

Local Civil Rule 54.2, which governs attorneys' fee applications in "all actions in which a counsel fee is allowed by the Court or permitted by statute," requires counsel to submit affidavits or other documents along with their motion for attorneys' fees that set forth:

- (1) the nature of the services rendered, the amount of the estate or fund in court, if any, the responsibility assumed, the results obtained, any particular novelty or difficulty about the [\*64] matter, and other factors pertinent to the evaluation of the services rendered;
- (2) a record of the dates of services rendered;
- (3) a description of the services rendered on each of such dates by each person of that firm including the identity of the person rendering the service and a brief description of that person's professional experience;
- (4) the time spent in the rendering of each of such services; and
- (5) the normal billing rate of said persons for the type of work performed.

L.Civ. R. 54.2(a). Local Civil Rule 54.2(c) permits district courts to order that plaintiffs need not provide one or more of the items in L. Civ. R. 54.2(a) in order to receive attorneys' fees.

"After arriving at this lodestar figure, the district court may, in certain circumstances, adjust the award upward or downward to reflect the particular circumstances of a given case." *Yong Soon Oh v. AT&T Corp.*, 225 F.R.D. 142, 146 (D.N.J. 2004). "All of these calculations should be reduced to writing." *Id.* Courts frequently apply a "lodestar multiplier," which "attempts to account for the contingent nature or risk involved in a particular case and the quality of the attorneys' work" by increasing the attorneys' fee awarded beyond the lodestar amount. *Ins. Brokerage*, 579 F.3d at 280 (quoting *Rite Aid*, 396 F.3d at 305-06). This multiplier "need not fall within any pre-defined range, provided that [\*65] the District Court's analysis justifies the reward." *Id.* (quoting *Rite Aid*, 396 F.3d at 307).

#### **a. Class Counsel billable hour and rate submissions**

Plaintiffs calculate a lodestar amount of \$3,387,328.75 for 5,100.75 hours of time expended by attorneys and paralegals at nine Class Counsel law firms. ECF No. 86-6 ¶ 29. In support of this calculation, Plaintiffs submit signed declarations from supervising attorneys at each of the nine Class Counsel firms detailing (a) the billing rates for partners, associates, and paralegals at the firm; (b) the total hours billed by each individual; (c) the relevant experience of the firm and the billing attorneys; (d) a breakdown of the billable hours by each partner, associate, and paralegal into eleven general categories of work, and (e) a breakdown of expenses.\* See ECF No. 86-6; Decl. Bryan L. Clobes in Support. P. Mot. Attorneys' Fees, ECF No. 86-2; Decl. David S. Markun in Support. P. Mot. Attorneys' Fees, ECF No. 86-3; Decl. Jeffery A. Koncius in Support. P. Mot. Attorneys' Fees, ECF No. 86-4; Decl. John A. Yanchunis in Support. P. Mot. Attorneys' Fees, ECF No. 86-5; Decl. Tina Wolfson in Support. P. Mot. Attorneys' Fees, ECF No. 86-7; Decl. William J. Pinilis in Support. [\*66] P. Mot. Attorneys' Fees, ECF No. 86-8.

4 The firms break down their work into: (1) "Analysis/Strategy/Attorney Meetings," (2) "Case Management," (3) "Court Appearance," (4) "Discovery," (5) "Document Review," (6) "Experts – Work or Consult," (7) "Client Meeting," (8) "Research," (9) "Fact Investigation/Development," (10) "Pleadings/Motions," and (11) "Settlement." See, e.g., ECF No. 86-2 Ex. 1.

For internal use only