

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:08-cv-00810-RGK-E	Date	January 11, 2018
Title	<i>STEPHEN STETSON, et al v. WEST PUBLISHING CORP., et al</i>		

Present: The Honorable	R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE
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Sharon L. Williams Deputy Clerk	Not Reported Court Reporter / Recorder	N/A Tape No.
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Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings: (IN CHAMBERS) Order re: Motion for Attorneys Fees on Second Remand**

On November 21, 2017, the Ninth Circuit Court of Appeal instructed this Court to update the lodestar figure with delay compensation method and to reconsider the issue of a risk multiplier.

**A. Lodestar With Delay Compensation**

To adjust for delayed payment, the Court finds it appropriate to apply a prime rate of 3.25%, which was the rate in effect during most of the time period at issue. Therefore, applying a 3.25% rate to the original lodestar amount of \$883,475.50, the Court adjusts the lodestar amount to \$1,036,680.<sup>1</sup>

**B. Risk Multiplier**

As stated by the Ninth Circuit, the decision to apply a risk multiplier is within the discretion of the district court. While the Ninth Circuit found evidence of risk, it also conceded

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<sup>1</sup> The Court finds Plaintiffs’ calculation provided in the Harris Declaration to be reliable and correct.

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that the record is not developed on the extent of that risk, or on the other two elements. The trial judge, who is best situated to make this determination, chose not apply a risk multiplier. Upon further review, this Court finds that there is simply nothing in the record, nor in the parties' most recent briefing on the issue, to warrant a determination that a risk multiplier must be applied. Therefore, in its discretion, the Court will not apply a risk multiplier.

**C. Objectors' Fees**

For the same reasons the Court adjusted Class Counsels' fees, the Court similarly adjusts the Objectors' fees. Using the same 3.25% prime rate, the Court increases the Objectors' fees by \$1,275.42, for a total adjusted amount of \$8,630.32.

**D. Conclusion**

Based on the foregoing, the Court awards Class Counsel attorney's fees in the amount of \$1,036,680, and awards attorney's fees to Objectors in the amount of \$8,630.32. All other fees and costs decided in the Court's August 11, 2016 Order re: Motion for Attorneys Fees on Remand (DE 212) remain the same.

**IT IS SO ORDERED.**

Initials of Preparer \_\_\_\_\_ : \_\_\_\_\_  
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