

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

DAVID GREENLEY, individually and
on behalf of others similarly situated,
Plaintiffs,

v.
MAYFLOWER TRANSIT, LLC,
Defendant.

CASE NO. 21cv339-WQH-MDD

[Judge: Hon. William Q. Hayes]

**(PROPOSED) ORDER GRANTING
MOTION FOR ATTORNEY FEES,
REIMBURSEMENT OF
EXPENSES, APPROVAL OF
SETTLEMENT
ADMINISTRATION COSTS AND
APPROVAL OF SERVICE AWARD**

Date Action Filed: February 25, 2021
Date: August 4, 2022 at 10:30 a.m.
Courtroom: 14B

The Court has considered the Plaintiffs’ Motion For (1) Attorney Fees; (2) Reimbursement of Litigation Expenses; (3) Approval of Settlement Administration Fees; And (4) Approval of Class Representative Service Award, Declaration of Joshua B. Swigart, Declaration of Peter F. Barry, Declaration of David Greenley, Memorandum of Points and Authorities filed in support thereof, as well as the

1 other documents filed in support thereof, and finds good cause for issuing an Order
2 regarding (1) Attorney Fees; (2) Reimbursement of Litigation Expenses; (3)
3 Approval of Settlement Administration Fees; and (4) Approval of Class
4 Representative Service Award.
5

6 **NOW THEREFORE, IT IS HEREBY ORDERED:**
7

- 8 1. The Court finds that the efforts of class counsel resulted in the creation of a
9 common settlement fund for the benefit of the class members and that class
10 counsel is entitled to an award of attorney fees from the common fund;
11
12 2. The Court hereby determines that in this common fund settlement
13 application of the percentage of the recovery method is the proper
14 methodology for determination of the proper attorney fee award;
15
16 3. The Court further finds that application of the “benchmark” percentage of
17 25% of the common fund is appropriate in this case;
18
19 4. Applying the 25% benchmark to the common fund of \$1,450,000, the Court
20 hereby awards attorney fees to class counsel in the aggregate amount of
21 \$362,500;
22
23 5. The Court further finds that application of a lodestar “cross check” confirms
24 that the fee awarded is fair, reasonable, and within the range of attorney fee
25 awards approved in similar cases;
26
27
28

1 6. The Court further finds that the request for litigation related costs and
2 expenses submitted by counsel is fair and reasonable and therefore the court
3 orders that class counsel be reimbursed for litigation related costs and
4 expenses in the amount of \$30,874.12;

5
6
7 7. The Court further finds the request for reimbursement of Settlement
8 Administration costs to be fair and reasonable and orders payment of
9 Settlement Administration Costs to CPT Group, Inc., in the amount of
10 \$12,500;

11
12 8. The Court further finds that the requested service award incentive award is
13 within the acceptable range of approval and does not appear to be the result
14 of collusion;

15
16 9. Accordingly, the Court orders payment of a service award in the amount of
17 \$10,000 to named representative plaintiff David Greenley.
18

19 **IT IS SO ORDERED.**
20

21 Dated: _____
22

23
24 _____
25 United States District Judge
26 Hon. William Q. Hayes
27
28