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9 *Lead Counsel for the Settlement Class*

10 **UNITED STATES DISTRICT COURT**  
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12 TONY PLANT, Individually and on Behalf  
13 of All Others Similarly Situated,

14 Plaintiff,

15 v.

16 JAGUAR ANIMAL HEALTH, INC.,  
17 JAMES J. BOCHNOWSKI, LISA CONTE,  
18 JOHN MICEK III, and ARI AZHIR,

19 Defendants.

Case No. 3:17-cv-04102-RS

20 **ORDER AWARDING**  
21 **ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARD**

1 WHEREAS, an action pending before this Court is styled *Plant v. Jaguar Animal Health,*  
2 *Inc., et al*, Case No. 3:17-cv-04102-RS (“Action”);

3 WHEREAS, on February 2, 2021, the Court entered an Order: (i) preliminarily approving  
4 the Settlement and the proposed forms and methods of providing Notice to the Settlement Class;  
5 (ii) provided Settlement Class Members with the opportunity to object to the proposed Settlement  
6 and Lead Plaintiff’s application of attorneys’ fees and expenses, and Service Award; and (iii)  
7 setting a final approval hearing for May 27, 2021, at 1:30 p.m. (“Preliminary Approval Order”);

8 WHEREAS, the Court conducted a hearing on May 27, 2021 (“Settlement Fairness  
9 Hearing”) to consider, among other things: (i) whether Lead Plaintiff and Lead Counsel have  
10 adequately represented the Settlement Class; (ii) whether the proposed Settlement on the terms  
11 and conditions provided for in the Stipulation is fair, reasonable, and adequate, thus warranting  
12 final approval; and (iii) whether the Fee and Expense Award and the Service Award is reasonable  
13 and should be approved; and

14 WHEREAS, it appearing that Notice of the Settlement, Releases, and the Settlement  
15 Fairness Hearing has been given in accordance with the Preliminary Approval Order; the Parties  
16 having appeared by their respective attorneys of record; the Court having heard and considered  
17 evidence in support of Lead Plaintiff’s request for the Fee and Expense Award and Service Award;;  
18 the attorneys for the respective Parties having been heard; an opportunity to be heard having been  
19 given to all other persons or entities requesting to be heard in accordance with the Preliminary  
20 Approval Order; the Court having determined the Notice to the Settlement Class was adequate and  
21 sufficient; the Court having found that Lead Plaintiff’s request for the Fee and Expense Award and  
22 Service Award is fair, reasonable, and adequate and otherwise being fully informed in the premises  
23 and good cause appearing therefore:

24 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, as  
25 follows:

1         1.       Unless otherwise defined in this Order, the capitalized terms used herein shall have  
2       the same meanings set forth in the Stipulation of Settlement dated December 29, 2020  
3       (“Stipulation”) (ECF No. 81-2).

4         2.       The Court has jurisdiction over the subject matter of this application and all matters  
5       relating thereto, including all Settlement Class Members who have not timely and validly  
6       requested exclusion.

7         3.       The Court hereby awards Lead Counsel Monteverde & Associates PC attorneys’  
8       fees of 1/3 of the Settlement Fund or \$866,666.67, plus litigation expenses in the amount of  
9       \$16,960.20, together with the interest earned thereon for the same time period and at the same  
10      rate as that earned on the Settlement Fund until paid. The Court finds that the amount of fees  
11      awarded is fair and reasonable under the “percentage-of-recovery” method given the  
12      substantial risks of non-recovery, the time and effort involved, and the result obtained for the  
13      Settlement Class. The Court additionally finds that the costs and expenses were reasonably  
14      incurred in the ordinary course of prosecuting this Action and were necessary given the  
15      complex nature of the Action.

16      4.       Finally, the Court approves Lead Plaintiff’s Service Award in the amount of  
17      \$5,000.00. This award is reasonable and justified given the time and effort expended and the  
18      work performed and the active participation in the litigation and settlement processes by Lead  
19      Plaintiff, as class representative on behalf of the Settlement Class; the benefit to the Settlement  
20      Class due to Lead Plaintiff’s actions on their behalf; and the length of the case.

21      5.       The awarded attorneys’ fees and expenses and interest earned thereon shall  
22      immediately be paid to Lead Counsel subject to the terms, conditions, and obligations of the  
23      Stipulation, and in particular ¶ 6 thereof, which terms, conditions, and obligations are  
24      incorporated.

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1 **IT IS SO ORDERED.**

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3 Dated: May 27, 2021



4 THE HONORABLE RICHARD SEEBORG  
5 CHIEF DISTRICT JUDGE

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