

ENDORSED  
FILED  
ALAMEDA COUNTY

JUL 31 2015

K. McCoy, Exec. Off./Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ALAMEDA

ALEXANDER GUREVICH, et al.,

Plaintiff,

v.

ROYAL AMBULANCE, INC., et al.,

Defendants.

CASE NOS.: RG12631895 (Lead Case)  
RG12639791

*[Assigned to the Hon. Wynne Carvill, Dept. 21]*

CLASS ACTION

~~PROPOSED~~ ORDER GRANTING CLASS  
COUNSEL'S REQUESTED ATTORNEY  
FEES AND COSTS AND SERVICE  
AWARDS FOR CLASS  
REPRESENTATIVES

KEVIN DICKENS, et al.,

Plaintiffs,

v.

ROYAL AMBULANCE, INC., et al.,

Defendants.

Defendants.

Hearing Date: July 31, 2015

Time: 8:30 a.m.

Place: Dept. 21

Reference No.: R-1648298

Complaints filed: May 24, 2012

July 18, 2012

Trial Date:

Not set

1 On July 31, 2015, this Court held a hearing on Plaintiff's motion for an order granting approval of  
2 Class Counsel's Attorneys' Fees and Litigation Costs, and for Service Payments. Plaintiffs seek  
3 \$216,666.67 for attorneys' fees, and \$21,097.70 in litigation costs. Plaintiffs request approval of service  
4 payments to Class Representatives as follows: \$10,000 to Named Plaintiffs Gurevich and Dickens, and  
5 \$3,000 to Named Plaintiffs Oppido, Stecz, Hern, and Jones. Based on the papers filed with the Court and  
6 presentations made to the Court at the hearing, the Court hereby grants Class Counsel's request.

7 **1. The Requested Award of Attorneys' Fees is Appropriate**

8 In determining the reasonableness of the fee under the lodestar method, the Court can begin with  
9 the "lodestar" figure, which to begin with "is calculated by multiplying the number of hours the  
10 prevailing party reasonably expended on the litigation by a reasonable hourly rate." *Morales v. City of*  
11 *San Rafael*, 96 F.3d 359, 363 (9th Cir. 1996); see also *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983);  
12 *Press v. Lucky Stores, Inc.*, 34 Cal.3d 311, 322 (1983). "That figure may then be increased or reduced by  
13 the application of a 'multiplier' after the trial court has considered other factors concerning the lawsuit."  
14 *Press*, 34 Cal.3d at 322.

15 Class Counsel herein submitted a summary of its billing records and provided the Court with the  
16 number of hours spent by Class Counsel, and each attorney, on this litigation. Class Counsel submits that  
17 its lodestar well exceeds the requested amount of \$216,666.67. Class Counsel also notes that the  
18 requested amount is only 30% of their lodestar.

19 Class Counsel submitted declarations reflecting \$21,097.70 in litigation expenses incurred as of  
20 the filing of their final approval papers, a date prior to the final approval hearing. These costs included  
21 filing and other court fees, travel expenses related to court appearances, copying and delivery, charges,  
22 legal and other research charges, mediator fees, and expert consultant fees. Plaintiffs claim that Class  
23 Counsel incurred these out-of-pocket costs without assurance that they would be repaid. Plaintiffs further  
24 claims these litigation expenses were necessary to secure the resolution of this litigation. Plaintiffs  
25 further claims that Class Counsel may also incur additional costs in obtaining final approval and  
26 implementing the settlement. Defendant does not oppose the request.

1 Therefore, an award to Class Counsel of \$216,666.67 (total) for attorneys' fees and \$21,097.70 in  
2 litigation costs is fair and reasonable in light of the nature of this case, Class Counsel's experience and  
3 efforts undertaken in prosecuting this Action, and the benefits obtained for the Class.

4 **2. The Service Award Payments to the Class Representatives is Fair and Reasonable**

5 Courts frequently approve similar or higher awards in similar cases than Plaintiff requested. *See,*  
6 *e.g., In re Cellphone Fee Termination Cases*, 186 Cal. App. 4th at 1393 (affirming awards of \$10,000 to  
7 each of four class representatives). Here, the Named Plaintiffs submitted declarations that they provided  
8 documents and assisted class counsel in seeking discovery. The Named Plaintiffs have further declared  
9 that they assisted in preparing and evaluating the case for mediation, and provided Class Counsel with  
10 guidance to evaluate and approve the proposed settlement on behalf of the Settlement Class. Named  
11 Plaintiffs Gurevich and Dickens also attended both full-day mediations. In addition, Named Plaintiff  
12 Gurevich states that he spent approximately 80 hours assisting in litigation, mediation, and settlement of  
13 this case.

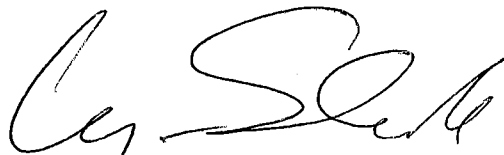
14 Defendant does not oppose the request.

15 Therefore, incentive awards to Plaintiffs Gurevich and Dickens of \$10,000 each, and to Plaintiffs  
16 Oppido, Stecz, Hern, and Jones of \$3,000 each, are fair and reasonable in light of: (a) Plaintiffs' risks in  
17 commencing this action as the class representatives; (b) the time and effort spent by Plaintiffs in litigating  
18 this action as the class representatives; and (c) Plaintiffs' public interest service.

19 **IT IS HEREBY ORDERED that:**

20  
21 Class Counsel's request for an award of attorneys' fees and costs as stated herein is GRANTED.  
22 The Named Plaintiffs' requests for service awards are also GRANTED. The awarded attorneys' fees and  
23 litigation costs and service payments shall be paid in accordance with the terms of the Settlement  
24 Agreement.

25  
26 Dated: July 31, 2015

  
HON. WYNNE CARVILL  
JUDGE OF THE SUPERIOR COURT