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July 29, 2014

Food & Consumer Packaged Goods Litigation

# Ninth Circuit Affirms Lodestar Attorneys' Fees

*In re: Ferrero Litig.*, No. 12-56469 (9th Cir.): The Ninth Circuit affirmed a district court's final settlement approval and award of attorneys' fees, over objection, in a putative class action alleging that defendant misrepresents the health benefits of its Nutella products. The settlement awarded \$550,000 in settlement funds, along with certain non-monetary relief, in contrast to \$1 million in attorneys' fees. The court held that the district court could properly rely on the lodestar method of awarding attorneys' fees rather than the typical 25% cap applied when the court relies on a percentage of the settlement fund. The court also found that notice was properly given and that there was no indication of collusion justifying overturning approval of the settlement, and refused to search for any. [Order](#).

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