

1 apply the "benchmark" approach, see, e.g., Torrisi v. Tucson Electric Power Co., 8 F. 3d
2 1370, 1376 (9th Cir. 1993) ("In common fund cases [courts] have established 25% of the
3 common fund as the 'benchmark' award for attorney's fees"), and the parties have not
4 submitted any information that would enable the Court to determine if the amount of
5 attorney's fees is fair and reasonable under the lodestar approach, see id. (identifying
6 "lodestar calculation" as alternative method of determining whether settlement of claim for
7 attorney's fees is fair and reasonable).

8 Accordingly, the parties are hereby DIRECTED to file, no later than December 12,
9 2008, a joint supplemental brief, not to exceed five pages in length exclusive of
10 declarations and/or exhibits, to address the issue of whether the amount of attorney's fees
11 proposed is fair and reasonable; alternatively, plaintiff may file a unilateral supplemental
12 brief.

13 **IT IS SO ORDERED.**

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15 Dated: November 18, 2008
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MAXINE M. CHESNEY
United States District Judge

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