

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

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**RODERICK W. RUSSELL, ON BEHALF OF** :  
**HIMSELF AND A CLASS OF PERSONS** :  
**SIMILARLY SITUATED, AND ON BEHALF OF** :  
**THE CONSECOSAVE PLAN,** :  
: :  
**PLAINTIFF,** :  
: :  
**VS.** :  
: :  
**CONSECO SERVICES, LLC, ROLLIN M. DICK,** :  
**GARY C. WENDT, STEPHEN C. HILBERT,** :  
**WILLIAM J. SHEA, CHARLES B. CHOKEL,** :  
**JOHN J. SABL, THOMAS J. KILIAN, RICHARD** :  
**H. KREMER, EDWARD M. BERUBE,** :  
**ELIZABETH C. GEORGAKOPOULOS, DAVID** :  
**K. HERZOG, AND JOHN DOES 1-30,** :  
: :  
**DEFENDANTS.** :  
\_\_\_\_\_ X

Case No. 1:02-CV-1639-LJM

FILED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS  
05 OCT 14 PM 2:22  
CLERK

**ORDER ON PLAINTIFF'S MOTION FOR AN AWARD OF ATTORNEYS' FEES AND  
REIMBURSEMENT OF EXPENSES OUT OF SETTLEMENT FUND  
AND FOR AN AWARD TO THE PLAINTIFF**

Plaintiff having moved for an order pursuant to Rule 23(h) for an award of attorneys' fees, expenses and an award to the Plaintiff, and the Court having considered the Motion and the papers filed in connection with the Motion, as well as the positions, if any, stated by Defendants and members of the class in this action,

IT IS NOW HEREBY ORDERED as follows:

1. The Court awards Plaintiff's Counsel attorneys' fees in the aggregate amount of \$2,500,000 and further directs that such amount be paid to Plaintiff's Counsel from the settlement fund as soon as practicable.

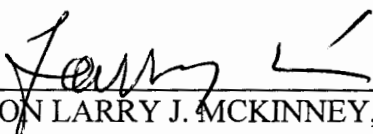
2. The Court awards the reimbursement of Plaintiff's Counsel of expenses in the amount of \$80,937.94 and further directs that such amount be paid to Plaintiff's Counsel from the settlement fund as soon as practicable.

3. The Court approves an award of \$20,000 to Plaintiff Roderick W. Russell and further directs that such amount be paid to Plaintiff from the settlement fund as soon as practicable.

4. The Court shall retain exclusive jurisdiction to determine any further applications for reimbursement of expenses, including but not limited to an application to be made by Berdon Claims Administration LLC for services rendered, and reimbursement of out-of-pocket expenses, in connection with administration of the settlement.

5. The Court shall also retain exclusive jurisdiction to resolve any disputes or challenges that may arise as to the performance of the Settlement Agreement or any challenges as to the performance, validity, interpretation, administration, enforcement or enforceability of the Class Notice, the Order and Final Judgment, or the Settlement Agreement.

SO ORDERED this 14 day of October, 2005.

  
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HON LARRY J. MCKINNEY, CHIEF JUDGE  
United States District Court  
Southern District of Indiana