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

**CARLA PURNELL and TANISHA
SLAUGHTER**, individually and on
behalf of all other similarly situated
individuals,

Plaintiffs,

vs.

**CLEARVIEW CENTERS, LLC;
1334 WESTWOOD, LLC; 2432
WALNUT LLC; 2435 GLYNDON,
LLC; QUAIN T LLC; and
MICHAEL ROY**, jointly and
severally,

Defendants.

Case No.: 2:18-cv-01172-DSF-SS

**ORDER GRANTING MOTION FOR
ATTORNEYS' FEES,
LITIGATION/SETTLEMENT
ADMINISTRATION EXPENSES,
AND CLASS REPRESENTATIVE
SERVICE AWARDS**

1 The Court orders and determines as follows:

2 1. The Court has jurisdiction over the subject matter of this action, the
3 Defendant, and the Class.

4 2. Notice of the requested award of attorneys' fees, reimbursement of
5 litigation expenses, reimbursement of settlement administration expenses, and
6 awards of class representative service payments was directed to Class Members in
7 a reasonable manner and complies with Rule 23(h)(1) of the Federal Rules of Civil
8 Procedure.

9 3. Class Members and any party from whom payment is sought have
10 been given the opportunity to object in compliance with Rule 23(h)(2).

11 4. The Court confirms as final the appointment of Carla Purnell and
12 Tanisha Slaughter as Class Representatives of the FLSA Collective and the
13 California Rule 23 Class.

14 5. Carla Purnell and Tanisha Slaughter request a class representative
15 service award of \$5,000 each. Neither submits evidence concerning the hours
16 expended or any of the other factors generally considered in evaluating such a
17 request. Mr. Stoops provides a rather vague estimate of between 25 and 50 hours
18 for the services performed, some of which was presumably attributable to their
19 separate retaliation claims. Based on this minimal amount of information, the
20 Court concludes a representative service award of \$750 for each is a fair and
21 reasonable amount in light of the time and effort the Class Representatives
22 expended for the benefit of the Class Members, and the fact that each is receiving a
23 \$20,000 payment for their separate claims. The Court approves payment of class
24 representative service awards in the amount of \$750 to Carla Purnell and \$750 to
25 Tanisha Slaughter.

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1 6. The Court confirms Kevin Stoops of Sommers Schwartz, P.C. as Class Counsel.
2 Mr. Stoops was assisted by others at Sommers Schwartz, P.C. as well as David Yeremian of David
3 Yeremian & Associates, Inc.¹

4 7. The Court finds and determines that the requested award of
5 \$107,647.08 in attorneys' fees, or 25% of the common fund (less the amount
6 awarded for costs) is reasonable under the percentage of the common fund method.
7 The Court need not determine counsel's lodestar and specifically declines to make
8 any finding concerning counsel's hourly rates, hours billed, or multiplier.

9 8. Within 10 days of this Order the Settlement Administrator will wire
10 transfer 90% of the attorneys' fee award to Sommers Schwartz, P.C. and Sommers
11 Schwartz, P.C. will be responsible for distribution of fees to other counsel,
12 including David Yeremian & Associates, Inc., as appropriate. When all payments
13 have been made to the Class Members, Mr. Stoop will provide to the Court a
14 declaration to that effect and a proposed order for payment of the remaining fees.

15 9. The Court finds and determines that reimbursement of litigation
16 expenses in the amount of \$16,411.68² is reasonable and justified.

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19 ¹ Having reviewed the number of hours and the tasks performed by the various
20 attorneys and firms, the Court concludes it is appropriate to designate only Mr.
21 Stoops and his firm as Class Counsel. Some of the Yeremian firm's hours include
22 responding to the Court's Orders to Show Cause and correcting filing errors. At
one of the OSC hearings, Roman Shkodnik represented that it was his
understanding that he and David Yeremian were lead counsel. Mr. Shkodnik was
not then and has never been listed on the Court's docket.

23 ² Counsel assert they will have incurred \$20,509.61 in litigation expenses through
24 conclusion of the Final Approval Hearing. The Court declines reimbursement for
25 \$901 in pro hac vice-related costs. The Court also finds the travel/lodging
26 expenses of Sommers Schwartz P.C. to be excessive. Counsel complied with the
27 Court's request for invoices, receipts, etc. but the documents are somewhat
28 confusing, though there is some improvement over their submission in a previous
case. In addition, counsel provided no proposed reduction for first class and
business class travel. As the Court noted at the hearing, the Court also finds the
costs of document service/delivery to be excessive. The Court therefore reduces
the costs to be awarded for travel/lodging by approximately 1/3, and for several
document service/deliveries by 3/5. The Court also finds it improper to charge for
costs related to responding to the Court's Orders to Show Cause.

1 10. Within 10 days of this Order, the Settlement Administrator will wire
2 transfer the expenses to Sommers Schwartz, P.C. and Sommers Schwartz, P.C. will
3 be responsible for distribution of litigation expenses as appropriate.

4 11. Within 10 days of this Order, the Settlement Administrator will wire
5 transfer the litigation expenses to Sommers Schwartz, P.C. and Sommers
6 Schwartz, P.C. will be responsible for distribution of litigation expenses to counsel,
7 including David Yeremian & Associates, Inc.


8 12. Settlement Administrator CPT Group, Inc. has filed a declaration
9 identifying the work it has performed and will perform in this matter and indicating
10 its total fee is \$8,500.

11 13. The Court finds that these settlement administration expenses are fair,
12 reasonable, and appropriate and awards reimbursement of that amount to CPT
13 Group, Inc., from the Total Settlement Amount.

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IT IS SO ORDERED.

DATED: May 21, 2019



Honorable Dale S. Fischer
UNITED STATES DISTRICT JUDGE