

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

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**TIM P. BRUNDLE, on behalf of the  
Constellis Employee Stock Ownership  
Plan,**

**Plaintiff,**

v.

**WILMINGTON TRUST, N.A., as  
successor to WILMINGTON TRUST  
RETIREMENT AND INSTITUTIONAL  
SERVICES COMPANY,**

**Defendant.**

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**Civil Action No. 1:15-cv-1494 (LMB/IDD)**

**PLAINTIFF'S MOTION FOR  
ATTORNEYS' FEES AND COSTS, AND PLAINTIFF'S COUNSEL'S MOTION  
FOR ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES**

Plaintiff Tim P. Brundle, on behalf of the Constellis Employee Stock Ownership Plan, by counsel, and Plaintiff's Counsel, for the reasons set forth in the Memorandum of Law in Support of Plaintiff's Motion for Attorneys' Fees and Costs, and Plaintiff's Counsel's Motion for Attorneys' Fees and Reimbursement of Expenses, and the accompanying declarations, move this Court to enter an order (1) awarding Plaintiff and the Plan attorneys' fees and costs pursuant to ERISA § 502(g), 29 U.S.C. § 1132(g), and Local Civil Rule 54(D); and (2) awarding Plaintiff's Counsel attorneys' fees pursuant to the common fund doctrine and reimbursement of expenses reasonably incurred in prosecuting this action to judgment.

**CERTIFICATION**

Pursuant to Rule 37(a)(1) of the Federal Rules of Civil Procedure and Local Civil Rule 37(E), undersigned counsel states that counsel for Plaintiff has in good faith conferred with

counsel for Defendant. Counsel were unable to reach an agreement on the issues contained in this Motion and corresponding Memorandum in Support.

Date: April 10, 2017

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of April 2017, a copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send such notification to the following:

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