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Plaintiffs' Counsel Continued on Signature Page

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

RONNIE DOOLEY, *et al.*, individually and
on behalf of all others similarly situated

Plaintiffs,

v.

RONALD SAXTON, RODERICK C.
WENDT, R. NEIL STUART, and JELD-
WEN EMPLOYEE STOCK OWNERSHIP
& RETIREMENT PLAN,

Defendants.

Case No. 1:12-CV-1207-MC
Consolidated with Case Nos: 1:13-CV-177-
MC & 1:13-CV-395-MC

PLAINTIFFS' COUNSEL'S
UNOPPOSED MOTION FOR AN
AWARD OF ATTORNEY'S FEES AND
EXPENSES

PLAINTIFFS' COUNSEL'S UNOPPOSED MOTION FOR AN AWARD OF
ATTORNEY'S FEES AND EXPENSES

Pursuant to Fed. R. Civ. P. 23(h), Plaintiffs' Counsel hereby moves for an award of attorney's fees in the amount of 30% of the \$15.5 million cash recovery (\$4.65 million) and reimbursement of their expenses in the amount of \$55,562.21. Defendants do not oppose the motion. In support, Plaintiffs' Counsel states as follows:

1. Pursuant to Local Rule 7-1(a)(1), Matthew Hurst, the undersigned counsel certifies, under the penalties of perjury, that he conferred with counsel for Defendants on July 14, 2015, via telephone, about this motion. Defendants do not oppose the motion.

2. Plaintiffs' Counsel has settled, and the Court has preliminarily approved, the above captioned litigation for \$15.5 million in cash and valuable equitable relief.

3. "A lawyer who recovers a common fund for the benefit of persons other than himself or his client is entitled to a reasonable attorney's fee from the fund as a whole." *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980). "When assessing whether the percentage requested is reasonable, courts look to factors such as: (a) the results achieved, (b) the risk of litigation, (c) the skill required, (d) the quality of work, (e) the contingent nature of the fee and the financial burden, and (f) the awards made in similar cases." *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1047 (9th Cir. 2002).

4. As explained in the memorandum filed with this motion, a 30% award of attorney's fees is justified by all of the *Vizcaino* factors, awards in similar cases, and the particular facts of this case.

5. Further, the expenditures necessary to prosecute this litigation are reasonable and what counsel would normally charge any hourly paying client.

6. Plaintiffs' Counsel also requests that Gilardi and Co., LLC, the administrator appointed by this Court, be awarded its administrative fee of up to \$38,500.00 for services

rendered in connection with providing notice and other administrative services to the Class. The actual fee will be known by, and provided to the Court at, the Final Fairness hearing.

For the foregoing reasons and the reasons contained in the contemporaneously filed memorandum in support of this motion, Plaintiffs' Counsel respectfully requests that this Court award them 30% of the recovery in attorney's fees (\$4.65 million) and reimbursement of expenses of \$55,562.21, plus any interest accrued, and administrative fees of up to \$38,500.00 to Gilardi & Co., LLC. A proposed Order is filed with this motion.

Respectfully submitted,

By: s/ Joseph Barton

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