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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MUNIQUE WILLIAMS, et al.,

Plaintiffs,

vs.

COUNTY OF LOS ANGELES, et
al.,

Defendants.

Case No.: CV 97-03826-CW
[Consolidated with: CV-98-02475-
CW; CV-98-03187-CW; CV-98-
09573-CW; CV-98-09574-CW; CV-
98-09575-CW; CV-98-09683-CW;
CV-98-09695-CW; CV-99-00586-
CW.]

~~PROPOSED~~ ORDER
AWARDING CLASS COUNSEL
ATTORNEYS' FEES AND COSTS

Date: October 28, 2002
Time: 9:00 A.M.
Crtrm: 640

ENTERED ON ICMS
DEC 3 2002
CV LCW

FILED
CLERK, U.S. DISTRICT COURT
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NOV 27 2002
11-27-02
CENTRAL DISTRICT OF CALIFORNIA
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DEC 3 2002

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28 Attorneys for Defendants

1 GOOD CAUSE APPEARING, the Court finds as follows on Class
2 Counsel's Motion for Attorneys' Fees:

- 3 1. Class Counsel engaged in protracted efforts in a total of 14 federal and
4 state cases to obtain this settlement, which the Court considers to be an
5 outstanding settlement both in its monetary and in its non-monetary
6 terms. The court considers the results in this case to have been
7 extraordinary.
- 8 2. This was very complex litigation, involving novel issues, and the effort
9 that went into the results reflects that fact. There is extensive
10 documentation of the time spent by counsel to attest to the exceptional
11 effort that went into this case, and the Court has reviewed the file, which
12 also reflects the extensive work performed on both sides. Extraordinary
13 effort went into the resolution of these cases, not only through litigation,
14 but through many days of mediation with highly experienced mediators.
15 These cases were hotly contested both on their merits and on whether a
16 class would be certified. Class Counsel's initial class certification
17 motions were denied by two United States District Court, and one
18 California Superior Court. In one, the denial was reversed on appeal, and
19 in another the denial was the subject of a motion for reconsideration at
20 the time of the settlement. Defendants had contested the jurisdiction of
21 the federal courts to adjudicate the claims involved on the ground that the
22 Los Angeles Sheriff's Department was a state agency not suable under 42
23 U.S.C. §1983, a position appealed to the Ninth Circuit that resulted in a
24 published opinion. At the time of the settlement, there was a contested
25 qualified immunity appeal pending in the Ninth Circuit on the strip
26 search claims.
- 27 3. The law was not settled on many of the issues involved in these cases.
28 The outcome of these cases was unclear and subject to serious risk of

1 lack of success at the time the cases were filed, and during the course of
2 the litigation. Class counsel obviously were cognizant of the litigation
3 risks in these cases, and persevered – by filing additional cases, and
4 pursuing appeal and/or further discovery to assert the basis for
5 reconsideration – even after their class certification motions were initially
6 denied, and when the prospect of no or only partial success had been
7 made clear by the rulings of the courts involved. The Court is aware that
8 cases of this nature are extremely risky and burdensome for plaintiffs’
9 counsel.

- 10 4. Class counsel did an outstanding job and obtained exceptional results for
11 the class. The hourly rates defined in Exhibit A do not account for
12 exceptional results, and are based on hourly rates for lawyers of the skill
13 and expertise of Class Counsel independent of the results obtained and of
14 any contingent risk. In determining the appropriate fee, the Court has
15 considered the exceptional results as well as the exceptional risks
16 involved in this litigation.
- 17 5. The Court considers that substantial benefits were conferred on the class
18 beyond the monetary recovery for the class, in the form of the significant
19 policy changes in the operation of the County Jail that resulted from this
20 litigation. This is a major factor in the Court’s determination to depart
21 from the Ninth Circuit benchmark (when judging the case as a whole,
22 including the prior award of fees to counsel), as are the exceptional
23 results and risks. The policy achievements obtained through this litigation
24 set it apart from many class fund cases, which provide only monetary
25 relief.
- 26 6. Class counsel are among the leading civil rights litigators in the state.
27 This fact was established through the evidence presented to the court. In
28 addition, the Court is personally aware of the outstanding reputations of

1 plaintiffs' counsel. Barry Litt is considered one of the outstanding civil
2 rights litigators in California, with special expertise in class actions. His
3 rate of \$500 per hour is a reasonable hourly rate for a lawyer of his skill,
4 experience and reputation, as are the rates sought for other attorneys and
5 paralegals in his firm. The other attorneys involved in this litigation on
6 behalf of the class are highly regarded, experienced and capable civil
7 rights attorneys. The Court finds the hourly rates contained in Exhibit A
8 for each of them reasonable for attorneys of their skill, experience,
9 reputation and expertise in the Los Angeles area, before accounting for
10 extraordinary results or contingent risk. The Court also finds the hours
11 expended (which are set forth in Exhibit A through the filing of the
12 motion for attorneys' fees) reasonable for litigation of this complexity
13 and duration.

- 14 7. In light of the recovery of fees already obtained by Class Counsel in
15 *Riley*, the Court awards one-half of the total expenses delineated by Class
16 Counsel as a cost award in this case, as it considers that half of the
17 expenses should be allocated to the *Riley* case. Plaintiffs are awarded
18 \$34,743 in costs.
- 19 8. The Court accordingly finds the lodestar as of the filing of the Motion for
20 an Award of Attorneys' Fees of \$4,160,643 reasonable, and the costs and
21 expenses of \$34,743 reasonable. The Court also considers it likely that
22 another \$100,000 total will be incurred in addition to the approximate
23 lodestar referred to above (some of which has already been incurred since
24 the early August cutoff date for that figure, and some of which will be
25 incurred after this hearing), which will bring the lodestar to \$4,260,643.
- 26 9. The Court is mindful of the \$5.5 Million fee obtained by Class Counsel
27 for settlement of the injunctive relief claims in *Riley v. County of Los*
28 *Angeles* and has factored that into its decision on the claim here for a

1 class fund attorneys' fee award. As a check in determining the attorneys'
 2 fee award from the Class Fund of slightly less than \$21,000,000 (after
 3 interest and expenses), the Court has considered there to be a Total Fund
 4 of \$27,300,000 (after adding in the fees previously paid to Class Counsel
 5 on the injunctive relief claim and the interest), and has analyzed the fee
 6 as a percentage of that Total Fund, as well as under a lodestar multiplier.
 7 The Court has determined to award 20% of the current Class Fund, after
 8 Class Administrator expenses and costs, as an attorneys' fee award in this
 9 case rather than the 25% requested by Class Counsel. The table below
 10 reflects the Court's analysis, rounded off to the nearest \$1000:

11 Total Class Fund (including prior Counsel Fee and Interest)	\$27,300,000
12 Combined Expenses (approximate) (Class Administrator: \$845,380; Counsel: \$34,743) ¹	\$880,000
13 Post Expense Class Fund (including prior Counsel Fees and interest)	\$26,420,000
14 Post Expense Class Fund (excluding prior Counsel Fees and interest)	\$20,920,000
15 Total Fees to Class Counsel (\$5,500,000 plus \$4,184,000 [based on 20% of a remaining class fund of \$20,920,000])	\$9,684,000
16 Lodestar (based on fees through motion for attorney's fees plus \$100,000 in additional fees) ²	\$4,260,643
17 Total Fees as % of Total Class Fund	35.47%
18 Total Fees as % of Post Expense Class Fund	36.65%
19 Lodestar Multiple	2.27

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 26 ¹ The total expenses are actually \$880,123 but, as indicated, this order is based on the rounded numbers.

27 ² After the October 28, 2002, hearing, the Court was advised that \$50,000 of attorneys' fees were inadvertently included that were separate because they related to the petition for certiorari for one plaintiff that was not part of this settlement. Thus, the correct lodestar is \$4,210,643 less \$50,000 plus \$100,000 for a total of \$4,260,643. This slightly alters the calculations stated by the court in the hearing, but not the outcome.

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10. Accordingly, the Court awards costs of \$34,743, plus an additional fee of \$4,184,000, for a combined total of \$4,218,743, to be paid in two equal installments, per the provisions of Fairness Hearing Order.

11. The Court believes that the foregoing cost and fee award is reasonable in light of all the factors involved, including the complexity of the case, the novelty of the legal issues, the exceptional efforts made by Class Counsel, the exceptional results obtained by Class Counsel, the extraordinary monetary and non-monetary benefits visited upon the Class and the community at large through Class Counsel's efforts, the extremely risky nature of the litigation for which Class Counsel received no compensation during the many years of litigation, and the market expectation in the Los Angeles legal market for an enhancement in contingent fee cases to compensate for litigation risk.

DATED: November 27, 2002 Carla M. Woehrle
MAGISTRATE JUDGE CARLA M. WOEHRLE
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Submitted by:
LITT & ASSOCIATES
A LAW CORPORATION

By: Barrett S. Litt
Barrett S. Litt
Lead Class Counsel

1 **EXHIBIT A – HOURLY RATES AND HOURS APPROVED**

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<i>Total Lodestar</i>			
	Hours	Rate/ Hr.	Fee
MANN & COOK			
Robert Mann	1619.9	\$460	\$ 745,154
Donald Cook	1229.5	\$385	\$ 473,358
Adam Axelrad	385.5	\$310	\$ 119,505
Paralegals	407.1	\$80	\$ 32,568
BURTON LAW OFFICE			
John Burton	1179.6	\$460	\$ 542,616
Mary Anna Henley	1087.8	\$325	\$ 353,535
Burton Paralegals	119.5	\$150	\$ 17,925
MANES & WATSON			
Tim Midgley	2004.9	\$385	\$ 771,887
ROBERT MOEST			
	98.2	\$350	\$ 34,370
LITT & ASSOCIATES			
Barry Litt	1061.6	\$500	\$ 530,800
Senior Associates	656.7	\$325	\$ 213,428
Junior Associates	938.8	\$250	\$ 234,700
Law Clerk	9.5	\$110	\$ 1,045
Litt Paralegals			
Senior Paralegals	586.1	\$150	\$ 87,915
Intermediate Paralegals	277.4	\$120	\$ 33,288
Junior Paralegals	206.1	\$90	\$ 18,549
<i>Total</i>	11868.2		\$4,210,643

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STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

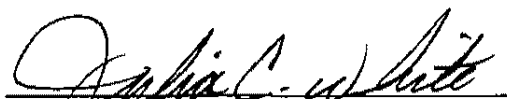
I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 3435 Wilshire Boulevard, Suite 1100, Los Angeles, California 90010-1912.

On November 5, 2002, I served the foregoing document described as [PROPOSED] ORDER RE AWARDING CLASS COUNSEL ATTORNEYS' FEES AND COSTS on the interested parties in this action by placing the true copies thereof in sealed envelopes addressed according to the attached service list.

[XX] BY MAIL

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. postal on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

Executed on November 5, 2002, at Los Angeles, California.


Julia C. White

**WILLIAMS, ET AL. V. COUNTY OF LOS ANGELES, ET AL.
SERVICE LIST**

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