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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN JOSE DIVISION

13	In re CELERA CORP. SEC. LITIG.)	No. 5:10-cv-02604-EJD(HRL)
14	_____)	<u>CLASS ACTION</u>
15	This Document Relates To:)	NOTICE OF MOTION AND MOTION FOR
16	ALL ACTIONS.)	AN AWARD OF ATTORNEYS' FEES AND
17	_____)	EXPENSES AND MEMORANDUM OF
)	POINTS AND AUTHORITIES IN SUPPORT
)	THEREOF

18 DATE: July 16, 2015
 19 TIME: 9:00 a.m.
 20 CTRM: The Honorable Edward J. Davila

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5

1 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

2 PLEASE TAKE NOTICE that pursuant to an order of this Court dated March 31, 2015, on
 3 July 16, 2015, at 9:00 a.m., in the Courtroom of the Honorable Edward J. Davila, United States
 4 District Judge, at the United States District Court for the Northern District of California, San Jose
 5 Division, Robert F. Peckham Federal Building & United States Courthouse, 280 South 1st Street,
 6 San Jose, California, Lead Counsel will and hereby move for an order awarding Lead Counsel
 7 attorneys' fees of 25% of the Settlement Fund plus expenses incurred in the prosecution of the
 8 Litigation in the amount of \$222,521.32, plus interest on both amounts. This motion is based upon
 9 the following Memorandum in support thereof; the Declaration of Willow E. Radcliffe in Support of
 10 Motions for (1) Final Approval of Class Action Settlement and Plan of Allocation of Settlement
 11 Proceeds; and (2) an Award of Attorneys' Fees and Expenses ("Radcliffe Decl."); the Declaration of
 12 Willow E. Radcliffe Filed on Behalf of Robbins Geller Rudman & Dowd LLP in Support of
 13 Application for Award of Attorneys' Fees and Expenses ("Lead Counsel's Fee Decl."); the
 14 Declaration of Robert V. Prongay Filed on Behalf of Glancy Binkow & Goldberg LLP in Support of
 15 Application for Award of Attorneys' Fees and Expenses ("Glancy Fee Decl."); the Declaration of
 16 Carole K. Sylvester Re A) Mailing of the Notice of Proposed Settlement of Class Action and the
 17 Proof of Claim and Release Form, B) Publication of the Summary Notice, C) Internet Posting, and
 18 D) Requests for Exclusion Receive to Date ("Sylvester Decl."); the Stipulation of Settlement dated
 19 as of August 28, 2014 (Dkt. No. 166) ("Stipulation" or "Settlement");¹ Lead Plaintiff's Response to
 20 Court Order Requesting Additional Information Re: Motion for Preliminary Approval of Class
 21 Action Settlement filed on December 19, 2014 (Dkt. No. 177); all other pleadings and matters of
 22 record; and such additional evidence and testimony as may be presented before or at the hearing.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **I. INTRODUCTION**

25 Lead Counsel have succeeded in obtaining a \$24,750,000 cash settlement for the benefit of
 26 Members of the Class. The substantial recovery obtained for the Class was achieved solely through

27 ¹ All capitalized terms not defined herein shall have the same meanings as set forth in the
 28 Stipulation.

1 the skill, work, tenacity, and effective advocacy of Lead Counsel in a case where no other plaintiff
2 filed a case of this nature or sought to represent the Class. *See* Dkt. No. 12. As compensation for
3 their efforts in achieving this result, Lead Counsel seek an award of attorneys' fees of 25% of the
4 Settlement Fund, plus expenses incurred in the prosecution of the Litigation in the amount of
5 \$222,521.32, plus interest at the same rate and for the same period of time as that earned by the
6 Settlement Fund until paid. The requested fee is consistent with the Ninth Circuit's 25%
7 "benchmark" fee in similar actions, numerous decisions in this Circuit, and decisions throughout the
8 United States.² Consistent with these cases, courts in this District have awarded 25% of more of the
9 Settlement Fund in securities class actions. *See, e.g., In re Accuray, Inc., Sec. Litig.*, No. 4:09-cv-
10 03362-CW, slip op. (N.D. Cal. Dec. 8, 2011) (court awarded 25% of \$13.5 million recovery plus
11 expenses in a securities class action settlement); *In re Infineon Techs. AG Sec. Litig.*, No. C-04-
12 4156-JW, slip op. (N.D. Cal. Nov. 2, 2011) (court awarded 27.5% of \$6.2 million recovery plus
13 expenses in a securities class action settlement). The amount requested is warranted in light of the
14 substantial recovery obtained for the Class, the extensive efforts of counsel in obtaining this highly
15 favorable result, and the significant risks in bringing and prosecuting this action.

16 This Litigation was prosecuted under the provisions of the Private Securities Litigation
17 Reform Act of 1995 ("PSLRA") and, therefore, was extremely risky and difficult from the outset.
18 The effect of the PSLRA is to make it harder for investors to bring and successfully conclude
19 securities class actions. Lead Counsel and Lead Plaintiff were mindful of the fact that in this post-
20 PSLRA environment, a greater percentage of cases are being dismissed than ever before, amid
21 defendants' constant attempts to push the envelope and contents of the PSLRA. As retired Supreme
22 Court Justice Sandra Day O'Connor recognized: "To be successful, a securities class-action plaintiff

23 _____
24 ² Submitted herewith in support of approval of the proposed Settlement is the Notice of Motion
25 and Motion for Final Approval of Class Action Settlement and Plan of Allocation of Settlement
26 Proceeds and Memorandum of Points and Authorities in Support Thereof (the "Settlement Brief").
27 In addition, the Court is respectfully referred to the Radcliffe Declaration for a more detailed
28 description of the history of the Litigation, an overview of the claims asserted, the investigation
undertaken, the negotiation of the Settlement and the substantial risks of the Litigation. The Court is
also respectfully referred to its Order denying the Celera Defendants' motion to dismiss the Second
Amended Consolidated Complaint (Dkt. No. 65) and the Third Amended Consolidated Complaint
for Violation of the Federal Securities Laws (Dkt. No. 112) for the specific allegations in the action.

1 must thread the eye of a needle made smaller and smaller over the years by judicial decree and
2 congressional action.” *Alaska Elec. Pension Fund v. Flowserve Corp.*, 572 F.3d 221, 235 (5th Cir.
3 2009).

4 In addition to the significant risks, the prosecution of this Litigation required great skill and
5 extensive efforts by Lead Counsel. Lead Counsel marshaled considerable resources and committed
6 substantial amounts of time and expense in the prosecution of the action. As set forth in more detail
7 in the Radcliffe Declaration and the Settlement Brief, Lead Counsel oversaw an in-depth
8 investigation, conducted a thorough analysis of the claims, successfully opposed the Celera
9 Defendants’ motion to dismiss the Second Amended Consolidated Complaint for Violation of the
10 Federal Securities Laws (“Second Amended Complaint”), filed a Third Amended Consolidated
11 Complaint for Violation of the Federal Securities Laws (“Third Amended Complaint”), which added
12 PricewaterhouseCoopers LLP (“PwC”) as a defendant, fully briefed PwC’s motion to dismiss the
13 Third Amended Complaint, aggressively pursued discovery, obtained over 1.1 million pages of
14 documents produced by Defendants and third parties in response to Lead Plaintiff’s discovery
15 requests, and reviewed numerous documents in the course of the prosecution of the action. The
16 arm’s-length settlement negotiations were arduous, including an all-day mediation session and
17 extensive follow-up negotiations with the substantial assistance of the Honorable Layn R. Phillips
18 (Ret.), a highly respected mediator with a wealth of experience in the mediation of complex class
19 actions.

20 Lead Counsel undertook the representation of the Class on a contingent fee basis and no
21 payment has been made to Lead Counsel to date for their services or for the litigation expenses they
22 have advanced on behalf of the Class. Lead Counsel firmly believe that the Settlement is the result
23 of their diligent and effective advocacy, as well as their reputations as attorneys who are unwavering
24 in their dedication to the interests of the class and unafraid to zealously prosecute a meritorious case
25 through trial and subsequent appeals. In this case, which asserted claims based on complex legal and
26 factual issues that were vigorously opposed by skilled and experienced defense counsel from
27 multiple law firms, Lead Counsel succeeded in securing a highly favorable result for the Class.

28

1 As discussed herein, as well as in the Settlement Brief and the Radcliffe Declaration, the
 2 requested fee is fair and reasonable when considered under the applicable standards in the Ninth
 3 Circuit and is well within the range of awards in class actions in this Circuit and courts nationwide,
 4 particularly in view of the substantial risks of bringing and pursuing this Litigation, the considerable
 5 investigation and litigation efforts, and the results achieved for the Class. Moreover, the expenses
 6 requested are reasonable in amount and were necessarily incurred for the successful prosecution of
 7 this Litigation.

8 **II. AWARD OF ATTORNEYS' FEES**

9 **A. The Legal Standards Governing the Award of Attorneys' Fees in 10 Common Fund Cases Support the Requested Award**

11 **1. A Reasonable Percentage of the Fund Recovered Is the 12 Appropriate Method for Awarding Attorneys' Fees in 13 Common Fund Cases**

13 For their efforts in creating a common fund for the benefit of the Class, Lead Counsel seek a
 14 reasonable percentage of the fund recovered as attorneys' fees. The percentage method of awarding
 15 fees has become an accepted, if not the prevailing, method for awarding fees in common fund cases
 16 in this Circuit and throughout the United States.

17 It has long been recognized that "a private plaintiff, or his attorney, whose efforts create,
 18 discover, increase or preserve a fund to which others also have a claim is entitled to recover from the
 19 fund the costs of his litigation, including attorneys' fees." *Vincent v. Hughes Air West, Inc.*, 557
 20 F.2d 759, 769 (9th Cir. 1977). The purpose of this doctrine is to avoid unjust enrichment so that
 21 "those who benefit from the creation of the fund should share the wealth with the lawyers whose
 22 skill and effort helped create it." *In re Wash. Pub. Power Supply Sys. Sec. Litig.*, 19 F.3d 1291, 1300
 23 (9th Cir. 1994) ("WPPSS"). This rule, known as the "common fund" doctrine, is firmly rooted in
 24 American case law. *See, e.g., Trustees v. Greenough*, 105 U.S. 527 (1882); *Cent. R.R. & Banking
 25 Co. v. Pettus*, 113 U.S. 116 (1885).³

26 ³ In *Paul, Johnson*, 886 F.2d 268 (9th Cir. 1989), the Ninth Circuit explained the principle
 27 underlying fee awards in common fund cases:

28 Since the Supreme Court's 1885 decision in [*Central R.R. & Banking Co. v. Pettus*,
 113 U.S. 116 (1885)], it is well settled that the lawyer who creates a common fund is

1 In *Blum v. Stenson*, 465 U.S. 886, 900 n.16 (1984), the Supreme Court recognized that under
 2 the common fund doctrine a reasonable fee may be based “on a percentage of the fund bestowed on
 3 the class.” In this Circuit, the district court has discretion to award fees in common fund cases based
 4 on either the so-called lodestar/multiplier method or the percentage-of-the-fund method. *WPPSS*, 19
 5 F.3d at 1296. In *Paul, Johnson*, 886 F.2d at 272, *Six (6) Mexican Workers v. Ariz. Citrus Growers*,
 6 904 F.2d 1301, 1311 (9th Cir. 1990), *Torrissi v. Tucson Elec. Power Co.*, 8 F.3d 1370, 1376-77 (9th
 7 Cir. 1993), and *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1047-48 (9th Cir. 2002), the Ninth
 8 Circuit expressly approved the use of the percentage method in common fund cases. Moreover,
 9 supporting authority for the percentage method in other circuits is overwhelming.⁴ Courts in other
 10 circuits favor the percentage-of-recovery approach for the award of attorneys’ fees in common fund
 11 cases. Two circuits have ruled that the percentage method is mandatory in common fund cases.
 12 *Swedish Hosp. Corp. v. Shalala*, 1 F.3d 1261 (D.C. Cir. 1993); *Camden I Condo. Ass’n v. Dunkle*,
 13 946 F.2d 768, 774-75 (11th Cir. 1991).

14 Since *Paul, Johnson* and its progeny, district courts in the Ninth Circuit have almost
 15 uniformly shifted to the percentage method in awarding fees in common fund representative actions.
 16 The rationale for compensating counsel in common fund cases on a percentage basis is sound. First,
 17 it is consistent with the practice in the private marketplace where contingent fee attorneys are
 18 customarily compensated by a percentage of the recovery. Second, it more closely aligns the
 19 lawyers’ interest in being paid a fair fee with the interest of the class in achieving the maximum

21 allowed an *extra* reward, beyond that which he has arranged with his client, so that
 22 he might share the wealth of those upon whom he has conferred a benefit. The
 23 amount of such a reward is that which is deemed “reasonable” under the
 circumstances.

24 *Id.* at 271 (emphasis in original). Citations are omitted throughout unless otherwise indicated.

25 ⁴ Other circuits and commentators have expressly approved the use of the percentage method.
 26 *Gottlieb v. Barry*, 43 F.3d 474 (10th Cir. 1994); *Brown v. Phillips Petroleum Co.*, 838 F.2d 451, 454
 27 (10th Cir. 1988) (citing footnote 16 of *Blum* recognizing both “implicitly” and “explicitly” that a
 28 percentage recovery is reasonable in common fund cases); *Harman v. Lyphomed, Inc.*, 945 F.2d 969,
 975 (7th Cir. 1991); *Goldberger v. Integrated Res., Inc.*, 209 F.3d 43, 50-51 (2d Cir. 2000); and
 Report of the Third Circuit Task Force, *Court Awarded Attorney Fees*, 108 F.R.D. 237, 254 (Oct. 8,
 1985).

1 possible recovery in the shortest amount of time. For example, in *Kirchoff v. Flynn*, 786 F.2d 320
 2 (7th Cir. 1986), the court stated:

3 The contingent fee uses private incentives rather than careful monitoring to
 4 align the interests of lawyer and client. The lawyer gains only to the extent his client
 5 gains. . . . The unscrupulous lawyer paid by the hour may be willing to settle for a
 6 lower recovery coupled with a payment for more hours. Contingent fees eliminate
 7 this incentive and also ensure a reasonable proportion between the recovery and the
 8 fees assessed to defendants. . . .

9 At the same time as it automatically aligns interests of lawyer and client,
 10 rewards exceptional success, and penalizes failure, the contingent fee automatically
 11 handles compensation for the uncertainty of litigation.

12 *Id.* at 325-26.

13 In line with the view of many courts, one of the nation’s leading scholars in the field of class
 14 actions and attorneys’ fees, Professor Charles Silver of the University of Texas School of Law, has
 15 concluded that the percentage method of awarding fees is the only method of fee awards that is
 16 consistent with class members’ due process rights. Professor Silver notes:

17 The consensus that the contingent percentage approach creates a closer
 18 harmony of interests between class counsel and absent plaintiffs than the lodestar
 19 method is strikingly broad. It includes leading academics, researchers at the RAND
 20 Institute for Civil Justice, and many judges, including those who contributed to the
 21 Manual for Complex Litigation, the Report of the Federal Courts Study Committee,
 22 and the report of the Third Circuit Task Force. Indeed, it is difficult to find anyone
 23 who contends otherwise. No one writing in the field today is defending the lodestar
 24 on the ground that it minimizes conflicts between class counsel and absent claimants.

25 In view of this, it is as clear as it possibly can be that judges should not apply
 26 the lodestar method in common fund class actions. The Due Process Clause requires
 27 them to minimize conflicts between absent claimants and their representatives. The
 28 contingent percentage approach accomplishes this.

Charles Silver, *Due Process and the Lodestar Method: You Can’t Get There from Here*, 74 Tul. L.
 Rev. 1809, 1819-20 (June 2000) (footnotes omitted).⁵

⁵ Professor Coffee also argues that a percentage of the recovery is the only reasonable method of
 awarding fees in common fund cases:

 If one wishes to economize on the judicial time that is today invested in monitoring
 class and derivative litigation, the highest priority should be given to those reforms
 that restrict collusion and are essentially self-policing. The percentage of the
 recovery fee award formula is such a “deregulatory” reform because it relies on
 incentives rather than costly monitoring. Ultimately, this “deregulatory” approach is
 the only alternative

1 **B. A Percentage Fee of 25% of the Fund Created Is Reasonable in This**
2 **Case**

3 In *Paul, Johnson*, 886 F.2d at 272, the Ninth Circuit established 25% of a common fund as
4 the “benchmark” award for attorneys’ fees. *See also Torrissi*, 8 F.3d at 1376 (reaffirming 25%
5 benchmark); *Powers v. Eichen*, 229 F.3d 1249, 1256 (9th Cir. 2000) (same); *In re Bluetooth Headset*
6 *Prods. Liab. Litig.*, 654 F.3d 935, 943 (9th Cir. 2011) (reaffirming 25% benchmark in a common
7 fund case). The guiding principle in this Circuit is that a fee award be “reasonable under the
8 circumstances.” *WPPSS*, 19 F.3d at 1296 (emphasis omitted). “The Ninth Circuit has approved a
9 number of factors which may be relevant to the district court’s determination: (1) the results
10 achieved; (2) the risk of litigation; (3) the skill required and the quality of work; (4) the contingent
11 nature of the fee and the financial burden carried by the plaintiffs; and (5) awards made in similar
12 cases.” *In re Omnivision Techs.*, 559 F. Supp. 2d 1036, 1046 (N.D. Cal. 2007). In view of the risks
13 in pursuing this Litigation, the highly favorable result obtained, the financial commitment of Lead
14 Counsel, the contingent nature of the representation, and the skill of Lead Counsel, an award of 25%
15 of the recovery obtained for the Class is entirely appropriate.

16 **1. The Result Achieved**

17 Courts have consistently recognized that the result achieved is a major factor to be
18 considered in making a fee award. *Hensley v. Eckerhart*, 461 U.S. 424, 436 (1983) (“most critical
19 factor is the degree of success obtained”); *In re King Res. Co. Sec. Litig.*, 420 F. Supp. 610, 630 (D.
20 Colo. 1976) (“the amount of the recovery, and end result achieved are of primary importance, for
21 these are the true benefit to the client”); *Behrens v. Wometco Enters., Inc.*, 118 F.R.D. 534, 547-48
22 (S.D. Fla. 1988) (“The quality of work performed in a case that settles before trial is best measured
23 by the benefit obtained.”), *aff’d*, 899 F.2d 21 (11th Cir. 1990).

24 Here, a substantial and certain recovery of \$24.75 million in cash, \$23 million from the
25 Celera Defendants and \$1.75 million from Defendant PwC has been obtained through the efforts of
26 Lead Counsel at a relatively early stage of the litigation without the substantial expense, delay, risk,

27 John C. Coffee, Jr., *Understanding the Plaintiff’s Attorney: The Implications of Economic Theory*
28 *for Private Enforcement of Law Through Class and Derivative Actions*, 86 Colum. L. Rev. 669, 724-
25 (May 1986).

1 and uncertainty of continued litigation or the assistance of any regulatory or governmental agency.
 2 As discussed in more detail in the Settlement Brief, the recovery obtained for the Class is a
 3 significant amount of money and represents an outstanding result of this complex litigation. Indeed,
 4 early settlements are encouraged by courts and are consistent with the purposes of the Federal Rules
 5 of Civil Procedure, which “shall be construed and administered to ensure the *just, speedy, and*
 6 *inexpensive determination* of every action.” *In re Xcel Energy, Inc.*, 364 F. Supp. 2d 980, 992 (D.
 7 Minn. 2005) (quoting Fed. R. Civ. P. 1) (emphasis in original). The *Xcel* court, in awarding a 25%
 8 fee of an \$80 million securities class action settlement (over a number of objections, including a
 9 sophisticated pension fund), complimented counsel for the efficient prosecution of the case and the
 10 prompt resolution of the litigation. *Xcel*, 364 F. Supp. 2d at 1004.

11 As detailed in the Settlement Brief and the Radcliffe Declaration, there were significant legal
 12 and factual roadblocks to obtaining a more favorable outcome in this Litigation. Despite these
 13 obstacles to recovery, Lead Counsel were able to obtain a substantial and certain benefit for the
 14 Class and Class Members will receive compensation for their losses in Celera common stock now
 15 and avoid the substantial expense, delay, and uncertainty of continued litigation.

16 **2. The Risks of the Litigation and the Novelty and Difficulty of** 17 **the Questions Presented**

18 Numerous cases have recognized that risk as well as the novelty and difficulty of the issues
 19 presented are important factors in determining a fee award. *E.g., Vizcaino*, 290 F.3d at 1048 (9th
 20 Cir. 2002); *WPPSS*, 19 F.3d at 1299-1301. Uncertainty that an ultimate recovery would be obtained
 21 is highly relevant in determining risk. *WPPSS*, 19 F.3d at 1300. As the court aptly observed in *King*
 22 *Res.*:

23 The litigation also involved unique and substantial issues of law in the
 24 technical area of SEC Rule 10b-5, . . . difficult, complex and oft-disputed class action
 questions, and difficult questions regarding computation of damages.

25 * * *

26 In evaluating the services rendered in this case, appropriate consideration
 27 must be given to the risks assumed by plaintiffs’ counsel in undertaking the
 litigation. The prospects of success were by no means certain at the outset, and
 indeed, the chances of success were highly speculative and problematical.
 28

1 420 F. Supp. at 632, 636-37; *see also In re Heritage Bond Litig. v. U.S. Trust Co. of Tex., N.A.*, No.
 2 02-ML-1475-DT (RCx), 2005 U.S. Dist. LEXIS 13627, at *44 (C.D. Cal. June 10, 2005) (“The risks
 3 assumed by Class Counsel, particularly the risk of non-payment or reimbursement of expenses, is a
 4 factor in determining counsel’s proper fee award.”).

5 There is no question that from the outset this Litigation presented a number of sharply
 6 contested issues of both fact and law and that Lead Plaintiff faced formidable defenses to liability
 7 and damages. This was a complex class action involving complex legal, accounting and factual
 8 issues under the federal securities laws. Throughout the Litigation, Defendants have denied liability
 9 and asserted defenses to Lead Plaintiff’s claims. *See Churchill Vill., L.L.C. v. GE*, 361 F.3d 566,
 10 576 (9th Cir. 2004) (concluding that district court properly weighed risk when it concluded
 11 defendant’s belief that it had strong case on merits supporting finding of risk).

12 As discussed in the Radcliffe Declaration and the Settlement Brief, substantial risks and
 13 uncertainties in this type of litigation, and in this case in particular, made it far from certain that a
 14 recovery, let alone \$24.75 million, would ultimately be obtained. From the outset, this post-PSLRA
 15 action was an especially difficult and highly uncertain securities case, with no assurance whatsoever
 16 that the Litigation would survive Defendants’ attacks on the pleadings, motion(s) for summary
 17 judgment, trial and appeal. As the court noted in *In re Ikon Office Solutions, Inc.*, 194 F.R.D. 166
 18 (E.D. Pa. 2000),

19 [t]here were the legal obstacles of establishing scienter, damages, causation The
 20 court also acknowledges that securities actions have become more difficult from a
 21 plaintiff’s perspective in the wake of the PSLRA. . . . The Act imposes many new
 22 procedural hurdles It also substantially alters the legal standards applied to
 23 securities fraud claims in ways that generally benefit defendants rather than
 24 plaintiffs.

Id. at 194-95. The court’s statement in *Ikon* is applicable here.⁶

25 ⁶ Even before the passage of the PSLRA, courts had noted that a securities case “by its very
 26 nature, is a complex animal.” *Clark v. Lomas & Nettleton Fin. Corp.*, 79 F.R.D. 641, 654 (N.D.
 27 Tex. 1978), *vacated on other grounds*, 625 F.2d 49 (5th Cir. 1980); *see also Miller v. Woodmoor*
 28 *Corp.*, No. 74-F-988, 1978 U.S. Dist. LEXIS 15234, at *11-*12 (D. Colo. Sept. 28, 1978):

 The benefit to the class must also be viewed in its relationship to the
 complexity, magnitude, and novelty of the case. . . .

1 The application of the PSLRA to this Litigation posed significant risks to Lead Plaintiff's
2 ability to survive Defendants' motions to dismiss. In fact, after Congress passed the PSLRA, courts
3 in this Circuit and across the country have dismissed cases at the pleading stage in response to
4 defendants' arguments that the complaints do not meet the PSLRA's heightened pleading standards,
5 making it clear that the risk of no recovery (and hence no fee) has increased exponentially. *See*
6 *Goldstein v. MCI WorldCom*, 340 F.3d 238, 241 (5th Cir. 2003) (affirming dismissal of securities
7 fraud action against Bernard Ebbers and WorldCom even though Ebbers was later convicted
8 criminally). A study of securities class actions filed and resolved between January 2000 and
9 December 2012, found that 42% of 2012 cases filed in the Ninth Circuit were dismissed in
10 defendants' favor. *See* Dr. Renzo Comolli, Sukaina Klein, Dr. Ronald I. Miller & Svetlana Starykh,
11 *Recent Trends in Securities Class Action Litigation: 2012 Full-Year Review*, at 18, Figure 16
12 (NERA Jan. 29, 2013).

13 Although Lead Plaintiff successfully opposed the Celera Defendants' motion to dismiss the
14 Second Amended Complaint, PwC's motion to dismiss the Third Amended Complaint was pending
15 at the time of settlement. Dkt. Nos. 65, 150. There is also no question that absent settlement, this
16 case faced the substantial risk of years of additional litigation with no guarantee of any recovery. As
17 a result, the Settlement and requested fee is justified.

18 **3. The Skill Required and the Quality and Efficiency of the Work**

19 The "prosecution and management of a complex national class action requires unique legal
20 skills and abilities." *Heritage Bond*, 2005 U.S. Dist. LEXIS 13627, at *39. These unique skills
21 were called upon here and support the requested fee. From the outset, Lead Counsel engaged in a
22 concerted effort to obtain the maximum recovery for the Class. This case required a determined
23 investigation and the skill to respond to a host of legal and factual defenses raised by Defendants.
24 Lead Counsel demonstrated that, notwithstanding the barriers erected by the PSLRA and
25 Defendants' efforts to thwart attempts by Lead Plaintiff to conduct formal discovery, they would
26 develop evidence to support a convincing case.

27 Despite years of litigation, the area of securities law has gained little
28 predictability. There are few "routine" or "simple" securities actions.

1 Lead Counsel’s investigative efforts and analysis ultimately defeated the Celera Defendants’
2 motion to dismiss the Second Amended Complaint while PwC’s motion to dismiss the Third
3 Amended Complaint was pending and fully briefed at the time of settlement. *See* Dkt. No. 150. As
4 a result of surviving the Celera Defendants’ attacks on the pleadings, the investigative efforts
5 undertaken, the significant discovery efforts, including obtaining over 1.1 million pages of
6 documents produced by Defendants and third parties, reviewing numerous documents and the
7 extensive briefing on PwC’s motion to dismiss the Third Amended Complaint, Lead Counsel were
8 positioned to negotiate a highly favorable settlement with Defendants. The substantial recovery
9 obtained for the Class is the direct result of the significant efforts of highly skilled and specialized
10 attorneys who possess substantial experience in the prosecution of complex securities class actions.
11 Here, Lead Counsel – and only Lead Counsel – developed the case against Defendants. In fact, only
12 after Lead Counsel filed the allegations in this case did the Company restate its Class Period
13 financial results as a result of similar facts alleged by Lead Plaintiff and admit a material weakness
14 in the Company’s internal controls over financial reporting.

15 The quality of opposing counsel is also important in evaluating the quality of the work done
16 by Lead Counsel. *See, e.g., In re Equity Funding Corp. Sec. Litig.*, 438 F. Supp. 1303, 1337 (C.D.
17 Cal. 1977); *King Res.*, 420 F. Supp. at 634; *Arenson v. Bd. of Trade*, 372 F. Supp. 1349, 1354 (N.D.
18 Ill. 1974). Lead Counsel were opposed in this Litigation by very skilled and highly respected
19 counsel from several law firms with well-deserved reputations for vigorous advocacy in the defense
20 of complex civil cases such as this. In the face of this formidable opposition, Lead Counsel were
21 able to develop their case so as to persuade Defendants to settle the Litigation for a substantial sum
22 of money.

23 **4. The Contingent Fee Nature of the Case and the Financial** 24 **Burden Carried by Lead Counsel**

25 A determination of a fair fee must include consideration of the contingent nature of the fee
26 and the difficulties which were overcome in obtaining the settlement.

27 It is an established practice in the private legal market to reward attorneys for
28 taking the risk of non-payment by paying them a premium over their normal hourly
rates for winning contingency cases. *See* Richard Posner, *Economic Analysis of Law*
§21.9, at 534-35 (3d ed. 1986). Contingent fees that may far exceed the market value

1 of the services if rendered on a non-contingent basis are accepted in the legal
2 profession as a legitimate way of assuring competent representation for plaintiffs
who could not afford to pay on an hourly basis regardless whether they win or lose.

3 *WPPSS*, 19 F.3d at 1299.

4 In awarding counsel's attorneys' fees in *In re Prudential-Bache Energy Income P'ships Sec.*
5 *Litig.*, No. MDL 888, 1994 U.S. Dist. LEXIS 6621 (E.D. La. May 18, 1994), the court noted the
6 risks that plaintiffs' counsel had taken:

7 Although today it might appear that risk was not great based on Prudential
8 Securities' global settlement with the Securities and Exchange Commission, such
9 was not the case when the action was commenced and throughout most of the
litigation. Counsel's contingent fee risk is an important factor in determining the fee
award. Success is never guaranteed and counsel faced serious risks since both trial
and judicial review are unpredictable. Counsel advanced all of the costs of litigation,
10 a not insubstantial amount, and bore the additional risk of unsuccessful prosecution.

11 *Id.* at *16.

12 Indeed, the risk of no recovery for the Class and counsel in complex cases of this type is very
13 real. There are numerous class actions in which plaintiffs' counsel expended thousands of hours and
14 yet received no remuneration whatsoever despite their diligence and expertise. For example, in *In re*
15 *Oracle Corp. Sec. Litig.*, No. C 01-00988 SI, 2009 U.S. Dist. LEXIS 50995 (N.D. Cal. June 16,
16 2009), *aff'd*, 627 F.3d 376 (9th Cir. 2010), a case that Lead Counsel prosecuted, the court granted
17 summary judgment to defendants after eight years of litigation, after plaintiff's counsel incurred over
18 \$7 million in expenses, and worked over 100,000 hours, representing a lodestar of approximately
19 \$40 million. Additionally, after a lengthy trial involving securities claims against JDS Uniphase
20 Corporation, the jury reached a verdict in defendants' favor. *See In re JDS Uniphase Corp. Sec.*
21 *Litig.*, No. C-02-1486 CW (EDL), 2007 WL 4788556 (N.D. Cal. Nov. 27, 2007). Similarly, even
22 the most promising multi-hundred million dollar case can be eviscerated by a sudden change in the
23 law after years of litigation. *See, e.g., In re Alstom SA Sec. Litig.*, 741 F. Supp. 2d 469, 471-73
24 (S.D.N.Y. 2010) (after completing significant foreign discovery, 95% of plaintiffs' damages were
25 eliminated by the Supreme Court's reversal of some 40 years of unbroken circuit court precedents in
26 *Morrison v. Nat'l Austl. Bank Ltd.*, 561 U.S. 247 (2010)). As the court in *Xcel* recognized,
27 "[p]recedent is replete with situations in which attorneys representing a class have devoted
28 substantial resources in terms of time and advanced costs yet have lost the case despite their

1 advocacy.” 364 F. Supp. 2d at 994. Even plaintiffs who get past summary judgment and succeed at
 2 trial may find their judgment overturned on appeal or on a post-trial motion.⁷

3 Because the fee in this matter was entirely contingent, the only certainties were that there
 4 would be no fee without a successful result and that such a result would be realized only after
 5 considerable and difficult effort. Lead Counsel committed significant resources of both time and
 6 money to the vigorous and successful prosecution of this action for the benefit of the Class. The
 7 contingent nature of counsel’s representation strongly favors approval of the requested fee.

8 **5. A 25% Fee Award Is Consistent With Awards in Similar**
 9 **Complex, Contingent Litigation**

10 Courts often look to fees awarded in comparable cases to determine if the fee requested is
 11 reasonable. *See Vizcaino*, 290 F.3d at 1050 n.4. As demonstrated by the decisions cited in
 12 Appendix A attached hereto, a fee of 25% or more has been repeatedly awarded by the courts in this
 13 Circuit and district and in numerous other similar cases throughout the country. The court in *Xcel*,
 14 after considering “cases from [the District of Minnesota], other districts, and [] attorney fee studies
 15 referenced in other cases” concluded that “this factor – comparison to other cases – supports the 25%
 16 requested [fee].” 364 F. Supp. 2d at 998, 999.

17 The requested fee is less than the average attorney-fee percentage granted as demonstrated by
 18 an analysis of fee awards in class actions conducted in 1996 by National Economic Research
 19 Associates (“NERA”), an economics consulting firm. Using data from 433 shareholder class
 20 actions, the study reports on the central question of attorneys’ fees: “Regardless of case size, fees
 21 average approximately 32 percent of the settlement.” Denise N. Martin, Vinita M. Juneja, Todd S.
 22 Foster & Frederick C. Dunbar, *Recent Trends IV: What Explains Filings and Settlements in*
 23 *Shareholder Class Actions?* at 12-13 (NERA Nov. 1996). Specifically, NERA examined 433

24 ⁷ *See, e.g., In re BankAtlantic Bancorp, Sec. Litig.*, No. 07-61542-CIV-UNGARO, 2011 U.S. Dist.
 25 LEXIS 48057 (S.D. Fla. Apr. 25, 2011) (court granted defendants’ judgment as a matter of law on
 26 the basis of loss causation, overturning jury verdict and award in plaintiff’s favor), *aff’d*, 688 F.3d
 27 713 (11th Cir. 2012); *Robbins v. Koger Props.*, 116 F.3d 1441, 1448-49 (11th Cir. 1997) (jury
 28 verdict of \$81 million for plaintiffs against an accounting firm reversed on appeal on loss causation
 grounds and judgment entered for defendant); *Anixter v. Home-Stake Prod. Co.*, 77 F.3d 1215, 1233
 (10th Cir. 1996) (Tenth Circuit overturned securities fraud class action jury verdict for plaintiffs in
 case filed in 1973 and tried in 1988 on the basis of 1994 Supreme Court opinion).

1 settlements, including those in the \$10-\$49 million range, which is where this Settlement falls.
2 There were 76 settlements in this range, and the average attorneys' fee as a percentage of the
3 settlement in those cases was 31.72%. *Id.* at Table 9. Of the 433 settlements, 155, or 35.8%, were in
4 the Ninth Circuit. *Id.* at Table 12b. The average attorney fee as a percentage of the settlement in this
5 Circuit was 32.57%. *Id.*

6 The requested fee is also less than the median fee award for securities cases based on a more
7 recent analysis of fee awards conducted in 2014 by NERA. Using data from securities class actions
8 from 1996 through 2014, the study found that for settlements between \$10 million and \$25 million,
9 where this Settlement falls, the median fee award was 30% of the settlement amount and for
10 settlements between 2012-2014 in the same range of recovery, the median fee award was 27.5% of
11 the settlement amount. Dr. Renzo Comolli & Svetlana Starykh, *Recent Trends in Securities Class*
12 *Action Litigation: 2014 Full-Year Review, Settlement Amounts Plummeting in 2014, but post-*
13 *Halliburton II filing Rebound* at 34, Figure 29 (NERA Jan. 20, 2015) ("2015 NERA Study").

14 The requested fee is also within the range of three studies relied on by the district court in *In*
15 *re Rite Aid Corp. Sec. Litig.*, 146 F. Supp. 2d 706 (E.D. Pa. 2001). As the Third Circuit noted in *In*
16 *re Rite Aid Corp. Sec. Litig.*, 396 F.3d 294 (3d Cir. 2005):

17 In comparing this fee request to awards in similar cases, the District Court
18 found persuasive three studies referenced by Professor Coffee: one study of
19 securities class action settlements over \$10 million that found an average percentage
20 fee recovery of 31%; a second study by the Federal Judicial Center of all class
21 actions resolved or settled over a four-year period that found a median percentage
22 recovery range of 27-30%; and a third study of class action settlements between \$100
23 million and \$200 million that found recoveries in the 25-30% range were "fairly
24 standard." We see no abuse of discretion in the District Court's reliance on these
25 studies.

26 *Id.* at 303. The fee requested is in line with the range in the cases on which these studies were based.

27 Moreover, if this were a non-representative litigation, the customary fee arrangement would
28 be contingent, on a percentage basis, and in the range of 30% to 40% of the recovery. The Supreme
29 Court in *Blum*, stated:

30 In tort suits, an attorney might receive one-third of whatever amount the plaintiff
31 recovers. In those cases, therefore, the fee is directly proportional to the recovery.

1 465 U.S. at 903*; *Ikon*, 194 F.R.D. at 194 (“in private contingency fee cases, particularly in tort
2 matters, plaintiffs’ counsel routinely negotiate agreements providing for between thirty and forty
3 percent of any recovery”); *In re M.D.C. Holdings Sec. Litig.*, No. CV 89-0090 E (M), 1990 U.S.
4 Dist. LEXIS 15488, at *22 (S.D. Cal. Aug. 30, 1990) (“In private contingent litigation, fee contracts
5 have traditionally ranged between 30% and 40% of the total recovery.”).

6 **C. Reaction of the Class Supports Approval of the Attorneys’ Fees
7 Requested**

8 Although not articulated specifically in *Vizcaino*, district courts in the Ninth Circuit also
9 consider the reaction of the class when deciding whether to award the requested fee. *Heritage Bond*,
10 2005 U.S. Dist. LEXIS 13627, at *48 (“The presence or absence of objections . . . is also a factor in
11 determining the proper fee award.”).

12 To date, over 9,300 copies of the Notice of Proposed Settlement of Class Action (“Notice”)
13 and the Proof of Claim and Release form (“Proof of Claim”) were mailed to potential Class
14 Members and nominees. *See* Sylvester Decl., ¶¶3-10. The Summary Notice was published in
15 *Investor’s Business Daily* and transmitted over *Business Wire* on April 9, 2015. *Id.*, ¶13. In
16 addition, the Stipulation, the Notice, Proof of Claim, and Order Granting Motion for Preliminary
17 Approval of Class Action Settlement (“Preliminary Approval Order”) were posted to a website
18 dedicated to the Settlement (www.celerasecuritiessettlement.com) and Lead Counsel’s website.
19 Class Members were informed in the Notice that Lead Counsel were moving the Court for attorneys’
20 fees of up to 25% of the Settlement Fund and for expenses in an amount not to exceed \$350,000.
21 Class Members were also advised of their right to object to the fee and expense request, and that
22 such objections are required to be filed with the Court no later than May 14, 2015. As of the date of
23 this memorandum, not a single Class Member has objected to counsel’s fee and expense request or
24 any other aspect of the Settlement. The lack of objection is compelling evidence that the requested
25 fees and expenses are fair. *See, e.g., In re Crazy Eddie Sec. Litig.*, 824 F. Supp. 320, 325 (E.D.N.Y.
26
27
28

1 1993). Moreover, a small number of objections do not stand in the way of approval of a reasonable
 2 fee. *See In re Mego Fin. Corp. Sec. Litig.*, 213 F.3d 454, 459 (9th Cir. 2000).⁸

3 **D. The Requested Fee Is Reasonable Under a Lodestar Cross-Check**
 4 **Analysis**

5 Although Lead Counsel seek approval of a fee based on a percentage of the recovery, “[a]s a
 6 final check on the reasonableness of the requested fees, courts often compare the fee counsel seeks
 7 as a percentage with what their hourly bills would amount to under the lodestar analysis.”
 8 *Omnivision*, 559 F. Supp. 2d at 1048. In *Vizcaino*, the Ninth Circuit noted that an analysis of the
 9 “lodestar method is merely a cross-check on the reasonableness of a percentage figure, and it is
 10 widely recognized that the lodestar method creates incentives for counsel to expend more hours than
 11 may be necessary on litigating a case so as to recover a reasonable fee, since the lodestar method
 12 does not reward early settlement.” 290 F.3d at 1050 n.5.

13 Here, Lead Plaintiff’s counsel collectively spent 8,952.45 hours of attorney and
 14 paraprofessional time prosecuting this action on behalf of the Class. Lead Counsel’s Fee Decl., ¶4;
 15 Glancy Fee Decl., ¶4. The resulting lodestar is \$4,593,390.25. *Id.* The requested fee of 25% would
 16 equal \$6,187,500. Thus, the requested fee represents a modest multiplier of approximately 1.3. In
 17 *Vizcaino*, the Ninth Circuit approved a 28% fee that resulted in a 3.65 multiplier. *Id.* at 1052-54
 18 (finding multipliers ranged as high as 19.6 though most run from 1.0-4.0); *see also In re Sumitomo*
 19 *Copper Litig.*, 74 F. Supp. 2d 393, 399 (S.D.N.Y. 1999) (“‘In recent years multipliers of between 3
 20 and 4.5 have been common’ in federal securities cases.”); *Maley v. Del Global Techs. Corp.*, 186 F.
 21 Supp. 2d 358, 371 (S.D.N.Y. 2002) (“modest multiplier of 4.65 is fair and reasonable”); *Xcel*, 364 F.
 22 Supp. 2d at 998-99 (awarding 25% of \$80 million settlement fund, representing a 4.7 multiplier); *In*
 23 *re Rite Aid Corp. Sec. Litig.*, 269 F. Supp. 2d 603, 611 (E.D. Pa. 2003) (awarding fee equal to a
 24 multiplier of 4.07 and recognizing that “‘multipliers in this range are fairly common’”), *vacated on*
 25 *other grounds*, 396 F.3d 294 (3d Cir. 2005). Accordingly, the multiplier is on the low-end of the
 26 range of multipliers typically awarded by courts.

27 ⁸ If any objections are received, Lead Counsel will address them in a reply brief to be filed on or
 28 before June 24, 2015, in accordance with the Court’s Preliminary Approval Order.

1 **III. LEAD PLAINTIFF'S COUNSEL'S EXPENSES ARE REASONABLE AND**
2 **WERE NECESSARILY INCURRED TO ACHIEVE THE BENEFIT**
3 **OBTAINED**

4 Lead Plaintiff's counsel also request payment of expenses incurred by them in connection
5 with the prosecution of this Litigation. Lead Plaintiff's counsel have incurred expenses in the
6 aggregate amount of \$222,521.32 in prosecuting this Litigation. These expenses are categorized in
7 Lead Counsel's Fee Declaration and the Glancy Fee Declaration submitted to the Court herewith.
8 The expenses requested are less than 1% of the Settlement Fund. As set forth in the 2015 NERA
9 Study for cases that settled between 1996 and 2014, the median amount of expenses for settlements
10 in the \$10 million to \$25 million range was 2.7%. *See* 2015 NERA Study at 34, Figure 29.

11 The appropriate analysis to apply in deciding which expenses are compensable in a common
12 fund case of this type is whether the particular costs are of the type typically billed by attorneys to
13 paying clients in the marketplace. *Harris v. Marhoefer*, 24 F.3d 16, 19 (9th Cir. 1994) ("Harris may
14 recover as part of the award of attorney's fees those out-of-pocket expenses that 'would normally be
15 charged to a fee paying client.'"). Therefore, it is proper to pay reasonable expenses even though
16 they are greater than taxable costs. *Id.*; *see also Bratcher v. Bray-Doyle Indep. Sch. Dist. No. 42*, 8
17 F.3d 722, 725-26 (10th Cir. 1993) (expenses reimbursable if they would normally be billed to
18 client); *Abrams v. Lightolier Inc.*, 50 F.3d 1204, 1225 (3d Cir. 1995) (expenses recoverable if
19 customary to bill clients for them); *Miltland Raleigh-Durham v. Myers*, 840 F. Supp. 235, 239
20 (S.D.N.Y. 1993) ("Attorneys may be compensated for reasonable out-of-pocket expenses incurred
21 and customarily charged to their clients, as long as they 'were incidental and necessary to the
22 representation' of those clients."). The categories of expenses for which counsel seek payment for
23 here are the type of expenses routinely charged to hourly clients and, therefore, should be paid out of
24 the common fund.

25 A significant component of Lead Counsel's expenses is the cost of their financial
26 consultant/expert and private investigator. In the post-PSLRA era, the use of professional
27 investigators to gather detailed fact-specific information from percipient witnesses in order to plead
28 complaints that will survive motions to dismiss is a necessity. Lead Counsel engaged the services of

1 L.R. Hodges & Associates, Ltd. (“L.R. Hodges”) to assist counsel. L.R. Hodges conducted a
2 substantial amount of work on behalf of the Class. Lead Counsel’s Fee Decl., ¶6(e)(ii). Lead
3 Counsel also incurred the expense of Financial Markets Analysis LLC (“FMA”), an economic
4 consulting firm that specializes in financial and economic issues that typically arise in securities
5 class actions. *Id.*, ¶6(e)(i). FMA services in this Litigation were necessary and contributed
6 materially to the benefits achieved for the Class, including the submission of an expert declaration in
7 support of Lead Plaintiff’s successful motion for class certification.

8 Other expenses include the costs of computerized research. These are the charges for
9 computerized factual and legal research services, including LexisNexis, Westlaw, Courtlink,
10 Thompson and PACER. It is standard practice for attorneys to use these services to assist them in
11 researching legal and factual issues. These services allowed counsel to access Celera’s SEC filings,
12 perform media searches on Celera, and obtain analysts’ reports on Celera.

13 Lead Plaintiff’s counsel and an associated forensic accountant were also required to travel in
14 connection with this Litigation and thus incurred the related costs of meals, lodging, and
15 transportation. This primarily included travel for the mediation of this action and court hearings.
16 Other expenses that were necessarily incurred in the prosecution of this Litigation include expenses
17 for photocopying, mediation fees, filing fees, postage and delivery, and telephone expenses. Lead
18 Counsel also incurred in-house database management charges for the management of the database of
19 more than 1.1 million pages of documents produced by Defendants and third parties.

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1 **IV. CONCLUSION**

2 Based on the foregoing and upon the entire record herein, Lead Counsel respectfully submit
3 that the Court award attorneys' fees in the amount of 25% of the Settlement Fund, plus expenses in
4 the amount of \$222,521.32, plus interest earned at the same rate and for the same period as that
5 earned on that portion of the Settlement Fund until paid.

6 DATED: April 29, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2015, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 29, 2015.

s/ Willow E. Radcliffe

WILLOW E. RADCLIFFE

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Mailing Information for a Case 5:10-cv-02604-EJD In re: "Celera Corporation Securities Litigation."

Electronic Mail Notice List

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Manual Notice List

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APPENDIX A

2004 To The Present
Cases In Which Award Of Fees Equalled Or Exceeded
25% Of The Fund Plus Expenses (with Settlement Amounts)

1. *In re Austin Capital Mgmt., Ltd., Sec. & Emp. Ret. Income Sec. Act (ERISA) Litig.*, No. 1:09-md-02075-TPG (S.D.N.Y. Oct. 2, 2014) (awarded fees of 33-1/3% of \$6.85 million recovery, plus expenses);
2. *In re Skelaxin (Metaxalone) Antitrust Litigation*, No. 1:12-md-02343 (E.D. Tenn. June 30, 2014) (awarded fees of 33-1/3% of \$73 million recovery, plus expenses);
3. *North Port Firefighters' Pension-Local Option Plan v. Fushi Copperweld, Inc.*, No. 3:11-cv-00595 (M.D. Tenn. May 12, 2014) (awarded fees of 33-1/3% of \$3.25 million, plus expenses);
4. *Landmen Partners Inc. v. Blackstone Group*, No. 08-cv-03601-HB-FM (S.D.N.Y. Dec. 18, 2013) (awarded fees of 33-1/3% of \$85 million recovery, plus expenses);
5. *Eshe Fund v. Fifth Third Bancorp*, No. 1:08-cv-421 (S.D. Ohio Nov. 20, 2013) (awarded fees and expenses of 33-1/3% of \$16 million recovery);
6. *In re Constellation Energy Group, Inc. Sec. Litig.*, No. 1:08-cv-02854-CCB (D. Md. Nov. 4, 2013) (awarded fees of 33-1/3% of \$4 million recovery, plus expenses);
7. *Levine v. Atricure, Inc.*, No. 1:06-cv-14324-RJH (S.D.N.Y. May 27, 2011) (awarded fees of 33-1/3% of \$2 million recovery, plus expenses);
8. *In re Noah Educ. Holdings Ltd. Sec. Litig.*, No. 1:08-cv-09203 (S.D.N.Y. May 27, 2011) (awarded fees of 33-1/3% of \$1.75 million recovery, plus expenses);
9. *Eaton v. Halifax PLC*, No. MON-L-2365-03 (Monmouth Cnty. NJ Super. Ct. May 26, 2011) (awarded fees of 33-1/3% of \$8.6 million recovery, plus expenses);
10. *Menkes v. Stolt-Nielsen S.A.*, No. 3:03CV00409(DJS) (D. Conn. Jan. 25, 2011) (awarded fees of 33-1/3% of \$2 million recovery, plus expenses);
11. *Moorhead v. CONSOL Energy, Inc.*, No. 2:03-cv-01588-TFM (W.D. Pa. May 14, 2007) (awarded fees of 33-1/3% of \$2.7 million recovery; plus expenses);
12. *Wade v. Bayer AG, et al.*, No. CT-004748-06 (Shelby County, Tenn. Cir. Ct. Dec. 7, 2006) (awarded fees of 33-1/3% of \$3.7 million recovery, plus expenses);
13. *In re Van der Moolen Holding N.V. Sec. Litig.*, No. 1:03-CV-8284 (S.D.N.Y. Dec. 6, 2006) (awarded fees of 33-1/3% of \$8 million recovery, plus expenses);
14. *In re Interpool, Inc. Sec. Litig.*, No. 3:04-cv-00321-SRC (D.N.J. Sept. 9, 2006) (awarded fees of 33-1/3% of \$1 million recovery, plus expenses);

15. *Denver Area Meat Cutters and Employers Pension Plan v. James L. Clayton, et al.*, Case No. E-19723 (Blount County Tenn. June 8, 2005) (awarded fees of 33-1/3% of \$5 million recovery, plus expenses);
16. *Lezin v. MiniMed, Inc., et al.*, Case No. BC251832 (Los Angeles Super. Ct. Aug. 10, 2004) (awarded fees of 33-1/3% of \$1.25 million recovery, plus expenses);
17. *Franks v. Cheap Tickets, Inc., et al.*, Civil No. 01-1-2376-08-DDD (1st Cir. Haw. July 2, 2004) (awarded fees of 33-1/3% of \$1 million recovery, plus expenses);
18. *Conlee v. WMS Industries*, No. 1:11-cv-03503-JBZ (N.D. Ill. May 20, 2014) (awarded fees of 33% of \$3.7 million recovery, plus expenses);
19. *In re State Street Bank and Trust Co. Fixed Income Funds Inv. Litig.*, No. 1:08-cv-08235-PAC (S.D.N.Y. Sept. 6, 2012) (awarded fees of 33% of \$6.25 million recovery, plus expenses);
20. *Schultz v. Applicia, Inc.*, No. 06-60149-CIV (S.D. Fla. Jan. 15, 2008) (awarded fees of 33% of \$2 million recovery, plus expenses);
21. *In re Canadian Superior Energy Inc. Sec. Litig.*, Master File No. 04-CV-02020(RO) (S.D.N.Y. Oct. 19, 2005) (awarded fees of 33% of \$3.2 million recovery, plus expenses);
22. *Thomas & Thomas Rodmakers Inc., et al. v. Newport Adhesives and Composites, Inc., et al.*, Case No. CV-99-07796-FMC(RNBx) (C.D. Cal. Oct. 17, 2005) (awarded fees of 33% of \$36.25 million recovery, plus expenses);
23. *Roth v. Aon Corp.*, No. 04-C-6835 (N.D. Ill. Nov. 18, 2009) (awarded fees of 31% of \$30 million recovery, plus expenses);
24. *Morgensen v. Body Central Corp.*, No. 3:12-cv-00954-HES-JRK (M.D. Fla. Jan. 21, 2015) (awarded fees of 30% of \$3.425 million recovery, plus expenses);
25. *In re Synovus Fin. Corp.*, No. 1:09-cv-01811-WCO (N.D. Ga. Nov. 18, 2014) (awarded fees of 30% of \$11.75 million recovery, plus expenses);
26. *In re Epicor Software Corp. S'holder Litig.*, No. 30-2011-00465495-CU-BT-CXC (Orange County Super. Ct. Oct. 24, 2014) (awarded fees of 30% of \$18 million recovery, plus expenses);
27. *City of Sterling Heights Gen. Emps.' Ret. Sys. v. Hospira, Inc.*, No. 1:11-cv-08332-AJS (N.D. Ill. Aug. 5, 2014) (awarded fees of 30% of \$60 million recovery, plus expenses);
28. *W. Pa. Elec. Emps.' Pension Fund v. Alter*, No. 2:09-cv-04730-CMR (E.D. Pa. Aug. 4, 2014) (awarded fees of 30% of \$13.25 million recovery, plus expenses);

29. *Board of Trustees of the Operating Engineers Pension Trust v. JPMorgan Chase Bank*, No. 09-cv-09333-KBF (S.D.N.Y. November 20, 2013) (awarded fees of 30% of \$23 million recovery, plus expenses);
30. *Fisher v. Suffolk*, No. 1:11-cv-05114-SJ-RML (E.D.N.Y. Nov. 19, 2013) (awarded fees of 30% of \$2.8 million recovery, plus expenses);
31. *Buettgen v. Harless*, No. 3:09-cv-00791-K (N.D. Tex. Nov. 13, 2013) (awarded fees of 30% of \$33.75 million recovery, plus expenses);
32. *Luman v. Anderson*, No. 4:08-cv-00514-C-W-HFS (W.D. Mo. July 23, 2013) (awarded fees of 30% of \$4.25 million recovery, plus expenses);
33. *Hildenbrand v. W Holding*, No. 07-1886 (JAG) (D. P.R. June 10, 2013) (awarded fees of 30% of \$8.75 million recovery, plus expenses);
34. *Citiline Holdings, Inc. v. iStar Fin. Inc.*, No. 1:08-cv-03612-RJS (S.D.N.Y. Apr. 5, 2013) (awarded fees of 30% of \$29 million recovery, plus expenses);
35. *In re Constar Int'l Sec. Litig.*, No. 03cv05020 (E.D. Pa. Dec. 19, 2012) (awarded fees of 30% of \$23.5 million recovery, plus expenses);
36. *Siracusano v. Matrixx Initiatives, Inc.*, No. CV-04-0886-PHX-NVW (D. Ariz. Nov. 13, 2012) (awarded fees of 30% of \$4.5 million recovery, plus expenses);
37. *Winslow v. BancorpSouth, Inc.*, No. 3:10-cv-00463 (M.D. Tenn. Oct. 31, 2012) (awarded 30% of \$29.25 million recovery, plus expenses);
38. *Szymborski v. Ormat Techs., Inc.*, No. 3:10-CV-132-RCJ (D. Nev. Oct. 16, 2012) (awarded fees of 30% of \$3.1 million recovery, plus expenses);
39. *City of Ann Arbor Emps.' Ret. Sys. v. Sonoco Prods. Co., et al.*, No. 4:08-cv-02348-TLW-KDW (D.S.C. Sept. 7, 2012) (awarded fees of 30% of \$13 million recovery, plus expenses);
40. *In re Sturm, Ruger & Co., Inc. Sec. Litig.*, No. 3:09-cv-01293-VLB (D. Conn. Aug. 20, 2012) (awarded fees of 30% of \$3 million recovery, plus expenses);
41. *Local 731 I.B. of T. Excavators and Pavers Pension Trust Fund v. Swanson*, No. 1:09-cv-00799-MMB (D. Del. June 22, 2012) (awarded 30% of \$25 million recovery, plus expenses);
42. *In re Focus Media Holding Ltd. Litig.*, No. 1:07-cv-10617-LTS(GWG) (S.D.N.Y. Apr. 25, 2012) (awarded fees of 30% of \$2 million recovery, plus expenses);
43. *Western Wash. Laborers-Employers Pension Trust v. Panera Bread Co., et al.*, No. 4:08-cv-00120 ERW (E.D. Mo. June 22, 2011) (awarded fees of 30% of \$5.75 million recovery, plus expenses);

44. *Norfolk Cnty. Ret. Sys. v. Ustian*, No. 1:07-cv-07014 (N.D. Ill. May 25, 2011) (awarded fees of 30% of \$13 million recovery, plus expenses);
45. *In re Orion Sec. Litig.*, No. 1:08-cv-01328-RJS (S.D.N.Y. Apr. 14, 2011) (awarded fees of 30% of \$3.25 million recovery, plus expenses);
46. *Schultz v. Tomotherapy, Inc.*, No. 08-cv-000314-SLC (W.D. Wis. Mar. 22, 2011) (awarded fees of 30% of \$5 million recovery, plus expenses);
47. *In re L.G. Philips LCD Co., Ltd. Sec. Litig.*, No. 1:07-cv-00909-RJS (S.D.N.Y. Mar. 17, 2011) (awarded fees of 30% of \$18 million recovery, plus expenses);
48. *In re Gilead Sciences Sec. Litig.*, No. C-03-4999-SI (N.D. Cal. Nov. 5, 2010) (awarded 30% of \$8.25 million recovery, plus expenses);
49. *Beach v. Healthways, Inc.*, No. 3:08-cv-00569 (M.D. Tenn. Sept. 27, 2010) (awarded fees of 30% of \$23.6 million recovery, plus expenses);
50. *In re TeleTech Litigation*, No. 1:08-cv-00913-LTS (S.D.N.Y. June 11, 2010) (awarded fees of 30% of \$11 million recovery, plus expenses);
51. *In re PETCO Animal Supplies, Inc. S'holder Litig.*, No. GIC 869399 (San Diego Super. Ct. Mar. 26, 2010) (awarded fees of 30% of \$16 million recovery, plus expenses);
52. *Kelleher v. ADVO, Inc.*, No. 3:06-cv-01422-AVC (D. Conn. Mar. 3, 2010) (awarded fees of 30% of \$12.5 million recovery, plus expenses);
53. *Hawaii Structural Ironworkers Pension Trust Fund v. Calpine Corp.*, No. 1-04-CV-021465 (Santa Clara Super. Ct. Feb. 3, 2010) (awarded fees of 30% of \$43 million recovery, plus expenses);
54. *In re Prestige Brands Holdings, Inc. Sec. Litig.*, No. 7:05-cv-06924-CS (S.D.N.Y. Dec. 7, 2009) (awarded fees of 30% of \$11 million recovery, plus expenses);
55. *Rines v. Heelys, Inc.*, No. 3:07-cv-01468-K (N.D. Tex. Nov. 17, 2009) (awarded fees of 30% of \$7.5 million recovery, plus expenses);
56. *Aviva Partners LLC v. Exide Techs.*, No. 3:05-cv-03098-MLC-LHG (D.N.J. June 23, 2009) (awarded fees of 30% of \$13.7 million recovery, plus expenses);
57. *W. Pa. Elec. Employees Pension Fund v. Candela Corp.*, No. 1:08-cv-10551-DPW (D. Mass. June 23, 2009) (awarded fees of 30% of \$3.85 million recovery, plus expenses);
58. *Crowell v. Mannatech, Inc.*, No. 3:07-cv-00238-K (N.D. Tex. Mar. 10, 2009) (awarded fees of 30% of \$11.25 million recovery, plus expenses);
59. *In re LaBranche Sec. Litig.*, No. 03-CV-8201(RWS) (S.D.N.Y. Jan. 22, 2009) (awarded fees of 30% of \$13 million recovery, plus expenses);

60. *In re OSI Pharm., Inc. Sec. Litig.*, No. 2:04-CV-05505-JS-WDW (E.D.N.Y. Aug. 22, 2008) (awarded fees of 30% of \$9 million recovery, plus expenses);
61. *In re ChoicePoint, Inc. Sec. Litig.*, No. 1:05-CV-00686-JTC (N.D. Ga. July 21, 2008) (awarded fees of 30% of \$10 million recovery, plus expenses);
62. *Cement Masons & Plasters Joint Pension Trust v. TNS Inc.*, No. 1:06-cv-00363-CMH-BRP (E.D. Va. June 20, 2008) (awarded fees of 30% of \$3.6 million recovery, plus expenses);
63. *Croker v. Carrier Access Corp.*, No. 1:05-cv-01011-LTB-OES (D. Colo. Jan. 25, 2008) (awarded fees of 30% of \$7.4 million recovery, plus expenses);
64. *In re UICI Sec. Litig.*, No. 3:04-CV-1149-P (N.D. Tex. Jan. 23, 2008) (awarded fees of 30% of \$6.9 million recovery, plus expenses);
65. *In re Terayon Commc'n Sys., Inc. Sec. Litig.*, No. C-00-1967-MHP (N.D. Cal. Oct. 3, 2007) (awarded fees of 30% of \$15 million recovery, plus expenses);
66. *In re aaiPharma Inc. Sec. Litig.*, No. 7:04-CV-27-D (E.D. N.C. Oct. 2, 2007) (awarded fees of 30% of \$7.55 million recovery, plus expenses);
67. *In re Acclaim Entm't Sec. Litig.*, No. 2:03-CV-1270(JS)(ETB) (E.D.N.Y. Oct. 2, 2007) (awarded fees of 30% of \$13.65 million recovery, plus expenses);
68. *In re Odimo, Inc. Sec. Litig.*, No. 0512500 (Broward County Fla. Super. Ct. Sept. 25, 2007) (awarded fees of 30% of \$1.25 million recovery, plus expenses);
69. *In re eMachines, Inc. Merger Litig.*, No. 01-CC-00156 (Orange County Super. Ct. July 25, 2007) (awarded fees of 30% of \$24 million recovery, plus expenses);
70. *In re Direct Gen. Corp. Sec. Litig.*, No. 3:05-0077 (M.D. Tenn. July 20, 2007) (awarded fees of 30% of \$14.94 million recovery, plus expenses);
71. *The Takara Trust v. Molex Incorporated, et al.*, No. 05-C-1245 (N.D. Ill. Mar. 1, 2007) (awarded fees of 30% of \$10.5 million recovery, plus expenses);
72. *Underwood, et al. v. Lampert, et al.*, No. 1:02-cv-21154-CMA/Turnoff (S.D. Fla. Jan. 29, 2007) (awarded fees of 30% of \$1.5 million recovery, plus expenses);
73. *In re AMERCO Sec. Litig.*, No. 04-2182-PHX-RJB (D. Ariz. Nov. 2, 2006) (awarded fees of 30% of \$7 million recovery; plus expenses);
74. *Greater Pennsylvania Carpenters Pension Fund v. Whitehall Jewellers, Inc., et al.*, No. 04 C 1107 (N.D. Ill. July 24, 2006) (awarded fees of 30% of \$7.5 million recovery, plus expenses);

75. *In re Stellent, Inc. Sec. Litig.*, Master File No. CV-03-4384 RHK/AJB (D. Minn. Nov. 16, 2005) (awarded fees of 30% of \$12 million recovery, plus expenses);
76. *In re Descartes Systems Group, Inc. Sec. Litig.*, Master File No. 04 Civ. 3793(LTS)(MHD) (S.D.N.Y. Sept. 16, 2005) (awarded fees of 30% of \$1.5 million recovery, plus expenses);
77. *Brody v. Hellman*, Case No. 00-CV-4142 (City & County Denver Colo. Aug. 30, 2005) (awarded fees of 30% of \$50 million recovery, plus expenses);
78. *In re Daisytek International Litig.*, Master Docket No. 4:03-CV-212 (E.D. Tex. July 20, 2005) (awarded fees of 30% of \$6 million recovery, plus expenses);
79. *In re Novell, Inc. Sec. Litig.*, Case No. 2:99-CV-995 TC (D. Utah May 26, 2005) (awarded fees of 30% of \$13.9 million recovery, plus expenses);
80. *Deckler v. Ionics, Inc., et al.*, No. 03-CV-10393-WGY (D. Mass. Apr. 4, 2005) (awarded fees of 30% of \$3 million recovery, plus expenses);
81. *Southland Securities Corporation v. INSpire Insurance Solutions, Inc.*, No. 4:00-CV-355y (N.D. Tex. Mar. 9, 2005) (awarded fees of 30% of \$4.8 million recovery, plus expenses);
82. *Steinbeck v. Sonic Innovations, Inc., et al.*, Case No. 2:00-CV-848-PGC (D. Utah May 25, 2004) (awarded fees of 30% of \$7 million recovery, plus expenses);
83. *Broderick v. Mazur (PHP Healthcare)*, No. CV-98-1658-MRP(AJWx) (C.D. Cal. Apr. 27, 2004) (awarded fees of 30% of \$4.5 million recovery, plus expenses);
84. *Ronconi v. Larkin*, Case No. 767087-5 OV (Alameda County Super. Ct. Jan. 6, 2004) (awarded fees of 30% of \$2.5 million recovery, plus expenses);
85. *Garden City Emps.' Ret. Sys. & Cent. States, Southeast and Southwest Areas Pension Fund v. Psychiatric Solutions, Inc.*, No. 3:09-cv-00882-WJH (M.D. Tenn. Jan. 16, 2015) (awarded fees of 29% of \$65 million recovery, plus expenses);
86. *Thomas & Thomas Rodmakers, Inc. v. Newport Adhesives and Composites, Inc.*, Case No. CV-99-07796-FMC(RNx) (C.D. Cal. Jan. 31, 2005) (awarded fees of 29% of \$32.75 million recovery, plus expenses);
87. *In re Accredo Health, Inc. Sec. Litig.*, No. 03-CV-2216 (W.D. Tenn. Feb. 19, 2009) (awarded fees of 28% of \$33 million recovery, plus expenses);
88. *Olmsted v. ADAC Laboratories*, Case No. CV793923 (Santa Clara Super. Ct. May 10, 2004) (awarded fees of 28% of \$3.55 million recovery, plus expenses);
89. *In re Novatel Wireless Sec. Litig.*, No. 08-CV-01689-AJB(RBB) (S.D. Cal. June 23, 2014) (awarded fees of 27.5% of \$16 million recovery, plus expenses);

90. *In re Sanofi-Aventis Sec. Litig.*, No. 1:07-cv-10279-GBD (S.D.N.Y. Jan. 22, 2014) (awarded fees of 27.5% of \$40 million recovery, plus expenses);
91. *In re Coventry Healthcare, Inc. Sec. Litig.*, No. 8:09-cv-02337-AW (D. Md. Oct. 29, 2013) (awarded fees of 27.5% of \$10 million recovery, plus expenses);
92. *Alaska Elec. Pension Fund v. Pharmacia Corp.*, No. 03-1519(AET) (D.N.J. Jan. 30, 2013) (awarded fees of 27.5% of \$164 million recovery, plus expenses);
93. *Silverman v. Motorola, Inc.*, No. 07 C 4507 (N.D. Ill. May 7, 2012) (awarded fees of 27.5% of \$200 million recovery, plus expenses);
94. *Cornwell v. Credit Suisse Group*, No. 08-cv-03758(VM) (S.D.N.Y. July 20, 2011) (awarded fees of 27.5% of \$70 million recovery, plus expenses);
95. *Ross v. Abercrombie & Fitch Co.*, No. 2:05-cv-00819-EAS-TPK (S.D. Ohio Sept. 24, 2010) (awarded fees of 27.5% of \$12 million recovery, plus expenses);
96. *Indiana State District Council of Laborers & HOD Carriers Pension Fund v. Brukardt*, No. 05-1392-II (Tenn. Chancery Ct. May 13, 2013) (awarded fees of 27% of \$4 million recovery, plus expenses);
97. *Brown v. Brewer, et al.*, No. 2:06-cv-03731-GHK-SH (C.D. Cal. Mar. 19, 2012) (awarded fees of 27% of \$45 million recovery, plus expenses);
98. *Hoff v. Popular Inc.*, No. 3:09-cv-01428-GAG (D.P.R. Nov. 2, 2011) (awarded fees of 27% of \$37.5 million recovery, plus expenses);
99. *In re Infineon Techs. AG Sec. Litig.*, No. C-04-4156-JW (N.D. Cal. Nov. 2, 2011) (awarded fees of 27% of \$6.2 million recovery, plus expenses);
100. *Thurber v. Mattel, Inc.*, No. CV-99-10368-MRP(CWx) (C.D. Cal. Oct. 1, 2003) (fee equal to 27% of \$122 million recovery, plus expenses);
101. *Massachusetts Bricklayers & Masons Trust Funds v. Deutsche Alt-A Sec., Inc.*, No. 2:08-cv-03178-LDW-ARL (E.D.N.Y. July 11, 2012) (awarded 26.5% of \$32.5 million recovery, plus expenses);
102. *In re CIT Grp. Inc. Sec. Litig.*, No. 1:08-cv-06613-BSJ-THK (S.D.N.Y. June 13, 2012) (awarded 26.5% of \$75 million recovery, plus expenses);
103. *Dudley v. Haub*, No. 2:11-cv-05196-WJM-MF (D.N.J. Jan. 5, 2015) (awarded fees of 25% of \$9 million recovery, plus expenses);
104. *In re Vestas Wind Sys. A/S Sec. Litig.*, No. 3:11-cv-00585-MO (D. Or. Dec. 9, 2014) (awarded fees of 25% of \$5 million recovery, plus expenses);

105. *Westley v. Oclaro, Inc.*, No. C11-02448-EMC (N.D. Cal. Aug. 13, 2014) (awarded fees of 25% of \$3.7 million recovery, plus expenses);
106. *Weston v. Ciber, Inc.*, No. 1:11-cv-02827-JLK (D. Colo. Apr. 4, 2014) (awarded fees of 25% of \$3 million recovery, plus expenses);
107. *Plumbers' Union Local No. 12 Pension Fund v. Nomura Asset Acceptance Corp.*, No. 08-cv-10446 (D. Mass. Dec. 19, 2013) (awarded fees of 25% of \$21.2 million recovery, plus expenses);
108. *Plumbers & Pipefitters Local Union No. 630 Pension-Annuity Trust Fund v. Northwest Pipe Co.*, No. 3:09-cv-05724-RBL (W.D. Wash. Mar. 22, 2013) (awarded fees of 25% of \$12.5 million recovery, plus expenses);
109. *Int'l Bhd. of Elec. Workers Local 697 Pension Fund v. Int'l Game Tech.*, No. 3:09-cv-00419-MMD-WGC (D. Nev. Oct. 19, 2012) (awarded fees of 25% of \$12.5 million recovery, plus expenses);
110. *Plumbers & Pipefitters Local Union No. 630 Pension-Annuity Trust Fund v. Allscripts-Misys Healthcare Solutions, Inc.*, No. 1:09-cv-04726 (N.D. Ill. July 12, 2012) (awarded 25% of \$10.15 million recovery, plus expenses);
111. *Maiman v. Talbott*, No. SACV 09-0012-AG(ANx) (C.D. Cal. July 9, 2012) (awarded 25% of \$8.25 million recovery, plus expenses);
112. *In re Accuray Inc. Sec. Litig.*, No. 4:09-cv-03362-CW (N.D. Cal. Dec. 8, 2011) (awarded fees of 25% of \$13.5 million recovery, plus expenses);
113. *In re Agria Corp. Sec. Litig.*, No. 1:08-cv-03536-WHP (S.D.N.Y. June 7, 2011) (awarded fees of 25% of \$3.75 million recovery, plus expenses);
114. *City of Roseville Emp. Ret. Sys. v. Micron Tech., Inc.*, No. 06-CV-85-WFD (D. Idaho Apr. 28, 2011) (awarded fees of 25% of \$42 million recovery, plus expenses);
115. *The City of Hialeah Employees' Ret. Sys. v. Toll Bros., Inc.*, No. 07-1513 (E.D. Pa. Mar. 4, 2011) (awarded fees of 25% of \$25 million recovery, plus expenses);
116. *In re America Service Group, et al.*, No. 3:06-cv-00323 (M.D. Tenn. Oct. 15, 2010) (awarded fees of 25% of recovery (worth \$14,895,000 in cash and stock), plus expenses);
117. *Belodoff v. Netlist, Inc.*, No. SACV-07-00677-DOC(MLGx) (C.D. Cal. Sept. 30, 2010) (awarded fees of 25% of \$2.6 million recovery, plus expenses);
118. *Charatz v. Avaya, Inc.*, No. 3:05-cv-02319 (D.N.J. Sept. 27, 2010) (awarded fees of 25% of \$4.5 million recovery, plus expenses);
119. *Lefkoe v. Jos. A. Bank Clothiers, Inc.*, No. 1:06-cv-01892-WMN (D. Md. July 28, 2010) (awarded 25% of \$4 million recovery, plus expenses);

120. *Ryan v. Flowserve Corp.*, No. 3:03-CV-01769-B (N.D. Tex. May 11, 2010) (awarded 25% of \$55 million recovery, plus expenses);
121. *Twinde v. Threshold Pharms., Inc.*, No. 4:07-cv-04972-CW (N.D. Cal. Apr. 16, 2010) (awarded 25% of \$10 million recovery, plus expenses);
122. *City of Westland Police and Fire Retirement System v. Sonic Solutions*, No. C 07-05111-CW (N.D. Cal. Apr. 8, 2010) (awarded 25% of \$5 million recovery, plus expenses);
123. *Batwin v. Occam Networks, Inc.*, No. 2:07-cv-02750-CAS(SHx) (C.D. Cal. Feb. 22, 2010) (awarded 25% of \$13.945 million recovery, plus expenses);
124. *Tsirekidze v. Syntax-Brilliant Corp.*, No. 2:07-cv-02204-FJM (D. Ariz. Feb. 18, 2010) (awarded 25% of \$10 million recovery, plus expenses);
125. *In re Metawave Commc'ns Sec. Litig.*, No. 02-cv-00625-RSM (W.D. Wash. Feb. 11, 2010) (awarded 25% of \$1.5 million recovery, plus expenses);
126. *In re 21st Century Holding Co. Sec. Litig.*, No. 07-61057-Civ-COHN/SELTZER (S.D. Fla. Jan. 29, 2010) (awarded 25% of \$2.24 million recovery, plus expenses);
127. *West Palm Beach Firefighters' Pension Fund v. StarTek, Inc.*, No. 05-cv-01265-WDM-MEH (D. Colo. Dec. 21, 2009) (awarded 25% of \$7.5 million recovery, plus expenses);
128. *In re Dura Pharms., Inc. Sec. Litig.*, No. 99-CV-0151-JLS(WMC) (S.D. Cal. Dec. 4, 2009) (awarded fees of 25% of \$14 million recovery, plus expenses);
129. *In re Seracare Life Sciences, Inc. Sec. Litig.*, No. 05-CV-2335-JLS(CAB) (S.D. Cal. July 17, 2009) (awarded 25% of \$1.6 million recovery, plus expenses);
130. *In re Ace Ltd. Sec. Litig.*, No. 05-md-1675 (E.D. Pa. June 10, 2009) (awarded 25% of \$1.95 million recovery, plus expenses);
131. *Darquea v. Jarden Corp.*, No. 1:06-cv-00722(RPP) (S.D.N.Y. May 18, 2009) (awarded 25% of \$8 million recovery, plus expenses);
132. *In re Impax Labs., Inc. Sec. Litig.*, No. C-04-4802-JW (N.D. Cal. May 12, 2009) (awarded 25% of \$9 million recovery, plus expenses);
133. *Parkside Capital Ltd. v. Xerium Techs. Inc.*, No. 06-10991-RWZ (D. Mass. Feb. 26, 2009) (awarded 25% of \$3.6 million recovery, plus expenses);
134. *In re Sunterra Corp. Sec. Litig.*, No. 2:06-cv-00844-BES-RJJ (D. Nev. Feb. 10, 2009) (awarded 25% of \$8 million recovery, plus expenses);
135. *In re Brocade Sec. Litig.*, No. C 05-02042 CRB (N.D. Cal. Jan. 26, 2009) (awarded 25% of the recovery, plus expenses);

136. *In re Bridgestone Sec. Litig.*, No. 3:01-0017 (M.D. Tenn. Jan. 23, 2009) (awarded 25% of \$30 million recovery, plus expenses);
137. *In re Wireless Facilities, Inc. Sec. Litig.*, No. 04cv1589 NLS (S.D. Cal. Jan. 13, 2009) (awarded 25% of \$12 million recovery, plus expenses);
138. *In re Wireless Facilities, Inc., Sec. Litig.*, No. 07cv482 NLS (S.D. Cal. Dec. 19, 2008) (awarded 25% of \$4.5 million recovery, plus expenses);
139. *In re Tommy Hilfiger Sec. Litig.*, No. 1:04-CV-07678-SAS (S.D.N.Y. Oct. 8, 2008) (awarded 25% of \$16 million recovery, plus expenses);
140. *In re PETCO Corp. Sec. Litig.*, No. 05-CV-0823 H(RBB) (S.D. Cal. Sept. 2, 2008) (awarded 25% of \$20.25 million recovery, plus expenses);
141. *In re DHB Indus., Inc. Class Action Litig.*, No. 2:05-cv-04296-JS-ETB (E.D.N.Y. July 21, 2008) (awarded 25% of recovery, plus expenses);
142. *In re Zale Corporation Sec. Litig.*, No. 3:06-cv-01470-N (N.D. Tex. July 10, 2008) (awarded 25% of \$5.9 million recovery, plus expenses);
143. *Reynolds v. Repsol YPF, S.A.*, No. 1:06-cv-00733-DAB (S.D.N.Y. May 7, 2008) (awarded 25% of \$8 million recovery, plus expenses);
144. *Sekuk Global Enters. v. KVH Indus., Inc.*, No. CA-04-306L (D.R.I. Jan. 25, 2008) (fee equal to 25% of \$5 million recovery, plus expenses);
145. *In re SeraCare Life Sciences, Inc. Sec. Litig.*, No. 05-CV-2335-H(CAB) (S.D. Cal. Sept. 4, 2007) (awarding 25% of \$3 million recovery, plus expenses);
146. *In re Dynamic Random Access Memory (DRAM) Antitrust Litig.*, No. M-02-1486 PJH (N.D. Cal. Aug. 16, 2007) (fee equal to 25% of recovery, plus expenses);
147. *In re Watchguard Sec. Litig.*, No. 2:05-cv-00678-JLR (W.D. Wash. Aug. 6, 2007) (awarded 25% of \$1.75 million recovery, plus expenses);
148. *In re Alliance Gaming Corp. Sec. Litig.*, No. CV-S-04-0821-BES-PAL (D. Nev. June 28, 2007) (awarding 25% of \$15.5 million recovery, plus expenses);
149. *Dutton v. D&K Healthcare Res., Inc.*, No. 4:04-CV-00147-SNL (E.D. Mo. June 5, 2007) (awarding 25% of \$18.7 million recovery, plus expenses);
150. *In re Vicuron Pharms., Inc. Sec. Litig.*, No. 04-2627 (E.D. Pa. May 31, 2007) (awarded 25% of \$12.75 million recovery, plus expenses);
151. *In re Verisign, Inc. Sec. Litig.*, No. C-02-2270-JW(PVT) (N.D. Cal. Apr. 24, 2007) (awarded 25% of \$80 million recovery, plus expenses);

152. *In re Amerada Hess Corp. Sec. Litig.*, No. 2:02cv03359 (D.N.J. Apr. 16, 2007) (awarded 25% of \$9 million recovery, plus expenses);
153. *Heller v. Quovadx, Inc.*, No. 04-cv-00665 (D. Colo. Apr. 13, 2007) (awarded 25% of \$9 million recovery, plus expenses);
154. *In re Charlotte Russe Holding, Inc. Sec. Litig.*, No. 04cv2528 (S.D. Cal. Aug. 30, 2006) (awarded 25% of \$3.9 million recovery, plus expenses);
155. *In re Surebeam Corp. Sec. Litig.*, No. 03-CV-01721-JM(POR) (S.D. Cal. July 17, 2006) (awarded 25% of \$32.75 million recovery, plus expenses);
156. *In re U.S. Aggregates, Inc. Sec. Litig.*, No. C-01-1688-CW (N.D. Cal. Apr. 6, 2006) (awarding 25% of \$3.5 million recovery, plus expenses);
157. *In re Titan, Inc. Sec. Litig.*, Master File No. 04-CV-0676-LAB(NLS) (S.D. Cal. Dec. 19, 2005) (fee award equal to 25% of \$61.5 million recovery, plus expenses);
158. *In re Intershop Communications AG Sec. Litig.*, Master File No. C-01-20333-JW (N.D. Cal. Dec. 5, 2005) (fee award equal to 25% of \$2 million recovery, plus expenses);
159. *In re Amazon.Com, Inc. Sec. Litig.*, Master File No. C-01-0358-L (W.D. Wash. Nov. 11, 2005) (fee award equal to 25% of \$27.7 million recovery, plus expenses);
160. *In re CVS Corp. Sec. Litig.*, No. C.A. 01-11464(JLT) (D. Mass. Sept. 7, 2005) (fee equal to 25% of recovery, plus expenses);
161. *In re Intermune, Inc. Sec. Litig.*, No. C-03-2954-SI (N.D. Cal. Aug. 26, 2005) (fee award equal to 25% of \$10.4 million recovery; plus expenses);
162. *In re Pemstar, Inc. Sec. Litig.*, Master File No. 02-1821 (DWF/SRN) (D. Minn. May 27, 2005) (fee award equal to 25% of \$12 million recovery, plus expenses);
163. *In re Ventro Corp. Sec. Litig.*, No. C-01-1287-SBA (N.D. Cal. Mar. 29, 2005) (fee award equal to 25% of \$6.935 million recovery; plus expenses);
164. *In re Specialty Laboratories, Inc. Sec. Litig.*, Master File No. CV 02-04352-DDP(RCx) (C.D. Cal. Dec. 28, 2004) (fee award equal to 25% of \$12 million recovery, plus expenses);
165. *Brody v. TALX Corporation, et al.*, No. 4:01CV2014-HEA (E.D. Mo. Oct. 6, 2004) (fee equal to 25% of \$5.75 million recovery, plus expenses);
166. *In re National Golf Properties, Inc. Sec. Litig.*, Master File No. 02-1383-GHK(RZx) (C.D. Cal. Oct. 4, 2004) (fee award equal to 25% of \$4.175 million recovery, plus expenses);

167. *In re Infonet Services Corp. Sec. Litig.*, Master File No. CV-01-10456-NM(CWx) (C.D. Cal. July 26, 2004) (fee equal to 25% of \$18 million recovery, plus expenses);
168. *In re Mutual Risk Management Ltd. Sec. Litig.*, Case No. 02CV1110K(POR) (S.D. Cal. July 22, 2004) (fee equal to 25% of \$3 million recovery, plus expenses);
169. *In re Accelerated Networks, Inc. Sec. Litig.*, Master File No. CV-01-3585-SJO(MANx) (C.D. Cal. June 28, 2004) (fee equal to 25% of \$8 million recovery, plus expenses);
170. *In re DJ Orthopedics, Inc. Sec. Litig.*, Case No. 01-CV-2238-K(RBB) (S.D. Cal. June 21, 2004) (fee equal to 25% of \$5.5 million fund, plus expenses);
171. *In re TUT Systems, Inc. Sec. Litig.*, Master File No. C-01-2659-CW (N.D. Cal. May 14, 2004) (fee equal to 25% of \$10 million recovery, plus expenses);
172. *In re M&A West, Inc. Sec. Litig.*, Master File No. C-01-0033-SBA (N.D. Cal. Feb. 10, 2004) (fee equal to 25% of \$2.615 million recovery, plus expenses).

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