

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

	X
	: Case No.: 4:20-cv-1186-JAR
TIMOTHY MILES, on behalf of himself and	:
others similarly situated,	:
	:
Plaintiff,	:
	:
vs.	:
	:
MEDICREDIT, INC.,	:
	:
Defendant.	:
	:
	X

**PLAINTIFF’S MOTION FOR AN AWARD OF ATTORNEYS’ FEES, COSTS,
LITIGATION EXPENSES, AND A SERVICE AWARD**

Plaintiff Timothy Miles respectfully moves this Court under Rule 23(h) for an award of attorneys’ fees, costs, and litigation expenses for his counsel and for a service award. In support of his motion, Mr. Miles states:

1. After nearly two years of contested litigation, which included extensive motion practice, written discovery, and depositions—and with the assistance of a seasoned mediator—the parties to this matter reached an agreement on behalf of a nationwide settlement class under the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227.

2. To that end, Mediacredit, Inc. will create a non-reversionary, \$1.95 million settlement fund for the benefit of the following settlement class (“Settlement Class”): “All persons in the United States who (a) received a call from Mediacredit, Inc. between December 16, 2017 and July 7, 2022 on their cellular telephone, (b) with an artificial or prerecorded voice, (c) for which Mediacredit, Inc.’s records contain a ‘WN’ designation and an ‘MC’ and/or ‘MD’ notation.” The settlement will provide meaningful cash benefits to participating Settlement Class members.

3. In accordance with the Court's preliminary approval order, ECF No. 71, the claims administrator distributed notice of the settlement—via direct mail—to potential members of the Settlement Class. The notice detailed the terms of the settlement, including the amount of the requested attorneys' fee award, the costs and litigation expenses for which counsel would seek reimbursement, and the service award that Mr. Miles would seek. As of the time of filing this motion, no Settlement Class members have objected to any these requests.¹

4. Given the excellent result reached for the Settlement Class, and in light of the considerable time and effort necessary to achieve this outcome, Mr. Miles and his counsel seek an award of attorneys' fees of one-third of the \$1.95 million common fund. Mr. Miles and his counsel also seek the reimbursement of their costs and litigation expenses in the amount of \$10,477.62, and a service award for Mr. Miles in the amount of \$10,000. These requests are well supported by applicable law.

5. Pursuant to E.D. Mo. L.R. 4.01, Mr. Miles also submits and incorporates by reference his memorandum of law in support of his motion for an award of attorneys' fees, costs, litigation expenses, and a service award.

Dated: November 1, 2022

/s/ Michael L. Greenwald
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¹ Settlement Class members have until December 6, 2022 to object to the settlement. Should any Settlement Class members do so, Mr. Miles will address those objections through subsequent filings.

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Class*