

DOCKET NO. X03 HHD-CV-17-6075408-S

LYDIA GRUBER,	:	SUPERIOR COURT
on behalf of herself and all others	:	
similarly situated,	:	JUDICIAL DISTRICT OF HARTFORD
<i>Plaintiff,</i>	:	COMPLEX LITIGATION DOCKET
	:	
v.	:	
	:	
STARION ENERGY, INC.	:	
<i>Defendant.</i>	:	July 24, 2017

**[PROPOSED] ORDER GRANTING PLAINTIFF’S 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 Lydia Gruber (“Plaintiff”), 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 Plaintiff and Class Representative Lydia Gruber; of additional Class Representatives Louise Ferdinand, Melissa Pennellatore, Diana Windley, Case Martin, and Douglas Siedenbug; and of Settlement Class Counsel Iazard, Kindall & Raabe, LLP (“IKR”) and Sanford Heisler Sharp LLP (“SHS”) (collectively, “Settlement Class Counsel”) have resulted in the creation of a \$2,580,000 common fund for the benefit of the Settlement Class.

2. Plaintiff has requested an award of attorneys' fees equal to 32 percent of the Settlement (\$825,600). 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 in the amount of \$190,719.00, 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. 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 date of this Order.

6. Plaintiff has also requested Case Contribution Awards of \$2,000 to each of herself and her fellow Class Representatives Louise Ferdinand, Melissa Pennellatore, Diana Windley, Case Martin, and Douglas Siedenbug, 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 Plaintiff and Class Representatives devoted considerable time to the litigation and worked hard to achieve a good result for the entire Settlement Class. Accordingly, the Court awards Plaintiff and each Class Representative 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.

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Hon. Ingrid L. Moll  
Judge of the Superior Court

Dated: \_\_\_\_\_, 2017