

DOCKET NO. X03 HHD-CV14-6055537-S	:	SUPERIOR COURT
	:	
HOLLY CHANDLER AND DEVON ANN CONOVER,	:	COMPLEX LITIGATION DOCKET
	:	
PLAINTIFFS,	:	AT HARTFORD
	:	
VS.	:	
	:	
DISCOUNT POWER, INC.	:	
	:	
DEFENDANT	:	FEBRUARY 1, 2017

[PROPOSED] ORDER GRANTING PLAINTIFFS’ MOTION FOR AN AWARD OF ATTORNEYS FEES, REIMBURSEMENT OF EXPENSES, AND CASE CONTRIBUTION AWARDS

This matter coming to be heard on the Plaintiff’s Motion for an Award of Attorneys’ Fees, Reimbursement of Expenses, and Case Contribution Awards, together with the supporting papers filed by Holly Chandler and Devon Ann Conover (“Plaintiffs”), individually and on behalf of the Settlement Class (as defined in the Settlement Agreement), and having heard and considered the evidence and arguments of counsel, the Court makes the findings and grants the relief set forth below.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The Court finds that the efforts of Plaintiffs and of Settlement Class Counsel Izard, Kindall & Raabe, LLP (“IKR”) have resulted in the creation of an \$850,000 common fund for the benefit of the Settlement Class.

2. Plaintiff has requested an award of attorneys’ fees equal to 25 percent of the Settlement. The Court finds that it is appropriate to award attorneys’ fees based on the percentage method. The Court further finds that Settlement Class Counsel have expended

considerable time and effort prosecuting this litigation over a period of two years. The case involved considerable factual complexity and an untried theory of liability. The quality of representation was high and counsel achieved a good result for the Settlement Class. The fee of _____ percent is in line with awards in other complex class action cases, and public policy supports an award of fees sufficient to ensure that the interests of consumers are represented ably represented by talented and experienced trial counsel. A lodestar cross-check indicates that a ___ percent fee represents a negative lodestar multiple of approximately __%, which is substantially below what has been awarded in numerous cases. *See, e.g., Towns of New Hartford & Barkhamsted v. Connecticut Res. Recovery Auth.*, No. CV040185580S(X02), 2007 WL 4634074, at *10 (Conn. Super. Ct. Dec. 7, 2007) (finding that a 4-5 multiple is “normal” and citing cases), *aff’d*, 291 Conn. 511, 970 A.2d 583 (2009).

3. Based upon the foregoing, and upon the Court’s consideration of all of the evidence and argument of counsel, the Court awards attorneys’ fees to be paid from the Settlement Fund in the amount of \$_____.

4. Plaintiff has further requested that the Court reimburse the expenses Settlement Class Counsel have incurred litigating this case, most of which involved payment of experts whose work was essential to achieving the Settlement and ensuring that its benefits could be fairly allocated to the Settlement Class. Based upon the foregoing, and upon the Court’s consideration of all of the evidence and argument of counsel, the Court finds that the claimed expenses were reasonable and necessary for the prosecution of the case, and awards Settlement Class Counsel the amount of \$_____ for reimbursement of expenses, to be paid from the Settlement Fund.

5. Because the Settlement is to be funded through installments, the Court finds that it is appropriate for payments to Settlement Class Counsel of the amounts awarded herein for attorneys' fees and reimbursement of expenses to be made within ten days of the effective date of this Order or the payment of each installment, whichever is later, in the same proportion that the installment bears to the total Settlement Fund of \$850,000, as agreed between the Parties in the Settlement Agreement. In the alternative, Settlement Class Counsel may elect, at its discretion, to receive full payment of the fee and expense awards after all installments have been made.

6. Plaintiffs have also requested Case Contribution Awards of \$2000 each, in recognition of their time and effort spent in litigating this case on behalf of the Settlement Class. Having reviewed all of the evidence and argument of counsel, the Court finds that Plaintiffs devoted considerable time to the litigation and worked hard to achieve a good result for the entire Settlement Class. Accordingly, the Court awards Ms. Chandler and Ms. Conover the amount of \$_____ each, to be paid from the Settlement Fund and distributed in accordance with the terms of the Settlement Agreement.

7. In the event the Effective Date does not occur, this Order shall be rendered null and void and shall be vacated and, in such event, as provided in the Settlement Agreement, this Order shall be vacated and null and void.

SO ORDERED.

Hon. Ingrid L. Moll
Judge of the Superior Court

Dated: _____, 2017