

PETER FROUWS, Individually and on	)	No. 2:23-cv-00691-PHX-DJH
Behalf of All Others Similarly Situated,	)	
	)	
Plaintiff,	)	Hon. Diane J. Humetewa
	)	
v.	)	[PROPOSED] ORDER
	)	AWARDING ATTORNEYS'
	)	FEES, EXPENSES, AND LEAD
ROBERT LYONS; DANIEL BONCEL;	)	PLAINTIFF AWARD
and STEPHEN CUMMING,	)	
	)	
Defendants.	)	
	)	
	)	

1 The matter having come before the Court on September 14, 2026, on Co-Lead
2 Counsel's Motion for Attorneys' Fees, Expenses, and Award (the "Fee Motion") in the
3 above-captioned action (the "Action"), and the Court, having considered all papers filed
4 and proceedings conducted herein, having found the Settlement of this Action to be fair,
5 reasonable, and adequate, and otherwise being fully informed in the premises and good
6 cause appearing therefore;

7 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

8 1. This Order incorporates by reference the definitions in the Stipulation of
9 Settlement dated February 11, 2026 (the "Stipulation") (Doc. 80-3), and all capitalized
10 terms used in this Order, but not defined herein, shall have the same meanings as set forth
11 in the Stipulation.

12 2. This Court has jurisdiction over the subject matter of this Order, the Fee
13 Motion, and all matters relating thereto, including Settlement Class Members.

14 3. Pursuant to and in full compliance with Rule 23 of the Federal Rules of Civil
15 Procedure, the Court finds and concludes that due and adequate notice was directed to all
16 Settlement Class Members advising them: (a) that Co-Lead Counsel would seek an award
17 of attorneys' fees of up to 33 and 1/3% of the Settlement Fund and reimbursement of
18 litigation expenses incurred in connection with the prosecution of the Action not to exceed
19 \$431,000, and that Lead Plaintiff would seek an award not to exceed \$5,000; and (b) that
20 Class Members had a right to object to such applications(s). A full and fair opportunity
21 was given to all Persons who are Class Members to be heard with respect to the Fee
22 Motion.

23 4. The Court hereby awards Co-Lead Counsel attorneys' fees in the amount of
24 \$____ and litigation expenses in the amount of \$_____ (which fees and expenses shall
25 be paid from the Settlement Fund). The award of attorneys' fees and litigation expenses
26 shall also include interest earned thereon for the same time period and at the same net rate
27 that is earned by the Settlement Fund until paid.

28 5. The awarded attorneys' fees and litigation expenses shall immediately be

1 paid to Plaintiff's Counsel from the Settlement Fund, subject to the terms, conditions, and
2 obligations of the Stipulation, which terms, obligations, and conditions are incorporated
3 herein.

4 6. Any appeal or challenge affecting this Court's approval regarding the Fee
5 Motion shall in no way disturb or affect the finality of the Judgment entered with respect
6 to the Settlement.

7 7. Pursuant to 15 U.S.C. §78u-4(a)(4), Lead Plaintiff Peter Frouws is awarded
8 \$_____ from the Settlement Fund related to its representation of the Settlement Class,
9 which shall become payable upon the Effective Date. The payment to Lead Plaintiff is
10 appropriate considering his active participation as Class Representative in this Action, as
11 attested in his affirmation submitted to the Court.

12 8. In the event that the Settlement is terminated or the Judgment approving the
13 Settlement does not become Final or the Effective Date does not occur in accordance with
14 the terms of the Stipulation, this Order shall be rendered null and void to the extent
15 provided in the Stipulation and shall be vacated in accordance with the Stipulation.

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

18
19 IT IS SO ORDERED.

20
21 Dated this __ day of _____, 2026

22
23
24 _____
25 Honorable Diane J. Humetewa
26 United States District Judge
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