

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

BARBARA EDWARDS, in her capacity as Trustee in Bankruptcy of Roxbury Surgical Center, LLC, f/d/b/a Roxbury Open MRI and Surgery Center, and NORTH JERSEY AMBULATORY SURGERY CENTER, LLC, *individually and on behalf of all others similarly situated,*

Plaintiffs,

v.

HORIZON BLUE CROSS BLUE SHIELD OF NEW JERSEY,

Defendant.

**CIVIL ACTION NO. 08-cv-6160(KM)**

**PROPOSED ORDER GRANTING  
PLAINTIFFS' MOTION FOR AWARD  
OF ATTORNEY'S FEES AND COSTS  
AND CLASS REPRESENTATIVE  
SERVICE AWARD**

WHEREAS, Plaintiffs and Defendant Horizon Blue Cross Blue Shield of New Jersey ("Horizon") entered into a Settlement Agreement subject to Court approval;

WHEREAS the Court preliminarily approved the Settlement Agreement on March 29, 2018. (D.E. 315)

WHEREAS, ¶6 of the Settlement Agreement (D.E. 311-3) provides that Horizon has agreed not to oppose the amount of \$9 million to Plaintiffs' counsel for their attorneys' fees and expenses, subject to Court approval;

WHEREAS, Plaintiffs have filed a motion seeking the payment of \$9

million for their attorneys' fees and expenses, and the Court has been advised that Horizon does not oppose the motion;

WHEREAS, the Settlement Agreement also provides, in ¶4 that Horizon agrees to pay (and shall pay, if approved by the Court), a Class Representative Service Awards totaling \$5,000 to the Class Representative, Barbara Edwards, in her capacity as Trustee in Bankruptcy of Roxbury Surgical Center, LLC, f/d/b/a Roxbury Open MRI and Surgery Center;

WHEREAS, Plaintiffs have filed a motion seeking approval of the payment of the Class Representative Service Award and the Court has been advised that Horizon does not oppose it;

WHEREAS, after considering Plaintiffs' motion, the Brief in support and Certifications of Bruce H. Nagel and Neil Prupis, as well as any materials that may be filed in opposition thereto, and the Court having concluded that Plaintiffs' request for fees and expenses and payment of the Class Representative Service Award is reasonable, permissible under the applicable law and in accordance with the Settlement Agreement;

IT IS HEREBY ORDERED:

1. Plaintiffs' Motion for an Award of Attorney's Fees and costs, and the approval of the Class Representative Service Award is hereby GRANTED.

2. Defendant Horizon Blue Cross Blue Shield of New Jersey shall pay Class Counsel \_\_\_\_\_ [\$9,000,000.00] for attorneys' fees and expenses to be paid in accordance with ¶6 of the Settlement Agreement.
3. In accordance with the Settlement Agreement, Defendant Horizon Blue Cross Blue Shield of New Jersey shall also make an additional payment of \$5,000.00 to the Class Representative Barbara Edwards, in her capacity as Trustee in Bankruptcy of Roxbury Surgical Center, LLC, f/d/b/a Roxbury Open MRI and Surgery Center in accordance with ¶4 of the Settlement Agreement.

IT IS SO ORDERED.

DATED:

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HON. KEVIN MCNULTY  
UNITED STATES DISTRICT JUDGE