

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

MAR 10 2003

CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

By Deputy

MITCHELL S. WARSTADT, et al., On Behalf
of Themselves and All Others Similarly
Situated,

Plaintiffs,

vs.

HASTINGS ENTERTAINMENT, INC., et al.,

Defendants.

FRANK M. DAUGHERTY, On Behalf of
Himself and All Others Similarly Situated,

Plaintiff,

vs.

HASTINGS ENTERTAINMENT, INC., et al.,

Defendants.

§ Civil Action No. 2:00-CV-089-J
§ **(Consolidated with actions: 2:00-CV-131;**
§ **2:00-CV-153; 2:00-CV-157; 2:00-CV-158)**

§ CLASS ACTION

§ Civil Action No. 2:00-CV-160-J

§ CLASS ACTION

§ DATE: March 10, 2003

§ TIME: 10:00 a.m.

§ COURTROOM: The Honorable
§ Mary Lou Robinson

~~[PROPOSED]~~ ORDER AWARDING PLAINTIFFS' COUNSEL'S
ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES

THIS MATTER having come before the Court on March 10, 2003, on the application of counsel for the plaintiffs for an award of attorneys' fees and reimbursement of expenses incurred in these actions, the Court, having considered all papers filed and proceedings conducted herein, having found the settlement of these actions to be fair, reasonable and adequate and otherwise being fully informed in the premises and good cause appearing therefor;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. All of the capitalized terms used herein shall have the same meanings as set forth in the Amended Stipulation of Settlement and Settlement Agreement dated as of January 8, 2003 (the "Stipulation and Agreement").

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

3. The Court hereby awards Representative Plaintiffs' Counsel attorneys' fees of 30% of the Settlement Fund and reimbursement of litigation expenses in the amount of ~~\$635,0000~~, ^{606,636.22}, together with the interest earned thereon for the same time period and at the same rate as that earned on the Settlement Fund until paid. Said fees and expenses shall be allocated among Representative Plaintiffs' Counsel in a manner which, in Plaintiffs' Settlement Counsel's good faith judgment, reflects each such Representative Plaintiffs' Counsel's contribution to the institution, prosecution and resolution of the Litigation. The Court finds that the amount of fees awarded is fair and reasonable under the "percentage-of-recovery" method.

4. The awarded attorneys' fees and expenses shall be paid to Plaintiffs' Settlement Counsel immediately after the date this Order is executed subject to the terms, conditions and obligations of the Stipulation and Agreement and in particular ¶6.2 thereof, which terms, conditions and obligations are incorporated herein.

5. Pursuant to 15 U.S.C. §78u-4(a)(4), the Court hereby awards \$2,500 to each of George Gagarin, Catherine Gagarin, Curtis Rivinius, Linda Ririnius, Jess Curtis, Robert Lara, Sandra Lara, Frank Dougherty, Jim Hutson on behalf of PoBoy Investment Club, and Davis Redus, as requested.

IT IS SO ORDERED.

DATED

Mary Lou Robinson
10/20/03

Mary Lou Robinson
THE HONORABLE MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE

Submitted by:

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