

1 Bobby Saadian (SBN 250377)
bobby@wilshirelawfirm.com
2 Justin F. Marquez (SBN 262417)
justin@wilshirelawfirm.com
3 Nicol E. Hajjar (SBN 303102)
nicol@wilshirelawfirm.com
4 Thiago M. Coelho (SBN 324715)
thiago@wilshirelawfirm.com
5 **WILSHIRE LAW FIRM, PLC**
3055 Wilshire Blvd., 12th Floor
6 Los Angeles, California 90010
Telephone: (213) 381-9988
7 Facsimile: (213) 381-9989

8 Attorneys for Plaintiffs

9 [Additional counsel listed on following page]

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 IRMA FRAUSTO, individually, and on behalf of
all others similarly situated,

13 Plaintiff,

14 v.

15 BANK OF AMERICA, NATIONAL
16 ASSOCIATION, a business entity, form
unknown; and DOES 1 through 10, inclusive,

17 Defendants
18

Case No. 3:18-cv-01983-LB (*Frausto*)
Case No. 3:18-cv-01202-LB (*Suarez*)

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

Date: July 6, 2023
Time: 9:30 a.m.
Courtroom: B – 15th Floor
(Videoconference)
Judge: Hon. Laurel Beeler

19 ARIANNA SUAREZ, individually and on behalf
20 of all others similarly situated,

21 Plaintiff,

22 v.

23 BANK OF AMERICA, N.A. and DOES 1
through 100, inclusive,

24 Defendants
25
26
27
28

WILSHIRE LAW FIRM, PLC
3055 Wilshire Blvd., 12th Floor
Los Angeles, CA 90010-1137

1 **ILG LEGAL OFFICE, P.C.**

2 Stephen Noel Ilg (SBN 275599)

3 Email: silg@ilglegal.com

4 George L. Lin (SBN 287873)

5 Email: glin@ilglegal.com

6 156 S. Spruce Ave., Unit 206A

7 South San Francisco, CA 94080

8 Telephone: 415.580.2574

9 Facsimile: 415.735.3454

10 Attorneys for Plaintiffs

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
WILSHIRE LAW FIRM, PLC
3055 Wilshire Blvd, 12th Floor
Los Angeles, CA 90010-1137

1 This matter came on for hearing before this Court on Class Counsel’s Motion for
2 Attorneys’ Fees and Costs pursuant to the Court’s September 7, 2023 Order Granting
3 Preliminary Approval of Class Action Settlement.

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

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

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

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

12 4. The settlement agreement provides that class counsel may seek up to \$630,000.00
13 in attorneys’ fees, plus their reasonably incurred litigation expenses in the amount of
14 \$203,430.31. Defendant does not object to these amounts.

15 5. Class counsel have substantiated their fee request with declarations describing
16 their billing practices, billing rates, hours worked, work tasks performed and corresponding
17 lodestar for the time invested into this case. The declarations demonstrate a lodestar of
18 approximately \$2,401,425 as of November 20, 2023. Counsel note that this does not include
19 work performed after November 20, 2023 regarding communicating with Settlement Class
20 Members and the settlement administrator, preparing the case for final approval, and overseeing
21 implementation of the settlement after final approval.

22 6. Based on a fee request of \$630,000.00, the declarations of class counsel
23 documenting their lodestar shows that a fee award of this amount would result in a multiplier
24 of 0.26. Class Counsel also seek reimbursement of actual out-of-pocket costs of \$203,430.31,
25 which are documented in the declaration of class counsel as well.

26 7. The declarations submitted in support of the motion demonstrate that the
27 attorneys representing the Settlement Class Members have the experience and qualifications
28 necessary to represent the Class.

1 8. A reasonable hourly rate is the prevailing rate charged by attorneys of similar
2 skill and experience in the relevant community. *Chalmers v. City of Los Angeles*, 796 F.2d
3 1205, 1210 (9th Cir. 1986). The Court finds that the hourly rates charged by class counsel are
4 within the prevailing range of hourly rates charged by attorneys providing similar services in
5 class action, wage-and-hour cases in California, as shown by the Declaration of Justin F.
6 Marquez.

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

12 10. A common cross-check regarding the reasonableness of a fee award is its
13 percentage of the total value of the benefits conferred on the class. *Boeing Co. v. Van Gemert*,
14 444 U.S. 472, 478-81 (1980). Plaintiffs’ fee request of \$630,000.00 represents one-third of the
15 Gross Settlement Fund, which is reasonable under both applicable law, and in light of the
16 contingent risk, Counsel’s documented lodestar, the complex nature of the case, time spent on
17 the case, and strong result for the Class. *See id.* The fee request for one-third of the common
18 fund also is reasonable when compared with Counsel’s total lodestar. *See Laffitte v. Robert*
19 *Half Int’l Inc.*, 1 Cal.5th 480, 504 (2016) (reasoning that courts may “double-check” the
20 reasonableness of a percentage fee through a lodestar calculation).

21 11. Counsel are entitled to recover the out-of-pocket costs and litigation expenses
22 they reasonably incurred in investigating, prosecuting, and settling this case. *Staton v. Boeing*,
23 327 F.3d 939, 974 (9th Cir. 2003). The Court finds that class counsel’s out-of-pocket costs and
24 expenses of \$203,430.31 are documented, and reasonable and necessary to the prosecution of
25 this action.

26 ///

27 ///

28 ///

WILSHIRE LAW FIRM, PLC
3055 Wilshire Blvd., 12th Floor
Los Angeles, CA 90010-1137

