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10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **OAKLAND DIVISION**

13 IN RE STATIC RANDOM ACCESS  
14 MEMORY (SRAM) ANTITRUST  
15 LITIGATION

Case No. 4:07-md-1819 CW  
MDL No. 1819

16 **[PROPOSED] ORDER GRANTING**  
**AWARD OF ATTORNEY’S FEES,**  
**REIMBURSEMENT OF EXPENSES AND**  
**FOR CLASS REPRESENTATIVE**  
**INCENTIVE PAYMENTS**

17 This Document Relates to:  
18 ALL INDIRECT PURCHASER ACTIONS

Hearing Date: October 6, 2011  
Time: 2:00 p.m.  
Courtroom: 2, 4<sup>th</sup> Floor  
Judge: Hon. Claudia Wilken

1 The Court, having considered Indirect Purchaser Plaintiffs' Motion for Award of Attorney's  
2 Fees, Reimbursement of Expenses, and Incentive Award (the "Motion") and the memorandum and  
3 declarations in support thereof, and after a duly noticed hearing, in addition to the findings stated on  
4 the record at such hearing, hereby finds that:

5 1. The Motion seeks an award of attorney's fees of one-third (1/3) of the Settlement Fund,  
6 which is comprised of all of the Settling Defendants' settlement payments (\$41,322,000), as well as  
7 the interest earned thereon. IP Plaintiffs' Class Counsel ("IP Class Counsel") also seek  
8 reimbursement of their unreimbursed litigation costs and expenses, and incentive awards for the 46  
9 court-appointed class representatives.

10 2. The amount of attorney's fees requested is fair and reasonable under the "percentage-of-  
11 the-recovery" method, including as confirmed by a lodestar "cross-check."

12 3. The attorney's fees requested were entirely contingent upon success. IP Class Counsel  
13 risked time and effort and advanced costs and expenses with no ultimate guarantee of compensation.  
14 The award of one-third is warranted for reasons set out in IP Plaintiffs' moving papers including, but  
15 not limited to, the following: The result obtained for the class – payment by Defendants of more  
16 than \$41 million; the quality and quantity of work performed by IP Class Counsel over more than  
17 fours years of litigation – such as substantial motion practice, discovery and trial preparation on  
18 complex fact and legal issues; the risks faced at the outset and throughout the litigation – such as  
19 proceeding after the Department of Justice closed its criminal investigation without seeking any  
20 indictments; and, the lodestar "cross-check" – which reveals a 0.45 fractional multiplier or "negative  
21 lodestar" for IP Class Counsel's more than 76,000 hours of work on the case.

22 4. The expenses sought were incurred in connection with the prosecution of the litigation for  
23 the benefit of the Class and were reasonable and necessary.

24 5. Additionally, the 46 class representatives are entitled to the requested incentive awards  
25 because of their work performed for the benefit of the Class and the risks undertaken.

26 6. Therefore, upon consideration of the Motion and accompanying declarations and based  
27 upon all matters of record including the pleadings and papers filed in this action, the Court hereby  
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1 finds that: (i) the attorneys’ fees requested are reasonable and proper; (ii) the expenses requested  
2 were necessary, reasonable and proper; and (iii) the incentive awards requested are warranted.

3 Accordingly, it is hereby ORDERED and DECREED that:

4 A. IP Class Counsel are awarded attorney’s fees in the amount of \$13,774,000.00, which is  
5 one-third (1/3) of the Settlement Fund of \$41,322,000.00, together with interest earned on the  
6 Settlement Fund for the same time period and at the same rate as that earned on the Settlement Fund  
7 until dispersed to IP Class Counsel.

8 B. IP Class Counsel are awarded reimbursement of their unreimbursed costs and expenses in  
9 the amount of \$711,756.76.

10 C. The 46 class representatives are awarded incentive payments as follows: (1) \$5,000 to  
11 each of the 31 class representatives who were deposed during class certification proceedings; and (2)  
12 \$2,500 each to the remaining 15 class representatives who were not deposed (including two spouses  
13 for whom only one payment is being made), for total payments of \$190,000.00.

14 D. The attorneys’ fees, reimbursement of expenses, and the incentive awards shall be paid  
15 from the Settlement Funds and the interest earned thereon.

16 E. The attorneys’ fees and expenses shall be allocated among IP Class Counsel by Lead  
17 Counsel (Zelle Hofmann Voelbel & Mason LLP) in a manner which, in Lead Counsel’s good-faith  
18 judgment, reflects each such IP Class Counsel’s contribution to the institution, prosecution and  
19 resolution of the litigation.

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

22 **IT IS SO ORDERED**

23  
24 Date: \_\_\_\_\_

\_\_\_\_\_  
25 HONORABLE CLAUDIA WILKEN  
26 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

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