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11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO AND OAKLAND DIVISION

15 THOMAS FERNANDEZ, LORA SMITH, and)
 TOSHA THOMAS, individually and on behalf)
 16 of a class of all other persons similarly situated,)

17 Plaintiffs,)

18 vs.)

19 K-M INDUSTRIES HOLDING CO., INC.;)
 K-M INDUSTRIES HOLDING CO., INC.)
 20 ESOP PLAN COMMITTEE; WILLIAM E.)
 AND DESIREE B. MOORE REVOCABLE)
 21 TRUST; TRUSTEES OF THE WILLIAM E.)
 AND DESIREE B. MOORE REVOCABLE)
 22 TRUST; CIG ESOP PLAN COMMITTEE;)
 NORTH STAR TRUST COMPANY;)
 DESIREE B. MOORE REVOCABLE TRUST;)
 23 WILLIAM E. MOORE MARITAL TRUST;)
 WILLIAM E. MOORE GENERATION-)
 24 SKIPPING TRUST; and DESIREE MOORE,)
 BOTH IN HER INDIVIDUAL CAPACITY)
 25 AND AS TRUSTEE OF THE WILLIAM E.)
 AND DESIREE B. MOORE REVOCABLE)
 26 TRUST’S SUCCESSOR TRUSTS NAMED)
 ABOVE,)

27 Defendants.)
 28

Case No. C-06-07339 CW

**ORDER GRANTING PLAINTIFFS’
 MOTION FOR AWARD OF
 ATTORNEYS’ FEES AND COSTS AND
 APPROVAL OF SERVICE PAYMENTS**

[PROPOSED] ORDER GRANTING PLAINTIFFS’ MOTION FOR ATTORNEYS FEES AND COSTS AND
 APPROVAL OF SERVICE PAYMENTS
 [CASE No. C-06-07339 CW]

1 This matter comes before the Court on the Class Plaintiffs' Motion for Award of
2 Attorney's Fees and Costs and Approval of Service Payments. The proposed settlement in this
3 case was preliminarily approved by this Court on January 22, 2010 ("Preliminary Approval
4 Order") [Docket No. 390]. Pursuant to the Court's Preliminary Approval Order and the Notice
5 provided to the Class, the Court conducted a fairness hearing under Fed. R. Civ. P. 23(e) on April
6 22, 2010. The Court has reviewed the materials submitted by the parties, and has heard
7 arguments presented at such hearing. For the reasons cited on the record as well as those stated
8 hereafter, the Court finds and orders as follows:

9 1. The Court approves the payment of \$5,000 each to Class Representatives Thomas
10 Fernandez, Lora Smith, and Tosha Thomas. These payments are for their service on behalf of the
11 Class, which required substantial time and effort, as detailed in the papers submitted by Class
12 Counsel. These payments are in addition to any amounts due to them under the terms of the Plan
13 of Distribution. The Court orders that these payments be made to Class Representatives by
14 NSTC in accordance with the terms of the Settlement Agreement.

15 2. The Court finds that notice of the requested award of attorneys' fees and
16 reimbursement of costs and expenses was directed to Class Members in a reasonable manner, and
17 complied with Rule 23(h)(1) of the Federal Rules of Civil Procedure. Class Members and any
18 party from whom payment is sought have been given the opportunity to object pursuant to Rule
19 23(h)(2) of the Federal Rules of Civil Procedure, and no class member has objected to the
20 requested fees or expenses.

21 3. The Court finds that the attorneys' fees request is reasonable, and the costs and
22 expenses incurred by Class Counsel, including costs of settlement administration, are reasonable.
23 Thus, Class Counsel are awarded attorneys' fees and costs and expenses in the amount of 25
24 percent of the common fund, \$3,750,000, and up to \$200,000 in costs and expenses incurred.

25 **IT IS SO ORDERED.**

26
27 Dated: 4/23/2010



The Honorable Claudia Wilken
United States District Judge