|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Settlement Amount**  | **Trustee Counsel Contingency Fee**  | **Class Counsel Fee (Maximum) [[1]](#footnote-1)**  | **Class Counsel Expense (Maximum)3**  | **Gross Distributable Amount (Estimated)**  |
|  ***D&O Defendants***  |  |  |  |   |
|  $ 50,500,000.00  |  $ 8,928,400.00  |  $ 8,484,000.00  |  $ 500,000.00  |  $ 33,087,600.00  |
|  ***Whitley Penn LLP*** |  |  |  |   |
|  $ 8,500,000.00  |  $ 2,125,000.00  |  $ -  |  $ -  |  $ 6,375,000.00  |
|  ***Sabes Defendants***  |  |  |  |   |
|  $ 2,300,000.00  |  $ 782,000.00  |  $ -  |  $ -  |  $ 1,518,000.00  |
|  ***Mayer Brown LLP*** |  |  |  |   |
|  $ 30,000,000.00  |  $ 7,500,000.00  |  $ -  |  $ -  |  $ 22,500,000.00  |
| ***Richards Layton*** |  |  |  |  |
| $ 5,000,000.00  |  $ 1,250,000.00 |  $ - |  $ -  |  $ 3,750,000.00 |
| ***Jackson Walker*** |  |  |  |  |
| $ 405,000.00 |  $ 101,250.00 |  $ - |  $ -  |  $ 303,750.00 |
| ***PCA Parties*** |  |  |  |  |
| $ 1,900,000.00 |  $ 475,000.00 |  $ - |  $ - |  $ 1,425,000.00 |
|  |  |  |  Subtotal  |  $ 67,534,350.00  |
|  |  |  |  Less: Litigation Trust Expense Reserve[[2]](#footnote-2)  |  $ (2,500,000.00) |
|  |  |  |  Notice Costs (Estimated)  |  $ (703,142.00) |
|  |  |  |  Litigation Trustee Success Fee (Est)[[3]](#footnote-3)  |  $ (934,022.50) |
|  |  |  | **Net Distribution to Wind Down Trust (Estimated)** |  **$ 63,397,185.50**  |

1. Class Counsel’s fees and expenses are subject to approval by the U.S. District Court for the Northern District of Texas (the “District Court”) overseeing the putative class action styled *In re GWG Holdings, Inc. Sec. Litig.*, No. 3:22-cv-00410 (the “Class Action”). Under the terms of the settlement agreement, Class Counsel will apply to the District Court for fees not to exceed $8,484,000 plus reimbursement of expenses not to exceed $500,000. [Dkt No. 2533-1 at ¶ 22]. [↑](#footnote-ref-1)
2. This amount represents a reserve by GWG Litigation Trustee to fund reasonably anticipated expenses associated with multiple pending arbitrations and adversary proceedings, in accordance with the terms of the GWG Litigation Trust Agreement. *See* Dkt No. 1910 at §3.4. [↑](#footnote-ref-2)
3. The GWG Litigation Trustee’s compensation under the GWG Litigation Trust Agreement includes a success fee comprised of (a) 2% of the net amount available for distribution to the Wind Down Trust Beneficiaries *plus* (b) 2% of the amount of any fees and expenses paid to any experts and/or contingency counsel retained by the Litigation Trustee on behalf of the Litigation Trust (“Success Fee”), less 50% of all monthly compensation paid or payable to the Litigation Trustee. *See* Dkt No. 1910 at Schedule A. The amount included above is the Litigation Trustee’s best current estimate of that amount and may be subject to change. [↑](#footnote-ref-3)