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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

IN RE QUALCOMM
INCORPORATED SECURITIES
LITIGATION

Case No. 3:17-cv-00121-JO-MSB


**[PROPOSED] ORDER
AWARDING ATTORNEYS'
FEES AND LITIGATION
EXPENSES**

1 WHEREAS, this matter came on for hearing on September 27, 2024 (the
2 “Settlement Hearing”) on Lead Counsel’s motion for attorneys’ fees and Litigation
3 Expenses. The Court having considered all matters submitted to it at the Settlement
4 Hearing and otherwise; it appearing that: (i) notice of the Settlement Hearing was
5 mailed to all Class Members who or which could be identified with reasonable effort
6 substantially in the form approved by the Court and (ii) a summary notice of the
7 hearing substantially in the form approved by the Court was published in *The Wall*
8 *Street Journal* and over *PR Newswire* pursuant to the specifications of the Court;
9 and the Court having considered and determined the fairness and reasonableness of
10 the award of attorneys’ fees and Litigation Expenses requested,

11 NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

12 1. This Order incorporates by reference the definitions in the Stipulation
13 and Agreement of Settlement, dated July 17, 2024 (ECF No. 428-1) (the
14 “Stipulation”) and all terms not otherwise defined herein shall have the same
15 meanings as set forth in the Stipulation.

16 2. The Court has jurisdiction to enter this Order and over the subject
17 matter of the Action and all parties to the Action, including all Class Members.

18 3. Notice of Lead Counsel’s motion for attorneys’ fees and Litigation
19 Expenses was given to all Class Members who could be identified with reasonable
20 effort. The form and method of notifying Class Members of the motion for
21 attorneys’ fees and expenses satisfied the requirements of Rule 23 of the Federal
22 Rules of Civil Procedure, the Private Securities Litigation Reform Act of 1995, 15
23 U.S.C. § 78u-4(a)(7), due process, and all other applicable law and rules, constituted
24 the best notice practicable under the circumstances, and constituted due and
25 sufficient notice to all persons and entities entitled thereto.

26 4. Plaintiffs’ Counsel are hereby awarded attorneys’ fees in the amount of
27 23% of the Settlement Fund (*i.e.*, the Settlement Amount plus accrued interest), net
28 of the Litigation Expenses awarded. Plaintiffs’ Counsel are also hereby awarded

1 \$7,437,826.78 for payment of their litigation expenses. These attorneys' fees and
2 expenses shall be paid from the Settlement Fund and the Court finds these sums to
3 be fair and reasonable. Lead Counsel shall allocate the attorneys' fees awarded
4 among Plaintiffs' Counsel in a manner which they, in good faith, believe reflects the
5 contributions of such counsel to the institution, prosecution, and settlement of the
6 Action.

7 5. In making this award of attorneys' fees and payment of litigation
8 expenses from the Settlement Fund, the Court has considered and found that:

9 a. The Settlement has created a fund of \$75,000,000 in cash that
10 has been funded into escrow pursuant to the terms of the Stipulation, and that
11 numerous Class Members who submit acceptable Claim Forms will benefit
12 from the Settlement that occurred because of the efforts of Plaintiffs' Counsel;

13 b. The fee sought is based on the more restrictive of two retainer
14 agreements entered into by Lead Plaintiffs and respective Lead Counsel firms
15 at the outset of the litigation, and the requested fee has been reviewed and
16 approved as reasonable by both Lead Plaintiffs, who are sophisticated
17 institutional investors that actively supervised the Action;

18 c. Over 1.8 million Postcard Notices and over 4,100 Settlement
19 Notices were mailed to potential Class Members and nominees, and the
20 Settlement Notice was posted on the case website,
21 www.QualcommSecuritiesLitigation.com. The Postcard Notice and
22 Settlement Notice stated that Lead Counsel would apply for attorneys' fees in
23 the amount of 23% of the Settlement Fund and payment of Litigation
24 Expenses in an amount not to exceed \$7.5 million. Two objections concerning
25 the requested award of attorneys' fees have been received. *See* ECF Nos. 443,
26 446-1. The Court has considered these objections and found them to be
27 without merit.
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1 d. Lead Counsel conducted the litigation and achieved the
2 Settlement with skill, perseverance, and diligent advocacy;

3 e. The Action raised a number of complex issues;

4 f. Had Lead Counsel not achieved the Settlement there would
5 remain a significant risk that Lead Plaintiffs and the other members of the
6 Class may have recovered less or nothing from Defendants;

7 g. Plaintiffs' Counsel devoted over 122,000 hours, with a lodestar
8 value of approximately \$61.9 million, to achieve the Settlement; and

9 h. The amount of attorneys' fees awarded and expenses to be paid
10 from the Settlement Fund are fair and reasonable and consistent with awards
11 in similar cases.

12 6. Lead Plaintiff Sjunde AP-Fonden is hereby awarded \$16,552.77 from
13 the Settlement Fund for its reasonable costs and expenses directly related to its
14 representation of the Class.

15 7. Lead Plaintiff Metzler Asset Management GmbH is hereby awarded
16 \$17,500 from the Settlement Fund for its reasonable costs and expenses directly
17 related to its representation of the Class.

18 8. Any appeal or any challenge affecting this Court's approval regarding
19 any attorneys' fees and expense application shall in no way disturb or affect the
20 finality of the Judgment.

21 9. Exclusive jurisdiction is hereby retained over the Parties and the Class
22 Members for all matters relating to this Action, including the administration,
23 interpretation, effectuation or enforcement of the Stipulation and this Order.

24 10. In the event that the Settlement is terminated or the Effective Date of
25 the Settlement otherwise fails to occur, this Order shall be rendered null and void to
26 the extent provided by the Stipulation.

1 11. There is no just reason for delay in the entry of this Order, and
2 immediate entry by the Clerk of the Court is expressly directed

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4 SO ORDERED this 27th day of September, 2024.

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9 The Honorable Jinsook Ohta
10 United States District Judge
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