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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

**IN RE: LITHIUM ION BATTERIES  
ANTITRUST LITIGATION**

Case No. 13-MD-02420 YGR (DMR)

MDL No. 2420

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

**This Document Relates to:  
ALL INDIRECT PURCHASER ACTIONS**

**[PROPOSED] ORDER GRANTING IPSS' MOTION FOR AN AWARD OF ATTORNEYS'  
FEES, REIMBURSEMENT OF EXPENSES, AND SERVICE AWARDS; Case No. 13-md-  
02420-YGR (DMR)**

1 The Court, having reviewed Indirect Purchaser Plaintiffs' Motion for an Award of  
2 Attorney's Fees, Reimbursement of Expenses, and Service Awards ("Motion"), the pleadings and  
3 other papers on files in this Action and the argument of counsel, hereby finds that:

4 1. The Motion requests an award of attorneys' fees in the amount of \$11,240,000 or  
5 25% of the \$44,950,000 gross settlement fund ("Settlement Fund").

6 2. Class Counsel also requests reimbursement of litigation costs and expenses in the  
7 amount of \$4,159,515.28.

8 3. The Court finds Class Counsel's requested fee award is fair and reasonable under  
9 the percentage-of-the-recovery method based upon the following factors: (a) the results obtained  
10 by Class Counsel in this case; (b) the risks and complex issues involved in this case, which were  
11 significant and required a high level of skill and high-quality work to overcome; (c) that the  
12 attorneys' fees requested were entirely contingent upon success—Class Counsel risked time and  
13 effort and advanced costs with no ultimate guarantee of compensation; and (d) that the Class  
14 Members have been notified of the requested fees and had an opportunity inform the Court of any  
15 concerns they have with the request. These factors justify an award consistent with the Ninth  
16 Circuit's 25% benchmark. *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1048-50 (9th Cir. 2002).  
17 As such, the Court finds that the requested fee award comports with the applicable law and is  
18 justified by the circumstances of this case.

19 4. The Court has confirmed the reasonableness of Class Counsel's fee request by  
20 conducting a lodestar cross-check. The Court finds that Class Counsel's reasonable lodestar was  
21 \$34,448,833.50 based on historic hourly rates for the period from the appointment of lead counsel  
22 until February 28, 2017, and that an award of \$11,240,000 yields a negative .67 multiplier.

23 5. The Court finds that Class Counsel incurred a total of \$4,159,515.28 in litigation  
24 costs and expenses (for which Class Counsel seek reimbursement at this time) in prosecuting this  
25 litigation from the inception of the case to February 28, 2017. The Court finds that these costs and  
26 expenses were reasonably incurred in the ordinary course of prosecuting this case and were  
27 necessary given the complex nature and nationwide scope of the case.

1           6.       In sum, upon consideration of the Motion and accompanying Declarations, and  
2 based upon all matters of record including the pleadings and papers filed in this action, the Court  
3 hereby finds that the fee requested is reasonable and proper, and the costs and expenses incurred  
4 by Class Counsel were necessary, reasonable, and proper.

5           Accordingly, it is hereby ORDERED and DECREED that:

6           7.       Class Counsel are awarded attorneys' fees of \$11,240,000 (25% of the \$44,950,000  
7 Settlement Fund).

8           8.       Class Counsel are awarded reimbursement of their litigation costs and expenses in  
9 the amount of \$4,159,515.28.

10          9.       The attorneys' fees awarded, reimbursement of litigation costs and expenses, and  
11 incentive awards shall be paid from the Settlement Fund.

12          10.      The fees and expenses shall be allocated among Class Counsel by Co-Lead Class  
13 Counsel in a manner that, in the Co-Lead Class Counsel's good-faith judgment, reflects each firm's  
14 contribution to the institution, prosecution, and resolution of the litigation.

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

17  
18 **IT IS SO ORDERED.**

19  
20 Dated: \_\_\_\_\_, 2017

\_\_\_\_\_  
HON. YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT JUDGE