

KELLY B. KIVILAAK,
Individually and on behalf of all
others similarly situated,

v.

Defendant.

Magistrate Judge Bryant

WHEREAS, the Settlement Agreement approved by the Court provides that subject to Court-approval, Class Counsel shall receive an award of attorney's fees, costs and expenses not exceeding One Million Dollars (\$1,000,000) and that the sum of Ten Thousand Dollars (\$10,000) shall be paid to the named Plaintiff as an incentive award;

WHEREAS, the Notice of Pendency of Class Action Settlement (the “Notice”) informed Settlement Class members of Class Counsel’s intent to apply to the Court for an award of attorney’s fees, costs and expenses in an amount not to exceed \$1,000,000 and for an award to the named Plaintiff in the amount of \$10,000, and that one purpose of the Final Approval Hearing was to determine whether the application for attorneys’ fees, costs and expenses and the incentive award should be approved, and provided the procedure for submitting related comments or objections; and

WHEREAS, the Final Approval Hearing was held on September 30, 2009; no objections were made to Class Counsel's request for fees, costs and expenses or to the request for an incentive award to the named Plaintiff; and based on all the files, records, and proceedings herein;

IT IS HEREBY ORDERED:

Class Counsel are awarded the sum of One Million Dollars (\$1,000,000) as their aggregate reasonable attorneys' fees, costs and expenses, and that the named Plaintiff shall receive the sum of \$10,000.00 as an incentive award. The Court finds these awards to be reasonable and appropriate in view of the benefits obtained for Plaintiff and the Settlement Class, the risks taken by counsel, the services provided, and the complexity and difficulty of this case.

THEREFORE, payment of the foregoing amounts are directed to be made to Class Counsel Gordon Ball, who will make appropriate disbursements from the amount awarded to co-counsel and the named Plaintiff.

IT IS SO ORDERED this 30th day of September, 2009.



John Nixon
Senior District Judge