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11 Lead Counsel for Plaintiffs



12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

14 SHARON HODGES, On Behalf of Herself and
 All Others Similarly Situated,

15 Plaintiffs,

16 vs.

17 AKEENA SOLAR, INC., et al,

18 Defendants.

No. 09-cv-02147-JW

CLASS ACTION

16 AMENDED ~~PROPOSED~~ ORDER
 17 AWARDING LEAD COUNSEL
 ATTORNEYS' FEES AND EXPENSES

18 HEARING DATE: December 12, 2011
 19 TIME: 9:00 a.m.
 COURTROOM: 9, 9th Floor

The Honorable James Ware

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 AMENDED ~~PROPOSED~~ ORDER AWARDING LEAD COUNSEL ATTORNEYS' FEES AND
 EXPENSES
 No. C-09-02147-JW

1 This matter having come before the Court on December 12, 2011, on the application of
2 counsel for the Plaintiffs for an award of attorneys' fees, and for the reimbursement of costs and
3 expenses incurred by Plaintiffs and Lead Counsel in the captioned action, the Court, having
4 considered all papers filed and proceedings conducted herein, having found the settlement of this
5 action to be fair, reasonable and adequate, and otherwise being fully informed in the premises and
6 good cause appearing therefore;

7 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

8 1. All of the capitalized terms used herein shall have the same meanings as set forth in
9 the Stipulation of Settlement dated August 24, 2011 (the "Stipulation"), and filed with the Court.

10 2. This Court has jurisdiction over the subject matter of this application and all matters
11 relating thereto, including all Members of the Class who have not timely and validly requested
12 exclusion.

13 3. The Court hereby awards Lead Counsel litigation expenses in the amount of
14 \$142,173.85 from the Settlement Fund. The Court further awards attorneys' fees of one-third of the
15 Settlement Fund, after the deduction of the aforementioned litigation expenses from the Settlement
16 Fund, together with the interest earned thereon for the same time period and at the same rate as that
17 earned on the Settlement Fund until paid. The Court finds that the amount of fees awarded is
18 appropriate and that the amount of fees awarded is fair and reasonable under the "percentage-of-
19 recovery" method given the substantial risks of non-recovery, the time and effort involved, and the
20 result obtained for the Class. *See Vizcaino v. Microsoft Corp.*, 290 F.3d 1043 (9th Cir. 2002).

21 4. The awarded attorneys' fees and expenses and interest earned thereon shall
22 immediately be paid to Lead Counsel subject to the terms, conditions and obligations of the
23 Stipulation, and in particular ¶7.2 thereof, which terms, conditions and obligations are incorporated
24 herein.

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5. Pursuant to 15 U.S.C. §78u-4(a)(4), time and expenses are awarded to the following plaintiffs in the amounts indicated: David Gordon \$5,000; Joel Gentleman \$5,000; and Sharon Hodges \$5,000. Such reimbursement is appropriate considering their active participation as plaintiffs in this action, as attested to by the declarations submitted to the Court.

IT IS SO ORDERED.

DATED: December 15, 2011



THE HONORABLE JAMES WARE
U.S. DISTRICT COURT CHIEF JUDGE

Submitted by:

SCOTT+SCOTT LLP

/s/ Mary K. Blasy

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