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10 *Plaintiffs' Interim Lead Class Counsel*

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12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN JOSE DIVISION**

15 *In re Adobe Systems Inc. Privacy Litigation*

16 Lead Case No. 5:13-cv-05226-LHK

17 [Consolidated with Case Nos. 13-cv-05596-LHK,
 18 13-cv-05611-LHK, 13-cv-05930-LHK,
 19 14-cv-00014-LHK, 14-cv-00030-LHK, and
 20 14-cv-00157-LHK]

21 ~~PROPOSED~~ **ORDER GRANTING**
 22 **PLAINTIFFS' MOTION FOR APPROVAL**
 23 **OF ATTORNEY FEES**

1 This matter comes before the Court on Plaintiffs' Motion for Approval of Attorney Fees [ECF
2 No. 97], which was filed in connection with Plaintiffs' Motion for Approval of Voluntary Dismissal of
3 Putative Class Claims Pursuant to Settlement [ECF No. 87] and pursuant to the Court's order of June
4 10, 2015 [ECF No. 90]. Having reviewed the arguments and evidence submitted in support of the
5 motion, the Court GRANTS Plaintiffs' motion and finds as follows:

6 1. In settlement of Plaintiffs' claim for attorney fees and expenses under California's
7 private attorney general statute, Cal. Civ. Proc. Code § 1021.5, and as part of the parties' mediated
8 individual settlement [ECF No. 87-2], Defendant Adobe Systems Inc. has agreed to pay Plaintiffs'
9 counsel \$1,180,000 in attorney fees and expenses.

10 2. The Court has reviewed the declarations submitted by Plaintiffs' lead counsel, Eric H.
11 Gibbs [ECF Nos. 87-1, 98]; the contemporaneous billing records submitted by Plaintiffs' counsel; each
12 attorney's, paralegal's, and staff member's billing rates; and the justifications for those billing rates.

13 3. The Court finds that class counsel reasonably spent 2,539.8 hours representing the
14 interests of Adobe consumers through this litigation, finds counsel's hourly rates to be reasonable and
15 in line with the prevailing rates in the community for complex litigation, and finds that \$1,281,952 is a
16 reasonable lodestar value for the legal services provided by Plaintiffs' counsel.

17 ~~4. The Court has also considered the factors that can support upward or downward~~
18 ~~adjustments of counsel's lodestar under California law and finds that those factors—in particular, the~~
19 ~~contingency risk that counsel faced in pursuing this lawsuit—could support an upward adjustment.~~

20 5. Based on the Court's analysis of counsel's lodestar and the factors that might support an
21 award of a fee multiplier, the Court finds Adobe's agreement to pay \$1,180,000 to be a reasonable
22 settlement of counsel's claim for attorney fees and expenses under California's private attorney general
23 statute. The Court finds no evidence that Adobe has agreed to pay a fee measurably higher than it
24 could conceivably have to pay were the fee amount litigated.

25 6. Accordingly, the Court grants Plaintiffs' Motion for Approval of Attorney Fees [ECF
26 No. 97], payable by Adobe as provided for in the parties' Settlement Agreement [ECF No. 87-2].
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1 **IT IS SO ORDERED.**

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3 Dated: August 13, 2015

Lucy H. Koh

LUCY H. KOH
United States District Judge

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