

and reviewed their timekeeping records, *id.* ¶¶ 12, 16-23, and offers his expert opinion that both the combined Class Counsel lodestar calculation of \$3,387,328.75, and the combined Class Counsel expense calculation of \$133,358.39 are reasonable. *Id.* ¶ 11. Mr. Knapton claims that the total time of 5,100 hours "is similar to the range of hours [he has] seen in other class actions that are resolved without trial." *Id.* ¶ 17. Mr. Knapton notes that the average billing rate for the Class Counsel attorneys and paralegals is \$664.15 per hour, which he states "appears to be in the range of what New Jersey Courts have found to be reasonable in other class action matters." *Id.* ¶ 28 (citing cases). Mr. Knapton also observes that Class Counsel's [*70] requested billing rates have been approved in the Northern and Central District of California, the Southern District of Florida, and California state courts. *Id.* ¶¶ 31-37.

Finally, Mr. Knapton compares the requested billing rates of Class Counsel attorneys with the "2015 Real Rate Report Snapshot" rates of the third quartile⁶ of attorneys in similar positions at their firms (i.e., partner or associate), with similar levels of experience, in the same metropolitan areas.⁷ *Id.* ¶¶ 43-49. Mr. Knapton also opines that class action lawyers who bill on a contingency basis are typically "awarded rates by courts at about 1.2 to 1.3 times the current, prevailing non-contingent rates because of the risk of contingency."⁸ *Id.* ¶ 39.

⁶ The third quartile is the quartile between the median billing rate and the highest 25 percent of billing rates. ECF No. 86-9 ¶ 44.

⁷ According to Mr. Knapton, the 2015 Real Rate Report Snapshot was created by TyMetrix/LegalVIEW by compiling anonymized data on over \$9.8 billion in legal fees billed and paid between 2012 and 2014 and was published by the Wolters Kluwer Company. ECF No. 86-9 ¶ 43.

⁸ Although Mr. Knapton builds this contingency multiplier into his lodestar calculation, [*71] see ECF No. 86-9 ¶ 50, the "contingent nature or risk involved in a particular case" is a factor for the Court to consider in assessing the reasonability of a multiplier *after* calculating the lodestar amount. *Ins. Brokerage*, 579 F.3d at 280.

Mr. Knapton reports that, of the 47 attorneys reporting billable hours in this matter, a total of 17 request billing rates higher than the relevant third-quartile 2015 Real Report Snapshot rates. See *id.* ¶ 48. Of the 17 billing at high rates, all but John Yanchunis of Morgan & Morgan (\$900 per hour), Daniel Herrera of Cafferty Clobes Meriwether & Sprengel LLP (\$600 per hour), and Kelly Tucker of Cafferty Clobes Meriwether & Sprengel LLP (\$550 per hour) request billing rates lower than 1.3 times the relevant third-quartile 2015 Real Report Snapshot rates. See *id.*

Mr. Knapton gives his expert opinion that the "total reasonable & necessary lodestar is \$3,387,328.75 based on 5,100.3 hours of time as reasonable and justified hourly rates," with a "reasonably expended and explained" number of hours that are "similar to what I have seen for other class action matters that settle before trial" and reported work that was "useful and of a type of ordinarily necessary to secure the final [*72] result obtained from the litigation." *Id.* ¶ 50.

c. The number of hours submitted by Plaintiffs is reasonable

The Court finds that Plaintiffs' submission of 5,100.75 billable hours is reasonable for a three year-old consumer class action involving claims under federal law and the laws of

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