

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PRAKASH MOHANTY, Individually and on) Case No. 1:16-cv-12336-IT
Behalf of All Others Similarly Situated,)
)
Plaintiff,)
) CLASS ACTION
vs.)
)
AVID TECHNOLOGY, INC., LOUIS)
HERNANDEZ, JR., and ILAN SIDI,)
)
Defendants.)
)
_____)

**LEAD COUNSEL'S MOTION FOR AN AWARD OF ATTORNEYS' FEES,
PAYMENT OF EXPENSES, AND AN AWARD TO LEAD PLAINTIFF
PURSUANT TO 15 U.S.C. §78u-4(a)(4)**

Court-appointed Lead Counsel Johnson Fistel, LLP (“Lead Counsel”) hereby moves the Court, pursuant to Federal Rule of Civil Procedure 23 and 54, for an order: (i) awarding attorneys’ fees; (ii) paying litigation expenses incurred in prosecuting the Action;¹ and (iii) for a compensatory award pursuant to 15 U.S.C. §78u-4(a)(4) to Lead Plaintiff.

In support of this motion, Lead Counsel relies on the (1) Stipulation, and all exhibits annexed thereto; (2) Notice Order, and all exhibits annexed thereto; (3) Memorandum of Law in Support of Lead Counsel’s Motion for an Award of Attorneys’ Fees, Payment of Expenses, and an Award to Lead Plaintiff Pursuant to 15 U.S.C. §78u-4(a)(4); (4) Memorandum of Law in Support of Lead Plaintiff’s Motion for Final Approval of Class Action Settlement, Approval of the Plan of Allocation, and Final Certification of the Class for Settlement Purposes; and (5) Declaration of Michael I. Fistel, Jr. in Support of (1) Lead Plaintiff’s Motion for Final Approval of Class Action Settlement, Approval of the Plan of Allocation, and Final Certification of the Class for Settlement Purposes; and (2) Lead Counsel’s Motion for an Award of Attorneys’ Fees, Payment of Expenses, and an Award to Lead Plaintiff Pursuant to 15 U.S.C. §78u-4(a)(4), and all exhibits annexed thereto.

A [Proposed] Order Awarding Attorneys’ Fees, Approving Payment of Expenses, and Approving a Compensatory Award to Lead Plaintiff Pursuant to 15 U.S.C. §78u-4(a)(4) is submitted herewith. Defendants have indicated that they will not be opposing this Motion.

¹ Unless otherwise defined herein, all capitalized terms used herein are defined in the Stipulation and Agreement of Settlement, dated November 30, 2017 (the “Stipulation”) (Dkt. No. 50-2).

DATED: February 23, 2018

Respectfully submitted,

JOHNSON FISTEL, LLP
MICHAEL I. FISTEL, JR.

s/ Michael I. Fistel, Jr.

MICHAEL I. FISTEL, JR.

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Liaison Counsel for Lead Plaintiff

CERTIFICATE OF COMPLAINE WITH LOCAL RULE 7.1(a)(2)

I hereby certify that counsel for the parties have conferred in a good faith and attempted to resolve or narrow the issues described in this motion, and counsel for defendants indicated that defendants will not be opposing this motion.

s/ Michael I. Fistel, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 23, 2018.

s/ Michael I. Fistel, Jr.

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Defendants.)
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**[PROPOSED] ORDER AWARDING ATTORNEYS' FEES, APPROVING PAYMENT
OF EXPENSES, AND APPROVING A COMPENSATORY AWARD TO LEAD
PLAINTIFF PURSUANT TO 15 U.S.C. §78u-4(A)(4)**

THIS MATTER having come before the Court on April 30, 2018, on Lead Counsel's Motion for an Award of Attorneys' Fees, Payment of Expenses, and an Award to Lead Plaintiff Pursuant to 15 U.S.C. §78u-4(a)(4) ("Fee and Expense Motion"), the Court, having considered all papers filed and proceedings conducted herein, having found the Settlement of this class action (the "Action") to be fair, reasonable, and adequate and otherwise being fully informed in the premises and good cause appearing therefore, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. All of the capitalized terms used herein shall have the same meanings as set forth in the Stipulation and Agreement of Settlement, dated November 30, 2017 (the "Stipulation") (Dkt. No. 50-2).

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

3. The Court hereby awards to Lead Counsel attorneys' fees of ____% of the Settlement Fund, an amount totaling \$_____, as well as litigation expenses totaling \$_____, together with the interest earned on both amounts for the same time period and at the same rate as that earned on the Settlement Fund until paid. The Court finds that the amount of fees awarded is fair and reasonable under the "percentage-of-recovery" method.

4. Pursuant to 15 U.S.C. §78u-4(a)(4), the Court hereby approves a compensatory award in the amount of \$7,940.90 for Lead Plaintiff David Wayne Hammond. The Court finds that this award is fair and reasonable in light of Lead Plaintiff's significant time commitment on behalf of the Class.

5. The fees and expenses shall be allocated by Lead Counsel in a manner which, in Lead Counsel's good-faith judgment, reflects each such counsel's contribution to the prosecution and settlement of the Action.

6. Awarded attorneys' fees, litigation expenses, and Lead Plaintiff's compensatory award shall immediately be paid to Lead Counsel and Lead Plaintiff subject to the terms, conditions, and obligations of the Stipulation.

IT IS SO ORDERED.

DATED:

THE HONORABLE INDIRA TALWANI
UNITED STATES DISTRICT JUDGE