

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

IN RE: PREMIERA BLUE CROSS CUSTOMER DATA SECURITY BREACH LITIGATION
This Document Relates to All Actions.

Case No. 3:15-md-2633-SI

**ORDER GRANTING MOTION FOR
ATTORNEYS' FEES, COSTS, AND
SERVICE AWARDS**

This matter came before the Court on Plaintiffs' Motion Plaintiffs' Motion for an Award of Attorneys' Fees and Expenses and for Representative Plaintiff Service Awards ("Fee Motion"). All capitalized terms not otherwise defined have the meanings set forth in the Settlement Agreement (Dkt. 273-1) ("Settlement").

The Court, having previously entered the Order Preliminarily Approving Class Action Settlement and Notice Procedures and Setting Final Approval Hearing ("Preliminary Approval Order"), dated July 29, 2019, in which the Court preliminarily approved the proposed Settlement as being fair, reasonable, and adequate to the Settlement Class; preliminarily certified the Settlement Class; designated Representative Plaintiffs and Class Counsel; appointed a Settlement Administrator; approved the forms and methods of disseminating information about the Settlement and found them to constitute the best notice practicable under the circumstances, constitute due and sufficient notice of the matters set forth in the notices to all persons entitled to

receive such notices, and fully satisfy the requirements of due process, Rule 23 of the Federal Rules of Civil Procedure, 28 U.S.C. § 1715, and all other applicable laws and rules; established procedures for Class Members to make claims, opt out, or object to the Settlement and Attorney's Fees and Costs; established deadlines for the filing of a motion for final approval of the Settlement and motion for attorneys' fees, costs, and service awards; and scheduled a hearing for March 2, 2020, for the Court to determine whether Attorneys' Fees and Costs should be awarded;

The Court having held a hearing on Plaintiffs' Fee Motion on March 2, 2020, after notice to the Class, and the Court having fully considered Plaintiffs' Fee Motion and Memorandum in Support, as well as the declarations and submissions in support thereof, and all papers filed or submitted to the Court in connection with the proceedings in these actions, and good cause appearing therefor;

THE COURT HEREBY ORDERS AND FINDS AS FOLLOWS:

1. The Court has considered Class Counsel's Fee Motion along with the declarations submitted by Counsel setting forth their time and expenses incurred in connection with this Litigation.

2. Pursuant to Rule 23(h), and relevant Ninth Circuit authority, the Court awards Class Counsel \$12,752,610.97 as an award of reasonable attorneys' fees to be paid in accordance with the Settlement. The Court finds this amount of fees fair and reasonable under the percentage of recovery method and under a lodestar cross-check, given the exceptional results obtained for the Settlement Class in the form of significant monetary and injunctive relief; the complexity and novelty of the issues presented in the litigation; the risk of non-payment posed in the litigation; the contingent nature of the fee; and the skill of Class Counsel.

3. Pursuant to Rule 23(h), and relevant Ninth Circuit authority, the Court awards Class Counsel \$1,247,389.03 as an award of reasonable costs and expenses to be paid in accordance with the Settlement. The Court finds this amount of costs and expenses is fair and reasonable, and represents the reasonable expenses incurred to advance this litigation.

4. The Court grants Settlement Class Counsel discretion to allocate the attorneys' fees, costs and expenses among all Plaintiffs' counsel.

5. This award of attorneys' fees, costs, and expenses, and any interest earned thereon, shall be paid in accordance with the Settlement. This award of attorneys' fees, costs, and expenses is independent of the Court's consideration of the fairness, reasonableness, and adequacy of the Settlement.

6. The Court grants Class Counsel's requested Service Awards of \$5,000 to each Representative Plaintiff identified in the Court's Preliminary Approval Order. The Court finds that these Service Awards are justified by each Representative Plaintiff's service to the Settlement Class. This Service Award shall be paid in accordance with the Settlement.

7. Without affecting the finality of this Order, the Court hereby reserves continuing and exclusive jurisdiction over all matters related to the administration and consummation of the terms of this Order.

8. The Court shall enter a judgment consistent with this Order.

IT IS SO ORDERED this ___ day of _____, 2020.

Hon. Michael H. Simon
United States District Judge