

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**THE RICK NELSON COMPANY, LLC,**

**Plaintiff,**

**v.**

**SONY MUSIC ENTERTAINMENT,**

**Defendant.**

Case No.: 1:18-cv-08791-LLS

**[PROPOSED] ORDER GRANTING CLASS COUNSEL'S MOTION FOR ATTORNEYS'  
FEES, COSTS, AND SERVICE PAYMENT**

This matter having come before the Court on May 25, 2021, the Court having considered all papers filed and proceedings held in connection with Plaintiff's Motion For Attorneys' Fees, Costs, and Service Payment, and notice having been given to the Class as required by the Court's September 16, 2020 Preliminary Approval Order (ECF No. 68), the Court finds and orders as follows:

1. The Court has jurisdiction over the subject matter of the Action and over all parties to the Action, including all members of the Class.
2. Notice of the fee and expense application was provided to Class Members in a reasonable manner, and such Notice complies with Rule 23(h)(1) of the Federal Rules of Civil Procedure. The Notice mailed to Class Members stated that Class Counsel would apply to the Court for an award of attorneys' fees not to exceed 33% of the Gross Settlement Amount (or, \$4,233,333.33 million) plus litigation expenses incurred in the prosecution of the case, not to exceed \$60,000.00.

3. Class Counsel is hereby awarded attorneys' fees in the amount of \$\_\_\_\_\_. Having reviewed Class Counsel's application, the Court finds the requested amount of attorneys' fees to be fair, reasonable and appropriate pursuant to *Goldberger v. Integrated Res., Inc.*, 209 F.3d 43 (2d Cir. 2000), and other applicable case law. The Court finds that the requested fee award of \$4,233,333.33, equal to one-third of the common fund created relating to the retrospective portion of the settlement, is appropriate after considering, among other things: (a) the time and labor expended by counsel; (b) the magnitude and complexities of the litigation; (c) the risk of the litigation; (d) the quality of representation; (e) the requested fee in relation to the settlement; and (f) public policy considerations. The Court further finds the fee award in line with other settlements of this nature in this District. The Court has confirmed the reasonableness of the fee request by conducting a lodestar cross-check using current hourly rates which are appropriate for this District. Furthermore, class counsel has advised that they expect to perform more work after filing Plaintiff's Motion for Attorneys' Fees, Costs, and Service Payment, and even after entry of the instant order.
4. Class Counsel's request for litigation expenses in the amount of \$\_\_\_\_\_ is hereby approved. The Court finds these expenses to be reasonable, appropriate and necessarily incurred for the prosecution and resolution of the Action.
5. Plaintiff The Rick Nelson Company LLC is hereby awarded a service payment in the amount of \$\_\_\_\_\_. The Court finds this award to be justified under the facts of this case and consistent with applicable legal authorities and that the class

received notice of the request which stated that a service payment of \$25,000.00 would be sought.

6. The Claims Administrator, JND Legal Administration (“JND”), has performed the notice and claims administration services so as to effectuate the terms of the settlement and as ordered by the Court. As a result, JND’s fees and expenses in the amount of \$ \_\_\_\_\_ is hereby approved. The Court finds these expenses to be reasonable, appropriate and necessarily incurred.

**IT IS SO ORDERED.**

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

\_\_\_\_\_  
HON. LOUIS L. STANTON