions on how the Court should order notice to the Class of this Motion, pursuant to Federal Rule of Civil Procedure 23(h)(1).

Plaintiffs also move to shorten time to allow an expedited ruling on that motion.

5. In support of this motion, Plaintiffs submit their Memorandum In Support Of Motion For Attorney Fees.

Respectfully Submitted,  
SCHLICHTER, BOGARD & DENTON

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Attorneys for Plaintiffs

#### **CERTIFICATE OF SERVICE**

I hereby certify that on May 11, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: Adam B. Walker, Azeez Hayne, Brian Boyle, Brian T. Ortelere, Catherine A. Cugell, Charles Lee Jolley, Gregory C. Braden, Henry D. Fellows, Jr., James O. Fleckner, James S. Dittmar, Jeffrey A. Strgeon, Jeffrey S. Russell, Michael J. Nester, Richard N. Bien, Robert N. Eccles, Shannon Barrett, Stephen D. Brody, Thomas E. Wack, William J. Delany.

/s/ Jerome J. Schlichter