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*and Lead Counsel for the Proposed Settlement Class*

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN FRANCISCO DIVISION

19  
20 IN RE HP SECURITIES LITIGATION,

21  
22 This Document Relates To: All Actions

MASTER FILE NO. 3:12-cv-05980-CRB

**CLASS ACTION**

**LEAD PLAINTIFF'S REPLY IN  
SUPPORT OF MOTIONS FOR FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT; PLAN OF  
ALLOCATION; AND ATTORNEYS'  
FEES AND EXPENSES**

23  
24  
25 Date: November 13, 2015  
26 Time: 10:00 a.m.  
27 Judge: Hon. Charles R. Breyer  
Courtroom: 6, 17<sup>th</sup> Floor

1 Pursuant to the Court's Order Preliminarily Approving Proposed Settlement and Directing  
2 Notice to the Settlement Class dated July 17, 2015 (ECF No. 265) (the "Preliminary Approval  
3 Order"), Court-appointed Lead Plaintiff PGGM Vermogensbeheer B.V. ("PGGM" or "Lead  
4 Plaintiff") and Lead Counsel Kessler Topaz Meltzer & Check, LLP ("Lead Counsel") respectfully  
5 submit this reply memorandum in further support of: (i) Lead Plaintiff's Motion for Final Approval  
6 of Class Action Settlement and Plan of Allocation (ECF No. 268); and (ii) Lead Counsel's Motion  
7 for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses (ECF No. 269), both  
8 filed on September 29, 2015 (collectively, the "Settlement Motions" or "Motions").<sup>1</sup>

### 9 I. PRELIMINARY STATEMENT

10 As detailed in the Settlement Motions, the \$100 million cash Settlement now before the  
11 Court is an outstanding result for the Settlement Class. The Settlement takes into account the  
12 strengths, risks, and complexities of continued litigation, and is the result of extensive arm's-length  
13 negotiations between experienced counsel under the guidance of a well-respected mediator and  
14 former federal judge. Likewise, Lead Counsel's Fee and Expense Application is fair and  
15 reasonable, especially considering the result achieved, the caliber of work performed, the risks and  
16 financial burden of continued litigation, and comparable fee and reimbursement awards.

17 Given the quality of the Settlement, it is no surprise that the Settlement Class's response to  
18 the Settlement, Plan of Allocation, and Fee and Expense Application has been overwhelmingly  
19 positive. As described in the opening briefs, hundreds of thousands of copies of the Notice and  
20 Proof of Claim Form (collectively, the "Claim Packets") have been mailed to potential Settlement  
21 Class Members and nominees. *See* Supplemental Affidavit of Jose C. Fraga Regarding (A) Mailing  
22 of the Notice and Proof of Claim Form; (B) Requests for Exclusion; and (C) Proof of Claim Forms  
23 Received To Date ("Supp. Fraga Aff."), ¶¶2-3, submitted on behalf of the Court-appointed Claims  
24 Administrator, Garden City Group, LLP ("GCG").<sup>2</sup> In addition, the Summary Notice was

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25  
26 <sup>1</sup> All capitalized terms that are not defined herein are defined in the Settlement Motions or the  
Stipulation of Settlement and Release dated as of June 8, 2015 (ECF No. 258) (the "Stipulation").

27 <sup>2</sup> *See also* Declaration of Eli R. Greenstein in Support of Motion for Final Approval of Class

1 published in the national edition of *The Wall Street Journal* and *Investor's Business Daily* and  
2 transmitted over *PR Newswire*, and both the Notice and Summary Notice were made available on  
3 the Settlement website, [www.hpsecuritieslitigationsettlement.com](http://www.hpsecuritieslitigationsettlement.com). Fraga Aff., ¶¶12-13; Greenstein  
4 Decl., ¶¶90-91. The Claim Packets contained, *inter alia*, a detailed description of the Settlement,  
5 the Plan of Allocation, the maximum amount of fees and expenses that would be sought by Lead  
6 Counsel, and the maximum amount of costs and expenses that would be requested by Lead  
7 Plaintiff. Fraga Aff., Ex. 1; Greenstein Decl., ¶89. The Claim Packets also advised Settlement  
8 Class Members that the deadline to file an objection to any aspect of the Settlement or to submit a  
9 request for exclusion from the Settlement Class was October 14, 2015. Fraga Aff., Ex. 1.

10 In response to this robust notice program, only one individual filed a purported “objection”  
11 to the Settlement (not to the Plan of Allocation or Fee and Expense Application)<sup>3</sup> and a miniscule  
12 number of requests for exclusion (28 requests for exclusion which, based on the information  
13 supplied, collectively represent less than 13,000 shares of HP common stock purchased or acquired  
14 during the Settlement Class Period) have been received. *See* Supp. Fraga Aff., ¶7. Despite the fact  
15 that HP stock is overwhelmingly held by institutions (*see* ECF No. 235-12, at 30), no institutional  
16 investor has filed an objection to any aspect of the Settlement, Plan of Allocation or Fee and  
17 Expense Application. The Settlement Class’s positive response to those submissions is further  
18 testament to their reasonableness, fairness, and adequacy.

19 Moreover, as detailed below, the lone “objection” is procedurally and substantively invalid  
20 as the objector did not follow the procedures set forth in the Court’s Preliminary Approval Order or  
21 the Notice in virtually any aspect. Most notably, the “objector” does not establish that he purchased  
22 HP common stock at all—let alone during the Settlement Class Period. In addition to this lack of

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23 Action Settlement and Plan of Allocation, and Motion for an Award of Attorneys’ Fees and  
24 Reimbursement of Litigation Expenses (ECF No. 270) (“Greenstein Decl.”), ¶90 and Affidavit of  
25 Jose C. Fraga, attached as Exhibit A to the Greenstein Declaration (“Fraga Aff.”), ¶11. Of the total  
26 Claim Packets mailed, 13,600 were returned as undeliverable. Supp. Fraga Aff., ¶3. Accordingly,  
27 2,119 Claim Packets were re-mailed to updated addresses. *Id.*

<sup>3</sup> The objection from Charles Gerald Cullen, M.D. was docketed by the Court on September  
28 28, 2015. *See* ECF No. 271.

1 standing, the “objection” consists of a two-sentence handwritten note with no substance, rationale,  
2 or argument. Indeed, the objector fails to provide a single reason for his objection, and does not  
3 dispute that both the Settlement and the requested fees and expenses are fair, reasonable, and  
4 adequate. *See* ECF No. 271. This type of cursory, unsubstantiated objection is inadequate on its  
5 face. *See Miller v. Ghirardelli Chocolate Co.*, 2015 U.S. Dist. LEXIS 20725, at \*33-34 (N.D. Cal.  
6 2015) (“[c]onclusory and unsubstantiated objections are not sufficient”). Even assuming this  
7 individual had standing to object (which he has failed to establish), the objection does nothing to  
8 undermine the excellent result that the Settlement Class would obtain from this Court’s approval of  
9 the proposed Settlement.

10 Finally, the Settlement, Plan of Allocation, and Lead Counsel’s Fee and Expense  
11 Application are fully supported by the Lead Plaintiff—a sophisticated institutional investor who has  
12 actively supervised this case from the outset. As Lead Plaintiff directly oversaw the litigation and  
13 Lead Counsel’s efforts, its endorsement of the result achieved is particularly meaningful.  
14 Accordingly, for all of the reasons set forth in the Settlement Motions, Lead Plaintiff and Lead  
15 Counsel respectfully submit that the Motions should be granted in their entirety.

## 16 **II. THE REACTION OF THE SETTLEMENT CLASS OVERWHELMINGLY** 17 **SUPPORTS APPROVAL OF THE SETTLEMENT**

18 The reaction of the Settlement Class to the proposed Settlement is a significant factor in  
19 assessing its fairness and adequacy. *See In re Rambus Inc. Derivative Litig.*, 2009 U.S. Dist.  
20 LEXIS 131845, at \*9-10 (N.D. Cal. 2009); *Nat’l Rural Telecomms. Coop. v. DIRECTV, Inc.*, 221  
21 F.R.D. 523, 529 (C.D. Cal. 2004). As courts in this District have consistently recognized, the fact  
22 that both a proposed settlement and requested fees and expenses have received overwhelming  
23 support from a class weighs strongly in favor of approval. *See, e.g., In re Ecotality, Inc. Sec. Litig.*,  
24 2015 U.S. Dist. LEXIS 114804, at \*10-11 (N.D. Cal. 2015) (the absence of a large number of  
25 objections to a proposed settlement weighed in favor of final approval); *In re Connetics Sec. Litig.*,  
26 Case No. C-07-02940 SI (N.D. Cal. Nov. 10, 2009), slip op. at 2-3 (finding a fee award “fair and  
27

1 reasonable in light of . . . the reaction of the Class,” among other things) (Ex. A hereto); *In re*  
2 *SunPower Sec. Litig.*, Case No. C-09-05473 RS (N.D. Cal. July 3, 2013), slip op. at 2 (same) (Ex. B  
3 hereto). Thus, as discussed herein, the Settlement Class’s reaction, “or perhaps more accurately the  
4 absence of a negative reaction, strongly supports settlement” in this case. *Lusby v. Gamestop Inc.*,  
5 2015 U.S. Dist. LEXIS 42637, at \*20 (N.D. Cal. 2015).

6  
7 **A. The Lack of Any Valid Objection and the Minimal Number of Requests for  
8 Exclusion Support the Settlement Motions**

9 The sheer lack of opposition to the Settlement, Plan of Allocation, and Fee and Expense  
10 Application in this matter “suggest[] that [they constitute] a fair, reasonable, and adequate  
11 resolution of this matter.” *Nobles v. MBNA Corp.*, 2009 U.S. Dist. LEXIS 59435, at \*6-7 (Breyer,  
12 J.). As previously noted, with the deadline long since passed (October 14, 2015), only one  
13 unsubstantiated “objection” was received—which is both procedurally and substantively defective.  
14 *See* ECF No. 271. “This alone suggests that the settlement[ is] fair.” *In re Transpacific Passenger*  
15 *Air Transp. Antitrust Litig.*, 2015 U.S. Dist. LEXIS 67904, at \*18-19 (N.D. Cal. 2015) (Breyer, J.)  
16 (finding that one objection, “despite a class of hundreds of thousands,” rendered the proposed  
17 settlement fair); *see also In re Brocade Sec. Litig.*, No. 3:05-cv-02042-CRB, slip op. at 13 (N.D.  
18 Cal. Jan. 26, 2009) (Breyer, J.) (the fact that “no objections were filed by any Class Member against  
19 the terms of the proposed Settlement or the ceiling on the fees and expenses contained in the  
20 Notice” supported an award of attorneys’ fees and expenses) (attached to ECF No. 268).<sup>4</sup> The  
21 complete absence of any substantive objections “raises a strong presumption that the terms of a  
22 proposed class settlement action are favorable to the class members.” *Gong-Chun v. Aetna Inc.*,  
23 2012 U.S. Dist. LEXIS 96828, at \*43-44 (E.D. Cal. 2012).

24  
25 <sup>4</sup> *See also In re Omnivision Techs.*, 559 F. Supp. 2d, 1036, 1040, 1043 (N.D. Cal. 2007) (three  
26 objections out of 57,630 potential class members favored approval); *Rodriguez v. West Publ’g*  
27 *Corp.*, 563 F.3d 948, 967 (9th Cir. 2009) (settlement was properly approved where 54 of 376,301  
putative class members submitted objections.); *Churchill Vill., L.L.C. v. GE*, 361 F.3d 566, 577 (9th  
Cir. 2004) (affirming approval of settlement where 45 of the approximately 90,000 notified class  
members objected to the settlement).

1 Likewise, only 28 requests for exclusion from the Settlement Class have been received. *See*  
 2 Supp. Fraga Aff., ¶7.<sup>5</sup> This reaction is indisputably positive and “weighs in favor of finding that the  
 3 settlement is favorable to the Class Members.” *Gong-Chun*, 2012 U.S. Dist. LEXIS 96828, at \*43-  
 4 44 (the fact that “less than two percent of Class Members opted out of the Settlement” supported  
 5 approval); *Chun-Hoon v. McKee Foods Corp.*, 716 F. Supp. 2d 848, 852 (N.D. Cal. 2010)  
 6 (settlement approved where “sixteen opt-outs (comprising 4.86% of the class) were made from the  
 7 class of roughly three hundred and twenty-nine (329) members”); *Schiller v. David's Bridal, Inc.*,  
 8 2012 U.S. Dist. LEXIS 80776, at \*39 (E.D. Cal. 2012) (settlement approved where “less than two-  
 9 tenths of one percent of Class Members opted out of the Settlement”). By way of comparison, as of  
 10 October 31, 2015, GCG has received 195,700 claim forms from potential Settlement Class  
 11 Members seeking to participate in the Settlement. Supp. Fraga Aff., ¶9. Where, as here, “a  
 12 settlement agreement enjoys overwhelming support from the class, this lends weight to a finding  
 13 that the settlement agreement is fair, adequate, and reasonable.” *Gong-Chun*, 2012 U.S. Dist.  
 14 LEXIS 96828, at \*43-44.

### 15 **B. The Sole “Objection” Is Without Merit and Should Be Overruled**

16 In addition to the complete dearth of objections and the minimal number of exclusion  
 17 requests, the single objection submitted by Charles Gerald Cullen is both procedurally improper and  
 18 substantively baseless. Mr. Cullen’s entire objection consists of the following note:  
 19

20 May I submit to the Court, as an identified, documented, claimant in  
 21 the above H.P. action; an “Objection”!—to this proposed settlement.  
 22 My representatives will comply to [sic] any requests by the attorneys  
 [sic] involved as needed.

23  
 24 <sup>5</sup> Of the 28 requests for exclusion received, 24 were submitted timely and in accordance with  
 25 the Notice and therefore are included on Exhibit 1 to the [Proposed] Final Judgment and Order  
 26 Approving Settlement. *See* Supp. Fraga Aff., ¶¶6-8. Of these 24 requests for exclusion, four of the  
 27 requests (identified with an asterisk in Exhibit 1 to the [Proposed] Final Judgment and Order  
 Approving Settlement) were submitted by or on behalf of individuals who are not members of the  
 Settlement Class, including one individual, Sushovan Hussain, who was explicitly excluded from  
 the definition of the Settlement Class under the Stipulation (*see* ¶1(aa), (bb), and (gg)).

1 ECF No. 271. As an initial matter, Mr. Cullen failed to provide any evidence or trading information  
2 establishing that he purchased HP common stock during the Settlement Class Period (or at all).  
3 Thus, he has no standing to object. *See In re Hydroxycut Mktg. & Sales Practices Litig.*, 2013 U.S.  
4 Dist. LEXIS 133413, at \*2 (S.D. Cal. 2013) (noting that objectors have the “burden of establishing  
5 that they are class members and therefore have standing to object to the proposed class settlement”).  
6 Mr. Cullen’s objection should be stricken for this reason alone. *See Ghirardelli Chocolate Co.*,  
7 2015 U.S. Dist. LEXIS 20725, at \*29 (striking objections where objectors lacked standing).  
8

9 In any event, even assuming he had standing, Mr. Cullen’s failure to provide any factual or  
10 legal basis for his objection contravenes the instructions in both the Preliminary Approval Order  
11 (*see* ECF No. 265, ¶14) and the Claim Packet (*see* ECF No. 270-1, at 16). Nor does Mr. Cullen’s  
12 conclusory “[o]bjection” in any way diminish the sufficiency of the Settlement. *See In re Apple*  
13 *iPhone/iPod Warranty Litig.*, 2014 U.S. Dist. LEXIS 64573, at \*38-39 (N.D. Cal. 2014) (overruling  
14 objection to proposed settlement that “consist[ed] solely of conclusory boilerplate statements that  
15 are devoid of authority or explanation”); *Nwabueze v. AT&T Inc.*, 2013 U.S. Dist. LEXIS 169270,  
16 at \*28-29 (N.D. Cal. 2013) (rejecting objections that were “largely conclusory and fail to provide  
17 legal support or evidence”); *Berrien v. New Raintree Resorts Int’l, LLC*, 2012 U.S. Dist. LEXIS  
18 33572, at \*13 (N.D. Cal. 2012) (“conclusory assertions are insufficient on their face”).  
19 Accordingly, Mr. Cullen’s objection should be summarily overruled.  
20

21 **C. Lead Plaintiff Supports the Settlement, Plan of Allocation, and Fee and Expense**  
22 **Request**

23 “In assessing whether to grant approval of a settlement, courts consider the reactions of the  
24 members of the class, particularly the class representatives.” *In re Apollo Grp. Sec. Litig.*, 2012  
25 *U.S. Dist. LEXIS 55622*, at \*10 (D. Ariz. 2012). As set forth in the Settlement Motions, Lead  
26 Plaintiff, PGGM, has expressed its unqualified support of the Settlement and Lead Counsel’s Fee  
27 and Expense Application. PGGM is precisely the type of large, sophisticated, institutional investor

1 that Congress envisioned to lead this type of litigation. Moreover, as PGGM actively monitored  
2 and participated in the Action from the outset, including the protracted settlement negotiations, its  
3 reaction is “entitled to special weight.” See *DIRECTV*, 221 F.R.D. at 528; Greenstein Decl., ¶132.  
4 Lead Plaintiff’s approval further militates in favor of granting the Settlement Motions.

5 **III. CONCLUSION**

6 Based on the foregoing, the prior record in this Action, and the overwhelming support of the  
7 Settlement Class Members, Lead Plaintiff respectfully requests that this Court grant final approval  
8 of the Settlement and Plan of Allocation, finally certify the Settlement Class, and grant Lead  
9 Counsel’s Fee and Expense Application.

10 DATED: November 3, 2015

Respectfully submitted,

11  
12 KESSLER TOPAZ  
MELTZER & CHECK, LLP

13 /s/ Eli R. Greenstein  
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26 *Counsel for Lead Plaintiff PGGM Vermögensbeheer*  
27 *B.V. and Lead Counsel for the Proposed Class*



# EXHIBIT A

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re CONNETICS SECURITIES  
LITIGATION.

Case No. C 07-02940 SI

This Document Relates To:

~~[PROPOSED]~~ ORDER AWARDING  
ATTORNEYS' FEES AND  
REIMBURSEMENT OF EXPENSES

ALL ACTIONS.

1           Lead Counsel’s Motion for Approval of Attorneys’ Fees and Expenses (“Fee and  
2 Expense Request”) duly came before the Court for hearing on October 9, 2009. The Court has  
3 considered the Fee and Expense Request and all supporting and other related materials, including  
4 the matters presented at the October 9, 2009 hearing. Due and adequate notice having been  
5 given to the Class as required in the Court’s Order Preliminarily Approving Settlement and  
6 Providing for Notice filed July 20, 2009, and the Court having considered all papers filed and  
7 proceedings had herein and otherwise being fully informed in the proceedings and good cause  
8 appearing therefore,

9           IT IS HEREBY ORDERED that:

10           1. All of the capitalized terms used herein shall have the same meanings as set forth  
11 in the Stipulation and Agreement of Settlement dated July 10, 2009 (the “Stipulation”).

12           2. This Court has jurisdiction over the subject matter of this application and all  
13 matters relating thereto, including all members of the Class who have not timely and validly  
14 requested exclusion.

15           3. The Fee and Expense Request filed in connection with the Settlement is hereby  
16 GRANTED.

17           4. The Court hereby awards Lead Counsel attorneys’ fees of \$3,187,500 (25% of the  
18 \$12.75 million Settlement Amount), payable to Lead Counsel. The Court also awards Lead  
19 Counsel expenses in the amount of \$398,689.23. The Court awards interest on the attorneys’  
20 fees and expenses awarded herein calculated for the same time period and at the same rate as that  
21 earned on the Settlement Fund.

22           5. The attorneys’ fees and expenses awarded herein shall be paid to Lead Counsel  
23 from the Settlement Fund immediately upon entry of this Order, notwithstanding any appeals.

24           6. The Court finds that an award of attorneys’ fees of 25% of the Settlement Fund is  
25 fair and reasonable and consistent with the Ninth Circuit’s “benchmark.” The Court finds that  
26 the fee award is fair and reasonable in light of the following factors, among others: the  
27  
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1 contingent nature of the case; the risks faced; the quality of the legal services rendered; the  
2 benefits derived by the Class; and the reaction of the Class.

3 7. The Court further finds that the request for reimbursement of expenses is  
4 reasonable in light of Lead Counsel's prosecution of this action against the Defendants on behalf  
5 of the Class.

6 8. There is no just reason for delay in the entry of this Order, and immediate entry of  
7 this Order by the Clerk of the Court is expressly directed pursuant to Rule 54(b) of the Federal  
8 Rules of Civil Procedure.

9 IT IS SO ORDERED this 6<sup>th</sup> day of Nov, 2009.

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13 HONORABLE SUSAN ILLSTON  
14 UNITED STATES DISTRICT COURT JUDGE  
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# EXHIBIT B

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE SUNPOWER SECURITIES  
LITIGATION

Case No. CV 09-5473-RS  
(Consolidated)

**CLASS ACTION**

**~~[PROPOSED]~~ ORDER GRANTING  
MOTION FOR ATTORNEYS' FEES  
AND REIMBURSEMENT OF  
LITIGATION EXPENSES**

1 WHEREAS, Lead Counsel’s motion for an award of attorneys’ fees and reimbursement  
2 of litigation expenses (the “Motion,” ECF No. 260) came before the Court for hearing on  
3 July 3, 2013, pursuant to the Court’s Order Preliminarily Approving Settlement, Providing for  
4 Notice, and Scheduling Settlement Hearing dated March 25, 2013 (“Preliminary Approval  
5 Order,” ECF No. 257), and due and adequate notice having been given to the Settlement Class as  
6 required in the Preliminary Approval Order, and the Court, having read and considered the  
7 Motion and supporting declarations and exhibits and being fully informed of the related  
8 proceedings, now FINDS, CONCLUDES AND ORDERS as follows:

9 1. This Order incorporates by reference the definitions in the Stipulation of  
10 Settlement (“Stipulation,” ECF No. 248), and all capitalized terms used, but not defined herein,  
11 shall have the same meanings as in the Stipulation.

12 2. This Court has jurisdiction over the subject matter of the Action and over all  
13 parties to the Action, including all Members of the Settlement Class.

14 3. Notice of the Motion for Attorneys’ Fees and Reimbursement of Litigation  
15 Expenses was directed to Settlement Class Members in a reasonable manner and complies with  
16 Rule 23(h)(1) of the Federal Rules of Civil Procedure.

17 4. Settlement Class Members and any party from whom payment is sought have  
18 been given the opportunity to object to the Motion in compliance with Federal Rule of Civil  
19 Procedure 23(h)(2).

20 5. The Motion for Attorneys’ Fees and Reimbursement of Litigation Expenses is  
21 hereby GRANTED.

22 6. The Court hereby awards attorneys’ fees in the amount of \$4,804,035.19, which is  
23 25% of the Settlement Fund net of Plaintiffs’ Counsel’s Court-approved Litigation Expenses.  
24 The Court finds that an award of attorneys’ fees of 25% is fair and reasonable in light of the  
25 following factors, among others: the contingent nature of the case; the risks of this complex  
26 litigation; the quality of the legal services rendered; the benefits obtained for the Settlement  
27 Class; the institutional Lead Plaintiffs’ support of the fee and expense application; the fees  
28 awarded in similar actions; and the reaction of the Settlement Class. Further, the requested

award of attorneys' fees is also supported by a lodestar multiplier cross-check, which results in a negative multiplier. The fee award is further justified by the risk Plaintiffs' Counsel undertook and the results they achieved for the Settlement Class through the quality of their representation of Lead Plaintiffs and the Settlement Class in this complex litigation.

7. The Court also grants Lead Counsel's request for reimbursement of Plaintiffs' Counsel's Litigation Expenses in the amount of \$483,859.23. The Litigation Expenses incurred by Plaintiffs' Counsel have been adequately documented and were reasonably incurred for the benefit of the Settlement Class, and the Court finds that reimbursement of those expenses is justified.

8. Interest is awarded on the amounts awarded above in Paragraphs 6 and 7, at the same rate and for the same periods as earned by the Settlement Fund.


9. Pursuant to Paragraph 7.2 of the Stipulation, the amounts stated in Paragraphs 6, 7, and 8 herein shall be paid to Lead Counsel from the Escrow Account within five (5) calendar days after the later of (i) the date they are awarded by the Court; or (ii) the date the Court grants final approval of the Settlement, notwithstanding the existence of any timely filed objections thereto, or potential for appeal therefrom, or collateral attack on the Settlement or any part thereof, subject to Lead Counsel's obligation to repay all such amounts pursuant to Paragraph 7.3 of the Stipulation.

10. The finality of the Judgment entered with respect to the Settlement shall not be affected in any manner by this Order, or an appeal from this Order.

11. There is no just reason for delay in the entry of this Order, and immediate entry of this Order by the Clerk of the Court is expressly directed.

IT IS SO ORDERED.

DATED: July 3, 2013

  
THE HONORABLE RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE