

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

BEATRIZ TIJERINA, DAVID  
CONCEPCIÓN, GINA APRILE,  
THERESA GILLESPIE, TALINA  
HENDERSON, DIANA FERRARA,  
LAUREN DALY, SHANE  
MCDONALD, KASEM CUROVIC,  
CHRISTA CALLAHAN, ERICA  
UPSHUR, JOHNNIE MOUTRA,  
JENNIFER TOLBERT, DEREK  
LOWE, PHILLIP HOOKS, and DELIA  
MASONE, Individually and on behalf  
of All Others Similarly Situated,

Plaintiffs,

vs.

VOLKSWAGEN GROUP OF  
AMERICA, INC.  
and VOLKSWAGEN  
AKTIENGESELLSCHAFT,

Defendants.

Civil Action No. 2:21-cv-18755-BRM-LDW

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' MOTION FOR AN  
AWARD OF ATTORNEYS' FEES,  
REIMBURSEMENT OF  
EXPENSES, AND PLAINTIFFS'  
SERVICE AWARDS**

THIS MATTER having come before the Court for consideration of Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and Plaintiffs' Service Awards in accordance with the parties' Settlement Agreement;

WHEREAS, unless otherwise defined in this Order, the terms used in this Order that are defined in the Settlement Agreement shall have the same meaning as set forth in the Settlement Agreement;

WHEREAS, Defendant Volkswagen of Group of America, Inc. (“VWGoA” or “Defendant”), and Plaintiffs Beatriz Tijerina, David Concepcion, Gina Aprile, Theresa Gillespie, Diana Ferrara, Lauren Daly, Shane McDonald, Kasem Curovic, Christa Callahan, Erica Upshur, Johnnie Moutra, Jennifer Tolbert, Derek Lowe, Phillip Hooks, and Delia Masone (“Plaintiffs”) reached a Class settlement (the “Settlement”);

WHEREAS, the parties submitted the Settlement Agreement together with their Motion for Preliminary Approval of the proposed Settlement to the Court;

WHEREAS, the Court gave its preliminary approval of the Settlement on February 10, 2025 (the “Preliminary Approval Order”) and directed the parties to provide notice to the Class of the proposed Settlement and the Final Approval Hearing by regular mail and via the internet;

WHEREAS, Plaintiffs submitted their Motion for an Award of Attorneys’ Fees, Reimbursement of Expenses, and Plaintiffs’ Service Awards on June 16, 2025;

WHEREAS, there were no objections to Plaintiffs Motion for an Award of Attorneys’ Fees, Reimbursement of Expenses, and Plaintiffs’ Service Awards; and

WHEREAS, on August 27, 2025, the Court conducted the Final Approval Hearing to determine whether the proposed Settlement is fair, reasonable, and adequate, whether the Settlement should be granted final approval by this Court, and whether Class Counsel’s request for attorneys’ fees, reimbursement of expenses,

and Plaintiffs' \$2,500 service awards, totaling the amount of \$4,000,000 should be awarded;

WHEREAS, the parties having appeared at the Final Approval Hearing; and

WHEREAS, the Court having reviewed Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and Plaintiffs' Service Awards, all papers filed and proceedings held herein in connection with the Settlement, all oral and written comments received regarding the Settlement, and the record in the Action, and good cause appearing therefore;

IT IS ON THIS \_\_\_\_ day of \_\_\_\_\_, 2025, ORDERED and ADJUDGED that Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and Plaintiffs' Service Awards is hereby GRANTED as follows:

1. The Court finds, upon review of the Settlement, all papers filed and proceedings held herein in connection with the Settlement, all oral and written comments received regarding the Settlement, and the record in the Action that Class Counsel's request for attorneys fees and reimbursement of expenses is fair and reasonable.

2. In making this award of Fees and Expenses, the Court has considered the factors enumerated in *Gunter v. Ridgewood Energy Corp.*, 223 F.3d 190, 195 n.1 (3d Cir. 2000) and *In re Prudential*, 148 F.3d at 339, and finds that:

- (a) Class Members who are entitled to relief under the Settlement will benefit from the Class Action Settlement that occurred due to the efforts of Class Counsel;
- (b) After implementation of the Class Notice Program, no Class Member objected to the terms of the Settlement Agreement or to the Request for Fees and Costs or Class Service awards;
- (c) Class Counsel achieved the Class Action Settlement with skill, perseverance, and diligent advocacy;
- (d) This Action involved complex factual and legal issues, and, in the absence of the Class Action Settlement, would involve further lengthy proceedings with an uncertain resolution if the case were to proceed against the Defendants;
- (e) The risk of nonpayment was high, particularly given the complexity of the case, because Class Counsel pursued this case on a contingent basis and received no compensation during the duration of the litigation;
- (f) Class Counsel expended over 6,722.50 hours in this case, billed at reasonable hourly rates and yielding a lodestar of over \$4,698,452.50, which represents a negative multiplier of 0.85;

- (g) Class Counsel expended over \$91,518.59 in costs and expenses during the Action;
- (h) The Court finds that the Fees and Expenses are reasonable, considering: (1) the valuable economic benefits available to the Class under the Settlement; (2) the absence of any objections to the settlement terms and/or fees requested by counsel; (3) the skill and efficiency of the attorneys involved; (4) the complexity and duration of the litigation; (5) the risk of nonpayment; (6) the amount of time devoted to the case by plaintiffs' counsel; and (7) the awards in similar cases.
- (i) The Court finds that the requested Fees and Expenses of \$4,000,000 (which also includes Plaintiffs' service awards), are fair and reasonable, consistent with awards in similar cases, supported by public policy, and necessary for the prosecution and settlement of the Action.

3. The Court hereby grants Class Counsel's request for an award of reasonable attorneys' fees, including reimbursement of costs and expenses, in the total amount of \$4,000,000.

4. The Court approves the agreement to pay an incentive award to each Settlement Class Representative in the amount of \$2,500 which will be paid from the total of \$4,000,000.

5. The payments for all Fees and Expenses and Class Representative Service Awards shall be made by wire transfer to Carella, Byrne, Cecchi, Brody & Agnello, P.C. (“Carella Byrne”) within thirty (30) days after the later of the Effective Date, or the date of entry of the Court’s Final Order and Judgment awarding Class Counsel Fees and Expenses and Class Representative Service Awards, including final termination or disposition of any appeals relating thereto.

6. Said payment to Carella Byrne shall fully satisfy and discharge all obligations of Defendant and the Released Parties with respect to payment of the Class Counsel Fees and Expenses, any attorneys’ fees in connection with this Action, and Settlement Class Representative service awards, and Carella Byrne shall have sole responsibility to distribute the aforesaid service award payment to the Settlement Class representatives.

7. Nothing in this Order, the Class Settlement, the Settlement Agreement, or any documents or statements related thereto, is or shall be deemed or construed to be an admission or evidence of any violation of any statute or law or of any liability or wrongdoing by Defendants.

8. There being no just reason to delay, the Clerk is directed to enter this Order forthwith.

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Brian R. Martinotti, U.S.D.J.