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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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Bonnie Riendeau, et al.,

No. CV-12-00988-PHX-FJM

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Plaintiffs,

**ORDER**

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vs.

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Apache Carson Partners LP, et al.,

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Defendants.

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Before the court is the parties' joint motion to approve settlement agreement and dismissal of lawsuit, and joint motion to stay pending deadlines (doc. 76). The parties have submitted a proposed settlement agreement under which the named plaintiffs and the one opt-in plaintiff will receive a total of \$83,000 in stipulated damages. The proposed settlement agreement also provides that plaintiffs' lawyers will receive a total of \$113,000 in attorney's fees. We have concerns about the fairness of the proposed attorney's fees.

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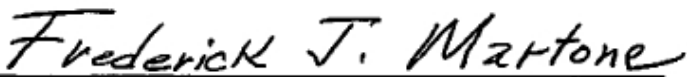
First, the amount of the stipulated attorney's fees is in excess of 136% of the total damages awarded to plaintiffs. The "disparity between the value of the class recovery and class counsel's compensation raises at least an inference of unfairness." See In re Bluetooth Headset Prods. Liab. Litig., 654 F.3d 935, 938 (9th Cir. 2011). Moreover, we note that the named plaintiffs entered into fee agreements with class counsel whereby counsel was entitled to receive up to 40% of any gross recovery. Obviously, the proposed attorney's fee award

1 vastly exceeds the parties' agreed upon fee payment. Without more, we cannot satisfy our  
2 independent obligation to ensure that the fee award is not unreasonably excessive in light of  
3 the results achieved.

4 Therefore, **IT IS ORDERED** that the parties shall submit, on or before December 12,  
5 2013, a memorandum, not exceeding 5 pages in length, and providing support for the  
6 reasonableness of the requested fee.

7 **IT IS FURTHER ORDERED DENYING** the parties' joint motion seeking to stay  
8 pending Rule 16 deadlines (doc. 76). Our Rule 16 order clearly provides that no extensions  
9 will be given due to settlement negotiations. See doc. 27 at 1.

10 DATED this 9<sup>th</sup> day of December, 2013.

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13 Frederick J. Martone  
14 Senior United States District Judge

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