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

Sharon Hodges,

Plaintiff,

v.

Akeena Solar, Inc., et al.,

Defendants.

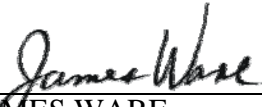
NO. C 09-02147 JW

**ORDER REQUIRING REVISED OF
PROPOSED ORDER**

Presently before the Court are Lead Plaintiff's Motion for Final Settlement Approval¹ and Lead Counsel's Motion for Attorney's Fees and Costs.² Lead Counsel seeks 33.3% of the \$4,770,000 settlement fund in fees, in addition to reimbursement of litigation expenses of \$142,173.85. (Fees Motion at 1.) The Court conducted a hearing on December 12, 2011.

Upon review and for the reasons stated on the record at the hearing, the Court finds that Lead Counsel's award should be calculated based on the recovery to the class after the costs of the lawsuit have been deducted from class fund. Thus, on or before **December 14, 2011 at noon**, the parties shall submit a revised proposed order in which the 33.3% award of attorneys' fees is calculated after the \$142,173.85 in costs have been deducted from the settlement fund for approval.

Dated: December 12, 2011



JAMES WARE
United States District Chief Judge

¹ (Lead Plaintiff's: (1) Notice of Motion and Motion for Final Approval of Class Action Settlement and Plan of Allocation of Settlement Proceeds; and (2) Memorandum of Points and Authorities in Support Thereof, Docket Item No. 156.)

² (Lead Counsel's: (1) Notice of Motion for Award of Attorney's Fees and Reimbursement of Costs and Expenses; and (2) Memorandum of Points and Authorities in Support Thereof, hereafter, "Fees Motion," Docket Item No. 155.)

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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Dated: December 12, 2011

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Susan Imbriani
Courtroom Deputy