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16 Attorneys for Plaintiff CARLOS MORENO

17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**

19 CARLOS MORENO, individually, and on
20 behalf of all others similarly situated,

21 Plaintiff,

22 v.

23 PRETIUM PACKAGING, L.L.C, a
24 Delaware limited liability company, and
25 DOES 1 through 10, inclusive

26 Defendants

Case No. 8:19-cv-02500-SB-DFM

[HON. Stanley Blumenfeld, Jr.]

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES AND COSTS**

Date: August 6, 2021

Time: 8:30 a.m.

Courtroom: 6C

1 This matter came on for hearing before this Court on Class Counsel's
2 Motion for Attorneys' Fees and Cost pursuant to the Court's Order Granting
3 Preliminary Approval of Class Action Settlement (Docket No. 56) on March 25,
4 2021.

5 Having considered the documents filed by the parties in connection with
6 the motion and the oral arguments of counsel, the Court finds as follows:

7 1. Notice to the Class, including information regarding the requested
8 award of attorneys' fees and costs, was directed to Class Members in a reasonable
9 manner, and complied with Rule 23(h)(1) of the Federal Rules of Civil Procedure.

10 2. Class Members have been given the opportunity to object in
11 compliance with Fed. R. Civ. P. 23(h)(2).

12 3. [No Class Member has objected to the requested fees and expenses.]

13 4. The settlement agreement provides that class counsel may seek up to
14 \$533,333.33 in attorneys' fees, plus their reasonably incurred litigation expenses.
15 Class Counsel seeks \$533,333.33 in attorneys' fees, plus their reasonably incurred
16 litigation expenses in the amount of \$14,053.28. Defendant does not object to
17 these amounts.

18 5. Class counsel have substantiated their fee request with a declaration
19 describing their billing practices, billing rates, hours worked, work tasks performed
20 and corresponding lodestar for the time invested into this case. The declaration
21 demonstrates a lodestar of approximately \$185,500, as of June 3, 2021. Counsel
22 note that this does not include work performed after June 3, 2021 regarding
23 communicating with class members and the settlement administrator, preparing the
24 case for final approval, and overseeing implementation of the settlement after final
25 approval.

26 6. Based on a fee request of \$533,333.33, the declaration of class counsel
27 documenting their lodestar shows that a fee award of this amount would result in a
28 multiplier of 2.88. Class Counsel also seek reimbursement of actual out-of-pocket

1 costs of \$14,053.28, which are documented in the declarations of class counsel as
2 well.

3 7. The declaration submitted in support of the motion demonstrate that
4 the attorneys representing the Class have the experience and qualifications
5 necessary to represent the Class.

6 8. A reasonable hourly rate is the prevailing rate charged by attorneys of
7 similar skill and experience in the relevant community. *Chalmers v. City of Los*
8 *Angeles*, 796 F.2d 1205, 1210 (9th Cir. 1986). The Court finds that the hourly rates
9 charged by class counsel are within the prevailing range of hourly rates charged by
10 attorneys providing similar services in class action, wage-and-hour cases in
11 California, as shown by the Declaration of Justin F. Marquez. The hourly rates of
12 Class Counsel also have consistently and recently been approved as reasonable by
13 the courts.

14 9. Generally, hours are reasonable if they were “reasonably expended in
15 pursuit of the ultimate result achieved in the same manner that an attorney
16 traditionally is compensated by a fee-paying client.” *Hensley v. Eckerhart*, 461
17 U.S. 424, 431 (1983). The Court finds that the total hours worked by Class
18 Counsel are reasonable, given the nature of the case and the defenses presented, the
19 work class counsel had to undertake, and the results achieved.

20 10. Counsel are also entitled to a multiplier of their total lodestar. *See*
21 *Ketchum v. Moses*, 24 Cal.4th 1122, 1133-1132, 1138 (2001) (reasoning that
22 contingency fees should be higher than fees for the same legal services paid
23 concurrently with the provision of the services). The Court finds that the multiplier
24 sought of 2.88 is reasonable and appropriate, given the documented lodestar,
25 contingent risk, complexity, time spent on the case, the preclusion of counsel from
26 other employment, and the favorable results achieved for class members.

27 11. A common cross-check regarding the reasonableness of a fee award is
28 its percentage of the total value of the benefits conferred on the class. *Boeing Co.*

1 v. *Van Gemert*, 444 U.S. 472, 478-81 (1980). Plaintiffs’ fee request of \$533,333.33
2 represents one-third of the Gross Settlement Amount, which is reasonable under
3 both applicable law, and in light of the contingent risk, Counsel’s documented
4 lodestar, the complex nature of the case, time spent on the case, and strong result
5 for the Class. *See id.* The fee request for one-third of the common fund also is
6 reasonable when compared with Counsel’s total lodestar. *See Laffitte v. Robert*
7 *Half Int’l Inc.*, 1 Cal.5th 480, 504 (2016) (reasoning that courts may “double-
8 check” the reasonableness of a percentage fee through a lodestar calculation).

9 12. Counsel are entitled to recover the out-of-pocket costs and litigation
10 expenses they reasonably incurred in investigating, prosecuting, and settling this
11 case. *Staton v. Boeing*, 327 F.3d 939, 974 (9th Cir. 2003). The Court finds that
12 class counsel’s out-of-pocket costs and expenses of \$14,053.28 are documented,
13 and reasonable and necessary to the prosecution of this action.

14 13. The Court therefore awards Class Counsel attorneys’ fees in the
15 amount of \$533,333.33, and costs of \$14,053.28 to be paid from the settlement
16 fund pursuant to the terms and timeframe set forth in the settlement agreement.

17 **IT IS SO ORDERED.**

18
19 Date: _____, 2021

20 _____
21 HON. STANLEY BLUMENFELD, JR
22 United States District Judge
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