## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

CHRISTOPHER Y. MEEK,	
Individually and On Behalf of All Others	)
Similarly Situated,	)
	)
Plaintiff,	)
	)
V.	) Case No. 19-00472-CV-W-BP
	)
KANSAS CITY LIFE INSURANCE	)
COMPANY,	)
	)
Defendant.	

## ORDER GRANTING FINAL APPROVAL TO MOTION FOR ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARD

On May 12, 2025, the Court provisionally granted Plaintiff's request for attorney fees, expenses, and a service award (the "Fee Motion") pending (1) notification to class members and (2) consideration of any objections from class members. (Doc. 395.) Plaintiff now requests final approval. (*See* Doc. 399, p. 2.)<sup>1</sup> The request is granted.

The relevant facts and background are set forth in the Court's prior Orders (including the Order provisionally granting the Fee Motion); what it provides here is just a summary. This case involved several claims arising from Plaintiff's contention that Defendant improperly calculated the rate for the cost of insurance (the "COI Rate"), resulting in improper and excessive charges for the cost of insurance under certain universal life insurance policies. The Court certified a class of Kansas citizens to litigate Counts I – IV; Counts I – III were contract claims and Count IV was a claim for conversion. (Doc. 136, p. 25.) Later, the Court, *inter alia*, (1) rejected Defendant's construction of the relevant policy provisions and adopted Plaintiff's construction, (2) essentially

<sup>&</sup>lt;sup>1</sup> Unless otherwise indicated, all page numbers for documents filed with the Court are those generated by the Court's CM/ECF system.

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.

/s/ Beth Phillips

BETH PHILLIPS, CHIEF JUDGE

UNITED STATES DISTRICT COURT

DATE: July 9, 2025

3