

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE APPLE IPHONE/IPOD  
WARRANTY LITIGATION

No. C 10-1610 RS

**ORDER OF CLARIFICATION RE  
FEE AND COST AWARD**

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By order filed April 14, 2014, plaintiffs’ counsel was awarded fees and costs of 25% of the settlement fund remaining after deduction of the expenses of settlement administration. Apple now seeks clarification because, under the terms of the parties’ settlement agreement, it is obliged to pay administrative expenses in *addition* to the \$53 million settlement fund. The April 14th order was premised on the mistaken understanding that settlement expenses were to be deducted from the fund, and on the view that it would therefore be inappropriate to allow fees on the portion of the fund consumed by such expenses rather than distributed to the class.

Apple notes that the April 14th order also noted that a recovery of somewhat less than the full 25% “benchmark” in fees could be warranted, and that deducting administrative expenses would serve that additional purpose. Apple proposes, therefore, that the fee recovery still be calculated

1 against the amount of the fund less the amount of administrative expenses, even though those  
2 expenses will not actually decrease the fund.

3 Because applying the 25% benchmark against the actual fund amount will continue to result  
4 in a fair and reasonable fee and cost award notwithstanding the fact it will be slightly higher than  
5 contemplated by the April 14th order, the approach Apple suggests will not be required.  
6 Accordingly, the fee and cost award is set at \$13.25 million (25% of \$53 million) and plaintiffs are  
7 relieved from the obligation to file an accounting of the administrative expenses.

8  
9 IT IS SO ORDERED.

10  
11 Dated: 4/17/14

  
RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE