

1 Carolyn H. Cottrell (SBN 166977)
2 Ori Edelstein (SBN 268145)
3 Michelle S. Lim (SBN 315691)
4 SCHNEIDER WALLACE
5 COTTRELL KONECKY LLP
6 2000 Powell Street, Suite 1400
7 Emeryville, California 94608
8 Telephone: (415) 421-7100
9 Facsimile: (415) 421-7105
10 ccottrell@schneiderwallace.com
11 oedelstein@schneiderwallace.com
12 mlim@schneiderwallace.com

13 Attorneys for Plaintiffs, and the Putative Class
14 and Collective

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

17 DAVID CHAVEZ and VINCENT
18 SLAUGHTER, on behalf of themselves and all
19 others similarly situated,

20 Plaintiffs,

21 vs.

22 STELLAR MANAGEMENT GROUP VII,
23 LLC; STELLAR MANAGEMENT GROUP,
24 INC. d/b/a QSI QUALITY SERVICE
25 INTEGRITY; THE VINCIT COMPANY, LLC
26 d/b/a THE VINCIT GROUP and VINCIT
27 ENTERPRISES,

28 Defendants.

Case No.: 3:19-cv-01353-JCS

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
ATTORNEYS' FEES AND COSTS AND
FOR SERVICE AWARDS**

Date: March 18, 2022

Time: 9:30 a.m.

Judge: Hon. Joseph C. Spero

Ctrm.: G, 15th Floor

Filed: March 13, 2019

Trial Date: None

1 The unopposed Motion for Attorneys' Fees and Costs and For Service Award filed by David
2 Chavez and Vincent Slaughter, Plaintiffs in this action (the "Action"), came on for remote hearing on
3 March 18, 2022, at 9:30 a.m. by remote videoconference via the online platform Zoom, [https://cand-](https://cand-uscourts.zoomgov.com/j/1619260804?pwd=RE5qWDhGOTdWWTZUOFIOKzhNc3pjZz09)
4 [uscourts.zoomgov.com/j/1619260804?pwd=RE5qWDhGOTdWWTZUOFIOKzhNc3pjZz09](https://cand-uscourts.zoomgov.com/j/1619260804?pwd=RE5qWDhGOTdWWTZUOFIOKzhNc3pjZz09),
5 Webinar ID: 161 926 0804, Password: 050855, Dial in: US: +1 (669) 254-5252 or +1 (646) 828-
6 7666, International numbers: <https://cand-uscourts.zoomgov.com/u/advFLxrTkx>, of the above
7 captioned court, the Honorable Joseph C. Spero presiding.

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

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

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

15 3. [No Class Member has objected to the requested fees and expenses.] OR [___ Class
16 Members have submitted timely objections. The overrules the objections for following reasons:]

17 4. The settlement agreement provides that class counsel may seek up to \$1,416,666.52
18 in attorneys' fees, plus their reasonably incurred litigation expenses, up to \$50,000.00. Plaintiffs'
19 Counsel seeks \$1,416,666.52 in attorneys' fees, plus their reasonably incurred litigation expenses,
20 as provided in the settlement agreement. Defendants do not object to these amounts.

21 5. Class counsel have substantiated their fee request with a declaration describing their
22 billing practices, billing rates, hours worked, work tasks performed and corresponding lodestar for
23 the time invested into this case. The declaration demonstrates a total lodestar of approximately
24 \$1,291,655 based on over 1,997 hours of work, as of November 18, 2021. Counsel note that this
25 does not include work performed on the motion for final approval, communicating with class
26 members and the settlement administrator after November 18, 2021, preparing the case for final
27 approval, and overseeing implementation of the settlement after final approval.

1 6. Based on a fee request of \$1,416,666.52, the declarations of class counsel
2 documenting their lodestar shows that a fee award of this amount would result in a multiplier of
3 approximately 1.097 or less. Class Counsel also seek reimbursement of actual out-of-pocket costs
4 of \$34,384.78, which are documented in the declaration of class counsel as well.

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

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

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

13 10. Counsel also are entitled to a multiplier of their total lodestar. *See Ketchum v. Moses*,
14 24 Cal.4th 1122, 1133-1132, 1138 (2001) (reasoning that contingency fees should be higher than
15 fees for the same legal services paid concurrently with the provision of the services). The Court
16 finds that the multiplier sought of 1.097 (as of November 18, 2021) is reasonable and appropriate,
17 given the documented lodestar, contingent risk, complexity, protracted nature of the case, the
18 preclusion of counsel from other employment, and the favorable results achieved for class members.

19 11. A common cross-check regarding the reasonableness of a fee award is its percentage
20 of the total value of the benefits conferred on the class. *Boeing Co. v. Van Gemert*, 444 U.S. 472,
21 478-81 (1980). Plaintiffs' fee request of \$1,416,666.52 represents one-third (1/3) of the Settlement
22 Fund, which is reasonable under both applicable law, and in light of the contingent risk, Counsel's
23 documented lodestar, the complex and protracted nature of the case, and strong result for the Class.
24 *See id.*

25 12. Plaintiffs' Counsel are entitled to recover the out-of-pocket costs and litigation
26 expenses they reasonably incurred in investigating, prosecuting, and settling this case. *In re Media*
27 *Vision Tech. Sec. Litig.*, 913 F.Supp. 1362, 1366 (N.D. Cal. 1996). The Court finds that class
28

1 counsel's out-of-pocket costs and expenses of \$34,384.78 are documented, and reasonable and
2 necessary to the prosecution of this action, in light of the protracted nature of the case, the
3 vigorousness of Defendants' legal defense, the motion practice, amount of documentary evidence,
4 witnesses and depositions, and the four mediations necessary to achieve the settlement.

5 13. The Court FINALLY APPROVES Class Counsel's request for attorneys' fees in the
6 amount of one-third of \$4,250,000 (the Gross Settlement Amount minus any interest accrued
7 between preliminary approval and this Order), for a total of \$1,416,666.52.

8 14. The Court FINALLY APPROVES Class Counsel's request for costs in the amount
9 of \$34,384.78.

10 15. The Court FINALLY APPROVES service awards to the Named Plaintiff and Class
11 and PAGA Representative in the amount of \$12,000 to Plaintiff David Chavez. The Court
12 FINALLY APPROVES service awards to the Named Plaintiff and Class and Collective
13 Representative in the amount of \$10,000 to Plaintiff Vincent Slaughter. The Court finds that these
14 awards are fair and reasonable for the service they provided to the Class and Collective and the
15 broader release they executed than the Class and Collective Members.

16
17 **IT IS SO ORDERED.**

18
19 Dated: _____

HON. JOSEPH C. SPERO
United States Chief Magistrate Judge
Northern District of California