

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

GILLES COHEN, *et al.*,

individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

SUBARU OF AMERICA, INC. and  
DENSO INTERNATIONAL OF  
AMERICA, INC.,

Defendants.

Case No: 1:20-cv-08442-CPO-AMD

**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 Class Representative Service Awards filed in connection with the Parties' Settlement Agreement in the above captioned matter;

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 Subaru of America, Inc., Defendant Denso International of America, Inc. (together, "Defendants"), and Plaintiffs Gilles Cohen, Muhammad Adnan, Donny Woo, Benjamin Moore, Mary Lou Plante, Meredith

Mein De Vera, Dan Rosenthal, Alexandra Efantis, Blaise Fontenot, John Micklo, Katherine Mutschler, Benjamin Christensen, Jennifer Lilley, Steven Biondo, Chantel Nelson, Jacqueline Ferguson, Jacqueline Brockman, Marty Brown, Christine King, Kevin King, Paula Weeks, Martin Torresquintero, Cole Sweeton, Christine Schultz, Troy Perry, Katherine Griffin, and David Sroelov (“Plaintiffs”) reached a Class Settlement (the “Settlement”) in this matter;

WHEREAS, on May 30, 2024, the Parties submitted the Settlement Agreement together with Plaintiffs’ unopposed motion for preliminary approval of the proposed Settlement to the Court (ECF Nos. 238, 238-3);

WHEREAS, the Court gave its preliminary approval of the Settlement on July 11, 2024 (the “Preliminary Approval Order”) and directed the Parties to provide notice to the Class of the proposed Settlement, the amounts Plaintiffs intended to seek in their application for attorneys’ fees, expenses and class representative service awards, the deadlines to object and opt-out of the Settlement, and the date of the Final Fairness Hearing, among other things;

WHEREAS, the Settlement Administrator (JND Administration) provided notice to the Class as directed in the Preliminary Approval Order (ECF Nos. 238-4, 243-2, 246, 247).

WHEREAS, on September 30, 2024, Plaintiffs submitted their Unopposed Motions for Final Approval of Class Action Settlement and for an Award of

Attorneys' Fees, Reimbursement of Expenses, and Class Representative Service Awards (ECF Nos. 243, 244);

WHEREAS, on December 9, 2024, the Court conducted the Final Fairness Hearing to determine whether the proposed Settlement is fair, reasonable, and adequate; whether the Settlement should be granted final approval by this Court, whether Class Counsel's request for attorneys' fees and reimbursement of expenses in the amount of \$15,500,000 should be awarded; and whether the request for service awards of \$2,500 or \$3,750 (if deposited) to each of the Class Representatives should be approved;

WHEREAS, the Parties having appeared at the Final Fairness Hearing and the Court overruled the single objection (ECF No. 245); and WHEREAS, the Court having reviewed Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and Class Representative 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 good cause appearing and for the reasons stated on the record on December 9, 2024, therefore;

**IT IS ON THIS 10th day of December, 2024, ORDERED and ADJUDGED** that Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and Class Representative 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 ("Fees and Expenses") is appropriate, fair, and reasonable.

2. The Court hereby awards attorneys' fees and costs to Class Counsel in the amount of **\$15,500,000** to be paid by the Defendants separate and apart from the relief to be provided to the Class under the Settlement Agreement. The Court directs these fees, costs, and awards to be paid in accordance with the Settlement Agreement.

3. 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 and only one Class Member objected to the Request for Fees and Costs;

- c. The Court has considered all objections, timely and proper or otherwise, to the Settlement Agreement, the requested Fees and Expenses and Class Representative Service Awards and denies and overrules them as without merit;
- d. Class Counsel achieved the Class Action Settlement with skill, perseverance, and diligent advocacy;
- e. 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;
- f. 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;
- g. Class Counsel expended over 9,677 hours in this case, billed at reasonable hourly rates and yielding a lodestar of over \$7,400,818.25;
- h. Class Counsel expended over \$347,319.59 in costs and expenses during the Action;
- i. The Fees and Expenses represents a modest 2.04 multiplier, within the range of appropriate multipliers awarded in this Circuit;

j. The Fees and Expenses are equivalent to a modest 4% of the estimated total value of the Settlement, which is within the accepted range of the attorneys' fees in this Circuit;

k. 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 substantial 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.

l. The Court finds that the requested Fees and Expenses of \$15,500,000, are fair and reasonable, consistent with awards in similar cases, supported by public policy, and necessary for the prosecution and settlement of the Action.

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

5. The Court also grants Class Counsel's request to pay the Class Representatives Service Awards as follows: \$3,750 each for Jacqueline Brockman, Alexandra Efantis, David Sroelov, Muhammad Adnan, Donny Woo, Dan Rosenthal,

Steven Biondo, Marty Brown, Kevin King, Christine Schultz, and Katherine Griffin each of whom assisted in the prosecution of this case, participated in discovery, and were deposed; and \$2,500 each for Gilles Cohen, John Micklo, Benjamin Moore, Marylou Plante, Meredith Mein de Vera, Blaise Fontenot, Katherine Mutschler, Jacqueline Ferguson, Benjamin Christensen, Jennifer Lilley, Chantel Nelson, Christine King, Paula Weeks, Martin Torresquintero, Cole Sweeton, and Troy Perry, each of whom assisted in the prosecution of this case, participated in discovery, but were not deposed. These amounts totalling \$81,250.00 are fair and reasonable compensation for their efforts in prosecuting the claims in the Settlement Agreement.

6. The payments for all Fees and Expenses and Class Representative Service Awards shall be made by wire transfer to Seeger Weiss, LLP (“Class Counsel Designee”) within thirty (30) days after the later of the Final Effective Date, or the date of entry of the Court’s Order awarding Class Counsel Fee and Expenses and Class Representative Service Awards, including final termination or disposition of any appeals relating thereto.

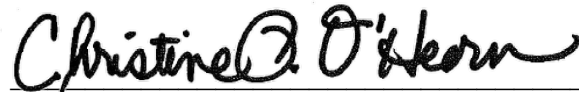
7. Said payment to Class Counsel Designee shall fully satisfy and discharge all obligations of Defendants and the Released Parties with respect to payment of the Class Counsel’s Fees and Expenses, any attorneys’ fees in connection with this Action, and Settlement Class Representative Service Awards,

and Class Counsel Designee shall thereafter have sole responsibility to distribute the portions of said payment to the other Class Counsel, pursuant to their agreement, and the Class Representatives.

8. 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.

**SO ORDERED:**

Date: December 10, 2024



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Honorable Christine P. O'Hearn  
United States District Judge