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2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4 SAN JOSE DIVISION

5 JASON STANDIFORD, an individual, on
6 behalf of himself and all others similarly
7 situated,

8 Plaintiff,

9 v.

10 PALM, INC., a Delaware corporation, and
11 SPRINT SPECTRUM, L.P., a Delaware
12 limited partnership, and DOES 1-50,
13 inclusive,

14 Defendants.

Case No. 09-cv-5719 LHK

**~~[PROPOSED]~~ ORDER GRANTING
PLAINTIFF'S MOTION FOR FEE
AWARD AND INCENTIVE AWARD**

15 On May 31, 2012, the Court held a hearing to determine whether the proposed class action
16 settlement in this case between Plaintiff Jason Standiford and Defendants Palm, Inc. and Sprint
17 Spectrum, L.P. should be granted final approval, and a judgment entered under the settlement.
18 Additionally before the Court was Plaintiff's Motion for Fee Award and Incentive Award. The
19 Court has considered all arguments and written submissions made in connection with Plaintiff's
20 Motion for Fee Award and Incentive Award, and the Court now finds and orders as follows:

21 1. The Court has jurisdiction over the subject matter of this action, all members of the
22 Settlement Class, and all Defendants. All defined terms used herein have the meanings set forth for
23 such terms in the Settlement Agreement dated November 7, 2011 ("Agreement").

24 2. The Court approves the Fee Award to Class Counsel in the amount of \$160,000,
25 which the Court finds to be fair and reasonable in light of the facts of this case and the results obtained
26 through the litigation. The Court determined this amount to be proper according to the lodestar method
27 of calculating attorneys' fees by finding that Class Counsel's lodestar is reasonable and supported by
28 Class Counsel's sworn declaration and supporting documentation. Class Counsel's fee request is
additionally reasonable because Class Counsel's lodestar is in fact higher than the requested award.

1 Specifically, Class Counsel expended 612.4 hours in investigating, litigating, and resolving this case
2 (not including hours expended through final approval) for a submitted lodestar of \$226,305.
3 Additionally, Class Counsel set forth the experience of each attorney working on the case and their
4 corresponding billable rate. The Court finds the rates charged to be appropriate and reasonable in
5 light of the experience of each attorney and that the hourly rates are in line with comparable market
6 rates.

7 3. The Court additionally finds this amount to be reasonable in that it represents 25% of
8 the \$640,000 common fund established for the benefit of the Class. In this Circuit, a 25% fee is the
9 accepted “benchmark” in common fund cases, and is therefore reasonable in light of the relevant
10 factors. *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1048-50 (9th Cir. 2002).

11 4. Class Counsel’s total Fee Award is also inclusive of \$19,022 in costs, which is
12 likewise reasonable based on the documentation and sworn declarations submitted.

13 5. Such payment to Class Counsel shall be made pursuant to and in the manner
14 provided by the terms of the Settlement Agreement.

15 6. The Court approves the payment of \$1,500 to the Class Representative Jason
16 Standiford as an incentive award for taking on the risks of litigation and helping achieve the results
17 to be made available to the Settlement Class. Such payment shall be made pursuant to and in the
18 manner provided by the terms of the Settlement Agreement.

19 7. The Parties shall bear their own costs and attorneys’ fees, except as otherwise
20 provided in the Settlement Agreement and this Order.

21
22 SO ORDERED AND ADJUDGED.

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24 Dated: May 31, 2012

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26 
27 HONORABLE LUCY H. KOH
28 UNITED STATES DISTRICT JUDGE