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14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 OMAR ZINE, individually, and on behalf of
17 other members of the general public similarly
situated,

18 Plaintiff,

19 vs.

20 NESPRESSO USA, INC., a Delaware
corporation; and DOES 1 through 10, inclusive,

21 Defendants.

22 WILLIAM BABER, an individual, on behalf of
23 himself and all others similarly situated and
aggrieved,

24 Plaintiff,

25 vs.

26 NESPRESSO USA, INC., a Delaware
corporation; NESTLE USA, INC., a Delaware
corporation; and DOES 1 through 100, inclusive,

27 Defendants.
28

Case No.: 3:20-cv-05144-SK
Consolidated with 3:21-cv-00487-JSC

Assigned to the Hon. Sallie Kim

**ORDER GRANTING MOTION FOR
ATTORNEYS' FEES, COSTS, AND CLASS
REPRESENTATIVE ENHANCEMENT
PAYMENTS**

Date: May 8, 2023
Time: 9:30 a.m.
Place: Courtroom C

ORDER

On May 8, 2023, this Court conducted a hearing on Plaintiffs’ Motion for Attorneys’ Fees, Costs, and Class Representative Enhancement Payments. Having carefully considered the papers, evidence, and arguments presented, the Court finds and orders as follows:

1. The Court finds that the requested award of attorneys’ fees in the amount of \$316,667, or one-third of the common fund created by the settlement, is reasonable for a contingency fee in a class action such as this. *See Laffitte v. Robert Half Int’l Inc.*, 1 Cal. 5th 480 (2016) (affirming award of attorneys’ fees in the amount of one-third of the non-reversionary common fund); *Van Vranken v. Atlantic Richfield Co.*, 901 F. Supp. 294, 297 (N.D. Cal. 1995) (“the cases . . . in which high percentages such as 30-50 percent of the fund were awarded involved relatively smaller funds of less than \$10 million”).

2. Plaintiffs’ counsel has also provided sufficient evidence to establish that the award is reasonable in light of a lodestar cross-check, which the Court finds to be the product of reasonable billing rates and hours billed to the litigation.

3. Additionally, evidence submitted by Plaintiffs’ Counsel demonstrates that the requested costs of \$24,085.88 are fair and reasonable.

4. The Court accordingly awards a total of \$316,667 in attorneys’ fees and \$24,085.88 in costs to Capstone Law APC and Shegerian & Associates, Inc. The award of attorneys’ fees and costs will be divided between counsel as follows: (i) \$158,333.50 in attorneys’ fees and \$12,198.82 in litigation costs to Capstone Law APC; and (ii) \$158,333.50 in attorneys’ fees and \$ 11,887.06 in litigation costs to Shegerian & Associates, Inc.

5. In addition to their general release payments, the Court also approves enhancement payments of \$5,000, each, to Plaintiffs Omar Zine and William Baber.

IT IS SO ORDERED.

Dated: May 8, 2023



Hon. Sallie Kim
United States Magistrate Judge