

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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SCOTT SMITH, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
v.	)	Case No. 1:21-cv-10654
	)	
CHELMSFORD GROUP, LLC, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**PLAINTIFF’S MOTION FOR APPROVAL OF ATTORNEY’S FEES  
AND CLASS REPRESENTATIVE AWARD**

Pursuant to Fed. R. Civ. P. 23(h) and Fed. R. Civ. P. 54(d), Plaintiff Scott Smith – on behalf of himself and the members of the Rule 23(b)(2) Class and Rule 23(b)(3) Class conditionally certified by the Court’s September 23, 2022 Preliminary Approval Order (“Settlement Classes”) – moves the Court to approve the \$200,000 award of attorney’s fees as well as the \$2,000 class representative incentive award proposed by the parties’ Class Action Settlement Agreement and Release (“Settlement”), Doc. No. 96-2. Mr. Smith submits that the \$200,000 award of fees, which the Court preliminarily approved on September 23, 2022, Doc. No. 99, is reasonable in light of the number of hours spent by Smith’s counsel pursuing the claims of the Settlement Classes, the skill with which Smith’s counsel handled this litigation and the substantial benefits obtained by the Settlement for members of the Settlement Classes. Mr. Smith further submits that the \$2,000 incentive award is reasonable in light of the significant efforts undertaken by Smith on behalf of the Settlement Classes throughout this litigation. Based on the foregoing, as well as Memorandum of Law and Supplemental Declarations of Ethan R. Horowitz and Brian J. O’Donnell filed herewith, Mr. Smith respectfully requests that the Court grant this Motion, approve the proposed

\$200,000 award of fees as well as the \$2,000 class representative incentive award and incorporate such approval into the Final Order and Judgment resolving this litigation.

Respectfully submitted,  
SCOTT SMITH,  
By his attorneys,

This 17th day of January, 2023

/s/ Ethan R. Horowitz

/s/ Brian J. O'Donnell

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Ethan R. Horowitz  
BBO # 674669  
Northeast Justice Center  
50 Island Street, Suite 203B  
Lawrence, MA 01840  
(978) 888-0624  
ehorowitz@njc-ma.org

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Brian J. O'Donnell  
BBO # 703773  
Northeast Justice Center  
50 Island Street, Suite 203B  
Lawrence, MA 01840  
(978) 888-0624  
bodonnell@njc-ma.org

**CERTIFICATE OF SERVICE**

I hereby certify that on January 17, 2023, the foregoing Motion and the supplemental declarations referenced therein were electronically filed with the Clerk of the Court through the CM/ECF system, which will send notification of such filing to registered participants, including counsel for the Defendants.

/s/ Ethan R. Horowitz

Dated: January 17, 2023

Ethan R. Horowitz  
BBO # 674669

**CERTIFICATE OF RULE 7.1(A) COMPLIANCE**

I hereby certify that the parties to the above-captioned litigation, through counsel, conferred in good faith concerning the relief sought in the instant Motion and counsel for Defendants do not object to such relief.

/s/ Ethan R. Horowitz

Dated: January 17, 2023

Ethan R. Horowitz  
BBO # 674669