

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DANA POTVIN, LISA BULTMAN,
MICHAEL MCKARRY, DAVID
WABAKKEN, MOHAMED HASSAN,
CHRISTINA MERRILL, ERIC LEVINE,
PATRICK DONAHUE, DEBBI BROWN,
CAROL RADICE, TERRENCE BERRY,
AMANDA GREEN, DAVID
WILDHAGEN, KATY DOYLE, TASHIA
CLENDANIEL, HOGAN POPKESS,
KORY WHEELER, HARRY O'BOYLE,
JOE RAMAGLI, ERIC KOVALIK,
CHARLES HILLIER, LABRANDA
SHELTON, ADAM MOORE, TINA
GROVE, KEECH ARNSTEN, SCOTT
CARTER, MIKE SHERROD, CHRISTI
JOHNSON, MARY KOELZER AND
MARK STEVENS, Individually And On
Behalf Of All Others Similarly Situated,

Plaintiffs,

vs.

VOLKSWAGEN
AKTIENGESELLSCHAFT,
VOLKSWAGEN GROUP OF AMERICA,
INC., and VOLKSWAGEN GROUP OF
AMERICA CHATTANOOGA
OPERATIONS, LLC,

Defendants.

Case No.: 2:22-cv-01537 (EP) (JSA)

~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR AN
AWARD OF ATTORNEYS' FEES,
REIMBURSEMENT OF EXPENSES
AND PLAINTIFFS' SERVICE
AWARDS

THIS MATTER having come before the Court for consideration of Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of Expenses and Plaintiffs' Service Awards in accordance with the parties' Settlement Agreement;

WHEREAS, unless otherwise defined in this Order, the terms used in this Order that are defined in the Settlement Agreement shall have the same meaning as set forth in the Settlement Agreement;

WHEREAS, Defendant Volkswagen of Group of America, Inc. ("VWGoA" or "Defendant"), and Plaintiffs Lisa Bultman, Michael McKarry, David Wabakken, Mohamed Hassan, Eric Levine, Patrick Donahue, Debbi Brown, Carol Radice, Terrence Berry, Amanda Green, David Wildhagen, Katy Doyle, Tashia Clendaniel, Hogan Popkess, Kory Wheeler, Harry O'Boyle, Joe Ramagli, Eric Kovalik, Charles Hillier, Labranda Shelton, Adam Moore, Tina Grove, Keech Arnsten, Scott Carter, Mike Sherrod, Christi Johnson, Mary Koelzer, and Mark Stevens ("Plaintiffs") reached a Class settlement (the "Settlement");

WHEREAS, the parties submitted the Settlement Agreement together with their Motion for Preliminary Approval of the proposed Settlement to the Court (ECF 98);

WHEREAS, the Court gave its preliminary approval of the Settlement on July 8, 2024 (the "Preliminary Approval Order") and directed the parties to provide

the Class of the proposed Settlement and the Final Approval Hearing pursuant to the Notice Plan (ECF 109);

WHEREAS, Plaintiffs submitted their Motion for an Award of Attorneys' Fees and Reimbursement of Expenses and Class Representative Service Awards on November 4, 2024 (ECF 110); and

WHEREAS, on January 15, 2025, the Court conducted the Final Approval Hearing to determine whether the proposed Settlement is fair, reasonable, and adequate, whether the Settlement should be granted final approved by this Court, whether Class Counsel's request for attorneys' fees and reimbursement of expenses in the amount of \$1,950,000 should be awarded; and whether the request for an incentive award to each of the Settlement Class Representatives in the amount of \$2,500 should be approved;

WHEREAS, the parties having appeared at the Final Approval Hearing; and

WHEREAS, the Court having reviewed Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of Expenses and Plaintiffs' Service Awards, all papers filed and proceedings held herein in connection with the Settlement, all oral and written comments received regarding the Settlement, and the record in the Action, ^{and no opposition having been received;} and good cause appearing therefore;

IT IS ON THIS 15th day of Jan., 2025, ORDERED and ADJUDGED that Plaintiffs' Motion for an Award of Attorneys' Fees,

Reimbursement of Expenses and Plaintiffs' Service Awards is hereby GRANTED as follows:

1. The Court finds, upon review of the Settlement, all papers filed and proceedings held herein in connection with the Settlement, all oral and written comments received regarding the Settlement, and the record in the Action that Class Counsel's request for attorneys fees and reimbursement of expenses is fair and reasonable.

2. In making this award of Fees and Expenses, the Court has considered the factors enumerated in *Gunter v. Ridgewood Energy Corp.*, 223 F.3d 190, 195 n.1 (3d Cir. 2000) ~~and *In re Prudential*, 148 F.3d at 339~~, and finds that:

- (a) Class Members who are entitled to relief under the Settlement will benefit from the Class Action Settlement that occurred due to the efforts of Class Counsel;
- (b) After implementation of the Class Notice Program, no Class Member objected to the terms of the Settlement Agreement or to the Request for Fees and Costs or Class Service awards;
- (c) Class Counsel achieved the Class Action Settlement with skill, perseverance, and diligent advocacy;
- (d) This Action involved complex factual and legal issues, and, in the absence of the Class Action Settlement, would involve

further lengthy proceedings with an uncertain resolution if the case were to proceed against the Defendants;

- (e) The risk of nonpayment was high, particularly given the complexity of the case, because Class Counsel pursued this case on a contingent basis and received no compensation during the duration of the litigation;
- (f) Class Counsel expended over 2,449.60 hours in this case, billed at reasonable hourly rates and yielding a lodestar of over \$1,859,313.00;
- (g) Class Counsel expended over \$13,376.59 in costs and expenses during the Action;
- (h) The Fees and Expenses represents a modest 1.04 multiplier, within the range of appropriate multipliers awarded in this Circuit;
- (i) The Court finds that the Fees and Expenses are reasonable, considering: (1) the valuable economic benefits available to the Class under the Settlement; (2) the absence of any objections to the settlement terms and/or fees requested by counsel; (3) the skill and efficiency of the attorneys involved; (4) the complexity and duration of the litigation; (5) the risk of nonpayment; (6) the

amount of time devoted to the case by plaintiffs' counsel; and (7) the awards in similar cases.

- (j) The Court finds that the requested Fees and Expenses of \$1,950,000, are fair and reasonable, consistent with awards in similar cases, supported by public policy, and necessary for the prosecution and settlement of the Action.

3. The Court hereby grants Class Counsel's request for an award of reasonable attorneys' fees, including reimbursement of costs and expenses, in the total amount of \$1,950,000.

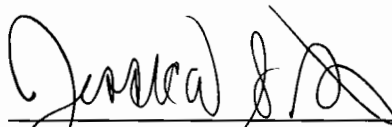
4. The Court approves the agreement to pay an incentive award to each named Plaintiff in the amount of \$2,500.

5. The payments for all Fees and Expenses and Class Representative Service Awards shall be made pursuant to the terms set forth in the Settlement Agreement.

6. The Court authorizes Class Counsel to allocate the Fee and Expenses pursuant to their agreement.

7. Nothing in this Order, the Class Settlement, the Settlement Agreement, or any documents or statements related thereto, is or shall be deemed or construed to be an admission or evidence of any violation of any statute or law or of any liability or wrongdoing by Defendants.

8. There being no just reason to delay, the Clerk is directed to enter this Order forthwith.



Hon. Jessica S. Allen, U.S.M.J.