

1 ALAN W. SPARER (No. 104921)  
 MARC HABER (No. 192981)  
 2 JAMES S. NABWANGU (No. 236601)  
 SPARER LAW GROUP  
 3 100 Pine Street, 33<sup>rd</sup> Floor  
 San Francisco, California 94111-5128  
 4 Telephone: 415/217-7300  
 Facsimile: 415/217-7307  
 5 [asparer@sparerlaw.com](mailto:asparer@sparerlaw.com)  
[mhaber@sparerlaw.com](mailto:mhaber@sparerlaw.com)  
 6 [jnabwangu@sparerlaw.com](mailto:jnabwangu@sparerlaw.com)

7 CLASS COUNSEL

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN JOSE DIVISION

12 JAMES RAFTON, TRUSTEE OF THE  
 JAMES AND CYNTHIA RAFTON TRUST,  
 13 et al.,  
 14 Plaintiffs,  
 15 v.  
 16 RYDEX SERIES FUNDS; et al.,  
 17 Defendants.

No. CV 10-01171 LHK  
 Action Filed: March 19, 2010

AMENDED [~~PROPOSED~~] ORDER  
 AWARDING ATTORNEYS' FEES AND  
 REIMBURSEMENT OF LITIGATION  
 EXPENSES AND LEAD PLAINTIFFS'  
 COSTS AND EXPENSES

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CLASS ACTION

1 Class Counsel's Motion for Attorneys' Fees and Reimbursement of Litigation Expenses  
2 and for Reimbursement of Lead Plaintiffs' Costs and Expenses ("Fee Motion") duly came before  
3 the Court for hearing on February 9, 2012. The Court has considered the Fee Motion and  
4 supporting materials, and all matters presented at the February 9, 2012 hearing. The Fee Motion  
5 and the supporting materials include detailed descriptions of the work performed and evidence of  
6 prevailing market rates. Due and adequate notice having been given to the Class as required by  
7 the Court's Order Granting Preliminary Approval of Settlement and Approval of Notice Plan  
8 ("Preliminary Approval Order," Dkt. 99), and the Court having considered all papers filed and  
9 proceedings herein, and otherwise being fully informed of the proceedings, and good cause  
10 appearing therefor,

11 NOW, IT IS HEREBY ORDERED:

12 1. This Order incorporates by reference the Stipulation and Agreement of  
13 Settlement, dated as of July 28, 2011 (Dkt. 97) ("Stipulation"), and all capitalized terms used, but  
14 not defined herein, shall have the same meaning as in the Stipulation.

15 2. The Court has jurisdiction over the subject matter of the above-captioned action  
16 and all parties to the action, including all members of the Class.

17 3. Class Counsel's Fee Motion is hereby GRANTED.

18 4. The Court hereby awards attorneys' fees of \$1.375 million (25% of the \$5.5  
19 million Settlement Amount), payable to Class Counsel.

20 5. The Court grants Class Counsel's request for reimbursement of Class Counsel's  
21 litigation expenses in the amount of \$105,959.58, payable to Class Counsel.

22 6. The Court grants Lead Plaintiff James Rafton's request for reimbursement in the  
23 total amount of \$13,353 for his costs and time spent directly relating to his representation of the  
24 Class.

25 7. The Court grants Lead Plaintiff James Darst's request for reimbursement in the  
26 total amount of \$12,198 for his costs and time spent directly relating to his representation of the  
27 Class.

