

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2011-017443

07/03/2014

HON. ROBERT H. OBERBILLIG

CLERK OF THE COURT
L. Stogsdill
Deputy

KENNETH FIELDS, et al.

COLIN F CAMPBELL

v.

ELECTED OFFICIAL RETIREMENT PLAN OF THE STATE OF ARIZONA, THE, et al. BENNETT EVAN COOPER

CHARLES A GRUBE

MINUTE ENTRY

Courtroom 309 – OCH

8:56 a.m. This is the time set for Oral Argument re: the following:

- Plaintiffs' *Motion to Lift Stay and Enter Judgment on Attorneys' Fees and Costs Awards* electronically filed on March 13, 2014;
- EORP Defendants' *Motion for Reconsideration of Order Allowing Plaintiffs' Counsel to Recover Attorneys' Fees Under the Common-Fund Doctrine* electronically filed on April 1, 2014;

Plaintiffs Kenneth Fields, Jefferson Lankford and The Class are represented by counsel, Colin F. Campbell. Defendant The State of Arizona is represented by counsel, Charles A. Grube. Defendants The Elected Official Retirement Plan of the State of Arizona, Brian Tobin, Richard Petrenka, Gregory Ferguson, Lauren Kingery, Jeff McHenry and Randie Stein are represented by counsel, Bennett Evan Cooper.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2011-017443

07/03/2014

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Oral argument is presented on EORP Defendants' Motion for Reconsideration of Order Allowing Plaintiffs' Counsel to Recover Attorneys' Fees Under the Common-Fund Doctrine.

For the reasons stated on the record,

IT IS ORDERED granting the motion in part and denying the motion in part. The Court affirms its previous fee award per the common fund doctrine.

IT IS FURTHER ORDERED reversing the Court's order regarding EORP deducting the fees on a pro-rated basis.

IT IS FURTHER ORDERED EORP will provide list of payments to the class members, including both the total amount and the individual amounts paid, and a most recent address list to Plaintiffs' counsel by **July 18, 2014**.

IT IS FURTHER ORDERED that the members of the class are responsible for a pro-rated share of the fees. Pro-rated is defined as their respective share of the payments that each member received made over the common fund amount. That percentage will be used to calculate the fee that each member of the class owes to Plaintiffs' counsel.

Discussion is held regarding Plaintiffs' Motion to Lift Stay and Enter Judgment on Attorneys' Fees and Costs Award.

For the reasons stated on the record,

IT IS FURTHER ORDERED granting the Plaintiffs' Motion to Lift Stay and Enter Judgment on Attorneys' Fees and Costs Award.

IT IS FURTHER ORDERED that Plaintiffs' counsel shall submit a new form of Judgment by **July 14, 2014**.

Discussion is held regarding the amount of proper taxable amount of costs.

IT IS FURTHER ORDERED that the amount of taxable costs is \$3,110.28.

9: 22 a.m. Matter concludes.