

United States District Court
Northern District of California

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

JULIE SAMORA, et al.,

Plaintiffs,

v.

CHASE DENNIS EMERGENCY
MEDICAL GROUP, INC, et al.,

Defendants.

Case No. 20-cv-02027-BLF

**ORDER GRANTING IN PART AND
DENYING IN PART MOTION FOR
ATTORNEYS’ FEES AND REQUEST
FOR SERVICE AWARDS TO THE
NAMED PLAINTIFFS**

[Re: ECF No. 79]

This order addresses Class Counsel’s request for attorneys’ fees and Plaintiffs’ request for service awards made in connection with the final approval of a class action settlement in this matter. A separate order will address final approval of the class action settlement. For the reasons stated below, the request for attorneys’ fees and service awards is GRANTED IN PART and DENIED IN PART.

Attorneys’ Fees. In the motion, Class Counsel requests \$1,633,333.33 in fees, representing 33% of the common fund. ECF No. 79 (“Mot.”) at 8. The lodestar cross check shows fees for 787.6 hours of attorney and paralegal time equaling \$520,546 in fees and a multiplier of 3.14 to arrive at the requested 33%. *Id.* at 9. The Court is satisfied that the number of hours expended on the case was reasonable and Class Counsel’s hourly rates are in line with fee awards in this District for attorneys of equal experience and quality. But that is not the end of the inquiry.

The Ninth Circuit benchmark for fees is 25%. *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1047 (9th Cir. 2002). Higher awards are approved for exceptional results. *In re Pacific Enters. Sec. Litig.*, 47 F.3d 373, 379 (9th Cir. 1995). Although the class members clearly benefit from significant payments here, the Court finds that a 33% award is not warranted on this record. Class Counsel is entitled to enhanced fees in recognition of a good result for the class members and the

1 risk and contingent nature of the fee arrangement taken by Class Counsel, but not at the level they
 2 request. The Court determines that an award of 28%, or \$1,372,000, is reasonable. A lodestar
 3 cross check shows a multiplier equal to 2.64 and a full award for the hours expended at Class
 4 Counsel's requested rates.

5 Costs. Class Counsel also requests \$60,000 in costs and expenses from the settlement
 6 fund. Mot. at 14. This amount includes deposition costs, mediation fees, expert fees, and court
 7 fees. *Id.* The Court finds that these costs are reasonable and GRANTS the request for costs.

8 Service Awards. In the motion, Plaintiffs Julie Samora and Tiana Beard each request
 9 \$10,000 service awards. Mot. at 15. The Court has considered the factors set out in *Van Vranken*
 10 *v. Atl. Richfield Co.*, 901 F. Supp. 294, 300 (N.D. Cal. 1995), and finds that awards of \$10,000 are
 11 not warranted. The Court recognizes that Plaintiffs incurred risks by litigating claims against an
 12 employer and that each Plaintiff expended time and energy assisting in litigation of the case. The
 13 Court finds, however, that a service awards of \$10,000 are too high in light of the average
 14 payment of \$2,296.86 under the settlement.

15 In determining the proper service awards for Plaintiffs, the Court finds that Plaintiff Julie
 16 Samora is entitled to a larger service award than Plaintiff Tiana Beard. Samora was involved in
 17 this case from the outset and spent approximately 60 hours on the case. ECF No. 80-2 ("Samora
 18 Decl.") ¶ 13. Beard was only added as a named plaintiff in the Second Amended Complaint, ECF
 19 No. 68, and spent an estimated 25 hours on the case. ECF No. 80-1 ("Beard Decl.") ¶ 13. Samora
 20 will thus be granted a service award of \$7,500, and Beard will receive a service award of \$5,000.

21 Accordingly, the request for attorneys' fees and service awards is GRANTED IN PART
 22 and DENIED IN PART. Class Counsel are AWARDED \$1,372,000 in attorneys' fees and
 23 \$60,000 in costs. Plaintiff Julie Samora is AWARDED a \$7,500 service award and Plaintiff Tiana
 24 Beard is AWARDED a \$5,000 service award.

25 **IT IS SO ORDERED.**

26 Dated: July 29, 2022

27 

28 BETH LABSON FREEMAN
 United States District Judge