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15 **UNITED STATES DISTRICT COURT**
16 **EASTERN DISTRICT OF CALIFORNIA**

17 JOSHUA WRIGHT, LORETTA STANLEY,
18 HALEY QUAM, and AIESHA LEWIS, on
19 behalf of themselves and all others similarly
20 situated,

21 Plaintiffs,

22 vs.

23 FRONTIER MANAGEMENT LLC,
24 FRONTIER SENIOR LIVING, LLC, and GH
25 SENIOR LIVING, LLC dba GREENHAVEN
26 ESTATES ASSISTED LIVING,

27 Defendants.

Case No.: 2:19-cv-01767-JAM-CKD

**ORDER GRANTING PLAINTIFFS’
MOTION FOR ATTORNEYS’ FEES AND
COSTS AND FOR SERVICE AWARDS**

Judge: Hon. John A. Mendez

Date: February 28, 2023

Time: 1:30 p.m.

Ctrm.: 6, 14th Floor

Filed: September 6, 2019

Trial Date: None

1 The Motion for Attorneys' Fees an Costs and For Service Awards filed by Plaintiffs Joshua
2 Wright, Loretta Stanley, Haley Quam, and Aiesha Lewis, Plaintiffs in this action (the "Action"),
3 came on for hearing regularly in Courtroom 6, 14th Floor, of the above captioned court, the
4 Honorable John A. Mendez presiding.

5 Having reviewed the papers and documents presented, having heard the statements of
6 counsel, and having considered the matter, the Court HEREBY ORDERS as follows:

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

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

12 3. No Class Member has objected to the requested fees and expenses and service
13 awards.

14 4. The settlement agreement provides that Class Counsel may seek up to 35% of the
15 Gross Settlement Amount of \$9,500,000, or \$3,325,000, plus costs not to exceed \$110,000.
16 However, Class Counsel only seeks one-third of the Gross Settlement Amount, or \$3,166,663.50
17 in reasonable attorneys' fees and their reasonably incurred actual litigation expenses of \$94,296.46.
18 Defendants do not object to these amounts.

19 5. Class Counsel have substantiated their fee request with a declaration describing their
20 billing practices, billing rates, hours worked, work tasks performed and corresponding lodestar for
21 the time invested into this case. The declaration demonstrates a total lodestar of approximately
22 \$2,167,230 based on over 3,351 hours of work, as of January 20, 2023. Counsel note that this does
23 not include any work performed by attorneys and staff who billed less than a total of 10 hours, and
24 any additional work performed to oversee the implementation of the Settlement and to otherwise
25 bring the Settlement to a close.

26 6. Based on a fee request of \$3,166,663.50, the declaration of Class Counsel
27 documenting their lodestar shows that a fee award of this amount would result in a multiplier of
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1 approximately 1.46 or less. Class Counsel also seek reimbursement of actual out-of-pocket costs
2 of \$94,296.46, which are documented in the declaration of Class Counsel as well.

3 7. The Court finds that Class Counsel's hourly rates are within the prevailing range of
4 hourly rates charged by attorneys providing similar services in class action, wage-and-hour cases
5 in California, as shown by the Declaration of Carolyn H. Cottrell.

6 8. The declaration submitted in support of the motion demonstrate that the attorneys
7 representing the class have the experience and qualifications necessary to represent the Class.

8 9. The Court finds that the total hours worked by class counsel are reasonable, given
9 the nature of the case and the defenses presented, the work class counsel had to undertake, the
10 manner in which class counsel allocated their work, and the results achieved.

11 10. Class Counsel also are entitled to a multiplier of their total lodestar. The Court finds
12 that the multiplier sought of 1.46 (as of January 20, 2023) falls well within the customary range for
13 common fund cases where class counsel has taken the case on a contingency fee arrangement. The
14 Court further finds the multiplier sought is reasonable and appropriate, given the documented
15 lodestar, contingent risk, complexity, factual and legal risks, protracted nature of the case, the
16 preclusion of counsel from other employment, and the favorable results achieved for class
17 members.

18 11. A common cross-check regarding the reasonableness of a fee award is its percentage
19 of the total value of the benefits conferred on the class. *Boeing Co. v. Van Gemert*, 444 U.S. 472,
20 478-81 (1980). Plaintiffs' fee request of \$3,166,663.50 represents one-third (1/3) of the Gross
21 Settlement Amount, which is reasonable under both applicable law, and in light of the contingent
22 risk, factual and legal risks, Class Counsel's documented lodestar, the complex and protracted
23 nature of the case, and strong result for the Class. *See id.*

24 12. Class Counsel are entitled to recover the out-of-pocket costs and litigation expenses
25 they reasonably incurred in investigating, prosecuting, and settling this case. *Harris v. Marhoefer*,
26 24 F.3d 16, 19 (9th Cir. 1994). The Court finds that Class Counsel's out-of-pocket costs and
27 expenses of \$94,296.46 are documented, and reasonable and necessary to the prosecution of this
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1 action, in light of the protracted nature of the case, the vigorousness of Defendants' legal defense,
2 the motion practice, amount of documentary evidence, witnesses and depositions, and the four
3 mediations necessary to achieve the settlement.

4 13. The Court FINALLY APPROVES Class Counsel's request for attorneys' fees in the
5 amount of one-third of \$9,500,000, for a total of \$3,166,663.50.

6 14. The Court FINALLY APPROVES Class Counsel's request for costs in the amount
7 of \$94,296.46.

8 15. The Court further finds that the requested service awards are fair and reasonable for
9 the service they provided to the Classes and Collective and the broader release they executed than
10 the Class and Collective Members.

11 16. The Court FINALLY APPROVES the service awards to the Named Plaintiff and
12 Class and PAGA Representative in the amount of \$10,000 to Plaintiff Joshua Wright.

13 17. The Court FINALLY APPROVES the service awards to the Named Plaintiffs and
14 Class and Collective Representatives in the amount of \$5,000 each to Plaintiffs Loretta Stanley,
15 Aiesha Lewis, and Haley Quam.

16 18. The Court FINALLY APPROVES a service award to Emily Gracey in the amount
17 of \$5,000.

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19 **IT IS SO ORDERED.**

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21 Dated: March 9, 2023

/s/ John A. Mendez

22 THE HONORABLE JOHN A. MENDEZ
23 SENIOR UNITED STATES DISTRICT JUDGE
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