

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 6 2020

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

GLENN TIBBLE, as representative of a
class of similarly situated persons, and on
behalf of the Plan; et al.,

Plaintiffs-Appellants,

SCHLICHTER BOGARD & DENTON
LLP, Class Counsel and Lead Counsel for
Plaintiffs,

Appellant,

v.

EDISON INTERNATIONAL; et al.,

Defendants-Appellees.

No. 18-55974

D.C. No.

2:07-cv-05359-SVW-AGR

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted December 11, 2019**
Pasadena, California

Before: BOGGS,*** BEA, and HURWITZ, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision
without oral argument. *See* Fed. R. App. P. 34(a)(2).

Plaintiffs-Appellants Glenn Tibble et al. (“Appellants”) obtained a damages award of \$13,161,491 in this class action lawsuit and were awarded an additional \$5,800,000 in attorneys’ fees. Appellants subsequently filed a motion to deduct \$964,212 from the class award to reimburse class counsel for expert witness fees. The district court denied the motion, causing the Appellants to file this appeal. We assume familiarity with the facts and procedural history and discuss them only as necessary to explain our decision.

We review a denial of fees for an abuse of discretion. *Stetson v. Grissom*, 821 F.3d 1157, 1163 (9th Cir. 2016). We must therefore affirm the district court unless it applied the wrong legal standard, or its findings were illogical, implausible or without support from the record. *United States v. Hinkson*, 585 F.3d 1247, 1262 (9th Cir. 2009) (en banc).

Here, the district court denied Appellants’ motion because they prevailed on only one of ten claims, the district court did not rely on any particular expert’s conclusions in reaching its decision on that claim, and the evidence offered in support of the motion did not show that any particular expert’s work was “crucial or indispensable” to the claim upon which Appellants prevailed. Accordingly, it cannot be said that the district court “(1) relie[d] on an improper factor, (2)

*** The Honorable Danny J. Boggs, United States Circuit Judge for the U.S. Court of Appeals for the Sixth Circuit, sitting by designation.

omit[ted] a substantial factor, or (3) commit[ted] a clear error of judgment in weighing the correct mix of factors.” *Abdullah v. U.S. Sec. Assocs., Inc.*, 731 F.3d 952, 956 (9th Cir. 2013). The order of the district court is therefore

AFFIRMED.