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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JAMES WILSON, an individual, and JACK WHITE, an individual, on behalf of themselves and all others similarly situated,

Plaintiffs,

vs.

METALS USA, INC., a Delaware Corporation; and DOES 1-100, inclusive,

Defendants.

CASE NO. 2:12-CV-00568-KJM-DB

**[PROPOSED] ORDER GRANTING
MOTION FOR ATTORNEYS' FEES,
COSTS AND INCENTIVE AWARDS**

1 The Court, having reviewed Plaintiffs James Wilson and Jack White (“Plaintiffs”) Motion for
2 Attorneys’ Fees, Costs, and Incentive Awards, the pleadings and other papers on file in this action,
3 and the statements of counsel and the parties, hereby finds that Plaintiffs’ motion should be
4 GRANTED.

5 NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

6 1. For purposes of this Order, except as otherwise set forth herein, the Court adopts and
7 incorporates the definitions contained in the Class Action Settlement Agreement [Doc. 140-3]
8 (“Settlement Agreement”).

9 2. The Court finds that Plaintiffs’ requested fee award of \$983,228.20 is fair and
10 reasonable in light of the results obtained by Class Counsel in this case; the risks and complex issues
11 involved, and the skill and high-quality work required to overcome them; the burdens borne by
12 counsel in pursuing this litigation on a pure contingency basis; and the range of awards made in
13 similar cases.

14 3. The Court has confirmed the reasonableness of Plaintiffs’ fee request by conducting a
15 lodestar cross-check. The Court finds that Plaintiffs’ counsel’s reasonable lodestar, as of May 31,
16 2019, is \$1,040,810 based on the submitted hourly rates and time records. Accordingly, Plaintiffs’
17 do not seek a multiplier as their lodestar exceeds the requested fees. However, an upward multiplier
18 would be appropriate and well-justified here, given the novelty and difficulty of this litigation,
19 counsel’s skillful handling of the difficult factual and legal issues presented, the significant
20 contingent risks in this case, and the quality of the result achieved. Accordingly, the Court approves
21 payment to Class Counsel in the amount of \$983,228.20 in attorneys’ fees.

22 4. The Court finds that Class counsel incurred \$127,771.80 in litigation costs and
23 expenses as of the date they filed their Motion for Attorneys’ Fees, Costs, and Incentive Awards. The
24 Court finds that these costs and expenses were reasonably incurred in the ordinary course of
25 prosecuting this case and were necessary given the nature and scope of the case. Accordingly, the
26 Court approves payment to Class Counsel in the amount of \$127,771.80 for reimbursement of costs
27 and expenses.

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1 5. Finally, the Court approves an incentive award of \$25,000 to Plaintiff Wilson and an
2 incentive award of \$14,000 to Plaintiff White. These incentive awards are reasonable and justified
3 given: (1) the risks – reputational, financial, and otherwise – faced by Plaintiffs in bringing this
4 lawsuit; and (2) the work performed and the active participation in the litigation and settlement
5 processes by the Plaintiffs on behalf of the Class Members.

6 6. The attorneys’ fees, costs, and incentive awards set forth in this Order shall be paid
7 by Defendant Metals USA, Inc. in accordance with the terms of the Settlement Agreement.

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9 Dated: _____, 2019

Hon. Kimberly J. Mueller
United States District Judge

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