**SUPERIOR COURT STATE OF CALIFORNIA**

**COUNTY OF SAN FRANCISCO**

JOANNE HOEPER,

Plaintiff,

vs.

CITY & COUNTY OF SAN FRANCISCO,

Defendant.

Case No. CGC-15-543553

**ORDER AFTER HEARING GRANTING IN PART AND DENYING IN PART PLAINTIFF JOANNE HOEPER'S MOTION FOR ATTORNEY FEES**

DATE: June 15, 2017
TIME: 2:00 p.m.
DEPT: 611

Honorable Lynn O'Malley Taylor

Plaintiff Joanne Hoeper's motion for attorney fees and litigation costs was heard on June 15, 2017 at 2:00 p.m. in Department 611 of the San Francisco Superior Court, the Honorable Lynn O'Malley Taylor, Judge presiding. Therese Y. Cannata and Karl Olson of Cannata, O'Toole, Fickes and Almazan LLP appeared for plaintiff Joanne Hoeper. Susan J. Harriman and Jennifer A. Huber of Keker, Van Nest & Peters, LLP appeared for defendant City and County of San Francisco.

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The court has considered the pleadings filed in support and in opposition to the motion, the oral arguments of counsel, the evidence at trial and the law.

Plaintiff moves for attorneys' fees and litigation costs under Government Code section 12653(b) and Code of Civil Procedure section 1021.5 on the following grounds: (1) section 12653(b)'s mandatory fee provision entitles Plaintiff to recover all of her fees; (2) the private attorney general theory in section 1021.5 provides independently sufficient grounds to award Plaintiff all of her fees; and (3) the requested rates and amount of fees are reasonable. Finally, Plaintiff seeks a 2.0 multiplier for contingent risk and other factors.

In response, CCSF does not dispute that Plaintiff is entitled to recover fees under section 12653(b), but merely argues that (1) the lodestar figure is excessive and unsupported by competent evidence; (2) Plaintiff is not entitled to fees for her labor code claim; and (3) Plaintiff is not entitled to any multiplier.

On reply, Plaintiff clarifies the standard for determining the reasonableness of claimed hourly rates and argues again that Plaintiff is entitled to a multiplier.

**Plaintiff is entitled to recovery under Government Code Section 12653(b)**

Pursuant to Government Code section 1265, subdivision (b), in actions brought under the False Claims Act, "[t]he defendant *shall* . . . be required to pay litigation costs and reasonable attorneys' fees." (Gov. Code § 12653, subd. (b)) (emphasis added.)

**Analysis**

CCSF does not seem to dispute Plaintiff's entitlement to attorneys' fees under Government Code section 12653, subdivision (b). Instead, CCSF challenges (1) recovery under Code of Civil Procedure section 1021.5, (2) the reasonableness of the claimed hourly rates, and (3) the multiplier. Thus, given CCSF's lack of opposition to recovery under section

12653, subdivision (b), and given the section's mandatory language, Plaintiff is entitled to attorneys' fees and costs under this section.

**Plaintiff is entitled to recovery under Code of Civil Procedure section 1021.5**

Code of Civil Procedure section 1021.5 codifies the private attorney general doctrine the Supreme Court adopted in *Serrano v. Priest* (1977) 20 Cal.3d 25. "The doctrine rests upon the recognition that privately initiated lawsuits are often essential to the effectuation of the fundamental public policies embodied in constitutional or statutory provisions, and that, without some mechanism authorizing the award of attorney fees, private actions to enforce such important public policies will as a practical matter frequently be infeasible." (*Center for Biological Diversity v. County of San Bernardino* (2010) 188 Cal.App.4th 603, 611) (internal citations and quotation marks omitted.) In other words, "section 1021.5 acts as an incentive for the pursuit of public interest-related litigation that might otherwise have been too costly to bring." (*Id.* at pp. 611-12) (internal citations and quotation marks omitted.)

"In determining whether to award attorney fees under section 1021.5 to the 'successful party,' we apply a three-prong test inquiring whether (1) the litigation resulted in the enforcement of an important right affecting the public interest, (2) a significant benefit has been conferred on the general public or a large class of individuals, and (3) the necessity and financial burden of private enforcement renders the award appropriate." (*Ryan v. California Interscholastic Federation* (2001) 94 Cal.App.4th 1033, 1044.) "The decision whether the claimant has met his burden of proving each of these prerequisites and is thus entitled to an award of attorney fees under section 1021.5 rests within the sound discretion of the trial court and that discretion shall not be disturbed on appeal absent a clear abuse." (*Ibid.*)

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1. **Ms. Hoeper was the 'successful party'**

"The term 'successful party,' as ordinarily understood, means the party to litigation that achieves its objectives." (*Graham v. DaimlerChrysler Corp.* (2004) 34 Cal.4th 553, 571.) Here, the jury found in favor of Hoeper and awarded her over a million dollars in economic and non-economic damages. Thus, Hoeper is unquestionably the "successful party."

2. **The litigation resulted in the enforcement of an important right affecting the public interest**

"Regarding the nature of the public right, it must be important and cannot involve trivial or peripheral public policies." (*Ryan, supra*, 94 Cal.App.4th at p. 1044.) Here, the right enforced is that of a public servant to be free from retaliation for disclosing to her employer information about violations of state and federal law. This right is so important that the Legislature has enacted various statutes protecting whistleblower. As Plaintiff argues, "[t]his right is of vital public importance, and has been at the core of Code of Civil Procedure section 1102.5's protections." Ms. Hoeper meets this prerequisite.

3. **A significant benefit has been conferred on the general public**

"The significance of the benefit conferred is determined from a realistic assessment of all the relevant surrounding circumstances." (*Ryan, supra*, 94 Cal.App.4th at p. 1044.) The significant benefit "need not represent a tangible asset or a concrete gain but, in some cases, may be recognized simply from the effectuation of a fundamental constitutional or statutory policy." (*Woodland Hills Residents Assn., Inc., v. City Council* (1979) 23 Cal.3d 917, 939) (internal quotation marks and citations omitted.) Here, the lawsuit and jury verdict serve a significant benefit on the general public: to deter government officials from engaging in

unlawful retaliation against a whistleblower, in violation of various statutes. Thus, the lawsuit effectuates an important statutory policy.

**4. The necessity and financial burden of private enforcement renders the award appropriate**

"As to the necessity and financial burden of private enforcement, an award is appropriate where the cost of the legal victory transcends the claimant's personal interest; in other words, where the burden of pursuing the litigation is out of proportion to the plaintiff's individual stake in the matter." (*Ryan, supra*, 94 Cal.App.4th at p. 1044.) The California Supreme Court has indicated that the necessity of private enforcement required courts to consider only one fact: the availability of public enforcement. (*In re Conservatorship of Whitley* (2010) 50 Cal.4th 1206, 1217; see also *Robinson v. City of Chowchilla* (2011) 202 Cal.App.4th 382, 401.) In *Robinson*, the Court of Appeal held that the necessity of private enforcement prerequisite was met when no government action was taken to vindicate the plaintiff's right. (*Robinson, supra*, 202 Cal.App.4th at p. 401.) Robinson noted that the Attorney General's Office was not involved in the litigation, and the government entity vigorously denied it had any responsibility under the statute. (*Ibid.*) Similarly, here, CCSF has vigorously denied any wrongdoing or responsibility, and the Attorney General's Office was not involved in the litigation. Thus, it was necessary for Hoeper to pursue private enforcement.

As for weighing the financial burden of litigation against the plaintiff's individual stake in the matter, the test is a lengthy one:

> The trial court must first fix—or at least estimate—the monetary value of the benefits obtained by the successful litigants themselves. . . Once the court is able to put some kind of number on the gains actually attained it must discount these total benefits by some estimate of the probability of success at the time the vital litigation decisions were made which eventually produced the successful outcome. . . Thus, if success

> would yield . . . the litigant group . . . an aggregate of $10,000 but there is only a one-third chance of ultimate victory they won't proceed—as a rational matter—unless their litigation costs are substantially less than $3,000.
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> After approximating the estimated value of the case at the time the vital litigation decisions were being made, the court must then turn to the costs of the litigation—the legal fees, deposition costs, expert witness fees, etc., which may have been required to bring the case to fruition.... [¶] The final step is to place the estimated value of the case beside the actual cost and make the value judgment whether it is desirable to offer the bounty of a court-awarded fee in order to encourage litigation of the sort involved in this case.... [A] bounty will be appropriate except where the expected value of the litigant's own monetary award exceeds by a substantial margin the actual litigation costs.

(*Los Angeles Police Protective League v. City of Los Angeles* (1986) 188 Cal.App.3d 1, 9-11; see also *Whitley, supra*, 50 Cal.4th at 1215-16 [adopting the same test].)

Here, after careful consideration, the Court finds that weighing the financial burden of litigation against Ms. Hoeper's individual stake in the matter favors awarding her fees.

In sum, Ms. Hoeper meets the prerequisites of section 1021.5 and the Court awards her attorneys' fees pursuant to that section.

**5. The claimed hourly rates are reasonable and consistent with market rates**

It is well established that "the experienced trial judge is the best judge of the value of professional services rendered in [her] court, and while [her] judgment is of course subject to review, it will not be disturbed unless the appellate court is convinced that it is clearly wrong—meaning that it abused its discretion." (*Children's Hospital and Medical Center v. Bonta* (2002) 97 Cal.App.4th 740, 777) (internal citations and quotation marks omitted); (see also *Serrano v. Priest* (1977) 20 Cal.3d 25, 49.) "The reasonable market value of the attorney's services is the measure of a reasonable hourly rate. This standard applies regardless of whether the attorneys claiming fees charge nothing for their services, charge at below-market or

discounted rates, represent the client on a straight contingent fee basis, or are in-house counsel." (*Nemecek & Cole v. Horn* (2012) 208 Cal.App.4th 641, 651) (internal quotation marks and citations omitted.) "The law is clear . . . that an award of attorney fees may be based on counsel's declarations, without production of detailed time records." (*Raining Data Corp. v. Barrenechea* (2009) 175 Cal.App.4th 1363, 1375.)

Here, Plaintiff seeks to recover $1.8 million in attorneys' fees. Plaintiff argues that the time spent on this case is reasonable, and that the requested amount is consistent with reasonable market value. In support of its request, Plaintiff attaches the following declarations:

6. **Declaration of Stephen M. Murphy**

Mr. Murphy was Plaintiff's attorney until his appointment to the San Francisco Superior Court bench. He declares that from his experience, "when plaintiffs' attorneys take cases on a fully contingent basis, there is a strong incentive to litigate these cases efficiently and with as little expenditure as possible." He also declares that an hourly rate of $850 is appropriate for an attorney of his background and experience. While working on the case, Mr. Murphy was assisted by his associate attorney, P. Bobby Shulka, a 2003 law school graduate, and Carolyn Sandborn, a paralegal, with hourly rates of $550 and $160, respectively. He declares "that the total time expended is extremely reasonable and modest." Finally, he declares that based on his experience, a 2.0 multiplier is fair and reasonable in cases of this type. He attaches as Exhibit A to his declaration time records for work he performed on this matter since 2013.

**7. Declaration of Therese Cannata**

Ms. Cannata declares that she graduated from law school in 1979 and became a member of the California State Bar the same year. She has more than 37 years of experience as a criminal defense and civil litigator. Her firm was retained in this case about three weeks before

the first scheduled trial date of January 23, 2017, after Mr. Murphy received notice of his appointment to the bench. She declares that the rates of $350 per hour for associate attorneys Zach Colbeth and Aaron Field, the rate of $150 per hour for senior paralegal Kevin Lindarto, and the rates of $125 per hour for Eric Joseph de Lara and Radha Kumar are within the range of prevailing rates. Her firm's lodestar in this case through March 31 was $878,831.25. They expect to incur approximately 150 hours in connection with their fee motion and other post-trial motions and therefore seek an award of $100,000 for "fees on fees." Finally, Ms. Cannata declares that the time spent was reasonable and necessary for this litigation, and attaches as Exhibit A a monthly summary of time her firm spent on this case.

8. **Declaration of Karl Olson**

Mr. Olson declares that he graduated from UC Hastings in 1982 and was admitted to the California Bar that year. With 35 years of legal experience, he has been named a Northern California "Super Lawyer" for approximately 10 years. He worked for Justice Joseph Gordin as a law clerk for the California Court of Appeal and as a research attorney when he was elevated to the California Supreme Court. Mr. Olson attests that the rate of $750 per hour sought for his time, and for the time of Therese Cannata and Mark Fickes, is well within the range of attorneys who have similar levels of experience.

Mr. Olson was a partner at Ram, Olson, Cereghino & Kopczynski ("ROCK") and has represented Plaintiff since before becoming a partner at Cannata, O'Toole, Fickes & Almazan LLP. From the inception of this case through March 31, 2017, attorneys and paralegals at ROCK had spent 776.75 hours on this case and their lodestar was $550,467. Exhibit A to Mr. Olson's declaration are emails from the Controller's Office showing that as of December 2016

(before trial), CCSF had paid Keker, Van Nest & Peters over $2.4 million to defend this case. Mr. Olson attaches as Exhibit B a monthly summary of their time in this case.

**9. Declarations of Mark Chavez and Gay Grunfeld**

Mr. Chavez and Ms. Grunfeld are experienced attorneys, graduating from law school in 1979 and 1984, respectively. From their extensive civil litigation experience, they both believe that the requested amounts are reasonable and appropriate under the circumstances.

Here, after careful consideration, the Court finds that Plaintiff's requested hourly rates are reasonable because they are consistent with the "reasonable market value of the attorney's services." (See *Nemecek & Cole, supra*, 208 Cal.App.4th at p. 651) Moreover, the evidence, in the form of declarations from multiple attorneys, and from attorneys not associated with the case, that the time spent and amounts requested are reasonable, is sufficient to support Plaintiff's request. (See *Raining Data Corp., supra*, 175 Cal.App.4th at p. 1375 [awarding attorney fees based on counsel's declarations, without production of detailed time records].)

**Analysis of Court's reduction of requested fees**

In addition to contesting the hourly rates charged, CCSF seeks to reduce the fees requested by Plaintiff's counsel.

Defendant CCSF contests 22.23 hours of work done by Karl Olson prior to June 2016. CCSF argues that "Mr. Olson's time was not necessary or reasonably spent before his appearance" and implores the Court to deduct any award for hours spent prior to June 2016. (CCSF's Memorandum of Points and Authorities in Response to Submission of Time Records ("CCSF's MPA re Time Records"), 2.) However, CCSF cites no authority to support this claim and incorrectly calculates the fee as $12,550 when the total is actually $16,672.50.

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Here, the fee award for work by Olson prior to June 2016 is not unjust. Olson appears at multiple points in the litigation, assists with the transition to trial counsel, and provides support for the client. The 22.23 hours are not excessive. A majority of the time was spent from May 8, 2014 to July 1, 2014 contacting the client and reviewing and revising the claim (approximately 18.43 hours of the 22.23 hours total). These activities are important to the foundation of a case and Olson's pre-2016 hours will not be reduced.

CCSF next contests the 14 hours spent by Cannata and Olson in the transition of the case. CCSF argues, "The city should not have to bear the cost of Hoeper's transition to new counsel." (CCSF's MPA re Time Records, *supra*, 2.) However, CCSF does not cite any authority to support this contention. Additionally, the transition was "reasonably necessary" because Stephen Murphy was appointed to the San Francisco Superior Court and could no longer participate in the case. CCSF contests 8 hours by Cannata and 6 hours by Olson. But the limited amount of hours requested is not an example of over-lawyering. Here, the hours were spent at one meeting and centered on the effective preparation of new counsel, which is important to litigating the case. Furthermore, this case was complex, high profile, and well litigated and the hours billed for the transition are reasonable and necessary. Therefore, the total 14 hours will not be reduced.

CCSF also contests work by counsel for requesting documents under the Public Records Act as unrelated. Citing *Christian Research Institute. v. Alnor* (2008) 165 Cal. App. 4th 1315, CCSF alleges that unrelated matters are not compensable. (CCSF's MPA re Time Records, *supra*, 3.) However, Christian was a case regarding an anti-SLAPP statute's fee provision which specifically applies "only to the motion to strike, and not to the entire action." (*Id.* at 1325) (citation omitted.) The case cited by CCSF has limited authority for Ms. Hoeper's claim

which is not an anti-SLAPP motion but moves instead for attorneys' fees and costs under Government Code section 12653(b) and Code of Civil Procedure 1021.5. "It is well established that the determination of what constitutes reasonable attorney fees is committed to the discretion of the trial court." (*Cordero-Sacks v. Hous. Auth. of City of Los Angeles* (2011) 200 Cal. App. 4th 1267, 1286, as modified on denial of reh'g (Dec. 15, 2011)) (citation omitted.) The Court finds that the hours spend and expenses incurred by counsel in requesting documents under the Public Records Act were reasonable and necessary to prepare for the litigation in this case where CCSF was claiming that many of the same records received in discovery were privileged.

CCSF also contests some of the time spent by paralegal Lindarto. Entries by Lindarto are comprised of multiple and varying tasks. Although Lindarto appears to block bill for his time, the work described is mostly relevant and necessary to the case and trial. The court has reduced some of the time by Lindarto and other attorneys for the Plaintiff that CCSF objected to as set forth below:

> Tasks Unrelated to Litigation: The entry on December 23, 2016 where Olson reviewed Governor Brown's press release for 2.3 hours is not necessary to the litigation and is not awarded. Plaintiff's fees are reduced by $1,725.00.

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**Reductions for Unnecessary/Unreasonable Work**

| Date | Time Keeper | Description | Hours Reduced by Court | Hourly Rate | Total Reduction |
|---|---|---|---|---|---|
| 3/20/17 | Cannata | "Complete edits to press release and judgment on the verdict. Forward to team for review… Telecon from Mr. Blake of LA Daily Journal re facts of case and verdict. Forwarded relevant documents re same." | 1 | $750.00 | $750.00 |
| 3/16/17 | Colbeth | "Attend trial closing arguments" | 3.5 | $350.00 | $1,225.00 |
| 3/17/17 | Fickes | "…[M]eet with jurors after verdict" | 0.5 | $750.00 | $375.00 |
| 2/15/17 | Lindarto | "…Attended lunch meeting with Messrs. Fickes and Olson and Mses. Hoeper and Cannata" | 1.5 | $150.00 | $225.00 |
| 2/24/17 | Lindarto | "Travel from SF-COFA to FACES-SF to pick up Ms. Alcantara and escort her to San Francisco Superior Court for trial testimony | 2.5 | $150.00 | $375.00 |
| 3/15/17 | Lindarto | "Attendance at lunch meeting with Messrs. Fickes and Olson and Ram and Mses. Cannata and Hoeper re: trial strategy…" | 1.5 | $150.00 | $225.00 |
| 3/16/17 | Lindarto | "…[A]ttendance at lunch meeting with Messrs. Fickes and Olson, and Mses. Cannata and Hoeper re: trial strategy…" | 1.5 | $150.00 | $225.00 |
| 3/17/17 | Olson | "…[M]eet with team and S. Murphy at lunch; interview jurors." | 3.5 | $750.00 | $2,625.00 |
| 2/22/17 | Ram | "Attend voir dire." | 6 | $750.00 | $4,500.00 |
| | | **Total Reduction** | **21.9 hours** | | **$10,585.00** |

CCSF lastly contests the attendance of four lawyers at the settlement conference as duplicative "[b]ecause only one lawyer's presence was necessary." (CCSF's MPA re Time Records, *supra*, 4.) The reasonableness of requested fees is in the trial court's discretion. (*See Children's Hospital and Medical Center, supra*, 97 Cal.App.4th at 777.) Thus, a court may use its discretion to determine whether four attorneys billing for attendance at a settlement conference is reasonable and necessary. This Court finds the presence of Fickes and Olson,

two lawyers responsible for the successful litigation of the case, as reasonable. However, the Court does not find Colbeth's attendance at the settlement conference necessary and reduces the fees by 10.4 hours, which totals $3,640.00.

**Final Table of Reductions**

| Description | Reduction Requested by CCSF | Court Reduction | Total Reduction |
|---|---|---|---|
| Karl Olson's Pre-June 2016 Entries | 22.23 Hours | 0 Hours | $0 |
| Transition to New Counsel | 14 Hours | 0 Hours | $0 |
| Tasks Unrelated to Litigation | 98.08 Hours | 2.3 Hours | $1,725.00 |
| Unnecessary/Unreasonable Work | 158.33 Hours | 21.9 Hours | $10,585.00 |
| Duplicative Work | 26.9 Hours | 10.4 Hours | $3,640.00 |
| | **319.54 hours** | **34.6 hours** | **$15,950.00** |

**A Multiplier**

The California Supreme Court in *Serrano* noted that a lodestar may be adjusted by the court based on factors including, in relevant part, (1) the novelty and difficulty of the questions involved, (2) the skill displayed in presenting them, (3) the extent to which the nature of the litigation precluded other employment by the attorneys, (4) the contingent nature of the fee award, and (5) the fact that an award against the state would ultimately fall upon the taxpayers. (*Serrano, supra*, 20 Cal.3d at p. 49.) "The purpose of such adjustment is to fix a fee at the fair market value for the particular action. In effect, the court determines, retrospectively, whether the litigation involved a contingent risk or required extraordinary legal skill justifying augmentation of the unadorned lodestar in order to approximate the fair market rate of such services." (*Ketchum v. Moses*, 24 Cal.4th 1122, 1132.) Moreover, as *Ketchum* noted,

> The economic rationale for fee enhancement in contingency cases has been explained as follows: A contingent fee must be higher than a fee for the same legal services paid as they are performed. The contingent fee compensates the lawyer not only for the legal services he renders but for the loan of those services. The implicit interest rate on such a loan is higher because the risk of default (the loss of the case, which cancels the debt of the client to the lawyer) is much higher than that of conventional loans.

(*Id.* at pp. 1132-33) (internal citations and quotation marks omitted.)

Here, the first two factors, the novelty and difficulty of the case's questions and the skills displayed in presenting them, favor warranting a multiplier. When CCSF's motion for summary judgment was denied, CCSF took a writ to the Court of Appeal. Thereafter, CCSF sought review in the California Supreme Court, indicating that the case involved novel and difficult questions. The jury verdict was in Plaintiff's favor, and Plaintiff's attorneys displayed a high level of skill in dealing with novel and difficult issues. Similarly, the Court of Appeal and the Supreme Court rejected CCSF's arguments, further evidencing that Plaintiff's attorneys displayed high level of skill.

Moreover, as Plaintiff argues, "the two primary defense witnesses were the incumbent City Attorney and a sitting Court of Appeal justice. Ms. Cannata and Mr. Fickes displayed a high level of skill in their cross-examination . . . and counsel also did excellent work in their investigation of the case, tracking down and calling . . . witnesses[.]" Thus, the first two factors favor imposing a multiplier.

Likewise, the third factor, the extent to which the nature of the litigation precluded other employment by the attorneys, favors imposing a multiplier. The firms representing Plaintiff were relatively small, the largest of which consisting of less than 10 attorneys. Mr. Murphy's firm consisted of two attorneys. Moreover, when Mr. Murphy received notice that he was

appointed to the bench, Ms. Cannata's firm took over, with very little time to prepare for the impending trial. Her small firm was effectively precluded from other employment during trial preparation and trial.

As to the fourth factor, the contingent nature of the fee award, it also favors imposing a multiplier. As explained in *Ketchum*,

> [T]he unadorned lodestar reflects the general local hourly rate for a fee-bearing case; it does not include any compensation for contingent risk, extraordinary skill, or any other factors a trial court may consider under Serrano III. The adjustment to the lodestar figure, e.g., to provide a fee enhancement reflecting the risk that the attorney will not receive payment if the suit does not succeed, constitutes earned compensation; unlike a windfall, it is neither unexpected nor fortuitous.

(*Ketchum, supra*, 24 Cal.4th at p. 1138.)

Here, the attorneys who tried the case unquestionably took a risk. First, the case was against CCSF, a powerful government entity. Second, the case involved novel and difficult questions, with parties seeking writ at the Court of Appeal and the California Supreme Court. Third, the two main defense witnesses, a prominent City Attorney and a current Court of Appeal justice, made trying the case even riskier. Accordingly, this factor favors imposing a multiplier.

As to the fifth factor, whether an award against the defendant would ultimately fall upon the taxpayers, it weighs against imposing a multiplier. Here, the defendant is CCSF – a government entity that relies on taxpayer money, among other sources, for funding. On the one hand, Plaintiff argues that the Court should not give this factor too much consideration in light of the fact that CCSF likely spent $5 million defending this case. On the other hand, the Court is mindful that imposing a multiplier will fall upon the taxpayers.

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In sum, some factors weigh in favor of imposing a multiplier, while others weigh against doing so. In consideration of the factors discussed above, the Court is imposing a modest multiplier of 1.35 on the reduced attorney fee award.

CCSF is ordered to pay a total of $1,784,050.50 for reasonable and necessary fees incurred plus a multiplier of 1.35, for a total amount of $2,408,468.18.

IT IS SO ORDERED.

DATED: June 5, 2017

Lynn O'Malley Taylor
Judge of the Superior Court