

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE INITIAL PUBLIC OFFERING
SECURITIES LITIGATION

21 MC 92 (SAS)

This document relates to all cases.

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' EXECUTIVE
COMMITTEE'S APPLICATION FOR AN AWARD OF ATTORNEYS' FEES,
REIMBURSEMENT OF EXPENSES FOR PLAINTIFFS' COUNSEL AND AN
AWARD OF COSTS AND EXPENSES TO REPRESENTATIVE PARTIES**

August 25, 2009

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5 William B. Rubenstein, Alba Conte & Herbert B. Newberg, <i>Newberg on Class Actions</i> § 15:37 (4th ed. 2009)	37

In September 2001, this Court appointed six of the approximately seventy firms that had initially filed actions on behalf of more than 1,000 investors in hundreds of cases to serve as Plaintiffs' Executive Committee in this coordinated litigation. Since that time, Plaintiffs' Executive Committee has actively and successfully led and managed the integrated prosecution of these 309 separate class actions and achieved a global resolution. Plaintiffs' Executive Committee respectfully submits this memorandum of law in support of its petition on behalf of Plaintiffs' Counsel for an award of attorneys' fees in the amount of 33.33% (one-third) of the Gross Settlement (the "Fee Application") and reimbursement of out-of-pocket and incurred litigation expenses of approximately \$50 million in connection with the prosecution and settlement of these 309 securities class actions. In addition, Plaintiffs' Executive Committee submits this memorandum in support of the for the payment of reasonable class representative awards in accordance with the PSLRA for those individuals that served as Lead Plaintiffs, proposed Class Representatives and/or proposed Settlement Class Representatives on behalf of the classes in this litigation (the "PSLRA Award Request").

I. PRELIMINARY STATEMENT

After eight years of hard-fought and intense litigation, the parties have agreed to settle on a global basis all claims asserted in this coordinated litigation which the Court described early on as a "consolidation of unique proportions." *In re Initial Pub. Offering Sec. Litig.*, 174 F. Supp. 2d 70, 72 (S.D.N.Y. 2001). The defendants have agreed to pay, in total, \$586,000,000 to settle all 309 cases. The agreement in principle was reached after settlement negotiations that "spanned nine months, included seven full mediation sessions, and countless phone conferences and other meetings with individual parties." *In re Initial Pub. Offering Sec. Litig.*, 2009 WL 1649704, at *27 (S.D.N.Y. 2009) ("Preliminary Approval Order"). As this Court stated, "[n]o

