

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MARK AND AMBER FESSLER,	§	Civil Action File No.
ANDREW HOCKER, KEVIN REUSS,	§	4:19-cv-00248
MATTHEW CARRERAS, CHARLES AND	§	
MICHELLE HANDLY, AARON AND	§	Hon. Judge Amos Mazzant/
STACEY STONE, and DANIEL AND	§	Hon. Magistrate Judge Priest-Johnson
SHARON SOUSA, on Behalf of Themselves and	§	
Those Similarly Situated	§	PLAINTIFFS' FEE AND EXPENSE
<i>Plaintiffs</i>	§	APPLICATION
	§	
v.	§	
	§	
PORCELANA CORONA DE MÉXICO, S.A.	§	
DE C.V f/k/a SANITARIOS LAMOSA S.A.	§	
DE C.V. a/k/a Vortens	§	
<i>Defendant.</i>	§	

**ORDER APPROVING SERVICE AWARDS, AWARDING ATTORNEYS' FEES
AND REIMBURSEMENT OF LITIGATION EXPENSES**

This matter came on for hearing on August 29, 2019 (the “Fairness Hearing”) on Class Counsels’ *Motion for Approval of Service Awards, Award of Attorneys’ Fees and Request for Reimbursement of Litigation Expenses*. The Court having considered all matters submitted to it at the Fairness Hearing and otherwise; and it appearing that notice of the Fairness Hearing substantially in the form approved by the Court was posted on the approved settlement website (www.vortenssettlement.com); and it appearing that the approved settlement website was identified in notice materials mailed to all Settlement Class Members who or which could be identified with reasonable effort and further provided in materials published in *People* magazine, trade publications, designated local newspapers, and otherwise transmitted to print media, news affiliates, and internet news sources pursuant to the Order for Preliminary Approval of the Settlement and pursuant to the Court’s specifications; and the Court having considered and

determined the fairness and reasonableness of the award of attorneys' fees and litigation expenses requested.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. This Order incorporates by reference the definitions in the Settlement Agreement dated _____ (the "Settlement") and all capitalized terms not otherwise defined herein shall have the same meanings as set forth in the Settlement.

2. The Court has jurisdiction to enter this Order and over the subject matter of this case and all parties herein, including Settlement Class Members.

3. Notice of Class Counsels' motion for approval of service awards, an award of attorneys' fees and reimbursement of litigation expenses was given to all Settlement Class Members by formal filing and the posting of Class Counsels' motion and all supporting documents on the settlement website, www.vortenssettlement.com. The form and method of notifying the 2011 Settlement Class of Class Counsels' Motion satisfied the requirements of Rule 23 of the Federal Rules of Civil Procedure, due process, and all other applicable law and rules, constituted the best notice practicable under the circumstances, and constituted due and sufficient notice to all persons and entities entitled thereto.

4. Settlement Class Representative, Kevin Reuss, is hereby awarded Seven Thousand Five Hundred and No/100 Dollars (\$7,500.00) for his reasonable costs and service directly related to his representation of the Settlement Class;

5. Settlement Class Representatives, Charles and Michelle Handly, are hereby awarded Seven Thousand Five Hundred and No/100 Dollars (\$7,500.00) for their reasonable costs and service directly related to their representation of the Settlement Class;

6. The Court further finds that the service awards are to be paid by Defendant.

7. Class Counsel is hereby awarded attorneys' fees in the amount of Twelve Million Dollars (\$12,000,000), and the sum of \$372,105.77 in reimbursement of Class Counsels' litigation expenses, which sums the Court finds to be fair, reasonable, and adequate under applicable Fifth Circuit law. Such sums shall be paid by Defendant in accordance with the Settlement Agreement.

8. In making this award of attorneys' fees and reimbursement of litigation expenses, the Court has considered and found that:

- a. The Settlement was obtained by the Parties after long, hard-fought and contentious litigation, and that the Settlement occurred due to the diligent and persistent efforts of Class Counsel;
- b. That Class Counsel, its associate attorneys and staff, collectively, expended no less than _____ hours in prosecuting this matter up through the date of appearance at the Final Approval of Settlement/Fairness Hearing conducted on August 29, 2019, with a base lodestar value of approximately \$ _____, to achieve the Settlement;
- c. Due to the risk associated with prosecuting this matter, especially with no guarantee of success, and taking into consideration the enhancements the Court has broad discretion in considering when deciding whether a multiplier of counsels' lodestar is warranted including, the novelty and difficulty of the questions of the case, along with the extraordinary benefit achieved on behalf of the Class Members nationwide, the Court finds that a multiplier of _____ is appropriate, and is therefore applied to the base lodestar fee amount noted above;
- d. The Settlement Class Members were duly notified on June 10, 2019 by posting on the Settlement Website of Class Counsels' intentions to apply to the Court for an

award of attorneys' fees, including a multiplier, and reimbursement of litigation expenses. The Notice posted on the Settlement Website informed potential Settlement Class Members that Class Counsel would apply for attorneys' fees in an amount to be determined by the Court, and litigation expenses in an amount not to exceed \$500,000. No Class Member has objected to the requested attorneys' fees, use of a multiplier, or the requested expenses;

- e. Class Counsel has prosecuted this litigation and obtained a settlement favorable to Settlement Class Members across the country, and has done so with skill, perseverance, and diligence;
- f. This case raised significant novel and difficult legal questions and presented a substantial risk to Class Counsel in prosecuting manufacturing defect claims against foreign-national defendants;
- g. Had Class Counsel not achieved the Settlement for the 2011 Class Members there would remain a significant risk that Class Counsel and members of the Settlement Class may have recovered less or nothing from Defendants;
- h. The service awards for Class Representatives, the amount of attorneys' fees awarded and expenses to be reimbursed by Defendant are fair and reasonable and consistent with awards in similar, complex Federal litigation;

9. Any appeal or any challenge affecting this Court's approval regarding service awards, any attorneys' fees and expense application shall in no way disturb or affect the finality of the Judgment.

10. Exclusive jurisdiction is hereby retained over the parties and the Settlement Class Members for all matters relating to this case, including payment of claims by the Claims

Administrator appointed by this Court, or enforcement of the Settlement Agreement and this Order.

11. In the event that the Settlement is terminated, this Order shall be rendered null and void to the extent provided by the Settlement Agreement.

12. There is no just reason for delay in the entry of this Order, and immediate entry by the Clerk of the Court is expressly directed.

SO ORDERED.