

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

AMY WIGINTON, KRISTINE MORAN,)
NORMA PLANK FETHLER, as Successor in)
Interest to Dondi Plank, ANDREA COREY)
and OLIVIA KNAPP, individually and on)
behalf of all persons similarly situated,)

Case No. 02 CV 6832

Plaintiffs,)

Judge Andersen
Magistrate Judge Ashman

v.)

CB RICHARD ELLIS, INC.,)

Defendant.)

W.C. **PROPOSED ORDER APPROVING CLASS COUNSEL'S APPLICATION
FOR ATTORNEYS' FEES AND LITIGATION EXPENSES
AND SERVICE AWARDS TO CLASS REPRESENTATIVES**

This Court having considered Class Counsel's application for attorneys' fees and reimbursement of litigation expenses and incentive awards for the Class Representatives; and having held a hearing on January 9, 2008, and having considered all of the submissions and arguments with respect thereto, and otherwise being fully informed, and good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

1. Class Counsel have moved pursuant to FED. R. CIV. P. 23(h), 54(d) and 52(a) for an award of attorneys' fees and reimbursement of expenses. Pursuant to Rule 23(h)(3) and 52(a) this Court makes the following findings of fact and conclusions of law:

- (a) the Settlement confers a substantial benefit on the Class;

(b) the value conferred on the Class is immediate and readily quantifiable. Upon this Judgment becoming final, each Class Member who has submitted or will submit, within the applicable claims filing period, a valid Claim Form has the potential to receive a cash payment that represents a significant portion of the alleged financial harm alleged to have been incurred as a result of CBRE's alleged conduct;

(c) Class Counsel vigorously and effectively pursued the Class Members' claims before this Court in this highly complex case;

(d) the Settlement was reached following extensive negotiation between Lead Class Counsel and Defendant CBRE's Counsel, and was negotiated in good-faith and in the absence of collusion;

(e) during the prosecution of the Litigation, Class Counsel accrued a collective lodestar of \$4,124,724.50 in attorneys fees, a significant portion of which Class Counsel agreed to forego in the interests of resolving this Litigation and ensuring timely distribution of the benefits of the Settlement to the Class;

(f) during the prosecution of the Litigation, Class Counsel also incurred expenses in the amount of \$549,705.50, which included costs for expert witnesses and other expenses which the Court finds to be reasonable and necessary to the representation of the Class;

(g) Class Members were advised in the Notice approved by the Court that Class Counsel intended to apply for an award of attorneys' fees and costs in a combined amount of \$3,400,000, to be paid directly by CBRE separate and apart from the Tier Program and the Court has not received any objections to Class Counsel's request for attorneys' fees and costs or to the Settlement generally;

(h) that Title VII provides for the payment of attorneys' fees and costs and that counsel who recover a common benefit for persons other than himself or his client is entitled to a reasonable attorneys' fee. See, e.g., *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980); *Blum v. Stenson*, 465 U.S. 866, 900 n.16 (1984); and

(i) the fees and costs described above will be paid separately from and will not reduce the amount of monetary relief available to satisfy the Class Members.


Accordingly, Class Counsel are hereby AWARDED \$3,400,000, as their fees and costs which the Court finds to be fair and reasonable, which amount shall be paid to Class Counsel by CBRE in accordance with the terms of the Agreement, and which amount may accrue interest thereafter to be paid to Class Counsel. The attorneys' fees and expenses awarded by the Court shall be allocated among Class Counsel by Lead Class Counsel. This order is issued without prejudice to Class Counsel, pursuant to Section 14.2 of the Agreement, seeking additional post-approval attorneys' fees as expressly set forth in the Agreement.

2. Pursuant to Section 13.1 of the Agreement CBRE agreed to pay \$350,000 for the service awards for the named Plaintiffs. This Court finds the services provided and the risks undertaken by each of the named Plaintiffs were evaluated by considering the following factors: (a) the length of each of their tenures as a Plaintiff in the litigation and their concomitant obligations; (b) the service of each named Plaintiff in the strategic components of the litigation, in which they gave direction to, and regularly consulted with, Class Counsel about the case strategy and direction of the case, and later about litigation plans and settlement issues; and (c) assistance by each of the Plaintiffs in designing and undertaking discovery and responding to discovery undertaken by CBRE,

as well as submitting to depositions and providing declarations. The Court further finds that each of the named Plaintiffs undertook significant risk and invested considerable time and effort in the case, and that the benefits bestowed upon the Class by the named Plaintiffs' dedication and service are significant. The Court finds that the manner of allocating these funds is fair and reasonable and that the named Plaintiffs each devoted a significant number of hours to the prosecution of this case and should therefore receive the allocations decided by Class Counsel:

Accordingly, the Class Representatives are hereby GRANTED the following service awards, which shall be paid by CBRE in accordance with the terms of the Agreement: Amy Wiginton \$125,000; Kristine Moran \$100,000; Andrea Corey \$75,000; Norma Plank Fethler, as successor in interest to Dondi Plank \$25,000; and Olivia Knapp \$25,000.

SO ORDERED, ADJUDGED AND DECREED, this 9th day of January, 2008.


Wayne R. Andersen
United States District Judge

CERTIFICATE OF SERVICE

I, Elizabeth A. Fegan, hereby certify that a copy of the foregoing *Proposed Order Approving Class Counsel's Application for Attorneys' Fees and Litigation Expenses and Service Awards to Class Representatives* was electronically filed on January 4, 2008. Those attorneys who are registered with the Electronic Filing System may access these filings through the Court's System, and notice of these filings will be sent to these parties by operation of the Court's Electronic Filing System.

/s/ Elizabeth A. Fegan

Elizabeth A. Fegan

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