

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BRIAN GRAIFMAN, on Behalf of Himself,
All Others Similarly Situated, and the General
Public,

Plaintiff,

v.

TREND MICRO CORPORATION, and DOES
1 through 10, Inclusive,

Defendants.

Case No. C-11-02488-RMW

**ORDER APPROVING ATTORNEYS'
FEES AND COSTS**

[Re Docket No. 81]

At a hearing on November 15, 2013, the court approved the parties' class settlement agreement finding it fair, reasonable, and adequate. The court issues this separate order approving the attorneys' fees and costs agreed to by the parties. The court finds the agreed upon costs and attorneys' fees appropriate under the Class Action Fairness Act and Rule 23. The parties have argued, and the court agrees that the proposed attorneys' fees are justified by the injunctive relief plaintiffs' attorneys obtained independent of the other benefits obtained for the class. *See In re HP Inkjet Printer Litigation*, 716 F.3d 1173 (9th Cir. 2013) (attorneys' fees based upon coupon awards must be calculated based on the value of the redeemed coupons). At the hearing, class counsel represented that nearly all of the work done in the case would have been necessary solely to obtain the injunction and thus the court could award their requested attorneys' fees based on the injunction

1 alone. Class counsel's total lodestar for the entire case was \$706,232, but they have only requested
2 the court award less than half that amount. The court finds that this reduced award is an appropriate
3 fee for obtaining the injunction.

4 Accordingly, the court awards \$73,946.07 in costs and \$308,053.93 in attorneys' fees, which
5 includes a \$1,000 incentive fee for the named plaintiff. The costs and fees shall be administered
6 pursuant to the terms of the parties' settlement agreement.

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9 Dated: November 15, 2013



Ronald M. Whyte
United States District Judge