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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

IN RE HP PRINTER FIRMWARE UPDATE
LITIGATION

Case No. 5:16-cv-05820-EJD-SVK

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, COSTS, AND
SERVICE AWARDS**

1 Plaintiffs' Motion for Attorneys' Fees, Costs, and Service Awards came on for hearing
2 before this Court on April 25, 2019. After due consideration of the facts of record, the
3 applicable legal standards, and the arguments of counsel, and for good cause shown, the Court
4 hereby ORDERS AS FOLLOWS:

5 1. The Motion for Attorneys' Fees, Costs, and Service Awards pursuant to Federal
6 Rules of Civil Procedure 23(h) and 54(d)(2) is **GRANTED**. Defendant HP Inc. shall pay Class
7 Counsel attorneys' fees in the amount of \$2,750,000 and cost reimbursements in the amount of
8 \$83,011.78, for a total award of \$2,833,011.78. This award of attorneys' fees is made pursuant
9 to California Code of Civil Procedure section 1021.5 and California Civil Code section 1780(e).
10 In support of this award, the Court finds as follows:

11 a. Plaintiffs succeeded on their claims, within the meaning of section 1021.5,
12 by securing (i) HP's agreement not to reenable Dynamic Security on the Class Printers, and (ii) a
13 non-reversionary \$1.5 million fund for class members. These benefits are significant and
14 required private enforcement to obtain. By enforcing the consumer protection laws, Plaintiffs
15 protected important rights affecting the public interest. For these reasons, section 1021.5 entitles
16 Class Counsel to a reasonable fee. *See MacDonald v. Ford Motor Co.*, 142 F. Supp. 3d 884
17 (N.D. Cal. 2015). And because Plaintiffs succeeded on their claim under the Consumers Legal
18 Remedies Act, section 1780(e) also mandates that Class Counsel be paid a reasonable fee.

19 b. Class Counsel's requested fee is reasonable. Class Counsel spent an
20 appropriate number of hours on this litigation, and their current hourly rates are consistent with
21 those prevailing in the market for similar services by lawyers with comparable skill. *See Blum v.*
22 *Stenson*, 465 U.S. 886, 895 n.11 (1984).

23 c. Class Counsel's base lodestar calculation amounted to \$2,958,099, and the
24 total attorneys' fee request amounted to \$2,750,000. When compared, these numbers imply a
25 negative multiplier of .93, which supports the reasonableness of the requested fee.

26 d. Further supporting the reasonableness of this fee is a consideration of the
27 lodestar-multiplier factors. *See Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1029 (9th Cir. 1998).
28 Both sides were well represented in this highly complex litigation, which centered on HP's use

1 of relatively novel security technology. Plaintiffs obtained substantial benefits for the class.
2 And Class Counsel prosecuted the case on a contingency basis, precluding other employment.

3 2. The litigation expenses awarded by this Order were reasonably incurred by Class
4 Counsel in furtherance of their prosecution of this action. The categories of expenses for which
5 class counsel seeks reimbursement are of the type routinely charged to clients and should be
6 reimbursed.

7 3. HP has agreed to pay service awards to each of the five class representatives in the
8 amount of \$5,000 each. These awards are hereby approved. *See Staton v. Boeing Co.*, 327 F.3d
9 938, 977 (9th Cir. 2003). HP shall pay the service awards to Class Counsel for distribution to the
10 class representatives.

11 **IT IS SO ORDERED.**

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13 DATED:

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15 HON. EDWARD J. DAVILA
16 United States District Judge
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