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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE RESISTORS ANTITRUST
LITIGATION

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

~~PROPOSED~~ ORDER GRANTING
DIRECT PURCHASER PLAINTIFFS'
REVISED MOTION FOR AN AWARD
OF ATTORNEYS' FEES,
REIMBURSEMENT OF EXPENSES,
AND SERVICE AWARD FOR THE
CLASS REPRESENTATIVE

This Documents Relates to:

DIRECT PURCHASER ACTIONS

1 This order resolves Direct Purchaser Plaintiffs' Revised Motion for an Award of Attorneys'
2 Fees, Reimbursement of Expenses, and Service Award for the Class Representative ("Motion").
3 Dkt. No. 560. The Motion requests an award of attorneys' fees in the amount of \$10.05 million or
4 20% of the \$50.25 million Settlement Fund. Further, Plaintiffs and Class Counsel request
5 reimbursement of out-of-pocket litigation costs and expenses in the amount of \$1,889,492.86.

6 1. The Court finds Class Counsel's requested fee award of \$10.05 million -- 20% of the
7 Settlement Fund -- is fair and reasonable under the percentage-of-the-recovery method based upon
8 the following factors: (1) the results obtained by Class Counsel in this case; (2) the risks and
9 complex issues involved in this case; (3) that the attorneys' fees requested were entirely contingent
10 upon success; (4) the range of awards made in similar cases; and (5) that the Class Members have
11 been notified of the requested fees and had an opportunity to inform the Court of any concerns they
12 have with the request. As such, the Court finds that the requested fee award comports with the
13 applicable law and is justified by the circumstances of this case.

14 2. The Court has confirmed the reasonableness of Class Counsel's fee request by
15 conducting a lodestar cross-check. The Court finds that the 21,273.7 hours worked by Class Counsel
16 between December 21, 2015 and May 31, 2019 were reasonable and necessary. The Court further
17 finds that Class Counsel's reasonable lodestar between December 21, 2015 and May 31, 2019 was
18 \$8,313,750.75 based on current hourly rates, and that such rates were reasonable. Class Counsel for
19 DPPs' requested fee award represents a multiplier of 1.21 which is reasonable in light of the results
20 obtained.

21 3. In sum, upon consideration of the Motion and accompanying Declarations, and based
22 upon all matters of record including the pleadings and papers filed in this action, the Court finds that
23 the fee requested is reasonable and proper.

24 4. The Court also finds that the expenses incurred by Class Counsel in this matter
25 totaling \$1,889,492.86 were reasonable in light of the needs and scope of the case.

26 5. Additionally, the Court authorizes Plaintiffs to pay up to \$50,000 to pay for future
27 costs of distributing the settlement funds to Class Members.

1 6. Finally, the Court has determined, in its discretion, that a service award of \$2,500 for
2 the sole Class Representative, Schuten Electronics, is reasonable.

3 Accordingly, it is hereby **ORDERED** that:

4 1. Class Counsel for DPPs are awarded attorneys' fees of \$10.05 million (20% of the
5 \$50,250,000 Settlement Fund). However, only 75% of the \$10.05 million award (*i.e.*, \$7,537,500) is
6 to be released to counsel at this time. The remaining 25% (*i.e.*, \$2,512,500) will be withheld pending
7 further order of the Court, to be issued after counsel have filed the Post-Distribution Accounting
8 required by the N.D. Cal. Procedural Guidance for Class Action Settlements.

9 2. Co-Lead Class Counsel litigated this case together and will allocate the fees based on
10 their good-faith judgment, in a manner that reflects each firm's contribution to the institution,
11 prosecution, and resolution of the litigation.

12 3. Class Counsel's request for reimbursement of out-of-pocket litigation costs and
13 expenses totaling \$1,889,492.86 is granted.

14 4. Class Counsel is authorized to pay up to \$50,000 for reasonable and necessary costs
15 associated with distributing the settlement funds to Class Members.

16 5. The sole Class Representative, Schuten Electronics, Inc., is awarded \$2,500 in
17 recognition for its service to the Class in this matter.

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

20 **IT IS SO ORDERED.**

21 DATED: March 24, 2020

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26 HONORABLE JAMES DONATO
27 UNITED STATES DISTRICT JUDGE