

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

* E-filed 12/16/08*

NOT FOR CITATION
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LARRY MCINTOSH, YANGJIE CHENG,
PING CHEN, STEVE HAEFFELE, LEBIN
CHENG, VATSAL SONECHA, JONATHAN
WONG, individually and on behalf of all those
similarly situated,

Plaintiffs,

v.

MCAFEE, INC.,

Defendant.

No. C-06-07694-JW (HRL)

**INTERIM ORDER RE: REPORT AND
RECOMMENDATION ON PLAINTIFFS'
MOTION FOR ATTORNEY FEES**

After granting plaintiffs' motion for attorney fees, Judge Ware referred this matter to the undersigned for a report and recommendation of: (1) the exact date on which Defendant completed provision of relief to former employees who are members of the putative class; and (2) the fees incurred by Plaintiffs' counsel under applicable California law. The court held a hearing on December 16, 2008.

To fill in gaps in the material provided to date by plaintiffs, the court orders that plaintiffs' counsel submit the following for *in camera* review:

1. For each timekeeper, time records including the description of services performed.
2. A copy of the fee agreement between plaintiffs and their counsel.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The court also requests plaintiffs submit additional declaration(s) supporting their contention that the hourly rates listed in the Lodestar Report are customary and reasonable. Both the declaration(s) and the items for *in camera* review shall be submitted not later than December 22, 2008. Defendant may reply to the declaration(s) by December 30.

IT IS SO ORDERED.

Dated: 12/16/08



HOWARD R. LOYD
UNITED STATES MAGISTRATE JUDGE

THIS SHALL CERTIFY THAT A COPY OF THIS ORDER WILL BE SENT TO:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

aap@kvn.com, alm@kvn.com, apicar@kvn.com, bau@kvn.com, bob.shuman@dlapiper.com, carter.ott@dlapiper.com, david.priebe@dlapiper.com, efiling@kvn.com, emaxwell@graycary.com, epeters@kvn.com, jacosta@cpmlegal.com, jacosta@cpsmlaw.com, jcotchett@cpmlegal.com, joanne.leon@dlapiper.com, kathleen.fischer@dlapiper.com, kjb@kvn.com, ksommerfeld@cpsmlaw.com, luanne.sacks@dlapiper.com, mak@kvn.com, maurene.martin@dlapiper.com, mls@kvn.com, mmolumphy@cpmlegal.com, oszeto@cpmlegal.com, pskahan@cpmlegal.com, rjs@kvn.com, stacy.murray@dlapiper.com

* Counsel are responsible for providing copies of this order to co-counsel.

Dated: 12/16/08

/s/ mpk
Chambers of Magistrate Judge Lloyd