

estimate, a reasonable percentage-of-recovery fee in this case would be between \$1,900,000 and \$13,500,000. The fee award sought by counsel and the lodestars calculated under Defendants' proposed New York-Philadelphia mean and fourth-quartile billing rates all fall within this range.

For the second factor, the Court incorporates its *Girsh* analysis of Class member objections and notes that no Class members have objected to the proposed Class Counsel award. This factor weighs in [*81] favor of fee approval. The Court also finds that the third and fourth, and sixth *Gunter* factors weigh in favor of approving a fee award within the ranges sought by Plaintiffs and Defendants. As discussed, Class Counsel spent 5,100 hours over three years litigating this case, survived a motion to dismiss, and obtained a fair and reasonable settlement in a complex, multi-state consumer class action involving uncertain legal issues. The fifth *Gunter* factor – risk of nonpayment – weighs in favor of approving the award sought by Plaintiffs because Class Counsel undertook this case on a contingency basis and accepted the potential risk of non-payment. ECF No. 86 at 20-21. Finally, with regard to the sixth *Gunter* factor, the \$2,230,000 award sought by Plaintiffs and Defendants' proposed lodestar calculations are similar to awards approved in similar cases. See, e.g., *Henderson v. Volvo Cars of N. Am., LLC*, 2013 U.S. Dist. LEXIS 46291, 2013 WL 1192479, at *13 (D.N.J. Mar. 22, 2013) (approving award of \$3,000,000 in attorneys' fees in class action providing class members with reimbursements and warranty extensions in connection with alleged defects in automobile transmission systems); *O'Keefe v. Mercedes-Benz USA, LLC*, 214 F.R.D. 266, 304 (E.D. Pa. 2003) (approving award of \$4,896,783 in attorneys' fees in class action involving allegedly defective rear lift-gate hatch in [*82] automobiles).

4. The expenses sought by Plaintiffs are reasonable

In further support of their petition for a \$2,320,000 award, Plaintiffs submit that Class Counsel incurred a total of \$133,358.30 in expenses. ECF No. 86 at 2.¹⁰ "Counsel for a class action is entitled to reimbursement of expenses that were adequately documented and reasonably and appropriately incurred in the prosecution of the class action." *In re Safety Components Int'l, Inc.*, 166 F. Supp. 2d 72, 108 (3d Cir. 2001) (citing *Abrams v. Lightolier, Inc.*, 50 F.3d 1204, 1225 (3d Cir. 1995)). Courts have held that photocopying expenses, telephone and facsimile charges, postage, and expert witness fees are all reasonably incurred in the prosecution of a large litigation. See *id.* (citing cases).

¹⁰ Again, Plaintiffs indicate that this amount has increased by \$15,549.32 since the filing of their motion for attorneys' fees and costs, see ECF No. 105 at 1, but the Court will perform its analysis using the \$133,358.30 number in the original motion.

Plaintiffs submit expense reports through the Class Counsel declarations, breaking expenses down into categories such as "Filing/Misc. Fees," "Mediation Fees," "Postage," "Photocopying," "Expert Fees," and "Transportation/Meals/Lodging." See, e.g., ECF No. 86-2 ¶ 11, Ex. 2 (Cafferty Clobes Meriwether & Sprengel, LLP Expense Report [*83] through March 21, 2016). Some firms provide itemized lists of individual expenses. See, e.g., ECF No. 86-3 Ex. 2 (Markun Zusman Frenier & Compton, LLP "Pre-bill" for Tom Monreal). Although Defendants challenge the level of detail provided by Plaintiffs and the

For internal use only