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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GARY HEFLER; et al.,

Plaintiffs-Appellees,

v,

THOMAS PEKOC,

Objector-Appellant,

v.

WELLS FARGO & COMPANY; et al.,

Defendants-Appellees.

No. 19-15140

D.C. No. 4:16-cv-05479-JST

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Jon S. Tigar, District Judge, Presiding

Submitted April 16, 2020**
San Francisco, California

* 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).

Before: BERZON and IKUTA, Circuit Judges, and LEMELLE,^{***} District Judge.

Thomas Pekoc appeals the district court's rejection of his objection to the award of attorneys' fees to Bernstein Litowitz Berger & Grossmann LLP (BLB&G). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Pekoc raised only one argument to the district court: that the fee agreement between lead plaintiff Union Asset Management Holding AG and BLB&G was unreasonable because BLB&G had previously settled a class action for an overall fee of 8.5% of the total award, in contrast to the 20% award here. This argument fails. The district court found that BLB&G ultimately received a 20% award in the earlier class action, *see In re Merck & Co., Sec., Derivative & "ERISA" Litig.*, MDL No. 1658, 2016 WL 11575090, at *5–6 (D.N.J. June 28, 2016), which supports the court's determination that the fee award in this case was reasonable.

Pekoc forfeited the additional arguments he now raises on appeal, *see In re Mercury Interactive Corp. Sec. Litig.*, 618 F.3d 988, 992 (9th Cir. 2010), and does not explain why we should consider those arguments despite the forfeiture.

Therefore, we decline to do so.

AFFIRMED.

^{***} The Honorable Ivan L.R. Lemelle, United States District Judge for the Eastern District of Louisiana, sitting by designation.