

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

_____ )	
In re POLYURETHANE FOAM ANTITRUST )	
LITIGATION )	
_____ )	MDL Docket No. 2196
)	Index No. 10-MD-2196 (JZ)
This document relates to: )	
)	
ALL DIRECT PURCHASER ACTIONS )	
_____ )	

**[PROPOSED] ORDER APPROVING DIRECT PURCHASER (CLASS) PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS' FEES AND FOR REIMBURSEMENT OF EXPENSES**

Upon consideration of Direct Purchaser (Class) Plaintiffs' motion, pursuant to Rule 23(h) of the Federal Rules of Civil Procedure, for attorneys' fees amounting to 30% of the Vitafoam Settlement fund, and for \$908,315.35 in expenses incurred in this litigation from its commencement in 2010 through April 22, 2013, the Court makes the following findings and conclusions:

1. Direct Purchaser (Class) Plaintiffs' request for attorneys' fees totaling 30% of the Vitafoam Settlement fund is reasonable in light of: the size of the fund created for the Class and the number of persons benefited by the Vitafoam Settlement fund; the substantial benefits cooperation from both Vitafoam and Domfoam has and will have for the putative class; the absence of objections to the Vitafoam and Domfoam Settlements; the substantial effort expended by counsel in this litigation; the skill, efficiency, and efficacy demonstrated by counsel in establishing the funds; the significant complexity and duration of this antitrust litigation; and the risk of nonpayment faced by counsel given the contingent nature of this representation and the absence of any related government prosecution.

2. Direct Purchaser (Class) Plaintiffs' request for attorneys' fees totaling 30% of the Vitafoam Settlement fund falls well within the range of attorneys' fee awards approved by this Court and other courts in this District in similar cases, and is supported by a lodestar cross-check analysis of the time expended by counsel in this litigation.

3. Direct Purchaser (Class) Plaintiffs' request for reimbursement of expenses totaling \$908,315.35 is reasonable and reflects expenses necessary for the prosecution of this litigation.

It is therefore **ORDERED:**

1. Direct Purchaser (Class) Plaintiffs' motion is granted in its entirety;
2. Counsel for Direct Purchaser (Class) Plaintiffs are hereby awarded attorneys' fees amounting to 30% of the Vitafoam Settlement fund;
3. The Interim Co-Lead Counsel, Boies Schiller & Flexner, LLP and Quinn Emanuel Urquhart & Sullivan, LLP, are authorized to distribute among counsel for Direct Purchaser (Class) Plaintiffs the awarded attorneys' fees in a manner which fairly compensates each firm for its contribution to the prosecution of Direct Purchaser (Class) Plaintiffs' claims; and
4. Counsel for Direct Purchaser (Class) Plaintiffs are hereby awarded reimbursement of expenses in the amount of \$908,315.35.

DATED: \_\_\_\_\_

\_\_\_\_\_  
HON. JACK ZOUHARY  
UNITED STATES DISTRICT JUDGE