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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE CAPACITORS ANTITRUST
LITIGATION**

**MDL No. 3:17-md-02801-JD
Case No. 3:14-cv-03264-JD**

**THIS DOCUMENT RELATES TO:

ALL INDIRECT PURCHASER
PLAINTIFF ACTIONS**

**[PROPOSED] ORDER GRANTING
INDIRECT PURCHASER PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES,
EXPENSES, AND SERVICE AWARDS**

1 The Court, having reviewed the Indirect Purchaser Plaintiffs' Notice of Motion, Motion for
2 Attorneys' Fees, Expenses, and Service Awards, and the Memorandum of Points and the Authorities
3 (together, "Motion"), the pleadings and other papers on file in the above-captioned action ("Action"),
4 and argument by Indirect Purchaser Plaintiffs' ("IPPs"), hereby finds that:

5 1. Class Counsel request an award of attorneys' fees of \$7,737,500, or 25% of the
6 \$30,950,000 settlement fund ("Settlement Fund"), reimbursement of out-of-pocket litigation
7 expenses of \$905,071.23, and a service award of \$5,000 for each of the 10 Class Representatives.

8 2. The Court finds Class Counsel's attorneys' fees request of 25% of the Settlement Fund
9 as fair and reasonable under the percentage-of-the-recovery method based on the following factors:
10 (1) the results obtained by Class Counsel in this Action; (2) the risks and complex issues involved in
11 this Action, which were significant and required a high level of skill and work to overcome; (3) the
12 attorney fee request was entirely contingent on success; (4) the range of attorney fee awards in similar
13 cases justifies a fee award of 25% here; and (5) the class members have been notified of the attorney
14 fee request and have had an opportunity to inform the Court of any concerns they have with the
15 request. Similarly, the Court finds Class Counsel's request for reimbursement of litigation expenses
16 to be reasonable because it was entirely contingent on success and class members were notified of the
17 expense request and had an opportunity to object. Accordingly, the Court finds that both the attorney
18 fee and expense requests comport with the applicable law and are justified by the circumstances of
19 this Action.

20 3. The Court confirms the reasonableness of the attorneys' fees request by conducting a
21 lodestar cross-check. The Court finds that Class Counsel's cumulative lodestar from appointment of
22 leadership through August 12, 2019 was \$28,872,571 based on historic hourly rates and that such
23 rates were reasonable. The attorneys' fees request represents less than 70% of Class Counsel's
24 lodestar from appointment of leadership through August 12, 2019 and constitutes a substantial
25 negative multiplier. This further supports the reasonableness of the attorneys' fees request.

26 4. The Court finds that Class Counsel incurred a total of \$1,095,912.08 in unreimbursed, out-
27 of-pocket litigation expenses in prosecuting this Action, which is the sum of unreimbursed, individual
28 firm expenses of \$51,759.81 and unreimbursed Capacitors Litigation Fund expenses of

1 \$1,044,152.27. The Court finds that these expenses were reasonably incurred in the ordinary course
2 of prosecuting this Action and were necessarily incurred given the complex nature and nationwide
3 scope of the Action. In accordance with Class Counsel's Settlement Class Notice Program, which
4 seeks reimbursement of expenses up to \$905,071.23, the Court hereby awards reimbursement of out-
5 of-pocket litigation expenses of \$905,071.23.

6 5. Class Counsel also request that the Court approve service awards—\$5,000 for each of
7 the 10 Class Representatives. The service awards total \$50,000 or 0.00062% of the Settlement Fund.
8 The Class Representatives have submitted declarations detailing the significant amount of time they
9 spent assisting in the litigation, including appearing for depositions and responding to discovery.
10 There is no indication of collusion or conflict between Class Counsel and the Class Representatives.
11 The Court finds the service awards appropriate in the circumstances of this long-running Action.

12 6. In summary, in consideration of the Motion and accompanying Declarations and all
13 matters of record including the pleadings and papers filed in this Action, the Court hereby finds that
14 the attorneys' fees and expense requests are fair, reasonable, and appropriate and that the service
15 awards are reasonable and appropriate.

16 Accordingly, it is hereby **ORDERED** and **DECREED** that:

17 1. Class Counsel are awarded attorneys' fees in the amount of \$7,737,500 (25% of the
18 \$30,950,000 Settlement Fund), including a proportional share of interest earned on the Settlement
19 Fund for the same time period and at the same rate as that earned on the settlement funds until
20 dispersed to Class Counsel.

21 2. Class Counsel are awarded reimbursement of their out-of-pocket litigation expenses
22 in the amount of \$905,071.23.

23 3. Each of the 10 class representatives is awarded \$5,000 for their service in the Action
24 for a total of \$50,000.

25 4. The attorneys' fees and expenses shall be allocated among Class Counsel by Lead
26 Class Counsel in a manner that, in Lead Counsel's good-faith judgment, reflects each firm's
27 contribution to the institution, prosecution, and resolution of the Action.
28

1 5. The Court finds there is no just reason for delay and enters this order on this date
2 pursuant to Federal Rule of Civil Procedure Rule 54(b).

3
4 **IT IS SO ORDERED.**

5
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7 Dated: _____

_____ **JAMES DONATO**
United States District Judge

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9
10 Proposed Order Submitted By:

11 **COTCHETT PITRE & McCARTHY LLP**

12 Joseph W. Cotchett (State Bar No. 36324)

13 Adam J. Zapala (State Bar No. 245748)

14 Elizabeth T. Castillo (State Bar No. 280502)

15 840 Malcolm Road

16 Burlingame, CA 94010

17 Telephone: (650) 697-6000

18 Facsimile: (650) 697-0577

19 jcotchett@cpmlegal.com

20 azapala@cpmlegal.com

21 ecastillo@cpmlegal.com

22 *Lead Class Counsel for Indirect Purchaser Plaintiffs*