

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

TRUDY CLARK, *et al.*,

Plaintiffs,

v.

BETH ISRAEL DEACONESS MEDICAL
CENTER, *et al.*,

Defendants.

Case No.: 1:22-CV-10068-DJC

**MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND
ATTORNEYS' FEES, EXPENSES, AND CASE CONTRIBUTION AWARDS**

Plaintiffs Trudy Clark, Donna Nesmith, Jessica Smith, and Shelly Stack, on behalf of the Beth Israel Deaconess Medical Center 401(k) Savings and Investment Plan and the Beth Israel Deaconess Medical Center Voluntary 403(b) Plan (collectively, the “Plan”), hereby move (the “Motion”) pursuant to Federal Rule of Civil Procedure 23 for entry of an Order that: (1) finally approves the Settlement Agreement dated May 4, 2023 with Beth Israel Deaconess Medical Center, the Board of Directors of Beth Israel Deaconess Medical Center, and the Pension Committee of Beth Israel Deaconess Medical Center, filed on May 5, 2023;¹ (2) maintains certification of the Settlement Class; (3) finds the manner in which the Settlement Class was notified of the Settlement was the best notice practicable under the circumstances, and fair, reasonable, and adequate; (4) approves the Plan of Allocation; and (5) awards attorneys’ fees of 25% of the Net Settlement Amount (inclusive of expenses) and \$7,500 each to Plaintiffs.²

For the reasons set forth in the Settlement Agreement, accompanying memorandum of

¹Terms not defined herein shall have the same meaning as in the Settlement Agreement.

²If helpful to the Court, Plaintiffs would be happy to provide a Word version of the proposed Final Approval Order.

law, and all supporting papers, as well as the record in this litigation, Plaintiffs respectfully submit that the proposed settlement memorialized in the Settlement Agreement is fair, reasonable, and adequate, and should be finally approved, the Settlement Class should be maintained through entry of a final judgment, and the related applications should be granted.

Plaintiffs stand ready to provide any additional information that the Court may require in connection with its consideration of the Motion.

DATED: August 8, 2023

Respectfully submitted,

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*Attorneys for Plaintiff, the Plan,
and the Settlement Class*

CERTIFICATE OF SERVICE

I certify that, on August 8, 2023, I caused the foregoing document to be filed using the Court's CM/ECF system, which thereby sent notice to all counsel of record.

/s/ Alec J. Berin

Alec J. Berin