

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DIGBY ADLER GROUP, LLC, et al.,
Plaintiffs,
v.
MERCEDES-BENZ U.S.A., LLC,
Defendant.

Case No. 14-cv-02349-TEH

**ORDER GRANTING MOTION FOR
ATTORNEYS' FEES AND COSTS**

On May 13, 2016, Class Counsel filed a Motion for Award of Attorneys' Fees and Costs. ECF No. 69. On August 30, 2016, this Court entered an Order Granting Motions for Final Approval of Class Action Settlement and Attorneys' Fees and Costs, ECF No. 75; however, the Order did not mention attorneys' fees and costs. On August 31, 2016, the parties filed a Stipulation and Proposed Order Awarding Attorneys' Fees and Costs. ECF No. 77. The Court, having read the papers filed with regard to Plaintiff's Motion for Award of Attorneys' Fees and Costs, hereby FINDS AND ORDERS as follows:

1. Class Counsel's billing judgment adjusted lodestar of \$869,248.90 incurred through May 10, 2016 is reasonable under the circumstances of this case. The rates that Class Counsel have charged are reasonable and within the range of rates customarily charged by attorneys of comparable skill, qualifications, and experience in the San Francisco Bay Area.

2. Plaintiff has also incurred costs and expenses in connection with the litigation in the amount of \$18,622.55 through May 10, 2016. These costs are reasonable in nature and amount, and Plaintiff has submitted adequate documentation to support them.

3. The agreement for Defendant to pay \$1,000,000 was the product of arm's length negotiations in which Defendant had every motivation to minimize the award amount. There is no indication of any collusion by the parties to the detriment of the class. The fee award was negotiated after class relief was settled first.

United States District Court
Northern District of California

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United States District Court
Northern District of California

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4. Class Counsel performed its work on this case in a skillful and efficient manner. The settlement that Plaintiff achieved will benefit a nationwide class, promotes judicial economy, and serves the public interest.

5. In the present case, a multiplier of 1.13 is appropriate given the considerable contingent risk involved in this case. Moreover, the quality of representation was high. The case settled efficiently, on terms that provided substantive and substantial relief for the class. The result achieved is excellent.

Accordingly, with good cause appearing, the Court hereby APPROVES Class Counsel’s request for an award of \$1,000,000 in reasonable attorneys’ fees and costs. Defendant shall make payment of this award to Class Counsel in accordance with the terms of the Settlement Agreement. This Court shall retain jurisdiction to ensure the terms of this order are complied with.

IT IS SO ORDERED.

Dated: 09/01/16



THELTON E. HENDERSON
United States District Judge