

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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IN RE MERRILL LYNCH & CO., INC. : Master File No.:  
SECURITIES, DERIVATIVE AND ERISA : 07cv9633 (JSR)(DFE)  
LITIGATION :  
: **CLASS ACTION**  
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This Document Relates To: :  
ERISA ACTION : Case No.:  
: 07-CV-10268 (JSR)(DFE)  
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**PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS' FEES, EXPENSES,  
AND CASE CONTRIBUTION AWARDS**

Named Plaintiffs Carl Esposito, Barbara Boland, Alan Maltzman, and Mary Gidaro hereby move the Court for entry of an Order awarding Co-Lead Counsel attorneys' fees in the amount of \$18,750,000, and for reimbursement of expenses in the amount of \$372,312.94, both of which were incurred in connection with the prosecution and successful resolution of this action. In addition, we request that the Court grant case contribution awards in the amount of \$5,000 to Named Plaintiffs Carl Esposito, Barbara Boland, Alan Maltzman, and Mary Gidaro, in recognition of their valuable service to the Class.

1. In support of this motion, and as may be required by Fed. R. Civ. P. 54(d)(2)(B), Plaintiffs state that Co-Lead Counsel are entitled to the award of attorneys' fees and

reimbursement of expenses in the amounts represented herein as a result of having created a substantial monetary fund for the benefit of the Class.

2. In further support of this motion, Plaintiffs rely upon (a) the record herein; (b) the Stipulation and Agreement of Settlement ERISA Action (Dkt. No. 92), as dated February 27, 2009 and filed March 19, 2009; (c) the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Award of Attorneys' Fees, Expenses, and Case Contribution Awards; (d) Plaintiffs' Motion and Memorandum of Law in Support of Motion for Final Approval of Class Action Settlement and Plan of Allocation; and (e) the Joint Declaration of Lynn L. Sarko and Marc I. Machiz in Support of Motion for Final Approval of Class Action Settlement and Plan of Allocation and Motion for Award of Attorneys' Fees, Expenses, and Case Contribution Awards ("Joint Declaration").

3. In conjunction with this filing, Co-Lead Counsel are adding the following documents to the settlement website approved by the Court in this case, <http://www.merrilllynchERISAsettlement.com>: Plaintiffs' Motion and Memorandum of Law Support of Motion for Award of Attorneys' Fees, Expenses, and Case Contribution Awards ("Fee Motion" and "Fee Memo"); Plaintiffs' Motion and Memorandum of Law in Support of Motion for Final Approval of Class Action Settlement and Plan of Allocation ("Final Approval Motion" and "Final Approval Memo"); and the Joint Declaration.

4. Co-Lead Counsel note that in addition to the Fee Motion, the Final Approval Motion also is pending. As part of a final resolution of this litigation, Plaintiffs respectfully request that the Court grant the requests made in the Fee Motion and in the Final Approval Motion.

WHEREFORE, for the reasons stated in the Fee Motion and Memo, and in the Final Approval Motion and Memo, Named Plaintiffs respectfully request that the Court enter their [Proposed] Order and Final Judgment attached as Ex. A to the Final Approval Motion.

Respectfully submitted this 26th day of June, 2009.

KELLER ROHRBACK L.L.P.

/s/ Lynn Lincoln Sarko

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