

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE: AUTOMOTIVE PARTS ANTITRUST LITIGATION	:	CASE NO. 12-MD-02311
	:	HON. SEAN F. COX
	:	
	:	
In Re: STARTERS	:	Case No. 2:13-cv-01101-SFC-RSW
	:	
	:	Case No. 2:14-cv-10674-SFC-RSW
THIS RELATES TO:	:	
	:	Case No. 2:18-cv-11569-SFC-RSW
ALL DIRECT PURCHASER ACTIONS	:	
	:	

**DIRECT PURCHASER PLAINTIFF’S MOTION FOR AN AWARD
OF ATTORNEYS’ FEES AND LITIGATION COSTS AND EXPENSES**

Pursuant to Rules 23 and 54 of the Federal Rules of Civil Procedure, Direct Purchaser Plaintiff Tiffin Motor Homes, Inc. hereby moves the Court for an award of attorneys’ fees, litigation costs and expenses, and a service payment to the class representative, from the proceeds of the settlement with the Bosch Defendants. In support of this motion, Direct Purchaser Plaintiff relies upon the accompanying memorandum of law and the Declarations attached thereto, which are incorporated by reference.

Dated: September 14, 2020

Respectfully submitted,

/s/ David H. Fink
David H. Fink (P28235)
Darryl Bressack (P67820)
Nathan J. Fink (P75185)
FINK BRESSACK
38500 Woodward Avenue, Suite 350
Bloomfield Hills, MI 48304
Telephone: (248) 971-2500

*Interim Liaison Counsel for Direct Purchaser
Plaintiff*

Steven A. Kanner
William H. London
Michael E. Moskovitz
FREED KANNER LONDON
& MILLEN LLC
2201 Waukegan Road, Suite 130
Bannockburn, IL 60015
Telephone: (224) 632-4500

Joseph C. Kohn
William E. Hoese
Douglas A. Abrahams
KOHN, SWIFT & GRAF, P.C.
1600 Market Street, Suite 2500
Philadelphia, PA 19103
Telephone: (215) 238-1700

Gregory P. Hansel
Randall B. Weill
Michael S. Smith
PRETI, FLAHERTY, BELIVEAU
& PACHIOS LLP
One City Center, P.O. Box 9546
Portland, ME 04112-9546
Telephone: (207) 791-3000

Eugene A. Spector
William G. Caldes
Jeffrey L. Spector
SPECTOR ROSEMAN & KODROFF, P.C.
2001 Market Street, Suite 3420
Philadelphia, PA 19103
Telephone: (215) 496-0300

Interim Co-Lead Counsel for the Direct Purchaser Plaintiff

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

<hr/>	:	CASE NO. 12-MD-02311
IN RE: AUTOMOTIVE PARTS ANTITRUST	:	HON. SEAN F. COX
LITIGATION	:	
<hr/>	:	
In Re: STARTERS	:	Case No. 2:13-cv-01101-SFC-RSW
	:	
<hr/>	:	Case No. 2:14-cv-10674-SFC-RSW
THIS RELATES TO:	:	
	:	Case No. 2:18-cv-11569-SFC-RSW
ALL DIRECT PURCHASER ACTIONS	:	
<hr/>	:	

**DIRECT PURCHASER PLAINTIFF'S MEMORANDUM IN SUPPORT OF ITS
MOTION FOR AN AWARD OF ATTORNEYS' FEES, LITIGATION COSTS AND
EXPENSES, AND AN INCENTIVE PAYMENT TO THE CLASS REPRESENTATIVE**

TABLE OF CONTENTS

STATEMENT OF ISSUES PRESENTED..... ii

STATEMENT OF CONTROLLING OR MOST APPROPRIATE AUTHORITIES iii

TABLE OF AUTHORITIES iv

I. INTRODUCTION 1

II. BACKGROUND AND WORK PERFORMED FOR THE BENEFIT OF THE CLASS MEMBERS..... 2

III. CLASS NOTICE 3

A. THE PERCENTAGE-OF-THE-RECOVERY METHOD EMPLOYED BY THE COURT IN THIS MDL IS APPROPRIATE FOR ASSESSING THE FEE REQUEST..... 4

B. THE REQUESTED FEE CONSTITUTES A FAIR AND REASONABLE PERCENTAGE OF THE SETTLEMENT FUND..... 5

C. THE FACTORS IDENTIFIED BY THE SIXTH CIRCUIT SUPPORT THE REQUESTED FEE. 7

1. THROUGH THEIR EFFORTS DPP COUNSEL OBTAINED A VALUABLE BENEFIT FOR THE CLASS..... 8

2. THE VALUE OF THE SERVICES ON AN HOURLY BASIS CONFIRMS THAT THE REQUESTED FEE IS REASONABLE 8

3. THE REQUESTED FEE IS FAIR AND REASONABLE GIVEN THE REAL RISK THAT DPP COUNSEL COULD HAVE RECEIVED NO COMPENSATION FOR THEIR EFFORTS 10

4. SOCIETY HAS AN IMPORTANT STAKE IN THIS LAWSUIT AND IN AN AWARD OF REASONABLE ATTORNEYS’ FEES 11

5. THE COMPLEXITY OF THIS CASE SUPPORTS THE REQUESTED FEE 12

6. SKILL AND EXPERIENCE OF COUNSEL..... 12

IV. THE COURT SHOULD AUTHORIZE INTERIM LEAD COUNSEL TO DETERMINE FEE ALLOCATIONS 13

V. REIMBURSEMENT OF LITIGATION COSTS AND EXPENSES IS APPROPRIATE..... 15

VI. AN AWARD OF A SERVICE PAYMENT TO THE CLASS REPRESENTATIVE IS APPROPRIATE..... 15

VII. CONCLUSION..... 18

STATEMENT OF ISSUES PRESENTED

1. Should the Court award Direct Purchaser Plaintiff's counsel attorneys' fees of 30% of the Bosch settlement funds?

Suggested Answer: Yes.

2. Should the Court award Direct Purchaser Plaintiff's counsel litigation costs and expenses from the Bosch settlement funds?

Suggested Answer: Yes.

3. Should the Court award the class representative, Tiffin Motor Homes, Inc., a service payment of \$25,000?

Suggested Answer: Yes.

STATEMENT OF CONTROLLING OR MOST APPROPRIATE AUTHORITIES

Fed. R. Civ. P. 23(h)

Fed. R. Civ. P. 54(d)

Bowling v. Pfizer, Inc., 102 F.3d 777 (6th Cir. 1996)

Rawlings v. Prudential-Bache Properties, Inc.,
9 F.3d 513 (6th Cir. 1993)

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Behrens v. Wometco Enters., Inc.</i> , 118 F.R.D. 534 (S.D. Fla. 1988)	13
<i>Bessey v. Packerland Plainwell, Inc.</i> , 2007 WL 3173972 (W.D. Mich. 2007)	6
<i>Bowling v. Pfizer, Inc.</i> , 102 F.3d 777 (6th Cir. 1996)	8
<i>Cook v. Niedert</i> , 142 F.3d 1004 (7th Cir. 2008)	15
<i>Gascho v. Global Fitness Holdings, LLC</i> , 822 F.3d 269 (6th Cir. 2016)	4
<i>Godshall v. Franklin Mint Co.</i> , 2004 WL 2745890 (E.D. Pa., Dec. 1, 2004)	7
<i>Hadix v. Johnson</i> , 322 F.3d 895 (6th Cir. 2003)	15, 16
<i>Heekin v. Anthem, Inc.</i> , 2012 WL 5878032 (S.D. Ind. Nov. 20, 2012)	7
<i>Hillson v. Kelly Servs. Inc.</i> , 2017 WL 279814 (E.D. Mich. 2017)	16
<i>Huyer v. Buckley</i> , 849 F.3d 395 (8th Cir. 2017)	1
<i>In re AremisSoft Corp., Sec. Litig.</i> , 210 F.R.D. 109 (D.N.J. 2002)	7
<i>In re Automotive Parts Antitrust Litig.</i> , 2016 WL 8201516 (E.D. Mich. Dec. 28, 2016)	4, 5
<i>In re Automotive Refinishing Paint Antitrust Litig.</i> , 2008 WL 63269 (E.D. Pa. Jan. 3, 2008)	15
<i>In Re Cardinal Health Inc. Sec. Litig.</i> , 528 F. Supp. 2d 752 (S.D. Ohio 2007)	9
<i>In re Cardizem CD Antitrust Litig.</i> , 218 F.R.D. 508 (E.D. Mich. 2003)	1, 12, 15
<i>In re Cendant Corp. Sec. Litig.</i> , 404 F.3d 173 (3d Cir. 2005)	14
<i>In re Copley Pharm., Inc. Albuterol Prods. Liab. Litig.</i> , 50 F.Supp.2d 1141 (D. Wy. 1999)	14
<i>In re Domestic Air Transp. Antitrust Litig.</i> , 148 F.R.D. 297 (N.D. Ga. 1993)	14
<i>In re Domestic Drywall Antitrust Litig.</i> , 2018 WL 3439454 (E.D. Pa. July 17, 2018)	7
<i>In re Dry Max Pampers Litig.</i> , 724 F.3d 713 (6th Cir. 2013)	16
<i>In re FAO Inc. Sec. Litig.</i> , 2005 WL 3801469 (E.D. Pa., May 20, 2005)	7

In re Fasteners Antitrust Litig.,
 2014 WL 296954 (E.D. Pa. Jan. 27, 2014) 7

In re Flonase Antitrust Litig.,
 951 F. Supp. 2d 739 (E.D. Pa. 2013) 7

In re Folding Carton Antitrust Litig.,
 84 F.R.D. 245 (N.D. Ill. 1979) 12

In re Gen. Instrument Sec. Litig.,
 209 F. Supp. 2d 423 (E.D. Pa. 2001) 7

In re Linerboard Antitrust Litig.,
 292 F.Supp.2d 631 (E.D. Pa. 2003) 12

In re Linerboard Antitrust Litig.,
 2004 WL 1221350 (E.D. Pa., June 2, 2004) 7, 14

In re Losetrin 24 Fe Antitrust Litig.,
 2020 WL 4035125 (D.R.I. July 17, 2020) 7

In re Losetrin 24 Fe Antitrust Litig.,
 2020 WL 5201275 (D.R.I. Sept. 1, 2020) 7

In re Parking Heaters Antitrust Litig.,
 2019 WL 8137325 (E.D.N.Y Aug. 15, 2019) 7

In re Polyurethane Foam Antitrust Litig.,
 2015 WL 1639269 (N.D. Ohio Feb. 26, 2015) 6, 13

In re Prandin Direct Purchaser Antitrust Litig.,
 2015 WL 1396473 (E.D. Mich. Jan. 20, 2015) 6, 17

In re Prudential Ins. Co. Amer. Sales Practice Litig. Agent Actions,
 148 F.3d 283 14

In re Ready-Mixed Concrete Antitrust Litig.,
 2010 WL 3282591 (S.D. Ind. Aug. 17, 2010) 7

In re Skelaxin (Metaxalone) Antitrust Litig.,
 2014 WL 2946459 (E.D. Tenn. Jun. 30, 2014) 6, 17

In re Southeastern Milk Antitrust Litig.,
 2013 WL 2155387 (E.D. Tenn. May 17, 2013) 6

In re Titanium Dioxide Antitrust Litig.,
 2013 WL 6577029 (D. Md. Dec. 13, 2013) 7

In re Warfarin Sodium Antitrust Litig.,
 391 F.3d 516 (3d Cir. 2004) 14

In re Western States Wholesale Natural Gas Litig.,
 2019 WL 4597502 (D. Nev. Aug. 5, 2019) 7

Isabel v. City of Memphis,
 404 F.3d 404 (6th Cir. 2005) 9

Jones v. Diamond,
 636 F.2d 1364 (5th Cir. 1981) 11

Klein v. PDG Remediation, Inc.,
 1999 WL 38179 (S.D.N.Y., Jan. 28, 1999) 7

Kornell v. Haverhill Ret. Sys.,
 790 F. App'x 296 (2d Cir. 2019) 1

Lewis v. Wal-Mart Stores, Inc.,
 2006 WL 3505851 (N.D. Okla., Dec. 4, 2006) 7

Machesney, v. Lar-Bev of Howell, Inc.,
 2017 WL 2437207 (E.D. Mich. Jun. 2017)..... 16

Missouri v. Jenkins,
 491 U.S. 274 (1989)..... 9

Moore v. United States,
 63 Fed. Cl. 781 (2005) 7

New England Health Care Employees Pension Fund v. Fruit of the Loom, Inc.,
 234 F.R.D. 627 (W.D. Ky. 2006)..... 7

Pennsylvania v. Delaware Valley Citizens’ Council for Clean Air,
 483 U.S. 711 (1987)..... 9

Powers v. Eichen,
 229 F.3d 1249 (9th Cir. 2000)..... 1

Rawlings v. Prudential-Bache Properties, Inc.,
 9 F.3d 513 (6th Cir. 1993)..... 5

Seaman v. Duke University,
 2019 WL 4674758 (E.D.N.C. Sept. 25, 2019)..... 7

Standard Iron Works v. Arcelormittal,
 2014 WL 7781572 (N.D. Ill. Oct. 22, 2014)..... 7

Thacker v. Chesapeake Appalachia, L.L.C.,
 695 F. Supp. 2d, 521 (E.D. Ky. 2010)..... 6

Vista Healthplan, Inc. v. Cephalon, Inc.,
 2020 WL 1922902 (E.D. Pa. April 21, 2020) 7

Williams v. Sprint/United Mgmt. Co.,
 2007 WL 2694029 (D. Kan., Sept. 11, 2007) 7

Statutes

28 U.S.C. § 1715..... 3

Rules

Fed. R. Civ. P. 23(h) 3, 4

Fed. R. Civ. P. 23(h)(1) and (2) 4

I. INTRODUCTION

Direct Purchaser Plaintiff (“DPP”) Tiffin Motor Homes, Inc. and the Bosch Defendants¹ have agreed to a class settlement of \$1.3 million. The Bosch Defendants were the final defendant group in the starters direct purchaser case, so if the Court approves the Bosch settlement the starters direct purchaser case will be over.²

DPP counsel now respectfully move for an order: 1) awarding attorneys’ fees of 30% of the Bosch settlement funds³; 2) awarding DPP counsel \$24,242.24 for litigation costs and expenses paid and incurred; 3) awarding the class representative, Tiffin, a \$25,000 a service payment. For the reasons set forth herein, DPP counsel respectfully submit that the requested fee, expense, and incentive awards are reasonable and fair under well-established Sixth Circuit precedent concerning

¹ Robert Bosch GmbH and Robert Bosch LLC.

² Over the course of the litigation the Direct Purchaser Plaintiff entered into settlements with four other Defendant groups totaling \$10,865,004. These settlements were finally approved in 2019.

³ DPP counsel are asking the Court to award attorneys’ fees as a percentage of the gross settlement fund, not as a percentage of the net amount after deduction of costs and expenses. In connection with a fee award in the direct purchaser cases—*Wire Harness*—Judge Battani deducted reimbursed costs and expenses from the settlement funds before applying a percentage to calculate the fees, and thereafter DPP counsel did so when they petitioned the Court for fees, which was reflected in the Court’s orders.

But DPP counsel believe that the vast majority of percentage fee awards in antitrust cases are based on the gross settlement fund. *See, e.g., In re Refrigerant Compressors Antitrust Litig.*, 2:09-md-02042 (E.D. Mich. July 16, 2014); *In re Packaged Ice Antitrust Litig.*, 2011 WL 6209188, at *17; *In re Foundry Resins Antitrust Litig.*, No. 2:04-md-1638 (S.D. Ohio Mar. 31, 2008); *Delphi*, 248 F.R.D. at 505 (attorneys’ fees awarded on gross settlement fund); *In re Cardizem CD Antitrust Litig.*, 218 F.R.D. 508, 531-535 (E.D. Mich. 2003) (awarding costs in addition to a percentage of the fund as attorneys’ fees). Indeed, district courts’ decisions to award fees on the gross recovery have been affirmed throughout the country in the face of direct challenges. *See, e.g., Powers v. Eichen*, 229 F.3d 1249, 1258 (9th Cir. 2000) (affirming an award on the gross amount, because “the choice of whether to base an attorneys’ fee award on either net or gross recovery should not make a difference so long as the end result is reasonable”); *Kornell v. Haverhill Ret. Sys.*, 790 F. App’x 296, 298–99 (2d Cir. 2019) (summary order) (affirming decision to award fees on the gross fund rather than the net as reasonable); *Huyer v. Buckley*, 849 F.3d 395, 398–99 (8th Cir. 2017) (same). Therefore, DPP counsel respectfully request that the Court award fees on the gross settlement fund.

such awards in class action litigation, prior decisions awarding fees, expenses, and incentive payments in the *Automotive Parts Antitrust Litigation*, and the decisions of many other courts throughout the country.

II. BACKGROUND AND WORK PERFORMED FOR THE BENEFIT OF THE CLASS MEMBERS

The *Starters* case is part of the overall *Automotive Parts Antitrust Litigation* that was centralized in this Court by the Judicial Panel on Multidistrict Litigation in 2012. The background of the *Starters* case is set forth in the related Memorandum in Support of Direct Purchaser Plaintiff's Motion for Final Approval of Proposed Settlement, which was filed on September 14, 2020, and will not be fully repeated here. The *starters* case was filed in 2014, and the settlements were reached in 2018, 2019, and 2020.

Over the course of this case, DPP counsel have:

- Investigated the industry and drafted and filed complaints against the Defendants;
- Participated in cooperation meetings with counsel for the Department of Justice amnesty applicant;
- Reviewed, analyzed, and coded documents obtained from a settling Defendant related to Plaintiff's claims;
- Drafted the opposition to Bosch's motion to strike class action allegations;
- Drafted the opposition to Bosch's motion to dismiss;
- Successfully moved to compel Bosch to produce documents;
- Negotiated settlements with Bosch and the other Defendant groups and prepared the settlement agreements;
- Drafted the settlement notices, orders, and the preliminary and final approval motions and briefs; and
- Worked with the claims administrator to design and disseminate the class notices and claim form and to create and maintain a settlement website.

Throughout the case, DPP counsel have sought to avoid duplication of efforts among the attorneys and to work cooperatively and efficiently with defense counsel and the Court. And the work does not end with final settlement approval, as DPP counsel will be deeply involved in claims processing and the distribution of the settlement funds to the class members.

III. CLASS NOTICE

On August 14, 2020, the Notice of Proposed Settlement of Direct Purchaser Class Action with the Bosch Defendants and Hearing on Settlement Approval and Related Matters, and Claim Form (the “Notice”) was mailed to all potential settlement class members identified by Defendants. On August 24, 2020, a Summary Notice of Proposed Settlement of Direct Purchaser Class Action with the Bosch Defendants and Hearing on Settlement Approval and Related Matters (the “Summary Notice”) was published in *Automotive News*. An online banner notice appeared over a 21-day period on www.AutoNews.com, the digital version of *Automotive News*, and an Informational Press Release was issued nationwide via PR Newswire’s “Auto Wire,” which targets auto industry trade publications. Finally, a copy of the Notice may be found online at www.autopartsantitrustlitigation.com.⁴

As required by Fed. R. Civ. P. 23(h), the Notice informed the settlement class members that DPP counsel would request an award of attorneys’ fees, reimbursement of expenses, and an incentive payment to the class representative. Notice at 1, 2, 4, and 5. At page 4 of the Notice it is disclosed that DPP counsel would ask for up to 30% of the Bosch settlement funds as attorneys’ fees, and a \$25,000 incentive award to Tiffin. The Notice also explained that settlement class

⁴ Bosch has informed DPP counsel that it provided notice of the settlement to the appropriate federal and state officials under the Class Action Fairness Act of 2005, 28 U.S.C. § 1715.

members could exclude themselves from the class or object to the fee, expense, or incentive payment request. *Id.* at 1, 2, 4, and 5.

The deadline for objections or requests for exclusion is October 5, 2020. To date, there have been no objections or requests for exclusion. DPP counsel will provide the Court with a final report on any objections or requests for exclusion before the final approval hearing.

IV. THE REQUESTED ATTORNEYS' FEES ARE REASONABLE

Federal Rule of Civil Procedure 23(h) provides that “[i]n a certified class action, the court may award reasonable attorney’s fees and nontaxable costs that are authorized by law or by the parties’ agreement.” As discussed above, DPP counsel have complied with the requirements of Rule 23(h)(1) and (2) by providing notice of the attorneys’ fees request to the class and an opportunity to object. What remains for the Court to determine is whether the requested fee is reasonable and fair to the class members and DPP counsel under the circumstances. As discussed below, DPP counsel believe their attorneys’ fee request of 30% of the Bosch settlement funds is fair and reasonable under the circumstances, and legally well-supported.

A. THE PERCENTAGE-OF-THE-RECOVERY METHOD EMPLOYED BY THE COURT IN THIS MDL IS APPROPRIATE FOR ASSESSING THE FEE REQUEST

Sixth Circuit law gives district courts discretion to select an appropriate method for determining the reasonableness of attorneys’ fees in class actions. *In re Automotive Parts Antitrust Litig.*, 2016 WL 8201516, at *1 (E.D. Mich. Dec. 28, 2016) (citations omitted). *See generally Gascho v. Global Fitness Holdings, LLC*, 822 F.3d 269, 279 (6th Cir. 2016) (discussing the advantages and disadvantages of the two methods). In this MDL, the Court has used the percentage-of-the-fund method. *E.g.*, *In re Automotive Parts Antitrust Litig. (In re Ceramic Substrates)*, 2:16-cv-03801-SFC-RSW at 2 (July 16, 2020) (ECF No. 19); *In re Automotive Parts*

Antitrust Litig., 2016 WL 8201516, at *1 (collecting cases) (holding that “the percentage-of-the-fund ... method of awarding attorneys’ fees is preferred in this district because it eliminates disputes about the reasonableness of rates and hours, conserves judicial resources, and aligns the interests of class counsel and the class members”). See *Rawlings v. Prudential-Bache Properties, Inc.*, 9 F.3d 513, 516 (6th Cir. 1993); *In re Packaged Ice Antitrust Litig.*, 2011 WL 6209188, at *16 (E.D. Mich. Dec. 13, 2011); *In re Delphi Corp. Sec. Derivative & ERISA Litig.*, 248 F.R.D. 483, 502 (E.D. Mich. 2008). DPP counsel respectfully request that here, as in all other DPP cases in the *Automotive Parts Litigation* to date, the Court apply the percentage-of-the-fund method.

B. THE REQUESTED FEE CONSTITUTES A FAIR AND REASONABLE PERCENTAGE OF THE SETTLEMENT FUND.

DPP counsel respectfully request a fee of 30% of the Bosch settlement funds that were created by their efforts for the benefit of the settlement class members. As detailed below, there is substantial precedent to support the requested fee.

A 30% fee is well within the range of fee awards approved as reasonable by this Court and many others. For example, in the *Automotive Parts Litigation*, the Court made several fee awards of 33.33% of the settlement fund in question, finding that percentage to be reasonable. *In re Automotive Parts Antitrust Litig.*, 2016 WL 8201516, at *2 (E.D. Mich. Dec. 28, 2016) (awarding counsel for the Truck and Equipment Dealer Plaintiffs 33.33% of a \$4,616,499 settlement fund in the *Wire Harness* and *Occupant Safety Systems* cases); 12-cv-00102-MOB-MKM, ECF No. 401 (awarding counsel for the Auto Dealer Plaintiffs 33.33% of a \$55,500,504 settlement fund in *Wire Harness*).

The requested 30% award is also consistent with a wealth of authority from courts in the Sixth Circuit (and others) approving class action fees in the range of 30% to one-third of a common fund. See *Bessey v. Packerland Plainwell, Inc.*, 2007 WL 3173972, at *4 (W.D. Mich. 2007)

(“Empirical studies show that, regardless whether the percentage method or the lodestar method is used, fee awards in class actions average around one-third of the recovery”) (internal quotation marks omitted); *Thacker v. Chesapeake Appalachia, L.L.C.*, 695 F. Supp. 2d, 521, 528 (E.D. Ky. 2010) (“Using the percentage approach, courts in this jurisdiction and beyond have regularly determined that 30% fee awards are reasonable”). District courts in the Sixth Circuit and elsewhere have often awarded 30% or more of settlement funds as reasonable attorneys’ fees in antitrust cases. For example, this Court recently awarded 30% of the settlement funds in *Ceramic Substrates* to DPP counsel, 2:16-cv-03801-SFC-RSW (July 16, 2020) (ECF No. 19 at 2), and three other cases in the *Automotive Parts* MDL.⁵ The Court also awarded 30% of the \$30 million in settlement proceeds to plaintiffs’ counsel in *In re Refrigerant Compressors Antitrust Litig.*, 2:09-md-02042-SFC (June 6, 2014) (ECF No. 496 at 2).

Other district courts in this Circuit have also awarded fees representing 30% or more of settlement funds. *See, e.g., In re Prandin Direct Purchaser Antitrust Litig.*, 2015 WL 1396473 (E.D. Mich. Jan. 20, 2015) (one-third of \$19 million fund); *In re Skelaxin (Metaxalone) Antitrust Litig.*, 2014 WL 2946459, *1 (E.D. Tenn. Jun. 30, 2014) (one-third of \$73 million fund); *In re Southeastern Milk Antitrust Litig.*, 2013 WL 2155387, at *8 (E.D. Tenn. May 17, 2013) (one-third of \$158.6 million fund); *In re Foundry Resins Antitrust Litig.*, Case No. 2:04-md-1638 (S.D. Ohio Mar. 31, 2008) (one-third of \$14.1 million fund); *In re Polyurethane Foam Antitrust Litig.*, 2015 WL 1639269, at *7 (N.D. Ohio Feb. 26, 2015) (30% of a \$148.7 million fund). DPP counsel’s fee request of 30% of the settlement funds is fully supported by these and many other decisions.⁶

⁵ *Ignition Coils*, 2:13-cv-01401-SFC-RSW (E.D. Mich. July 16, 2020) (ECF No. 118), *Valve Timing Control Devices*, 2:13-cv-02501-SFC-RSW (E.D. Mich. July 16, 2020) (ECF No. 22), and *Brake Hoses*, 2:16-cv-03601 (E.D. Mich. July 16, 2020) (ECF No. 29).

⁶ *See, e.g., In re Losetrin 24 Fe Antitrust Litig.*, 2020 WL 5201275, at *5 (D.R.I. Sept. 1, 2020) (approving a magistrate judge’s recommendation of a fee award of one-third from a \$120

C. THE FACTORS IDENTIFIED BY THE SIXTH CIRCUIT SUPPORT THE REQUESTED FEE.

Once the Court has selected a method for awarding attorneys' fees, the next step is to

million settlement. The magistrate judge's recommendation is *In re Losetrin 24 Fe Antitrust Litig.*, 2020 WL 4035125 (D.R.I. July 17, 2020)); *Vista Healthplan, Inc. v. Cephalon, Inc.*, 2020 WL 1922902, at *31-*32 (E.D. Pa. April 21, 2020) (one-third fee from a \$65.8 million settlement); *Seaman v. Duke University*, 2019 WL 4674758, at *8 (E.D.N.C. Sept. 25, 2019) (one-third fee from a \$54.5 million settlement); *In re Parking Heaters Antitrust Litig.*, 2019 WL 8137325 (E.D.N.Y. Aug. 15, 2019) (one-third fee from a \$12.2 million settlement); *In re Western States Wholesale Natural Gas Litig.*, 2019 WL 4597502 (D. Nev. Aug. 5, 2019) (33% of a \$29,250,000 settlement); *In re Domestic Drywall Antitrust Litig.*, 2018 WL 3439454, at *20 (E.D. Pa. July 17, 2018) (awarding one-third of \$190 million settlement); *In re Plasma-Derivative Protein Therapies Antitrust Litig.*, 1:09-cv-07666 (N.D. Ill. Jan. 22, 2014) (awarding one-third interim fee from initial settlement in multi-defendant case); *Standard Iron Works v. Arcelormittal*, 2014 WL 7781572, at *1 (N.D. Ill. Oct. 22, 2014) (attorneys' fee award of one-third of \$163.9 million settlement); *In re Fasteners Antitrust Litig.*, 2014 WL 296954, *7 (E.D. Pa. Jan. 27, 2014) ("Co-Lead Counsel's request for one third of the settlement fund is consistent with other direct purchaser antitrust actions."); *In re Titanium Dioxide Antitrust Litig.*, 2013 WL 6577029, at *1 (D. Md. Dec. 13, 2013) (one-third fee from \$163.5 million fund); *In re Flonase Antitrust Litig.*, 951 F. Supp. 2d 739, 748-52 (E.D. Pa. 2013) (noting that "in the last two-and-a-half years, courts in eight direct purchaser antitrust actions approved one-third fees," and awarding one-third fee from \$150 million fund, a 2.99 multiplier); *In re Linerboard Antitrust Litig.*, 2004 WL 1221350 (E.D. Pa., June 2, 2004) (30% of \$202 million fund awarded, a 2.66 multiplier); *In re OSB Antitrust Litig.*, Master File No. 06-826 (E.D. Pa.) (fee of one-third of \$120 million in settlement funds); *Heekin v. Anthem, Inc.*, 2012 WL 5878032 (S.D. Ind. Nov. 20, 2012) (awarding one-third fee from \$90 million settlement fund); *In re Ready-Mixed Concrete Antitrust Litig.*, 2010 WL 3282591, at *3 (S.D. Ind. Aug. 17, 2010) (approving one-third fee); *Williams v. Sprint/United Mgmt. Co.*, 2007 WL 2694029, at *6 (D. Kan., Sept. 11, 2007) (awarding fees equal to 35% of \$57 million common fund); *Lewis v. Wal-Mart Stores, Inc.*, 2006 WL 3505851, at *1 (N.D. Okla., Dec. 4, 2006) (awarding one-third of the settlement fund and noting that a "one-third [fee] is relatively standard in lawsuits that settle before trial."); *New England Health Care Employees Pension Fund v. Fruit of the Loom, Inc.*, 234 F.R.D. 627, 635 (W.D. Ky. 2006) ("[A] one-third fee from a common fund case has been found to be typical by several courts.") (citations omitted), *aff'd*, 534 F.3d 508 (6th Cir. 2008); *In re AremisSoft Corp., Sec. Litig.*, 210 F.R.D. 109, 134 (D.N.J. 2002) ("Scores of cases exist where fees were awarded in the one-third to one-half of the settlement fund.") (citations omitted); *Klein v. PDG Remediation, Inc.*, 1999 WL 38179, at *4 (S.D.N.Y., Jan. 28, 1999) ("33% of the settlement fund...is within the range of reasonable attorney fees awarded in the Second Circuit"); *Moore v. United States*, 63 Fed. Cl. 781, 787 (2005) ("one-third is a typical recovery"); *In re FAO Inc. Sec. Litig.*, 2005 WL 3801469, at * 2 (E.D. Pa., May 20, 2005) (awarding fees of 30% and 33%); *Godshall v. Franklin Mint Co.*, 2004 WL 2745890, at *5 (E.D. Pa., Dec. 1, 2004) (awarding a 33% fee and noting that "[t]he requested percentage is in line with percentages awarded in other cases"); *In re Gen. Instrument Sec. Litig.*, 209 F. Supp. 2d 423, 433-44 (E.D. Pa. 2001) (awarding one-third of a \$48 million settlement fund).

consider the six factors the Sixth Circuit has identified to guide courts in weighing a fee award in a common fund case, which are: 1) the value of the benefit rendered to the class; 2) the value of the services on an hourly basis; 3) whether the services were undertaken on a contingent fee basis; 4) society's stake in rewarding attorneys who produce such benefits in order to maintain an incentive to others; 5) the complexity of the litigation; and 6) the professional skill and standing of counsel involved on both sides. *E.g.*, *Bowling v. Pfizer, Inc.*, 102 F.3d 777, 780 (6th Cir. 1996); *In re Wire Harness Cases*, 2:12-cv-00101 (E.D. Mich.) (ECF No. 495 at 3-5). When applied to the facts of this case, these factors indicate that the requested fee constitutes fair and reasonable compensation for DPP counsel's efforts in creating the settlement fund.

1. THROUGH THEIR EFFORTS DPP COUNSEL OBTAINED A VALUABLE BENEFIT FOR THE CLASS

The result achieved for the class is the principal consideration when evaluating a fee request. *E.g.*, *Delphi*, 248 F.R.D. at 503. Here, as more fully discussed in Plaintiff's memorandum in support of final approval of the Bosch settlement, DPP counsel have achieved an excellent recovery of \$1.3 million for the settlement class. Combined with the earlier settlements, DPP counsel have secured \$12,165,004 for direct purchasers of starters from all the Defendants.

2. THE VALUE OF THE SERVICES ON AN HOURLY BASIS CONFIRMS THAT THE REQUESTED FEE IS REASONABLE

Although not required, when fees are awarded using the percentage-of-the-fund method some courts have applied a lodestar "cross-check" on the reasonableness of a fee calculated as a percentage of the fund. *In Re Cardinal Health Inc. Sec. Litig.*, 528 F. Supp. 2d 752, 754 (S.D. Ohio 2007); *In re Packaged Ice Antitrust Litig.*, 2011 WL 6209188, at *18. Because it is only a check, if a court decides to consider the lodestar it is not required to engage in a detailed review and evaluation of time records. *Cardinal*, 528 F. Supp. 2d at 767. Here, the amount of time DPP counsel have expended since the Court awarded attorneys' fees in connection with the earlier

starters settlements, and since the inception of the case in 2014, makes clear that the fee requested is well “aligned with the amount of work the attorneys contributed” to the recovery and does not constitute a “windfall.” *See id.*

To calculate the lodestar, a court first multiplies the number of hours counsel reasonably expended on the case by their reasonable hourly rate. *See Isabel v. City of Memphis*, 404 F.3d 404, 415 (6th Cir. 2005). Here, a substantial amount of time has been spent by DPP counsel litigating the case and achieving the settlement, and more time will be required in connection with distributing the settlement funds to class members. The work DPP counsel performed was managed with an eye toward efficiency and avoiding duplication.

The Court earlier awarded attorneys’ fees on the other settlements. As the Declarations submitted by the law firms set forth,⁷ since their last fee petition DPP counsel have expended 1,089.9 hours (from July 1, 2019 through August 14, 2020) on the *Starters* case. Applying the historical rates charged by counsel to the hours expended yields a lodestar value of \$763,978.⁸ From the inception of the case through August 14, 2020, DPP counsel expended 5035.95 hours with a total lodestar of \$2,678,503.

DPP counsel request a fee of \$390,000, which represents 30% of the Bosch settlement funds. Such a fee would constitute a multiplier of .51 on DPP counsel’s post-June 30, 2019 lodestar, that is, DPPs requested fee from the Bosch settlement is roughly one-half of that lodestar. If the Court awards a fee of \$390,000, that amount combined with the earlier fee award of

⁷ The Declarations are attached as Exhibit 1.

⁸ The Supreme Court has held that the use of current rates, as opposed to historical rates, is appropriate to compensate counsel for inflation and the delay in receipt of the funds. *Missouri v. Jenkins*, 491 U.S. 274, 282-84 (1989); *see also Pennsylvania v. Delaware Valley Citizens’ Council for Clean Air*, 483 U.S. 711, 716 (1987). DPP counsel have nevertheless submitted their lodestar information at their lower historical rates, rather than at their higher current rates.

\$3,243,460.73 would total \$3,633,460.73, which would equate to an overall multiple of 1.3.⁹ After the deadline for requests for exclusion, and before the date of the hearing on the fee request, DPP counsel will file a supplemental report on notice, any opt-outs, and the additional hours worked by DPP counsel after August 14, 2020 along with the precise multiplier on their lodestar that the requested fee represents.

The work done by DPP counsel is described above and in the separate firm Declarations. DPP counsel submit that the hours expended on this case, while substantial, were reasonable and necessary. Indeed, one of the recognized benefits of using the percentage-of-the-fund method is that it better aligns the interests of class counsel with the interests of class members and eliminates any incentive to unnecessarily expend hours. Here, DPP counsel efficiently achieved an excellent recovery for the class members without burdening the Court or the parties with unnecessary expenditures of time, effort, or money.

3. THE REQUESTED FEE IS FAIR AND REASONABLE GIVEN THE REAL RISK THAT DPP COUNSEL COULD HAVE RECEIVED NO COMPENSATION FOR THEIR EFFORTS

Bosch was represented by highly experienced and competent counsel. Absent the settlements, Bosch and its counsel were prepared to defend this case through trial and appeal. Motions to dismiss and to strike class allegations were pending at the time DPP counsel settled with Bosch. Litigation risk is inherent in every case, and this is particularly true with respect to class actions. Therefore, while the Plaintiff was optimistic about the outcome of the litigation against Bosch, it must acknowledge the risk that Bosch could have prevailed on certain legal or factual issues, which would have resulted in reducing or eliminating any potential recovery.

⁹For comparison, the multiple in *Ceramics Substrates* was 1.56.

The risk factor attempts to compensate class counsel in contingent fee litigation for having taken on the risk of receiving less than their normal hourly rates, or even nothing at all. *See, e.g. Jones v. Diamond*, 636 F.2d 1364, 1382 (5th Cir. 1981), *overruled on other grounds, Int'l Woodworkers of Am. AFL-CIO and its Local No. 5-376 v. Champion Intern. Corp.*, 790 F.2d 1174 (5th Cir. 1986); *In re Packaged Ice Antitrust Litig.*, 2011 WL 6209188, at *19 (risk of non-payment a factor supporting the requested fee). While there were guilty pleas to antitrust violations with respect to certain starters sold to certain customers, the Department of Justice did not seek recovery for the class members, leaving that up to DPP counsel. As the court observed in one of the *Wire Harness* cases, success is not guaranteed even in those instances where a settling defendant has pleaded guilty in a criminal proceeding brought by the DOJ, which is not required to prove impact or damage, or obtain class certification. *See, e.g., In re Automotive Parts Antitrust Litig.*, 12-MD-02311, 2:12-cv-00103, ECF No. 497 at 11 (E.D. Mich. June 20, 2016).

Risk is to be considered at the beginning of the case. When they commenced this case back in 2014 there was certainly a risk that DPP counsel would recover nothing, or an amount insufficient to support a fee that equaled their lodestar. Therefore, the risk of non-payment is another factor that supports the requested fee. *In re Wire Harness Cases*, 2:12-cv-00101 (E.D. Mich.) (ECF No. 495 at 4).

4. SOCIETY HAS AN IMPORTANT STAKE IN THIS LAWSUIT AND IN AN AWARD OF REASONABLE ATTORNEYS' FEES

It is well established that there is a “need in making fee awards to encourage attorneys to bring class actions to vindicate public policy (*e.g.*, the antitrust laws) as well as the specific rights of private individuals.” *In re Folding Carton Antitrust Litig.*, 84 F.R.D. 245, 260 (N.D. Ill. 1979). Courts in the Sixth Circuit weigh “society’s stake in rewarding attorneys who [win favorable outcomes in antitrust class actions] in order to maintain an incentive to others Society’s stake

in rewarding attorneys who can produce such benefits in complex litigation such as in the case at bar counsels in favor of a generous fee . . . Society also benefits from the prosecution and settlement of private antitrust litigation.” *In re Cardizem*, 218 F.R.D. 508, 534 (E.D. Mich. 2003) (internal quotation marks omitted). *Accord, Delphi*, 248 F.R.D. at 504.

The DOJ did not seek restitution from Bosch or any of the other Defendants because it has recognized that civil cases potentially provide for the recovery of damages by injured purchasers. In this regard, the substantial recovery DPP counsel have obtained from Bosch and the other Defendants makes it clear that antitrust violations will be the subject of vigorous private civil litigation to deter similar future conduct. Since society gains from competitive markets that are free of collusion, DPP counsel’s work benefitted the public.

5. THE COMPLEXITY OF THIS CASE SUPPORTS THE REQUESTED FEE

The Court is well aware that “[a]ntitrust class actions are inherently complex . . .” *In re Cardizem*, 218 F.R.D. at 533. *See also In re Packaged Ice Antitrust Litig.*, 2011 WL 6209188, at *19; *In re Linerboard Antitrust Litig.*, 292 F.Supp.2d 631, 639 (E.D. Pa. 2003) (“An antitrust class action is arguably the most complex action to prosecute. The legal and factual issues involved are always numerous and uncertain in outcome.”) (citations and internal quotation marks omitted). This case is no exception.

6. SKILL AND EXPERIENCE OF COUNSEL

The skill and experience of counsel on both sides of the “v” is another factor that courts may consider in determining a reasonable fee award. *E.g., Polyurethane Foam*, 2015 WL 1639269, at * 7; *Packaged Ice*, 2011 WL 6219188, at *19. When the Court appointed Kohn, Swift & Graf, P.C.; Preti, Flaherty, Beliveau & Pachios, LLP; Freed Kanner London & Millen, LLC; and Spector Roseman & Kodroff, P.C. as Interim Lead Counsel, it recognized that they have the

requisite skill and experience in class action and antitrust litigation to effectively prosecute these claims. When assessing this factor, courts may also look to the qualifications of the defense counsel opposing the class. Here, the quality of Bosch's defense counsel is outstanding. Allen & Overy is an international firm with an excellent reputation in the antitrust bar, significant experience, and extensive resources at its disposal.

But in the final analysis, as more than one court has observed, "[t]he quality of work performed in a case that settles before trial is best measured by the benefit obtained." *Behrens v. Wometco Enters., Inc.*, 118 F.R.D. 534, 547-48 (S.D. Fla. 1988), *aff'd*, 899 F.2d 21 (11th Cir 1990). As explained *supra*, a very substantial cash benefit was obtained for the class in this case, which provides the principal basis for awarding the attorneys' fees sought by DPP counsel.

Given the excellent result achieved, the complexity of the claims and defenses, the work performed by DPP counsel, the real risk of non-recovery (or recovery of less than the amount of the settlement funds obtained from Bosch), formidable defense counsel, the delay in receipt of payment, the substantial experience and skill of DPP counsel, the modest multiplier on the lodestar, and the societal benefit of this litigation, a 30% attorneys' fee award from the settlement funds would be reasonable compensation for DPP counsel's work.

IV. THE COURT SHOULD AUTHORIZE INTERIM LEAD COUNSEL TO DETERMINE FEE ALLOCATIONS

DPP counsel have worked collectively on this litigation under the supervision of Interim Lead Counsel appointed by the Court. This Court and courts generally have approved joint fee applications that request a single aggregate fee award, with allocations to specific firms to be determined by the lead counsel, who know the most about the work done by each firm and the

relative contribution each firm has made to the success of the litigation.¹⁰ Interim Lead Counsel have directed this case from its inception and are best “able to describe the weight and merit of each [counsel’s] contribution.” *In re Linerboard Antitrust Litig.*, 2004 WL 1221350, at *17-18 (citation omitted, alteration in original); *see also In re Copley Pharm., Inc. Albuterol Prods. Liab. Litig.*, 50 F.Supp.2d 1141, 1148 (D. Wy. 1999), *aff’d*, 232 F.3d 900 (10th Cir. 2000). From an efficiency standpoint, leaving the allocation to Interim Lead Counsel makes good sense, because it relieves the Court of the “difficult task of assessing counsels’ relative contributions.” *In re Prudential Ins. Co. Amer. Sales Practice Litig. Agent Actions*, 148 F.3d 283, 329 n. 96 (3d Cir. 1998); *see also In re Cendant Corp. Sec. Litig.*, 404 F.3d 173 (3d Cir. 2005) (lead counsel given substantial authority to allocate fees awarded by Court).

DPP counsel therefore request that the Court approve the aggregate amount of the fees requested, with the specific allocation of the fee among firms to be performed by Interim Lead Counsel. *See Polyurethane Foam, supra*. To the extent that there are disputes that cannot be resolved by counsel, the Court would retain the jurisdiction necessary to decide them. *See In re Automotive Refinishing Paint Antitrust Litig.*, 2008 WL 63269, at *8 (E.D. Pa. Jan. 3, 2008) (co-lead counsel to allocate fees with the court retaining jurisdiction to address any disputes).

¹⁰ *See, e.g., Ignition Coils*, 2:13-cv-01401-SFC-RSW (E.D. Mich. July 16, 2020) (ECF No. 118 at 6); *Valve Timing Control Devices*, 2:13-cv-02501-SFC-RSW (E.D. Mich. July 16, 2020) (ECF No. 22 at 6); *Brake Hoses*, 2:16-cv-03601 (E.D. Mich. July 16, 2020) (ECF No. 29 at 6); *In re Warfarin Sodium Antitrust Litig.*, 391 F.3d 516, 533 n.15 (3d Cir. 2004) (noting “the accepted practice of allowing counsel to apportion fees amongst themselves”); *In re Domestic Air Transp. Antitrust Litig.*, 148 F.R.D. 297, 357 (N.D. Ga. 1993) (“Ideally, allocation is a private matter to be handled among class counsel”).

V. REIMBURSEMENT OF LITIGATION COSTS AND EXPENSES IS APPROPRIATE.

DPP counsel respectfully request an award of paid and incurred litigation costs and expenses in the amount of \$24,242.24.¹¹ Expenses for telephone calls, faxes, and internal copying are not included. As the court stated in *In re Cardizem*, “class counsel is entitled to reimbursement of all reasonable out-of-pocket litigation expenses and costs in the prosecution of claims and in obtaining settlement, including expenses incurred in connection with document productions ... travel and other litigation-related expenses.” 218 F.R.D. at 535.

The out-of-pocket expenses paid or incurred by each law firm are set forth in the Declarations attached as Exhibit 1. These expenses were reasonable and necessary to pursue the case and to obtain the substantial settlement reached in this litigation.

VI. AN AWARD OF A SERVICE PAYMENT TO THE CLASS REPRESENTATIVE IS APPROPRIATE.

Class representatives are “an essential ingredient of any class action” and service awards are appropriate to induce a business to participate in worthy class action lawsuits. *Cook v. Niedert*, 142 F.3d 1004, 1016 (7th Cir. 2008). Here, DPP counsel request that the Court award a \$25,000 service payment to the sole class representative, Tiffin Motor Homes. The Sixth Circuit has noted that service (also called incentive) awards may be appropriate under some circumstances. *Hadix v. Johnson*, 322 F.3d 895, 897 (6th Cir. 2003). This case presents the appropriate circumstances for such an award.

¹¹ In addition to the expenses set forth in the firm Declarations, DPP counsel have incurred mediation expenses of \$5824.73 and document hosting expenses of \$969.52. Also, two firms inadvertently included Westlaw expenses, which have been subtracted from the expenses sought by DPP counsel.

In surveying decisions from other courts, the Court explained that:

Numerous courts have authorized incentive awards. These courts have stressed that incentive awards are efficacious ways of encouraging members of a class to become class representatives and rewarding individual efforts taken on behalf of the class. Yet applications for incentive awards are scrutinized carefully by courts who sensibly fear that incentive awards may lead named plaintiffs to expect a bounty for bringing suit or to compromise the interest of the class for personal gain.

Id. at 897 (internal citations omitted).

An award to Tiffin is appropriate here. Tiffin, and only Tiffin, stepped forward to represent direct purchasers of starters. The case had a successful resolution that will benefit all the class members, which would not have been possible without Tiffin's involvement. Further, this is not a case where the class representative compromised the interests of the class for personal gain. The class representative was not promised an incentive award and any prospect of such an award was not among the reasons the representative plaintiff approved the settlements. *Hillson v. Kelly Servs. Inc.*, 2017 WL 279814, at *6 (E.D. Mich. 2017). Moreover, this is not a case where the requested incentive awards will dwarf the amounts that class members will receive.¹²

The class representative devoted a significant amount of time and effort to representing the interests of the class members, including but not limited to the following:

- Discussing with counsel preservation of electronic and hard-copy documents and taking steps to implement preservation plans;
- In-person meetings with counsel;

¹² In cases where courts have rejected incentive awards they were so wildly disproportionate to the cash benefits available to the class that the courts considering them believed that fact called the class representative's adequacy into question. For example, in *In re Dry Max Pampers Litig.*, 724 F.3d 713, 722 (6th Cir. 2013), the Court reversed the award of \$1,000 payments to the class representatives when class members received "nearly worthless injunctive relief." In *Machesney, v. Lar-Bev of Howell, Inc.*, 2017 WL 2437207, at *11 (E.D. Mich. Jun. 2017), the court did not approve a proposed \$15,000 incentive payment because it was "30 times more than the maximum that any class member could receive under the proposed settlement."

- Discussing with counsel collecting documents for review and potential production to Defendants;
- Collecting and reviewing potentially relevant documents;
- Reviewing pleadings and keeping apprised of the status of the litigation; and
- Reviewing the settlements and conferring with counsel to determine whether the settlements were in the best interests of the class.

Finally, an incentive award of this size or larger is not uncommon in lengthy, highly complex antitrust cases. For example, the Court recently awarded \$25,000 to the class representative in *Ceramic Substrates*, 2:16-cv-03801-SFC-RSW (ECF No. 19 at 5), as well as in *Valve Timing Control Devices*, 2:13-cv-02501-SFC-RSW (E.D. Mich. July 16, 2020) (ECF No. 22), *Automotive Brake Hoses*, 2:16-cv-03601 (E.D. Mich. July 16, 2020) (ECF No. 29), and *Ignition Coils*, 2:13-cv-01401-SFC-RSW (E.D. Mich. July 16, 2020) (ECF No. 118). Higher awards have also been approved. For example, in *Wire Harness* multiple class representatives received a \$50,000 incentive award. 2:12-cv-00101-MOB-MKM, ECF No. 495 at 6, ¶23. *See also In re Prandin Direct Purchaser Antitrust Litig.*, 2015 WL 1396473, at *5 (granting each class representative an award of \$50,000); *In re Skelaxin (Metaxalone) Antitrust Litig.*, 2014 WL 2946459, at *1 (same). Here, the class representative put itself on the line and provided commendable service on behalf of the members of the settlement classes to help create over \$12 million in settlement funds. The requested award of \$25,000 is fair to the class representative and the settlement classes and is appropriate under the facts and the law.

VII. CONCLUSION

For the foregoing reasons, the Direct Purchaser Plaintiff respectfully requests that the Court grant its motion and award DPP counsel \$390,000 in attorneys' fees, \$24,242.24 for costs and expenses, and an incentive payment of \$25,000 to class representative Tiffin Motor Homes.

Dated: September 14, 2020

Steven A. Kanner
William H. London
Michael E. Moskovitz
FREED KANNER LONDON
& MILLEN LLC
2201 Waukegan Road, Suite 130
Bannockburn, IL 60015
Telephone: (224) 632-4500

Gregory P. Hansel
Randall B. Weill
Michael S. Smith
PRETI, FLAHERTY, BELIVEAU
& PACHIOS LLP
One City Center, P.O. Box 9546
Portland, ME 04112-9546
Telephone: (207) 791-3000

Respectfully submitted,

/s/ David H. Fink
David H. Fink (P28235)
Darryl Bressack (P67820)
Nathan J. Fink (P75185)
FINK BRESSACK
38500 Woodward Ave, Suite 350
Bloomfield Hills, MI 48304
Telephone: (248) 971-2500

*Interim Liaison Counsel for the Direct
Purchaser Plaintiff*

Joseph C. Kohn
William E. Hoese
Douglas A. Abrahams
KOHN, SWIFT & GRAF, P.C.
1600 Market Street, Suite 2500
Philadelphia, PA 19103
Telephone: (215) 238-1700
Eugene A. Spector
William G. Caldes
Jeffrey L. Spector
SPECTOR ROSEMAN & KODROFF, P.C.
2001 Market Street
Suite 3420
Philadelphia, PA 19103
Telephone: (215) 496-0300

Interim Co-Lead and Settlement Class Counsel for the Direct Purchaser Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2020, I electronically filed the foregoing document with the Clerk of the court using the ECF system, which will send notification of such filing to all counsel of record registered for electronic filing.

/s/ David H. Fink

David H. Fink (P28235)

Darryl Bressack (P67820)

Nathan J. Fink (P75185)

FINK BRESSACK

38500 Woodward Ave, Suite 350

Bloomfield Hills, MI 48304

Telephone: (248) 971-2500