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

**IN RE RESISTORS ANTITRUST
LITIGATION**

Case No. 3:15-cv-03820-JD

**THIS DOCUMENT RELATES TO:

ALL INDIRECT PURCHASER
PLAINTIFF ACTIONS**

**[PROPOSED] ORDER GRANTING
INDIRECT PURCHASER PLAINTIFFS'
MOTION FOR AWARD OF ATTORNEYS'
FEES; REIMBURSEMENT OF
EXPENSES; AND CLASS
REPRESENTATIVE SERVICE AWARDS**

Date: December 12, 2019
Time: 10:00 a.m.
Place: Courtroom 11, 19th Floor
Judge: Hon. James Donato

**[Proposed] Order Granting Indirect Purchase Plaintiffs' Motion for Award of Attorneys' Fees, Reimbursement of Expenses, and Class Representative Service Awards;
Case No. 3:15-cv-03820-JD**

1 The Court, having reviewed Plaintiffs' Notice of Motion, Motion for an Award of Attorneys'
2 Fees, Reimbursement of Expenses, and Class Representative Service Awards and the Memorandum
3 of Points and the Authorities in Support ("Motion"), the pleadings and other papers on file in this
4 Action and the argument of counsel, hereby finds that:

5 1. The Motion requests an award of attorneys' fees in the amount of \$8,350,000 or 25%
6 of the \$33,400,000 Settlement Fund. Further, Counsel for IPPs request reimbursement of out-of-
7 pocket litigation costs and expenses in the amount of \$1,437,576.88.

8 2. The Court finds Class Counsel's requested attorney fee award of \$8,350,000—25%
9 of the Settlement Fund—is fair and reasonable under the percentage-of-the-recovery method based
10 upon the following factors: (1) the results obtained by Lead Counsel in this case; (2) the risks and
11 complex issues involved in this case, which were significant and required a high level of skill and
12 high-quality work to overcome; (3) that the attorneys' fees requested were entirely contingent upon
13 success—Lead Counsel risked time and effort and advanced costs with no ultimate guarantee of
14 compensation; (4) that the range of awards made in similar cases justifies an award of 25%; and (5)
15 that the Class Members have been notified of the requested attorneys' fees and had an opportunity
16 inform the Court of any concerns they have with the request. As such, the Court finds that the
17 requested fee award comports with the applicable law and is justified by the circumstances of this
18 case.

19 3. The Court has confirmed the reasonableness of IPPs' fee request by conducting a
20 lodestar cross-check. The Court finds that the 33,818.65 hours worked by counsel were reasonable
21 and necessary. The Court further finds that Lead Counsel's reasonable lodestar for the entirety of the
22 case was \$11,480,920 based on historic hourly rates, and that such rates were reasonable. Counsel
23 for IPPs' requested fee award represents less than 73% of their reasonable lodestar, a negative
24 multiplier. This further supports the reasonableness of Class Counsel for IPPs' attorney fee request.

25 4. The Court finds that Counsel for IPPs incurred a total of \$1,437,576.88 in unreimbursed
26 litigation costs and expenses in prosecuting this litigation. The Court finds that these costs and
27 expenses were reasonably incurred in the ordinary course of prosecuting this case and were
28

1 necessary given the complex nature and worldwide scope of the case. The Court hereby awards
2 reimbursement of litigation expenses in the cumulative amount of \$1,437,576.88.

3 5. The Court also finds the requested service awards—\$2,500 for each of the eight
4 Class Representatives—is fair and reasonable in light of the efforts they undertook on behalf of the
5 Class, which included efforts assisting IPP Counsel in pre-filing negotiations, continued contact with
6 and updates from IPP Counsel over nearly four years of litigation, and responding to substantive
7 written discovery requests, as detailed in the Declaration of Adam J. Zapala. The Court hereby
8 grants service awards of \$2,500 for each of the eight Class Representatives: Linkitz Systems, Inc.,
9 Microsystems Development Technologies, Inc., Nebraska Dynamics, Inc., MakersLED LLC, Top
10 Floor Home Improvements, Angstrom, Inc., In Home Tech Solutions, Inc., and Anthony Sakal.

11 6. In sum, upon consideration of the Motion and accompanying Declarations, and based
12 upon all matters of record including the pleadings and papers filed in this action, the Court hereby
13 finds that the attorneys' fees requested are fair and reasonable; and the costs and expenses incurred
14 by Class Counsel for IPPs were necessary, reasonable, and appropriate.

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

16 1. Counsel for IPPs are awarded attorneys' fees of \$8,350,000 (25% of the \$33,400,000
17 Settlement Fund), together with a proportional share of interest earned on the Settlement Fund for the
18 same time period and at the same rate as that earned on the Settlement Fund until dispersed to
19 Counsel for IPPs.

20 2. Counsel for IPPs are awarded reimbursement of their litigation costs and expenses in
21 the amount of \$1,437,576.88.

22 3. Lead Counsel shall also disburse service awards, in the amount of \$2,500 which are
23 hereby awarded to each of the eight Class Representatives.

24 4. This order shall be entered of this date pursuant to Rule 54(b) of the Federal Rules of
25 Civil Procedure, the Court finding that there is no just reason for delay.

26 **IT IS SO ORDERED.**

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Dated: _____

HON. JAMES DONATO
UNITED STATES DISTRICT COURT JUDGE