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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

IN RE MERIT MEDICAL SYSTEMS,  
INC., SECURITIES LITIGATION

No. 8:19-cv-02326-DOC-ADS

**ORDER AWARDING  
ATTORNEYS' FEES AND  
LITIGATION EXPENSES**

1 This matter came on for hearing on April 13, 2022 (the “Settlement Hearing”)  
2 on Lead Counsel’s motion for attorneys’ fees and Litigation Expenses. The Court  
3 having considered all matters submitted to it at the Settlement Hearing and otherwise;  
4 and it appearing that notice of the Settlement Hearing substantially in the form  
5 approved by the Court was mailed to all Settlement Class Members who or which  
6 could be identified with reasonable effort, and that a summary notice of the Settlement  
7 Hearing substantially in the form approved by the Court was published in *Investor’s*  
8 *Business Daily* and was transmitted over the *PR Newswire* pursuant to the  
9 specifications of the Court; and the Court having considered and determined the  
10 fairness and reasonableness of the award of attorneys’ fees and Litigation Expenses,

11 NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

12 1. This Order incorporates by reference the definitions in the Stipulation and  
13 Agreement of Settlement dated December 21, 2021 (ECF No. 105-1) (the  
14 “Stipulation”) and all capitalized terms not otherwise defined herein shall have the  
15 same meanings as set forth in the Stipulation.

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

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

27 4. Lead Counsel are hereby awarded attorneys’ fees in the amount of 30%  
28 of the Settlement Fund and \$104,686.68 for Lead Counsel’s litigation expenses (which

1 fees and expenses shall be paid from the Settlement Fund), which sums the Court finds  
2 to be fair and reasonable.

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

- 5 a) The Settlement has created a fund of \$18,250,000 in cash that has been  
6 funded into escrow pursuant to the terms of the Stipulation, and numerous  
7 Settlement Class Members who submit acceptable Claim Forms will  
8 benefit from the Settlement because of Lead Counsel's efforts;
- 9 b) The fee sought by Lead Counsel has been reviewed and approved as  
10 reasonable by Class Representatives, the two institutional investor Lead  
11 Plaintiffs which oversaw the prosecution and resolution of the Action;
- 12 c) Copies of the Notice were mailed to over 25,000 potential Settlement  
13 Class Members and nominees stating that Lead Counsel would apply for  
14 attorneys' fees in an amount not to exceed 30% of the Settlement Fund  
15 and Litigation Expenses in an amount not to exceed \$250,000;
- 16 d) There were no objections to the requested attorneys' fees and Litigation  
17 Expenses;
- 18 e) Lead Counsel have conducted the litigation and achieved the Settlement  
19 with skill, perseverance, and diligent advocacy;
- 20 f) The Action raised a number of complex and novel issues;
- 21 g) Had Lead Counsel not achieved the Settlement there would remain a  
22 significant risk that Class Representatives and the other members of the  
23 Settlement Class may have recovered less or nothing from Defendants;
- 24 h) Lead Counsel devoted over 6,550 hours, with a lodestar value of over  
25 \$3.8 million, to achieve the Settlement; and
- 26 i) The amount of attorneys' fees awarded and expenses to be paid from the  
27 Settlement Fund are fair and reasonable and consistent with awards in  
28 similar cases.

