

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CASE NO. 01-21376 CA 08

GENERAL JURISDICTION DIVISION

JOAN LIGHT, SHIRLEY EISENBERG
CAROL PRISCO, and GLORIA ZIMMER

Plaintiffs,

-vs-

SCIFUNERAL SERVICES OF FLORIDA,
INC., a Florida corporation d/b/a MENORAH
GARDENS & FUNERAL CHAPELS and
SERVICE CORPORATION
INTERNATIONAL, a Texas corporation,
MENORAH PARTNERSHIP, a
Florida General Partnership, and SHARON
GARDENS LIMITED PARTNERSHIP, a
Florida Limited Partnership,

Defendants.

JUN 02 2004
A TRUE COPY
HOWARD C. FORMAN
CLERK OF CIRCUIT COURT

MOTION FOR INCENTIVE AWARDS TO CLASS REPRESENTATIVES

Plaintiffs, by and through undersigned class counsel, file this Motion for Incentive Awards to Class Representatives based upon their assistance to class counsel and the class in the prosecution of this litigation. In support thereof, Plaintiffs state as follows:

1. Joan Light, Shirley Eisenberg, Carol Prisco, and Gloria Zimmer were appointed by the Court as Class Representatives.
2. In their role as Class Representatives, they greatly assisted class counsel in investigating, preparing, and bringing this claim.
3. The Class Representatives have also assisted in discovery and have all given of their time to class counsel when needed, responded to interrogatories, had their depositions taken, and testified as needed.

4. Incentive awards are common in class action litigation, especially when a common fund is created. *In re S. Ohio Correctional Facility*, 175 F.R.D. 270, 273 n.3 (S.D. Ohio 1997) (citing a multitude of cases granting incentive award to class representatives). “Courts routinely approve incentive awards to compensate named plaintiffs for the services they provided and the risks they incurred during the course of the class action litigation.” *Id.*

5. Indeed, “a named plaintiff is an essential ingredient of any class action, an incentive award can be appropriate to encourage or induce an individual to participate in the suit.” *In re Compact Disc Minimum Advertised Price Antitrust Litigation*, 292 F.Supp.2d 184, 189 (D. Maine, 2003).

6. The additional compensation to class members is justified when the class representatives expend time and effort beyond that of the other class members in assisting class counsel with the litigation. *In re S. Ohio Correctional Facility*, 175 F.R.D. at 273. Ms. Light, Eisenberg and Prisco have assisted class counsel with the prosecution of this case before the case was filed, giving of their time, experience and effort, in the successful resolution of this matter. Ms. Zimmer became a Class Representative shortly after the case was filed, also giving of her time, experience, and effort, in the successful resolution of this matter.

7. Class counsel request incentive awards in the amount of \$250,000.00 for each of the Class Representatives in this matter.

WHEREFORE, class counsel request that the Court enter an order granting incentive awards in the amount of \$250,000.00 to the Class Representatives in this matter.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the above and foregoing was sent via U.S. Mail this 1st day of June, 2004, to: BARRY DAVIDSON, ESQUIRE, HUNTON AND WILLIAMS, *Attorney for Defendants*, Barclays Financial Center, Suite 2500, 1111 Brickell Avenue, Miami, Florida 33131; DENNIS O’HARA, ESQUIRE, WICKER, SMITH, O’HARA, McCOY, GRAHAM & FORD, P.A., *Co-Counsel for Defendant, SCI Funeral Services of Florida*, SouthTrust Tower, Suite 500, One East Broward Boulevard, Ft. Lauderdale, Florida 33302.

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