

A. Legal standard

Federal Rule of Civil Procedure 23(h) provides that, "[i]n a certified class action, the court may award reasonable attorney's fees that are authorized by law or by the parties' agreement." Fed. R. Civ. P. 23(h). A "thorough judicial [*59] review of fee applications is required in all class action settlements." *GM Truck Prods.*, 55 F.3d at 819. "Determining an appropriate award is not an exact science," and the "facts of each individual case drive the amount of any award." *In re AremisSoft Corp. Sec. Litig. ("AremisSoft")*, 210 F.R.D. 109, 128 (D.N.J. 2002).

The Third Circuit has established two methods for evaluating an award of attorneys' fees: the percentage-of-recovery method, which involves giving attorneys a portion of the total damages awarded to plaintiffs, and the lodestar method, which involves multiplying the number of hours reasonably worked on a case by the reasonable billing rate for the services. *Prudential*, 148 F.3d at 333; *In re Ins. Brokerage Antitrust Litig. ("Ins. Brokerage")*, 579 F.3d 241, 280 (3d Cir. 2009) (citing *In re Rite Aid Corp. Sec. Litig. ("Rite Aid")*, 396 F.3d 294, 302 (3d Cir. 2005)). The percentage-of-recovery method is generally favored in cases involving a common fund, while the lodestar method "is more commonly applied in statutory fee-shifting cases." *Prudential*, 148 F.3d at 333. The lodestar method may also be applied "in cases where the nature of the recovery does not allow the determination of the settlement's value necessary for application of the percentage-of-recovery method." *Id.* (citing *GM Truck Prods.*, 55 F.3d at 821). The court should perform a "cross-check" by comparing the fee award [*60] calculated under the chosen method with the award calculated under the alternative method. *Ins. Brokerage*, 579 F.3d at 280 (citing *Rite Aid*, 396 F.3d at 300).

"The party seeking attorney's fees has the burden to prove that its request for attorney's fees is reasonable." *Rode v. Dellarciprete*, 892 F.2d 1177, 1183 (3d Cir. 1990) (quoting *Hensley v. Eckerhart*, 461 U.S. 424, 433, 103 S. Ct. 1933, 76 L. Ed. 2d 40 (1983)). "In a statutory fee case, the party opposing the fee award then has the burden to challenge . . . the reasonableness of the requested fee." *Id.* (citing *Bell v. United Princeton Props., Inc.*, 884 F.2d 713 (3d Cir. 1989)).

B. Analysis

1. The Court applies the lodestar method of fee calculation

The Court agrees with all Parties that the lodestar method is the proper method of fee calculation for this matter. See ECF No. 86 at 17; ECF No. 90 at 1. Plaintiffs bring a cause of action on behalf of the entire N14 Class under the Magnuson-Moss Warranty Act, which provides for statutory fee-shifting. ECF No. 86 at 17 (citing 15 U.S.C. § 2310(d)(2) (allowing consumers to recover "a sum equal to the aggregate amount of cost and expenses (including attorneys' fees based on actual time expended) determined by the court to have reasonably incurred by the plaintiff . . ."). The lodestar method is also appropriate because the settlement award to N14 Class members also does not consist of a single, predetermined, common fund from which a percentage-of-recovery can [*61] be easily calculated. Instead, the settlement includes a "non-monetary" provision -- the

For internal use only