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6 Lead Counsel For Plaintiffs

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9 Counsel For Plaintiffs  
10 [Additional Counsel Appear on Signature Page]

11 UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 Robert Ree, Robert Cuva, Donald Fought,  
14 Albert Jackson, Carl Kircher, Patricia Malloy,  
15 And Sharon Quercioli, on behalf of  
themselves and all others similarly situated

16 Plaintiffs,

17 v.

18 Warren E. Pinckert, II, Andrea Tiller and  
19 Cholestech Corporation,  
20 Defendants.

) Civ. Action No.  
C99-0562 PJH

) CLASS ACTION

) Hon. Phyllis J. Hamilton

) **[PROPOSED] ORDER**  
**APPROVING AWARD OF**  
**ATTORNEYS' FEES AND**  
**REIMBURSEMENT OF**  
**EXPENSES**

) Date: October 31, 2001  
) Time: 9:00 a.m.  
) Ctrm: Hon. Phyllis J. Hamilton

1 This matter came before the Court for hearing pursuant to the Order of this Court  
2 entered August 13, 2001, on the application of the parties for approval of the settlement  
3 set forth in the Stipulation of Settlement dated as of July 31, 2001 (the "Stipulation").  
4 Due and adequate notice having been given to the Class as required in said Order, and  
5 the Court having considered all papers filed and proceedings had herein and otherwise  
6 being fully informed in the premises and good cause appearing therefore, IT IS  
7 HEREBY ORDERED, ADJUDGED AND DECREED that:

8 1. For purposes of this Order, the terms used herein shall have the  
9 meanings set forth in the Stipulation of Settlement dated as of July 31, 2001 (the  
10 "Stipulation").

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

14 3. The Court hereby awards Lead Plaintiffs' counsel attorneys' fees in the  
15 amount of thirty percent (30%) of the Settlement Fund plus litigation expenses incurred  
16 in an aggregate amount of \$102,015.03, together with the interest earned thereon for  
17 the same period and at the same rate as that earned on the cash portion of the  
18 Settlement Fund until paid. Said fees and expenses shall be allocated among plaintiffs'  
19 counsel by Lead Plaintiffs' counsel in a manner which, in Lead Plaintiffs' counsel's  
20 good faith judgment, reflects each such plaintiffs' counsel's contribution to the  
21 institution, prosecution and resolution of the Litigation. The Court finds that the amount  
22 of fees awarded is fair and reasonable under the "percentage-of-the-recovery" method.

23 4. The foregoing award is approved in recognition of the result achieved, the  
24 risks inherent in the contingent nature of the fees awarded, the skill and quality of  
25 counsel's work in achieving the Settlement, the novelty and difficulty of the questions  
26 presented by the Litigation, the financial burden carried by counsel during the  
27 pendency of the Litigation and customary fees for similar complex, contingent litigation.  
28

1           5.     The awarded attorneys' fees and expenses shall be paid to Lead  
2 Plaintiffs' counsel immediately after the date this Order is executed subject to the terms,  
3 conditions and obligations of the Stipulation and in particular ¶6 thereof, which terms,  
4 conditions and obligations are incorporated herein.

5 **IT IS SO ORDERED.**

6 DATED: \_\_\_\_\_, 2001

\_\_\_\_\_  
7 THE HONORABLE PHYLLIS J. HAMILTON  
8 UNITED STATES DISTRICT COURT JUDGE

9 Submitted by:

10 LAW OFFICES OF LIONEL Z. GLANCY  
11 Lionel Z. Glancy  
12 Tracy L. Thrower  
13 Michael Goldberg

14 \_\_\_\_\_  
Lionel Z. Glancy

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