

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

**IN RE CAPACITORS ANTITRUST  
LITIGATION**

**Case No. 3:14-cv-03264-JD**

**MDL No. 3:17-md-02801-JD**

**THIS DOCUMENT RELATES TO:**

**ALL INDIRECT PURCHASER  
PLAINTIFF ACTIONS**

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

Date: October 18, 2018  
Time: 10:00 a.m.  
Place: Courtroom 11, 19th Floor  
Judge: Honorable James Donato

1 The Court, having reviewed Plaintiffs’ Notice of Motion, Motion for an Award of Attorneys’  
2 Fees and Reimbursement of Expenses and the Memorandum of Points and the Authorities thereto  
3 (“Motion”), the pleadings and other papers on file in this Action and the argument of counsel, hereby  
4 finds that:

5 1. The Motion requests an award of attorneys’ fees in the amount of \$8,647,500.00 or  
6 25% of the \$34,590,000 Settlement Fund. Further, Plaintiffs and Class Counsel request  
7 reimbursement of out-of-pocket litigation costs and expenses in the amount of \$4,715,036.97.

8 2. The Court finds Class Counsel’s requested fee award of \$8,647,500.00 —25% of the  
9 Settlement Fund—is fair and reasonable under the percentage-of-the-recovery method based upon  
10 the following factors: (1) the results obtained by Class 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—Class 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% here; and  
15 (5) that the Class Members have been notified of the requested fees and had an opportunity inform  
16 the Court of any concerns they have with the request. As such, the Court finds that the requested fee  
17 award comports with the applicable law and is justified by the circumstances of this case.

18 3. The Court has confirmed the reasonableness of IPPs’ fee request by conducting a  
19 lodestar cross-check. The Court finds that the 64,007.5 hours worked by Class Counsel through  
20 March 31, 2018 were reasonable and necessary. The Court further finds that Class Counsel’s  
21 reasonable lodestar through March 31, 2018 for the entirety of the case was \$25,928,960.50 based on  
22 historic hourly rates, and that such rates were reasonable. Class Counsel for IPPs’ requested fee  
23 award represents less than 0.4777 of their reasonable lodestar, a negative multiplier. This further  
24 supports the reasonableness of Class Counsel for IPPs’ fee request here.

25 4. The Court finds that Class Counsel for IPPs incurred a total of \$4,715,036.97 in  
26 unreimbursed litigation costs and expenses in prosecuting this litigation during the time period from  
27 through August 9, 2018. The Court finds that these costs and expenses were reasonably incurred in  
28 the ordinary course of prosecuting this case and were necessary given the complex nature and

1 nationwide scope of the case. In accord with Counsel for IPPs' Class Notice Program, the Court  
2 hereby awards reimbursement of litigation expenses in the amount of \$4,715,036.97.

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

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

8 1. Class Counsel for IPPs are awarded attorneys' fees of \$8,647,500.00 (25% of the  
9 \$34,590,000 Settlement Fund), together with a proportional share of interest earned on the Settlement  
10 Fund for the same time period and at the same rate as that earned on the Settlement Fund until  
11 dispersed to Class Counsel for IPPs.

12 2. Class Counsel for IPPs are awarded reimbursement of their litigation costs and  
13 expenses in the amount of \$4,715,036.97.

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

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

19 **IT IS SO ORDERED.**

20  
21 Dated: \_\_\_\_\_

22 \_\_\_\_\_  
23 HON. JAMES DONATO  
24 UNITED STATES DISTRICT COURT JUDGE  
25  
26  
27  
28

1 Respectfully submitted,

2 Adam J. Zapala  
3 **COTCHETT PITRE & McCARTHY LLP**  
4 840 Malcolm Road, Suite 200  
5 Burlingame, CA 94010  
6 Telephone: (650) 697-6000  
7 Facsimile: (650) 697-0577  
8 swilliams@cpmlegal.com

9 *Interim Lead Class Counsel for Indirect Purchaser Plaintiffs*

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28