

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANDREA BARRON, on behalf of herself and  
all others similarly situated,

Plaintiff,

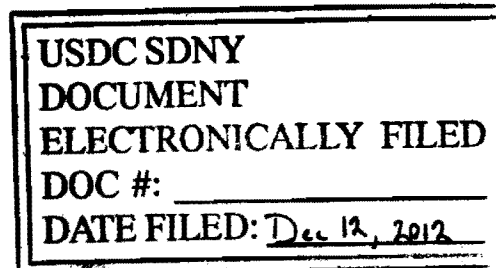
v.

ROMAN IGOLNIKOV, SHELDON S.  
GORDON, MATTHEW STADTMAUER,  
UNION BANCAIRE PRIVÉE, UNION  
BANCAIRE PRIVÉE ASSET  
MANAGEMENT LLC, UBPI HOLDINGS,  
INC., DANIEL DE PICCIOTTO, MICHAEL  
DE PICCIOTTO, GUY DE PICCIOTTO, and  
CHRISTOPHE BERNARD,

Defendants.

Civil Action No. 09-CV-4471 (TPG)

ECF Case



**ORDER AWARDING ATTORNEYS' FEES AND EXPENSES**

This matter came on for hearing on December 12, 2012 (the "Settlement Hearing") on Plaintiff's Counsel's motion to determine whether and in what amount to award Plaintiff's Counsel in the above-captioned class action (the "Action") attorneys' fees and reimbursement of Litigation Expenses. The Court having considered all matters submitted to it at the Settlement Hearing and otherwise; and it appearing that notice of the Settlement Hearing substantially in the form approved by the Court was mailed to all Settlement Class Members who or which could be identified with reasonable effort, except those persons or entities excluded from the definition of the Settlement Class, and that a summary notice of the hearing substantially in the form approved by the Court was published in the international edition of *The Wall Street Journal* and was transmitted over the *PR Newswire* pursuant to the specifications of the Court; and the Court

having considered and determined the fairness and reasonableness of the award of attorneys' fees and Litigation Expenses requested.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. This Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement dated September 12, 2012 (ECF No. 52-1) (the "Stipulation") and all terms not otherwise defined herein shall have the same meanings as set forth in the Stipulation.

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

3. Notice of Plaintiff's Counsel's application for attorneys' fees and reimbursement of Litigation Expenses was given to all Settlement Class Members who could be identified with reasonable effort. The form and method of notifying the Settlement Class of the application for attorneys' fees and expenses satisfied the requirements of Rule 23 of the Federal Rules of Civil Procedure, due process, and all other applicable law and rules, constituted the best notice practicable under the circumstances, and constituted due and sufficient notice to all persons and entities entitled thereto.

4. Plaintiff's Counsel is hereby awarded attorneys' fees in the amount of 30% of the Settlement Fund, which sum the Court finds to be fair and reasonable, and \$56,076.56 in reimbursement of Litigation Expenses, which fees and expenses shall be paid to Plaintiff's Counsel from the Settlement Fund.

5. In making this award of attorneys' fees and reimbursement of expenses to be paid from the Settlement Fund, the Court has considered and found that:

(a) The Settlement has created a fund of \$6.9 million in cash that has been funded into an escrow account pursuant to the terms of the Stipulation, and that numerous

Settlement Class Members who submit acceptable Claim Forms will benefit from the Settlement that occurred because of the efforts of Plaintiff's Counsel;

(b) Copies of the Settlement Notice were mailed to 184 Settlement Class Members stating that Plaintiff's Counsel would apply for attorneys' fees in the amount of 30% of the Settlement Fund and reimbursement of Litigation Expenses in an amount not to exceed \$80,000, and there are no objections to the requested award of attorneys' fees or expenses;

(c) Plaintiff's Counsel has conducted the litigation and achieved the Settlement with skill, perseverance and diligent advocacy;

(d) The Action involves complex factual and legal issues;

(e) Had Plaintiff's Counsel not achieved the Settlement there would remain a significant risk that Plaintiff and the other members of the Settlement Class may have recovered less or nothing from the Defendants;

(f) Plaintiff's Counsel devoted over 2,100 hours, with a lodestar value of approximately \$1,162,000, to achieve the Settlement; and

(g) The amount of attorneys' fees awarded and expenses to be reimbursed from the Settlement Fund are fair and reasonable and consistent with awards in similar cases.

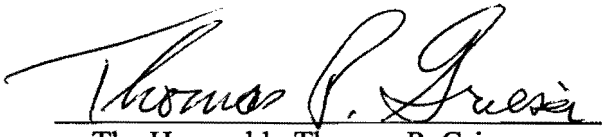
6. Any appeal or any challenge affecting this Court's approval regarding any attorneys' fees and expense application shall in no way disturb or affect the finality of the Judgment.

7. Exclusive jurisdiction is hereby retained over the parties and the Settlement Class Members for all matters relating to this Action, including the administration, interpretation, effectuation or enforcement of the Stipulation and this Order.

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

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

SO ORDERED this 12<sup>th</sup> day of December, 2012.

  
The Honorable Thomas P. Griesa  
United States District Judge

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