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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. 3:13-CV-02796-CRB

In re DYNAVAX TECHNOLOGIES
CORPORATION SECURITIES LITIGATION

~~PROPOSED~~ ORDER GRANTING
LEAD COUNSEL'S REQUEST FOR
AN AWARD OF ATTORNEYS' FEES
AND EXPENSES

This Document Relates To:

Judge: Charles R. Breyer

ALL ACTIONS

WHEREAS:

A. On February 6, 2017, the Court entered a Final Order and Judgment which granted approval of the settlement of this Action as fair, reasonable, and adequate;

B. Lead Counsel for the Class has applied for an award of attorneys' fees in the amount of \$1,097,274 plus accrued interest, reimbursement of expenses in the amount of \$100,902.12 to be paid from the Settlement Fund, and a \$5,000 incentive award to each Plaintiff in the total amount of \$10,000 to be paid from the Settlement Fund; and

C. The capitalized terms in this Order shall have the same meaning as they have in the Stipulation and Agreement of Settlement dated as of September 7, 2016.

NOW, THEREFORE, based on the submissions of the parties, the arguments of Lead Counsel at the Final Fairness Hearing held on February 3, 2017, and the entire record in this Action, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1 1. Lead Counsel’s Motion for an Award of Attorneys’ Fees and Expenses is granted.
2 Lead Counsel is awarded attorneys’ fees in the amount of 25% of the Settlement Fund, after
3 deduction of Litigation Expenses, or \$1,097,274 and awarded reimbursement of Litigation
4 Expenses in the amount of \$100,902.12. Plaintiffs are each granted an incentive award in the
5 amount of \$5,000, for a total of \$10,000.

6 2. The Court finds that the amount of attorneys’ fees awarded is reasonable when
7 considered as a percentage of the Settlement Fund created for the benefit of the Class, and also
8 reasonable when measured against Lead Counsel’s lodestar of \$2,845,686.00 and the 4,768.65
9 hours expended as set forth in the Declaration of Nadeem Faruqi in Support of Plaintiffs’ Motion
10 for Final Approval of the Class Action Settlement and Lead Counsel’s Motion for an Award of
11 Attorneys’ Fees and Expenses, dated December 27, 2016 (the “Faruqi Declaration”) and Exhibit D
12 attached thereto.

13 3. The Court finds that the expenses incurred by Lead Counsel in the amount of
14 \$100,902.12, as set forth in the Faruqi Declaration and Exhibit E attached thereto, were
15 appropriately expended to benefit the Class and are reasonable.

16 4. The amounts of attorneys’ fees and expenses herein awarded shall be paid to Lead
17 Counsel from the Settlement Fund upon entry of this Order.


18 5. Plaintiffs shall each be awarded \$5,000 for a total of \$10,000 as an incentive award
19 for their service in representation of the Class in this Action.

20 6. The amounts of the incentive awards for Plaintiffs shall be paid to Plaintiffs from
21 the Settlement Fund upon entry of this Order.

22 IT IS SO ORDERED.

23 Dated: San Francisco, California

24 February 10 _____, 2017

25
26 
27 _____
28 Honorable Charles R. Breyer
United States District Court Judge
Northern District of California