

The Honorable James L. Robart

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

PEDRO TORRES et al.,
Plaintiffs,
vs.
NORTH PACIFIC SEAFOODS, INC et
al.,
Defendants.

Case No. 2:20-cv-01545-JLR

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' REQUEST FOR FEES,
COSTS, AND SERVICE AWARDS**

NOTE ON MOTION CALENDAR: November
10, 2021

1 Plaintiffs' Motion for Attorneys' Fees and Expenses and for Service Awards came before
2 this Court on November 10, 2021 [(or a date thereafter as soon as is practicable for the Court)].
3 After due consideration of the facts of record, the applicable legal standards, and the arguments of
4 counsel,

5 **IT IS HEREBY ORDERED THAT:**

6 1. The Motion for Attorneys' Fees, Costs, and Service Awards is **GRANTED**.

7 2. Under the Settlement, the Parties allocated up to \$570,000.00 of the \$1,900,000.00
8 gross Settlement Fund to be paid as attorneys' fees, up to \$15,000.00 to be paid for costs, up to
9 \$5,000.00 to be paid to each of the two named Plaintiffs, and up to \$44,750.00 to be paid to the
10 settlement administrator for administration expenses.

11 3. The Court previously found that the Settlement confers substantial benefits on
12 Class members and meets the requirements of Rule 23. (Dkt. 52). The Settlement states that Class
13 Counsel may receive an award of attorneys' fees in the amount determined by the Court, not to
14 exceed \$570,000. This term was negotiated at arm's length with the assistance of an experienced
15 mediator and only after the Parties had reached an agreement on settlement terms for the Class.

16 4. On August 24, 2021, the parties disseminated a Notice to the Settlement Class
17 Members which informed them that, subject to Court approval, the Settlement Fund will be
18 allocated as follows: \$1,260,250 to the Settlement Class Members who do not opt out; \$10,000 in
19 Service Awards for the two Named Plaintiffs who filed this Lawsuit and who served as Class
20 Representatives; \$570,000 will be paid as attorneys' fees to Class Counsel; up to \$15,000 will be
21 paid as litigation expenses to Class Counsel; and up to \$44,750 will be paid to the Settlement
22 Administrator for expenses associated with administering the settlement (Dkt. 49-2). To date, no
23 Class Member has objected to the Settlement or opted out. Class Counsel has represented that, as
24 of the date the subject motion was filed, they were in the process of disseminating a supplemental
25 notice to provide Settlement Class Members with access to Class Counsel's fee motion and a 15-
26 day period to comment or object to the request for fees, costs, and service awards pursuant to *In*
27 *re Mercury Interactive Corp. Sec. Litig.*, 618 F.3d 988 (9th Cir. 2010). Class Counsel will file a

1 declaration from PSA at the conclusion of this comment period detailing any feedback or
2 objections received. As of the date of this Order, ____ Settlement Class Members have objected
3 to the fee request.

4 5. Class Counsel's requested fee is reasonable both as a percentage of recovery and
5 under the lodestar method. The Court finds that Class Counsel's efficient litigation of this case has
6 delivered meaningful and timely relief for Class Members without the delay, expense, and risk of
7 litigation. *See Pelletz v. Weyerhaeuser Co.*, 592 F.Supp.2d 1322, 1328 (W.D. Wash. 2009).

8 6. Class counsel's fee request of \$570,000 represents 30% of the common fund. The
9 Court finds this request appropriate in light of the factors that federal courts in the Ninth Circuit
10 use to determine the reasonableness of fees under the percentage method. *See Arthur v. Sallie Mae,*
11 *Inc.*, 2012 WL 4076119, at *1 (W.D. Wash. Sep. 17, 2012). Specifically, the Court finds that the
12 results obtained, the risk involved with the litigation, the contingent nature of the fee, and the
13 awards approved in other class actions within the Ninth Circuit further support for Class Counsel's
14 fee request.

15 7. The Court also finds that the lodestar method further confirms the reasonableness
16 of the request. The requested fee amounts to a multiplier of 1.2 on Class Counsel's lodestar of
17 \$478,063.25 incurred to date, and without accounting for time spent on future work. The Court
18 finds that the multiplier is within the typical range of multipliers in class action settlements after
19 having considered the *Kerr* factors. *See Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1047 (9th Cir.
20 2002). Moreover, the Court is aware that the multiplier will decrease over time as Class Counsel
21 will likely expend additional hours overseeing the settlement administration process.

22 8. The Court further finds that the results obtained, the quality of Class Counsel's
23 work, their experience in complex class action litigation, the contingent nature of the
24 representation, and the significant risks in this case further support the request. Class Counsel
25 delivered excellent results for the Class, as the Settlement provides for significant monetary relief.

26 9. Plaintiffs have submitted declarations of counsel adequately documenting the work
27 and hours they performed in this litigation. Class Counsel's legal services in this matter included,

1 among other work: pre-filing investigation, drafting of pleadings, formal and informal discovery
2 efforts, court appearances, settlement negotiations, and administration of settlement. The Court
3 finds that Class Counsel spent an appropriate number of hours on this case, and that their current
4 hourly rates are consistent with those prevailing in the market in this district for similar services
5 by lawyers with comparable skill. *See Blum v. Stenson*, 465 U.S. 886, 895 n. 11 (1984).

6 10. Class Counsel also request reimbursement of litigation costs, including, *inter alia*,
7 WAMS mediation fees, filing fees, court reporting and transcript services, online legal research,
8 and process service. The Court concludes that Class Counsel is entitled to reimbursement in the
9 amount of \$9,576.74 and that the costs were reasonable and necessary for the investigation,
10 prosecution, and eventual settlement of this action. Moreover, the Court finds that the Ninth Circuit
11 routinely “allows recovery of pre-settlement litigation costs in the context of class action
12 settlement.” *Arthur*, 2012 WL 4076119, at *2.

13 11. Class Counsel also request service awards to be paid out of the Settlement fund.
14 The Court finds that named Plaintiffs Pedro Torres and Jorge Hurtado Jr. should be awarded
15 \$5,000.00 each for their services to the Class. Plaintiffs submitted declarations stating that their
16 efforts included lending their names to the case, speaking with other workers about their
17 experiences and observations at Defendant facilities, providing photos, videos, and documents to
18 Class Counsel, communicating with Class Counsel throughout the entire litigation period,
19 reviewing Excel files produced by Defendant, participating in settlement discussions, and
20 reviewing the terms of the Settlement Agreement. The Court recognizes the efforts taken by the
21 named Plaintiffs on behalf of the Class and finds that this award is appropriate in light of their
22 contributions to the Class Members.

23 12. Class Counsel also request administration expenses to be paid out of the Settlement
24 fund for work performed by the Settlement Administrator, PSA. Based on the declaration
25 submitted by PSA in support of the Motion for Final Approval, the Court finds the administrator
26 has prepared, translated and mailed the Notice to Class Members, responded to inquiries from
27 Class Members, calculated the Net Settlement Amount and individual Settlement payments, will

1 issue and distribute checks to participating Class Members, and will issue payment to Class
2 Counsel for attorneys' fees, costs, and service awards to named Plaintiffs, as well as perform other
3 tasks as required for administration of the Settlement. The Court finds PSA's expenses of
4 \$44,750.00 to be appropriate.

5
6 United States District Court for the Western District of Washington, IT IS SO ORDERED.

7 Dated this ____ day of _____, 2021.

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10 _____
Hon. James L. Robart
United States District Judge

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12 PRESENTED BY:

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