

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 10-12533  
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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT OCTOBER 26, 2011 JOHN LEY CLERK
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D. C. Docket No. 2:07-cv-01928-RDP

LAURA FAUGHT,  
STEVEN FAUGHT,  
on behalf of themselves and all others similarly situated,

Plaintiffs-Appellees

JOHN HOWE, et al.,

Intervenors-Plaintiffs,

MIRIAM CHAPON,  
JOHN CHAPON,

Intervenor-Plaintiffs-  
Appellants,

versus

AMERICAN HOME SHIELD CORPORATION,

Defendant-Appellee,

TODD PETTITT,  
SHARON LEE,

Interested-Parties-Appellants.

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Appeal from the United States District Court  
for the Northern District of Alabama

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(October 26, 2011)

Before DUBINA, Chief Judge, CARNES, Circuit Judge, and SANDS, \*District Judge.

PER CURIAM:

Consolidated Objecting Class Members (the “objectors”) appeal the district court’s order denying an award of attorneys’ fees and costs.

Even putting aside timeliness issues presented by the Appellees, the objectors are entitled to attorneys’ fees only in the event that they can show either (1) that they conferred some benefit on the class or (2) that they substantially improved the settlement under consideration. *See, e.g., Uselton v. Commercial Lovelace, Inc.*, 9 F.3d 849, 855 (10th Cir. 1993); *City of Detroit v. Grinnell Corp.*, 560 F.2d 1093, 1098 (2d Cir. 1977). The burden is on the objectors to show one of these criteria has been met. The district court, in a well reasoned opinion, concluded that they had not carried that burden.

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\*Honorable W. Louis Sands, United States District Judge for the Middle District of Georgia, sitting by designation.

This court reviews such findings for abuse of discretion. *Haitian Refugee Ctr. v. Meese*, 791 F.2d 1489, 1496 (11th Cir. 1986). The district court laid out in detail how the objectors' claims were based on speculation that is unsupported by the record. We agree with these findings; therefore, we conclude that the district court did not abuse its discretion and affirm the denial of attorneys' fees and costs.

AFFIRMED.