THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

TIFFANY HILL and MICHELLE ANDERSON, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

CONTINUUM GLOBAL SOLUTIONS, LLC, a Delaware Limited Liability Company, XEROX BUSINESS SERVICES, LLC, a Delaware Limited Liability Company, LIVEBRIDGE, INC., an Oregon Corporation, AFFILIATED COMPUTER SERVICES, INC., a Delaware Corporation, AFFILIATED COMPUTER SERVICES, LLC, a Delaware Limited Liability Company,

Defendants.

NO. 2:12-cv-00717-JCC

**PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS, AND CLASS REPRESENTATIVE AWARDS**

**NOTED FOR HEARING: JANUARY 20, 2026**



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## I. INTRODUCTION

This proposed class settlement brings to a close more than thirteen years of litigation of claims under the Washington Minimum Wage Act. The $9.1 million non-reversionary settlement fund will pay over 5,700 of Defendants' former call center employees the wages they earned many years ago, eliminating the significant risk of further delay and the possibility that Settlement Class Members may never recover their unpaid wages. These benefits would not have been achieved without Class Counsel's time, effort and skill, as well as Plaintiff Tiffany Hill's steadfast commitment to pursuing Class Members' interests and Plaintiff Michelle Anderson's willingness to represent the interests of Settlement Class Members whose claims were previously dismissed.

Plaintiffs and Class Counsel request that the Court approve an award attorneys' fees in the amount $3,185,000, which is equal to 35% of the settlement fund. An award in this amount is consistent with attorneys' fee awards in similar cases and supported by the factors courts consider in evaluating whether to award more than the Ninth Circuit's benchmark of 25% of a common fund. The Court should also approve reimbursement of the $81,759.41 in litigation costs that were necessary to secure the resolution of this litigation. Finally, the Court should approve Class Representative Awards of $15,000 for Ms. Hill and $3,000 for Ms. Anderson to recognize their efforts on behalf of the Settlement Classes.

## II. BACKGROUND

### A. Class Counsel devoted substantial time and resources to this case.

Class Counsel filed this case on Ms. Hill's behalf over thirteen years ago, in April 2012, to challenge the legality of Defendants' use of a proprietary system called Activity Based Compensation to calculate their employees' pay. As Class Counsel's detailed time records show (Marshall Decl. Ex. 1, Johnson Decl., Ex. A), the case was hard fought from the outset. After the Court certified the class in July 2014, Dkt. 116, Defendants moved for summary judgment, which the Court denied, but certified its decision for appeal. *Id.*, Dkt. 126. The appeal took five years and included briefing to and decisions from both the Ninth Circuit and the Washington



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Supreme Court. *Hill v. Xerox Bus. Servs.*, LLC, 868 F.3d 758, 759 (9th Cir. 2017), certified question answered, 191 Wn.2d 751 (2018). Following remand, Defendants moved seven months later to decertify the class and to compel individual arbitration of claims asserted by nearly 3,000 class members. Dkt. 169, 189. The Court denied the motions, Dkt. 202, but Defendants appealed the denial of the motion to compel arbitration. The Ninth Circuit affirmed. Dkt. 214, 216. The parties' disputes over the merits of the class's claims involved multiple additional summary judgment motions. *See* Dkt. 221, 261. The Court ultimately granted summary judgment on the issue of Defendants' liability to more than 4,700 class members. Dkt. 261. The parties were preparing for trial on the amount of damages for that group when they negotiated the settlement.

**B. Class Counsel negotiated an outstanding settlement for the Classes.**

Xerox will pay $9.1 million to resolve this litigation, which equals 202% of the total potential damages for both Settlement Classes or 100% of the total damages plus 66% of the prejudgment interest accrued over 13 years. If the Court awards the requested attorneys' fees, costs, Class Representative Awards, and settlement administration costs, the Net Settlement Class Funds will be $5,649,518.[1] The First Settlement Class members will receive $5,084,566, which is 165% of its total estimated damages or 100% of its estimated damages plus 42% of the prejudgment interest accrued over 13 years. The Second Settlement Class, which had all of its claims dismissed, will recover $564,952, which is 40% of its total damages and 16% of its damages plus interest; however, if a risk deduction of 75% is applied (meaning a 25% chance of reversing the Court's res judicata ruling on appeal), the Second Settlement Class will recover 158% of its reduced damages or 100% of its reduced damages plus 38% of the prejudgment interest accrued on those reduced damages over 13 years. Marshall Decl. ¶¶ 23-26.

[1] If the Court ultimately grants the requested awards for attorneys' fees ($3,185,000), litigation expenses ($81,759.41), settlement administration costs ($34,500), and class representative awards ($18,000), the remainder will be $5,780,740.59. Class counsel estimate that the employer-side taxes due on that amount total $131,222.81. When those are subtracted, the remainder is $5,649,517.78.



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The settlement ensures that members of the Settlement Classes recover a significant portion of the damages and prejudgment interest sought in this matter, without the delay and risks of continued litigation.

## III. ARGUMENT AND AUTHORITY

Plaintiffs and Class Counsel ask the Court to approve an attorneys' fee award of $3,185,000, which is 35% of the Settlement Fund, reimbursement of $81,759.41 in litigation costs, and Class Representative Awards of $15,000 for Ms. Hill and $3,000 for Ms. Anderson.

### A. A fee award of 35% of the Settlement Fund is reasonable and appropriate.

"[A] lawyer who recovers a common fund for the benefit of persons other than himself or his client is entitled to a reasonable attorney's fee from the fund as a whole." *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980). The "common fund" doctrine "rests on the perception that persons who obtain the benefit of a lawsuit without contributing to its cost are unjustly enriched at the successful litigant's expense." *Id.* The court can "prevent this inequity by assessing attorney's fees against the entire fund, thus spreading fees proportionately among those benefited by the suit." *Id.*

Courts may award fees from a common fund using the percentage-of-the-fund or the lodestar method. *In re Hyundai & Kia Fuel Econ. Litig.*, 926 F.3d 539, 570 (9th Cir. 2019). "Reasonableness is the goal, and mechanical or formulaic application of either method, where it yields an unreasonable result, can be an abuse of discretion." *In re Coordinated Pretrial Proceedings in Petroleum Prods. Antitrust Litig.*, 109 F.3d 602, 607 (9th Cir. 1997). The percentage-of-the-fund method is appropriate for determining a reasonable fee in this case. Courts use this method when, as here, the benefit to the class is easily quantified. *In re Bluetooth Headset Prods. Liab. Litig.*, 654 F.3d 935, 942 (9th Cir. 2011).

The Ninth Circuit instructs that "[t]he 25% benchmark rate, although a starting point for analysis, may be inappropriate in some cases." *Vizcaino v. Microsoft Corp.,* 290 F.3d 1043, 1048 (9th Cir. 2002). The "benchmark percentage should be adjusted, or replaced by a lodestar calculation, when special circumstances indicate that the percentage recovery would be either



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too small or too large in light of the hours devoted to the case or other relevant factors." *Six Mexican Workers v. Ariz. Citrus Growers*, 904 F.2d 1301, 1311 (9th Cir. 1990). The Ninth Circuit has identified relevant factors for determining whether the requested fee is reasonable under the "circumstances of the case": (1) the results achieved; (2) the risk of continued litigation; (3) the skill required and quality of work; (4) the contingent nature of the fee and financial burden carried by the plaintiff; and (5) awards in similar cases. *Vizcaino*, 290 F.3d at 1048-50. Courts may also consider a lodestar cross-check. *Id.* at 1050.

These factors all support the requested fee. Moreover, courts recognize that a settlement fund under $10 million will "often result in fees above 25%." *Craft v. County of San Bernardino*, 624 F. Supp. 2d 1113, 1127 (C.D. Cal. 2008); *see also Alvarez v. Farmers Ins. Exch.*, No. 3:14-cv-00574-WHO, 2017 WL 2214585, at *3 (N.D. Cal. Jan. 18, 2017) (citing cases). This is not a "mega fund" case that would result in a windfall for Class Counsel, particularly where counsel invested over 13 years of work in achieving the settlement. *In re Bluetooth*, 654 F.3d at 942.

1. <u>Class Counsel achieved an excellent settlement for the Class.</u>

"[T]he benefit obtained for the class" is "foremost among [the] considerations" when determining the reasonableness of attorneys' fees in a class action. *In re Bluetooth*, 654 F.3d at 942. Class Counsel negotiated a settlement that will significantly benefit the two Settlement Classes. The $9.1 million settlement fund is 202% of the total potential damages calculated by expert Jeffrey Munson for both Settlement Classes or 100% of those damages plus 66% of the prejudgment interest accrued over 13 years. If the Court awards the relief requested by this motion, the First Settlement Class will recover $5,084,566, which is 165% of its total estimated damages or 100% of those damages plus 42% of the prejudgment interest accrued over 13 years. The Second Settlement Class, which had all of its claims dismissed, will recover $564,952, which is 40% of its total damages and 16% of its damages plus interest; however, if a risk deduction of 75% is applied (meaning a 25% chance of reversing the Court's res judicata ruling on appeal), the Second Settlement Class will recover 158% of its reduced damages or 100% of



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its reduced damages plus 38% of the prejudgment interest accrued on those damages over 13 years. Dkt. 269 ¶¶ 3-9. Members of the Settlement Classes do not have to submit claim forms to receive payments, and none of the settlement funds will revert to Defendants.

2. <u>Class Counsel litigated on a contingency basis, assuming significant risk.</u>

"Risk is a relevant circumstance." *Carlin v. DairyAmerica, Inc.*, 380 F. Supp. 3d 998, 1020 (E.D. Cal. 2019) (citing *Vizcaino*, 290 F.3d at 1048). Class Counsel negotiated this settlement as the parties were preparing for trial on the amount of the First Settlement Class's damages. Defendants' expert's calculation is approximately $700,000 to $860,000 less than Plaintiff's expert's calculation. Defendants undoubtedly would have appealed a ruling in the Class's favor. And even though the Court found in favor of the First Settlement Class on liability, Defendants likely would have challenged that ruling on appeal as well. There was thus a risk that the First Settlement Class would recover nothing at all. The Second Settlement Class members' claims were dismissed, leaving them with no recovery absent a successful appeal. The settlement eliminates these risks as well as further delay in paying members of the Settlement Classes wages they earned many years ago. This factor also supports the requested fee.

3. <u>Class Counsel demonstrated skill and experience against zealous adversaries.</u>

Over the past thirteen-and-a-half years, Class Counsel drew on their many years of experience in litigating and resolving wage and hour class actions. They succeeded in obtaining class certification and a determination in the Class's favor on Defendants' liability, prevailing twice before the Ninth Circuit and securing a favorable opinion from the Washington Supreme Court. The duration of the case and its circuitous path to this settlement are a testament to the complexity of the issues involved. This was not a run-of-the-mill wage and hour case. And Class Counsel achieved multiple victories in the course of the litigation despite Defendants' tenacious defense. *See Destefano v. Zynga*, No. 12-cv-04007-JSC, 2016 WL 537946, at *17 (N.D. Cal. Feb. 11, 2016) ("The quality of opposing counsel is also relevant to the quality and skill that class counsel provided."); *Lofton v. Verizon Wireless*, No. C 13-05665 YGR, 2016 WL 7985253, at *1



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(N.D. Cal. May 27, 2016) (the "risks of class litigation against an able defendant well able to defend itself vigorously" support upward adjustment of the benchmark).

4. Class Counsel assumed significant risk of no recovery.

Class Counsel litigated this case on a contingency basis, and risked recovering no fees. *In re Online DVD-Rental Antitrust Litig.*, 779 F.3d 934, 954-55 (9th Cir. 2015); *Jenson v. First Tr. Corp.*, No. CV 05-3124 ABC, 2008 WL 11338161, at *12 (C.D. Cal. June 9, 2008) ("Uncertainty that any recovery ultimately would be obtained is a highly relevant consideration. Indeed, the risks assumed by Counsel, particularly the risk of non-payment or reimbursement of expenses, is important to determining a proper fee award."). When Ms. Hill filed this case, Defendants' proprietary pay system was unprecedented and unchallenged. Class Counsel assumed the risk of litigating this case on a contingency basis, ultimately battling Defendants for over 13 years to retain class certification and prove the merits of class members' claims. "With respect to the contingent nature of the litigation … courts tend to find above-market-value fee awards more appropriate in this context given the need to encourage counsel to take on contingency-fee cases for plaintiffs who otherwise could not afford to pay hourly fees." *Destefano*, 2016 WL 537946, at *18; *see also Rabin v. PricewaterhouseCoopers*, No. 16-cv-02276-JST, 2021 WL 837626, at *8 (N.D. Cal. Feb. 4, 2021) (noting "the attorney's fee award should take into account the risk of representing Plaintiffs on a contingency basis over a period of four years of litigation" and awarding fee of 35% of settlement fund).

5. Fee awards in similar cases support the request.

Courts in the Ninth Circuit routinely adjust the benchmark upwards in cases with settlement funds under $10 million and in wage and hour class actions. *See*, *e.g.*, *Koeppen v. Carvana, LLC*, No. 21-cv-01951-TSH, 2024 WL 3925703, at *12 (N.D. Cal. Aug. 22, 2024) (awarding fee of 35% of settlement fund and observing that "in similar cases, several other courts—including those in this District—have concluded that a higher award was appropriate in employment class actions," and citing cases); Final Approval Order ¶ 11, *Kastel v. Cascade Living Group Mgmt., LLC*, No. 2:23-cv-00684-JCC (Feb. 11, 2025), ECF 39 (awarding fee of one-



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third of settlement fund in wage and hour case, representing multiplier of 4.6 on lodestar); *Williams v. PillPack LLC*, No. 3:19-cv-05282-DGE, 2025 WL 1149710, at *3 (W.D. Wash. Apr. 18, 2025) ("fee awards of approximately 33⅓% are typical for settlements up to $10 million" (citation omitted)); *Yanez v. HL Welding, Inc.*, No. 20-cv-1789-MDD, 2022 WL 788703, at *11-12 (S.D. Cal. Mar. 15, 2022) (fees of 30-50% are commonly awarded in cases with smaller common funds and a "33.33% award … is commensurate with percentage-of-the-fund awards made in other wage and hour class actions"); *Miller v. CEVA Logistics USA, Inc.*, No. 2:13-cv-01321-TLN, 2015 WL 4730176, at *8 (E.D. Cal. Aug. 10, 2015) ("California district courts usually award attorneys' fees in the range of 30–40% in wage and hour class actions that result in the recovery of a common fund under $10 million.").

Courts also adjust the benchmark upward where, as here, the settlement is a favorable result for the class and class counsel made a significant investment of time and resources. *See A.D. v. T-Mobile USA, Inc. Emp. Benefit Plan*, No. 2:15-cv-00180-RAJ, 2017 WL 11679615, at *2 (W.D. Wash. Jan. 5, 2017) (awarding 35% of settlement fund and citing benefit to class members, "Class Counsel's efforts, the risk of non-payment, and the complexity of the issues"); *Schmitt v. Kaiser Found. Health Plan of Wash.*, No. 2:17-cv-1611-RSL, 2024 WL 1676754, at *4-5 (W.D. Wash. Apr. 18, 2024) (awarding one third of settlement fund that "provides a substantial monetary benefit for the Class" where "counsel undertook a significant risk in bringing this class action lawsuit on a contingent basis" since it was complex and "heavily litigated" for several years); *see also Tuttle v. Audiophile Music Direct, Inc.*, No. C22-1081 JLR, 2023 WL 8891575, at *15 (W.D. Wash. Dec. 26, 2023) (awarding lodestar fee equal to 35% of constructive fund); *A.M. v. Moda Health Plan, Inc.*, No. C14-1191 TSZ, 2015 WL 9839771, at *3 (W.D. Wash. Nov. 3, 2015) (awarding 35% of settlement amount).

6. <u>A lodestar crosscheck supports the request.</u>

While not required, a lodestar crosscheck supports the requested fee. *See Farrell v. Bank of America*, 827 F. App'x 628, 630 (9th Cir. 2020) ("This Court has consistently refused to adopt a crosscheck requirement, and we do so once more."); *Vizcaino*, 290 F.3d at 1050 & n.5



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(when the "primary basis of the fee award remains the percentage method," a lodestar analysis "may provide a useful perspective" but is "merely a cross check"). Courts calculate the lodestar by multiplying the number of hours reasonably expended by a reasonable rate; they then consider adjusting the lodestar to account for several factors, such as the benefit obtained for the class, risk of nonpayment, complexity and novelty of the issues presented, and awards in similar cases. *In re Bluetooth*, 654 F.3d at 941-42.

As discussed below, Class Counsel's combined lodestar of $2,217,812.50 is based on reasonable hourly rates and a reasonable number of hours. Their fee request represents a modest multiplier of 1.4, which is well within the range of multipliers approved in this Circuit. *See Vizcaino*, 290 F.3d at 1051 n.6 (collecting dozens of cases and finding that multipliers "ranging from one to four are frequently awarded").

*a. Class Counsel's hourly rates are reasonable.*

In determining a reasonable hourly rate, courts look to the prevailing market rates in the forum in which the district court sits. *Gonzalez v. City of Maywood*, 729 F.3d 1196, 1205 (9th Cir. 2013). Class Counsel calculated their lodestar at rates of $500-$700 for partners, $450-$500 for associates, $250 for paralegals, and $150-$200 for legal assistants. Marshall Decl. ¶ 19, Ex. 1; Johnson Decl. ¶ 13, Ex. A. These rates are "reasonable and comparable to the fees generally charged by attorneys with similar experience, ability, and reputation for work on similar matters in this judicial district." *Rivas v. BG Retail*, No. 16-cv-06458-BLF, 2020 WL 264401 (N.D. Cal. Jan 16, 2020); *see also Knudsen v. Hightower Holdings*, No. C24-0395-KKE, 2024 WL 3430994, at *3 (W.D. Wash. July 16, 2024) (hourly rates of $450 to $850 are reasonable for Seattle); *Wild Fish Conservancy v. Washington Dep't of Fish & Wildlife*, No. 21-cv-169, 2024 WL 1345200, at *5 (W.D. Wash. Mar. 30, 2024) (finding hourly rates of $290 to $700 reasonable based in part on "the Court's own local knowledge"), *aff'd sub nom. Wild Fish Conservancy v. Susewind*, No. 24-2562, 2025 WL 2017470 (9th Cir. July 18, 2025); *Paredes Garcia v. Harborstone Credit Union*, No. 3:21-cv-05148-LK, 2023 WL 7412842, at *11 (W.D. Wash. Nov. 9, 2023) (approving Terrell Marshall's 2023 rates as reasonable and consistent with local market).



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Class Counsel's declarations describe the basis for their hourly rates, including their education, experience, and reputation in the legal community. Marshall Decl. ¶¶ 2-14, 17-21; Johnson Decl. ¶¶ 2-9, 16; *see also Welch v. Metro. Life Ins.*, 480 F.3d 942, 947 (9th Cir. 2007) (affidavits from plaintiffs' counsel and fee awards in other cases sufficient evidence of prevailing market rates); *Ingram v. Oroudjian*, 647 F.3d 925, 928 (9th Cir. 2011) (courts may rely on their familiarity with the legal market in determining reasonable hourly rates).

*b. Class Counsel spent a reasonable number of hours litigating the case.*

In more than thirteen years of litigation, Class Counsel devoted over 3,770 hours to this case. Proving the unlawfulness of Defendants' compensation plan has been particularly hard fought and the subject of substantial discovery, multiple summary judgment motions, an appeal to the Ninth Circuit, and a certified question to the Washington Supreme Court. Class Counsel will spend additional time seeing the case through to final resolution, including moving for final approval, attending the hearing, and ensuring the settlement fund is properly distributed. Class Counsel's detailed time records, filed with this motion, demonstrate the time and effort they put into this litigation. Marshall Decl. ¶ 20, Ex. 1; Johnson Decl. ¶ 15, Ex. A.

*c. A modest multiplier on Class Counsel's lodestar is appropriate.*

The requested fee award represents a multiplier of 1.4 on Class Counsel's lodestar. "A premium for contingent cases encourages attorneys to take on the risk of these types of cases, which would otherwise not be feasible due to the significant risks and resource commitments." *Washburn v. Porsche Cars N. Am., Inc.*, No. 2:22-c-01233-TL, 2025 WL 1017983, at *10 (W.D. Wash. Apr. 4, 2025) (citing *In re: Wash. Pub. Power Supply Sys. Sec. Litig.*, 19 F.3d 1291, 1299–300 (9th Cir. 1994)); *see also Bowers v. Transamerica Title Ins. Co.*, 100 Wn.2d 581, 598-99 (1983) (an upward adjustment recognizes "the contingent nature of success, and the quality of work performed"). The multiplier is appropriate in this case given the risk Class Counsel assumed, and is consistent with multiplier approved by other courts as part of a lodestar cross-check on a percentage-of-the-fund fee award. *See Hyundai*, 926 F.3d at 571-572 (affirming lodestar fee with multipliers of 1.22 and 1.5521 to recognize work and risk undertaken by two



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firms and citing cases); *Davis v. Symetra Life Ins. Co.*, No. 2:21-CV-00533-KKE, 2025 WL 1434727, at *5 (W.D. Wash. May 19, 2025) (approving fee award of 33.33% of the fund where "the lodestar crosscheck results in a multiplier of 2.73" and observing that "multipliers in the Ninth Circuit have ranged from 0.6 to 19.6"); *Chery v. Tegria Holdings LLC*, No. C23-612-MLP, 2024 WL 5009036, at *8 (W.D. Wash. Dec. 6, 2024) (finding in a wage and hour case that "[a]s a cross-check, a 4.7 multiplier is somewhat high but not markedly higher than in similar cases, thus validating the percentage approach here"); *Bolding v. Banner Bank*, No. 2:17-cv-00601-RSL, 2024 WL 755903, at *1 (W.D. Wash. Feb. 23, 2024) ("A 33% award (which corresponds with a 1.399 lodestar multiplier) is appropriate in this case."); *T-Mobile USA,* 2017 WL 11679615, at *2 (finding 2.23 multiplier on lodestar appropriate in cross-checking fee equal to 35% of settlement fund).

**B. Class Counsel's litigation costs of $81,759.41 should be reimbursed.**

Attorneys who create a common fund are entitled to reimbursement of out-of-pocket expenses that are reasonable, necessary and directly related to the work performed for the class. *Vincent v. Hughes Air W.*, 557 F.2d 759, 769 (9th Cir. 1977) ("The common fund doctrine provides that a private plaintiff, or his attorney, whose efforts create, discover, increase or preserve a fund to which others also have a claim is entitled to recover from the fund the costs of his litigation."); *In re High-Tech Emp. Antitrust Litig.*, No. 11-cv-02509-LHK, 2015 WL 5158730, at *16 (N.D. Cal. Sept. 2, 2015) (awarding costs for expert witness fees, mediation fees, document management and review, court reporting and videographer, electronic research, copying, mailing, and serving documents, and travel); *see also* Fed. R. Civ. P. 23(h). Class Counsel's declarations provide their litigation costs by category, including expert witness fees, court reporter fees and transcript costs, travel costs, copying, mailing and service costs, and electronic data storage and research costs. Marshall Decl. ¶ 22; Johnson Decl. ¶ 17, Ex. B.

**C. The requested Class Representative Awards are appropriate.**

Service awards "are fairly typical in class action cases." *Rodriguez v. W. Publishing*, 563 F.3d 948, 958-59 (9th Cir. 2009). They recognize class representatives' efforts, the financial or



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reputational risk they undertake, and their willingness to act as private attorneys general. *Id.*; *see also Grey Fox v. Plains All-Am. Pipeline*, No. CV 16-03157 PSG, 2024 WL 4267431, at *6 (C.D. Cal. Sept. 17, 2024) ("Courts have discretion to approve service awards based on the amount of time and effort spent, the duration of the litigation, and the personal benefit (or lack thereof) as a result of the litigation." (citation omitted)). Ms. Hill has pursued this case for over thirteen years, representing the interests of members of the First Settlement Class and working closely with Class Counsel to develop the factual allegations and respond to discovery. Since the Court found her to be an adequate representative of the Class in 2014, Dkt. 116, Ms. Hill's dedication to Class members' interests has been unwavering. Ms. Anderson followed the progress of this lawsuit for several years and agreed to represent members of the Second Settlement Class. Dkt. 271.

Class Representative Awards of $15,000 for Ms. Hill and $3,000 for Ms. Anderson are appropriate to recognize their efforts on behalf of the Settlement Classes. *See* 5 Newberg and Rubenstein on Class Actions § 17:1 (6th ed. June 2025 update) ("Empirical evidence shows that incentive awards are now paid in most class suits and average between $10,000 to $15,000 per class representative."); *Williams*, 2025 WL 1149710, at *3 (approving $20,000 service award where plaintiff participated in discovery and litigation for over five years); *Davis*, 2025 WL 1434727, at *6 (approving service award of $25,000 and citing cases); *Kater v. Churchill Downs Inc.*, No. 15-cv-00612-RSL, 2021 WL 511203, at *2 (W.D. Wash. Feb. 11, 2021) (approving $10,000 and $50,000 service awards to recognize plaintiffs' contributions and risk of reputational harm); *Lennartson v. Papa Murphy's Int'l LLC*, No. C15-5307 RBL, 2018 WL 4252039, at *2 (W.D. Wash. Sept. 6, 2018) (approving $15,000 service awards); *see also Grey Fox*, 2024 WL 4267431, at *6-7 ($20,000 service awards); *In re BofI Holding, Inc. Sec. Litig.*, No. 3:15-cv-02324-GPC-KSC, 2022 WL 9497235, at *8 (S.D. Cal. Oct. 14, 2022) ($15,000 service award); *In re Restoration Robotics, Inc. Sec. Litig.*, No. 5:18-cv-03712-EJD, 2021 WL 4124089, at *1 (N.D. Cal. Sept. 9, 2021) (same).



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## IV. CONCLUSION

Plaintiffs and Class Counsel respectfully request the Court grant their motion.

RESPECTFULLY SUBMITTED AND DATED this 13th day of October, 2025.

TERRELL MARSHALL LAW GROUP PLLC

*I certify that this memorandum contains 4,111 words, in compliance with the Local Civil Rules.*

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