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March 18, 2014

Food & Consumer Packaged Goods Litigation

Court Rejects ‘Grossly Excessive’ Attorneys’ Fee Claim in Dismissed Case

Henderson v. The J.M. Smucker Co., No. 2:10-4524 (C.D. Cal.): In a review of a prior order awarding fees, the court rejected plaintiff's \$3.3 million attorneys' fees claim as "grossly excessive." This case involved a putative class action alleging claims under California's consumer protection laws based on allegedly misleading "health claims" on defendant's products. Although the case was dismissed, plaintiff moved for attorneys' fees under a catalyst theory, arguing that defendants had changed their products as a result of the lawsuit. The court rejected as excessive the number of hours the attorneys spent on various tasks. The court further held that due to the limited success of the action, the multiplier should be adjusted downward to 10 percent of the lodestar. Ultimately, the court awarded \$92,000 in attorneys' fees and costs. [Order](#).

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