

granted Plaintiff summary judgment with respect to portions of the contract claims, and (3) granted Defendant summary judgment on the conversion claim. (*See* Doc. 243, pp. 19-20.) At trial, the jury

- Awarded the Class \$907,075 on Count I,
- Determined the Class suffered no damages on Count II, and
- Found for Defendant on Count III.

Following trial, the Court partially decertified the class to remove claims falling outside the limitation period, thereby preserving each class member's ability to pursue his or her time-barred claim based on equitable estoppel. (Doc. 329, pp. 5-11.) The final judgment was affirmed on appeal in January 2025. *Meek v. Kansas City Life Ins. Co.*, 126 F.4th 577 (8th Cir. 2025).

In April 2025, the Court approved a plan to allocate the judgment amongst the class members, (Doc. 293); it also granted Plaintiff's Bill of Costs. (Doc. 294.) Plaintiff then filed the Fee Motion, seeking approval of his request for attorney fees, expenses, and a service award. Specifically, he sought awards of (1) 1/3 of the fund for attorney fees, (2) \$185,063 for expenses that were not covered by the Bill of Costs, and (3) a \$1,000 service award for serving as the class representative. The Court approved the requests and discussed why the amounts requested were justified, (Doc. 395, pp. 3-5), but noted its approval was only provisional. It explained that "Rule 23(h)(1) requires that notice to the class be provided before fees and expenses are awarded, and Rule 23(h)(2) requires that class members be given an opportunity to object," but the class members had not yet been notified of the Fee Motion or given an opportunity to object to it. (Doc. 395, p. 5.) Therefore, in addition to provisionally approving the Fee Motion, the Court approved Plaintiff's plan for notifying class members of the Fee Motion and directed the Claims

Administrator to “provide the Court with (1) an account of the notice campaign’s success and (2) any objections lodged by class members.” (Doc. 395, p. 6.)

Plaintiff has now filed a Notice reflecting that the process for notifying class members about the Fee Motion has been completed, (Doc. 399), and he has provided a Declaration from the Claims Administrator. The Declaration establishes that notice of the Fee Motion was delivered to 95.9% of the class members, and the lack of valid addresses prevented notifying the rest. (Doc. 399-1, ¶¶ 10-11, 13.) The Claims Administrator also reports that there were no objections to the Fee Motion. (Doc. 399-1, ¶ 21.)

The Court therefore concludes the requirements of Rule 23(h) have been satisfied, and for the reasons stated in its prior Order it concludes the amounts requested for attorney fees, expenses, and a service award are reasonable and appropriate. The Court grants final approval for payment from the settlement fund of the following:

- One third of the fund, or \$302,691.67, for attorney fees,
- \$185,063.00 for expenses, and
- \$1,000 for a special award for the class representative.

IT IS SO ORDERED.

DATE: July 9, 2025

/s/ Beth Phillips
BETH PHILLIPS, CHIEF JUDGE
UNITED STATES DISTRICT COURT