


FILED
San Francisco County Superior Court

AUG 30 2019

CLERK OF THE COURT

BY: 
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
DEPARTMENT 613

PETER LEE and LATONYA CAMPBELL, on
behalf of themselves and all other similarly
situated,

Plaintiffs,

v.

THE HERTZ CORPORATION, DOLLAR
THRIFTY AUTOMOTIVE GROUP, INC., and
DOES 1-20, inclusive,

Defendants.

No. CGC-15-547520

ORDER GRANTING PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES,
COSTS, AND CLASS REPRESENTATIVE
SERVICE AWARDS

Plaintiffs Peter Lee and Latonya Campbell ("Plaintiffs") moved the Court for approval of attorneys' fees and costs and class representative service awards in connection with the settlement of the above matter with Defendants The Hertz Corporation and Dollar Thrifty Automotive Group, Inc. (collectively, "Defendants"). The motion came on for hearing on August 16, 2019, along with Plaintiffs' motion for final approval of the class action settlement. Appearances are as noted in the record. The Court continued the hearing to August 30, 2019 to allow Plaintiffs' counsel to file supplemental declarations, and the parties agreed to submit the motions on the papers.

The Court has granted final approval of the settlement by separate written order (Final Approval

1 Order), creating a non-revisionary Gross Settlement Amount of \$1,619,000.00.¹ In the instant motion,
2 Plaintiffs seek for Settlement Class Counsel \$539,666.67 in attorneys' fees and \$44,651.89² for
3 reimbursement of out-of-pocket costs. Plaintiffs further seek approval of service awards in the amount of
4 \$5,000.00 to each Class Representative. Defendants do not oppose Plaintiffs' motion, and the Court has
5 received no objections to the requests from any Participating Class Member.

6 Having fully considered the instant motion for attorneys' fees and costs and service awards, the
7 Court finds and orders as follows:

8 1. The Amended Settlement Agreement (Settlement Agreement) provides that Defendants
9 agreed to pay up to \$539,666.67 (33 1/3% of the total settlement amount) to Settlement Class Counsel for
10 attorneys' fees, as may be approved by the Court. As stated above, Settlement Class Counsel has applied
11 for attorneys' fees in the amount of \$539,666.67.

12 In support of their fee request, Settlement Class Counsel filed four declarations setting forth their
13 hourly rates and the total number of hours expended in this matter through August 26, 2019. The Court
14 carefully reviewed Settlement Class Counsel's declarations and billing records and finds that Settlement
15 Class Counsel's hours were reasonably incurred.

16 The July 1, 2019 Declaration of Elisa Della-Piana provides a summary of the attorneys at
17 Lawyers' Committee for Civil Rights of the San Francisco Bay Area's total hours and lodestar for work
18 performed: (i) Keith Wurster: 9.1 hours x \$650/hour = \$5,915; (ii) Meredith Desautels: 4.8 hours x
19 \$450/hour = \$2,160; (iii) Alexandra Santa Ana: 18.8 hours x \$300/hour = \$5,640; and (iv) Stephanie
20 Funt: 8.8 hours x \$250/hour = \$2,200.

21 The July 1, 2019 Declaration of Jahan C. Sagafi provides a summary of the attorneys at Outten &
22 Golden LLP's total hours and lodestar for work performed: (i) Jahan C. Sagafi: 83.8 hours x \$900/hr =
23 \$75,420; (ii) Ossai Miazad: 2.2 hours x \$800/hr = \$1,760; (iii) Daniel Stromberg: 2.9 hrs x \$700/hr =
24 \$2,030; (iv) Marco A. Lopez: 3.9 hrs x \$425/hr = \$1,657.50; (v) Adam L. Koshkin: 4.4 hrs x \$315/hr =
25

26 ¹ Unless otherwise noted, defined terms correspond with those in the parties' Joint Stipulation for Class
27 Action Settlement and Release, which is referred to herein as the "Settlement Agreement."

28 ² In the filing of the Motion for Attorneys' Fees, Costs, and Class Representative Service Awards, filed
July 1, 2019, counsel requested \$41,759.32. The amount of costs that counsel now request includes
supplemental costs incurred since the July 1, 2019 Motion. The parties have also removed costs for meals
associated with travel. Supplemental Declaration of E. Michelle Drake, filed August 29, 2019.

1 \$1,386; (vi) Christopher M. McNerney: 13 hrs x \$450/hr = \$5,850; (vii) Julia X. Rabinovich: 2.6 hrs x
2 \$425/hr = \$1,105; (viii) Katrina L. Eiland: 212.6 hrs x \$475/hr = \$100,985; (ix) Relic Sun: 167.1 hrs x
3 \$425/hr = \$71,017.50; (x) Additional attorneys: 1.9 hrs = \$782.50; (xi) Andrew Amoranto: 118 hours x
4 \$260/hr = \$30,680; (xii) Ashley N. Campbell: 52.1 hours x \$260/hr = \$13,546; (xiii) Mei Xuan: 45.8 hrs x
5 \$260/hr = \$11,908; (xiv) Michelle Fujii: 7.1 hrs x \$270/hr = \$1,917; (xv) Natalie Yu: 12.2 hrs x \$260/hr =
6 \$3,172; (xvi) Season Hurst: 8.8 hrs x \$260/hr = \$2,288; (xvii) SF Law Clerk: 82 hrs x \$250/hr = \$20,500;
7 (xviii) Simone S. Etwaru: 2.5 hrs x \$260/hr = \$650; (xix) Stephanie Brooks: 2 hrs x \$260 = \$520; and
8 (xx) Additional support staff: 8 hrs = \$2,122.

9 The July 1, 2019 Declaration of E. Michelle Drake provides a summary of the attorneys at Berger
10 Montague PC's total hours and lodestar for work performed: (i) John G. Albanese: 9.4 hrs x \$450/hr =
11 \$4,230; (ii) Ekene Avery: 3 hrs x \$54.95/hr = \$164.85; (iii) Dan Burnett: 4.3 hrs x \$175/hr = \$752.50; (iv)
12 E. Michelle Drake: 208.9 hrs x \$725/hr = \$151,452.50; (v) Jean Ebensperger: 21.6 hrs x \$275/hr =
13 \$5,940; (vi) Eleanor Frisch: 6.7 hrs x \$300/hr = \$2,010; (vii) Joseph C. Hasmall: 427.7 hrs x \$525/hr =
14 \$224,542.50; (viii) Matthew Helland: .5 hrs x \$525/hr = \$262.50; (ix) Jean K. Hibray: 197.7 hrs x \$285/hr
15 = \$56,344.50; (x) Angi Kittelson: 8.1 hrs x \$275/hr = \$2,227.50; (xi) Sandy McCollum: .8 hrs x \$57.50 =
16 \$46; (xii) Erin Odenthal: 11 hrs x \$175/hr = \$1,925; (xiii) Elizabeth Woolford: 2.5 hrs x \$400/hr =
17 \$1,000; (xiv) Arun Rajendran: 2.2 hrs x \$43/hr = \$94.60; (xv) Susan S. Thomas: .9 hrs x \$775/hr =
18 \$697.50; (xvi) Alex Turta: .3 hrs x \$49.36/hr = \$14.81; and (xvii) Mai Xiong: 1.4 hrs x \$250/hr = \$350.

19 At the hearing on August 16, 2019, the Court continued the hearing to allow counsel to submit
20 supplemental briefing regarding the attorneys' billing records so that the Court could perform a lodestar
21 cross-check. The August 29, 2019 Supplemental Declaration of E. Michelle Drake provides detailed fee
22 records for all attorneys at the three firms listed above. The Court finds these records to be sufficient for
23 purposes of performing a lodestar cross-check.

24 The Court awards Settlement Class Counsel the requested \$537,666.67 in attorneys' fees. In
25 awarding this amount, as a cross-check, the Court also considered whether the requested amount was
26 reasonable in light of their lodestar. The Court carefully considered the documentation submitted in
27 support of the fee request, including the declarations of Settlement Class Counsel setting forth the hours
28 expended in this matter. Settlement Class Counsel have spent at least 1,834 hours litigating the class

1 claims, which results in a lodestar of \$838,082.26. The amount requested (\$539,666.67) accordingly
2 results in a negative multiplier.

3 The Court finds this amount justified given the contingent nature of the litigation, the quality of
4 representation, the benefits obtained for the class, the risk of nonpayment, the extent of the litigation to
5 date, and the results achieved. Finally, there was no objection to the settlement and no objection to the fee
6 request. Accordingly, the requested fee of \$539,666.67 of the Gross Settlement Amount is justified in
7 this case. The award shall be paid from the Gross Settlement Account.

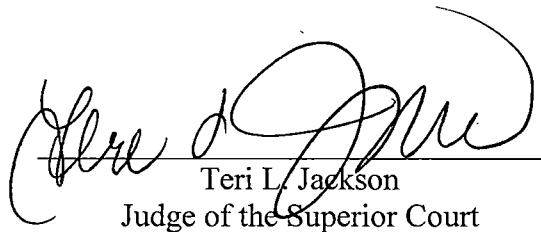
8 2. As stated above, Settlement Class Counsel requests \$44,651.89 for reimbursement of out-
9 of-pocket costs and expenses. Settlement Class Counsel's declarations, filed July 1, 2019, indicate that
10 the amount of costs advanced by Settlement Class Counsel are \$11,703.94 from Outten & Golden LLP
11 and \$30,055.38 for Berger Montague PC. Some of these costs included meals associated with travel. The
12 Supplemental Declaration of E. Michelle Drake, filed August 29, 2019, provides detailed cost records on
13 behalf of all three firms, which removes the costs of meals associated with travel and includes costs
14 incurred after July 1, 2019.

15 The Court reviewed the costs advanced and finds that they were reasonably incurred in the
16 prosecution of the action. Accordingly, the Court awards Settlement Class Counsel reimbursement of
17 their litigation costs and expenses in the requested amount of \$44,651.89. The award shall be paid from
18 the Gross Settlement Amount.

19 3. The Court awards the named Plaintiffs, Peter Lee and Latonya Campbell, service awards in
20 the amount of \$5,000.00 each. These awards are reasonable and justified in light of Plaintiffs'
21 contributions to the case and the risks Plaintiffs undertook in serving as class representatives. These
22 awards are separate from and in addition to any award to which Plaintiffs may be entitled as Settlement
23 Class Members. The award shall be paid from the Gross Settlement Amount.

24 IT IS SO ORDERED.

25
26 Dated: August 30, 2019

27 
28 Teri L. Jackson
Judge of the Superior Court

CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.251)


I, Sajja Ravinantapricha, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On **AUG 30 2019**, I electronically served the ATTACHED DOCUMENT(S) via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: **AUG 30 2019**

T. Michael Yuen, Clerk

By: _____


S. Ravinantapricha, Deputy Clerk