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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

IN RE TOUCH AMERICA HOLDINGS, INC.
ERISA LITIGATION

No. CV-02-106-BU-SEH

PLAINTIFFS' UNOPPOSED MOTION FOR
AN AWARD OF ATTORNEYS' FEES AND
EXPENSES AND NAMED PLAINTIFFS'
SERVICE AWARDS

This Document Relates To: ALL ACTIONS

Plaintiffs Ross Buckingham, Warren Bellcour, Kim Moran, Torlief Pederson, and Charles Porter (“*Named Plaintiffs*”),¹ respectfully move the Court for an award of attorneys’ fees and expenses and *Named Plaintiffs’ Service Awards*. *Class Counsel* ask that this Court award fees in the amount of \$1 million dollars and expenses in the amount of \$400,000. The fees sought equal just over 20% of the total *Class Settlement Amount* of \$4.9 million and approximately 22%, less than one fourth, of counsel’s lodestar at their customary billing rates. In addition, *Class Counsel* request that the Court approve *Named Plaintiffs’ Service Awards* in the amount of \$3,000 to each of the five *Named Plaintiffs*, without whose time and commitment the *Settlement Class* would receive nothing.

Under Section 2.2.4 of the *Settlement Agreement*, the other parties to this *Action* agreed to take no position on this request for attorneys’ fees, expenses, and the *Named Plaintiffs’ Service Awards*.

In support of this motion, the *Named Plaintiffs* rely on the following:

¹ Terms in this Motion that are italicized and capitalized have the meanings stated in the Agreement of Compromise and Settlement—ERISA Litigation (“*Settlement Agreement*”). The revised, fully executed version is attached as Exhibit A to the Declaration of James G. Stranch, III, in Support of Plaintiffs’ Motion for Final Approval of Settlement (“*Stranch Decl.*”).

- (1) the Declaration of James G. Stranch, III, Concerning Fees and Expenses with exhibits, submitted herewith;²
- (2) the Declaration of Andrew M. Volk Concerning Fees and Expenses with exhibits, submitted herewith;
- (3) the Declaration of Ellen M. Kelman Concerning Fees and Expenses with exhibits, submitted herewith;
- (4) the Declaration of George E. Barrett Concerning Fees and Expenses with exhibits, submitted herewith;
- (5) the Declaration of Brian J. Robbins Concerning Fees and Expenses with exhibits, submitted herewith;
- (6) the Declaration of Andrew D. Huppert Concerning Fees and Expenses with exhibits, submitted herewith;
- (7) the Declaration of John M. Fitzpatrick Concerning Fees and Expenses with exhibits, submitted herewith;
- (8) the memorandum of law submitted herewith; and
- (9) the remainder of the record in this matter.

² Two Declarations have been filed by James G. Stranch III, Co-Lead Counsel. One Declaration supports this request for fees and expenses for his firm, Branstetter, Stranch & Jennings, PLLC (“BSJ”) and is one of the several Declarations filed by all firms in this litigation in support of the fee request. That Declaration shall be referred to as the “Stranch Fee Dec.” The other declaration also supports this fee request but provides information regarding the entire case and is primarily filed in support of the Motion for Final Approval of the Settlement. That Declaration will be referred to as the “Stranch Approval Dec.” or “Stranch Dec.”

Respectfully submitted this 6th day of April, 2010.

/s/ James G. Stranch, III
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CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 6th day of April, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel listed below who have registered for CM/ECF filing. Additionally, a copy was served by regular mail to the non-registered individuals by depositing a copy of the same in the U.S. Mail, postage pre-paid, addressed as follows:

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