

1 JOSEPH W. COTCHETT (#36324)  
2 [jcotchett@cpmlegal.com](mailto:jcotchett@cpmlegal.com)  
3 MARK C. MOLUMPBY (#168009)  
4 [mmolumphy@cpmlegal.com](mailto:mmolumphy@cpmlegal.com)  
5 COTCHETT, PITRE & McCARTHY  
6 840 Malcolm Road, Suite 200  
7 Burlingame, CA 94010  
8 Telephone: (650) 697-6000  
9 Fax: (650) 697-0577

10 *Attorneys for Plaintiffs and Proposed Class*

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 LARRY McINTOSH, YANGJIE CHENG, )  
14 PING CHEN, STEVE HAEFFELE, LEBIN )  
15 CHENG, VATSAL SONECHA, and )  
16 JONATHAN WONG, individually and on )  
17 behalf of all those similarly situated, )

18 Plaintiffs, )

19 v. )

20 McAFEE, INC., )

21 Defendant. )

Case No. C06-07694 JW

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' MOTION FOR REPORT  
AND RECOMMENDATION TO AWARD  
ATTORNEYS FEES AND COSTS TO  
PLAINTIFFS**

Date: December 16, 2008

Time: 10:00 a.m.

Courtroom: 2

Honorable Howard R. Lloyd

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The Court, after considering Plaintiffs' Motion for Report and Recommendation to Award Attorneys Fees and Costs to Plaintiffs, and the opposition thereto, and good cause appearing, HEREBY makes the following Report and Recommendation:

1. The date that Defendant McAfee Inc. ("McAfee") completed the provision of relief to former employees who are members of the putative class is January 15, 2008.
2. Plaintiffs' counsel, Cotchett, Pitre & McCarthy ("Cotchett"), should be awarded attorneys' fees in the amount of \$686,122.50, representing the firm's lodestar of \$228,707.50 for work performed until January 15, 2008 with a multiplier of three. A lodestar enhancement is appropriate given the substantial results achieved, the novelty and difficulty of the issues, the fact that litigation precluded other employment, and the contingent nature of the fee arrangements. Cotchett is also entitled to be reimbursed for expenses incurred until January 15, 2008 in the amount of \$4,996.23, which expenses were reasonable and necessary in order to litigate this matter.

DATED: \_\_\_\_\_

\_\_\_\_\_  
HON. HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

