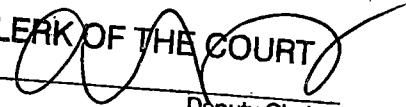


FILED
San Francisco County Superior Court

AUG 08 2019

CLERK OF THE COURT
BY: 
Deputy Clerk

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
DEPARTMENT 304

BEAVER COUNTY EMPLOYEES
RETIREMENT FUND, ET AL.,

Plaintiffs,

v.

CYAN, INC., et al.,

Defendants.

Case No. CGC-14-538355

ORDER GRANTING FINAL APPROVAL
OF CLASS ACTION SETTLEMENT,
APPROVING THE PLAN OF
ALLOCATION, ATTORNEYS' FEES, AND
COSTS

1 Plaintiffs have moved for an order granting final approval of a class action settlement, the
2 plan of allocation, attorneys' fees, and costs. This Court initially held a hearing on the motions on
3 June 5, 2019. No objector appeared at the hearing.

4 Following the initial June 5, 2019 hearing on the motion, this Court issued an order
5 continuing the motion to July 11, 2019, and requiring supplemental briefing. On July 3, 2019,
6 Plaintiffs' counsel submitted said supplemental briefing. In advance of the July 11, 2019 hearing,
7 the Court provided the parties with a tentative ruling. On July 10, 2019, the parties submitted on the
8 tentative ruling, and the Court vacated the July 11, 2019 hearing. The Court then issued an order on
9 July 10, 2019 requiring further additional briefing, and continuing the hearing to August 2, 2019.
10 On July 25, 2019, Plaintiff s' counsel submitted the requested additional briefing. Prior to the
11 August 2, 2019 hearing, the Court provided a tentative ruling, and Plaintiffs' counsel provided
12 supplemental materials on August 1, 2019. On August 2, 2019, the Court held a further hearing,
13 and issued a subsequent order granting the motions.

14 On the basis of the Settlement Agreement submitted to the Court as the parties' Amended
15 Stipulation of Settlement dated December 6, 2018 (the "Stipulation"), and all the filings related to the
16 motion for preliminary and final approval, and the arguments of counsel,

17 **IT IS ORDERED THAT:**

- 18 1. All terms or phrases used in this Order shall have the same meaning as in the
19 Stipulation.
- 20 2. The Court has jurisdiction over the subject matter of this litigation, Plaintiffs, the
21 Class Members, and Defendants.
- 22 3. The Notice approved by this Court was distributed to the Class Members in
23 compliance with this Court's Order Granting Preliminary Approval of Class Action Settlement,
24 dated January 2, 2019. The Notice provided to the Class Members met the requirements of due
25 process and constituted the best notice practicable in the circumstances. Based on evidence and
26 other material submitted in conjunction with the final approval hearing, notice to the class was fair,
27 adequate, and reasonable.

1 the requirements for final approval of this class action settlement. The parties are directed to
2 effectuate the Stipulation according to its terms and this Order.

3 12. Upon the Effective Date as defined in the Stipulation, Plaintiffs and the Class
4 Members release all Settled Claims against the Released Parties. The Released Claims are defined
5 in the Stipulation at Paragraphs 2.1-2.2.

6 13. The only Class Members entitled to payment pursuant to this Order are those Class
7 Members who submitted timely and valid claims.

8 14. Payments to Class Counsel in the amount of \$ 5,000,000 for attorneys' fees, together
9 with the interest earned on that amount for the same time period and at the same rate as that earned
10 on the Settlement Fund, are approved. Payments to Class Counsel in the amount of \$854,771.78 for
11 costs, plus interest on such expenses at the same rate and for the same time period as earned by the
12 Settlement Fund, are also approved.

13 15. Specifically, the attorneys' fees requested are reasonable from the perspective of the
14 percentage-of-recovery method based on the following factors: (1) the results obtained by counsel
15 in this case; (2) the significant risks and complex issues involved in this case, which required a high
16 level of skill and a high quality of work to overcome; (3) the fees' contingency upon success, which
17 meant counsel risked time and effort and advanced costs with no guarantee of compensation; (4) the
18 range of awards made in similar cases; and (5) the notice and opportunity to object available to
19 Class Members and the absence of any compelling objections. As such, the Court finds that the
20 requested fee award comports with the applicable law and is justified by the circumstances of this
21 case. The Court also finds that placing overmuch weight on the lodestar is not in this case
22 appropriate, as it is in the interest of the courts and the parties to encourage early settlement without
23 the felt need to bill a large number of hours in order to justify a lodestar amount. Rather, it is
24 appropriate to place significant weight on the percentage-of-recovery method in order to encourage
25 early settlement, and to encourage suits which result in benefits to the class which would not
26 otherwise have been obtained.

1 Administrator.¹ (See *id.*) While the Court understands that additional Claim Administrator fees
2 may be incurred *after* the motion for distribution, if necessary, the Court will address the Claims
3 Administrator's future expenses incurred *after* the motion for distribution at the corresponding
4 motion for distribution hearing. Class Counsel may by stipulation and proposed order advance the
5 March 5, 2020 hearing if an earlier resolution of the motion is appropriate. If an earlier hearing date
6 is necessary, Class Counsel shall contact the clerk for the Complex Litigation Department 304 to
7 ascertain an available date and time for the hearing.

8 22. Notice of final judgment shall be provided to the Class Members by posting this
9 Order and the final judgment on the administrator's website for a period of not less than 60 days
10 from the date the judgment is entered.

11 23. Pursuant to the Stipulation, C.C.P. § 664.6, and C.R.C. 3.769(h), the Court retains
12 jurisdiction over Plaintiffs, all Class Members, and Defendant) for the purposes of supervising the
13 implementation, enforcement, construction, administration, and interpretation of the Stipulation and
14 this Order.

15 24. Except as otherwise provided in the Stipulation and this Order and the Judgment, the
16 parties shall bear their own attorneys' fees, costs, and expenses incurred by them in connection with
17 this action.

18 25. After the Judgment is executed, this Order and the Judgment will be posted on the
19 case-specific website at www.CyanSecuritiesLitigation.com.

20
21 IT IS SO ORDERED.

22 Dated: *August 8, 2019*



23 Anne-Christine Massullo
24 Judge of The Superior Court

25
26 ¹ At the hearing, Class Counsel represented that the distribution motion may be made before the end of
27 2019.

CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.251)

I, Ericka Larnauti, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On August 8, 2019, I electronically served the attached document via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: August 8, 2019

T. Michael Yuen, Clerk

By: 

Ericka Larnauti, Deputy Clerk