

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.3.3
Eastern Division**

Maplevale Farms, Inc., et al.

Plaintiff,

v.

Case No.: 1:16–cv–08637

Honorable Thomas M. Durkin

Mar–Jac Holdings, Inc., et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, August 4, 2021:

MINUTE entry before the Honorable Thomas M. Durkin: Counsel for the DPP class has filed a motion for an interim fee award [4550]. At least twice, the Seventh Circuit has suggested that district courts apply a sliding scale in awarding class counsel fees. See *In re Synthroid Mktg. Litig.*, 325 F.3d 974, 978 (7th Cir. 2003); *Silverman v. Motorola Sols., Inc.*, 739 F.3d 956, 959 (7th Cir. 2013) (citing empirical studies, including Theodore Eisenberg & Geoffrey P. Miller, *Attorney Fees in Class Action Settlements: An Empirical Study*, 1 J. Empirical Legal Studies 27 (2004)). Several courts in this district have applied the scale suggested in *Synthroid*. See *Gehrich v. Chase Bank USA, N.A.*, 316 F.R.D. 215, 236 (N.D. Ill. 2016) (citing cases); *In re Cap. One Tel. Consumer Prot. Act Litig.*, 80 F. Supp. 3d 781, 805 (N.D. Ill. 2015). The Court's current intent is to apply such a scale to the fee award in this case. The DPPs should file a brief addressing: (1) whether application of a sliding scale is appropriate in this case; and (2) if the Court applies a sliding scale, what that sliding scale should be. The DPP's brief on these issues should directly engage the authorities cited above, and provide any other more recent authorities on this issue (preferably in antitrust cases). The Court is far more likely to be persuaded by authority from within this district and circuit, so counsel should not focus on cases from outside the circuit unless those authorities directly address and undermine the authority the Court has cited. The DPPs should contact the Courtroom Deputy to set a deadline for their brief. Counsel for the Commercial and Institutional Indirect Purchaser Plaintiffs Class and the End User Consumer Plaintiffs Class are also invited to submit briefs subject to the deadline that is set. Mailed notice. (ecw,)

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