

GBDH Billing Detail

San Jose

fees and matter id = '721' and not hidden and not on hold and date <=7/7/2020

04/19/2019	Lee, Andrew	Research and draft correspondence detailing fee demand	3.00	750.00	2,250.00
04/21/2019	Lee, Andrew	Follow-up w/ L. Dardarian, and T. Fox re next steps in negotiations (.2). Discuss same w/ L. Dardarian (.1).	0.30	750.00	225.00
04/22/2019	Holtzman, Beth	Draft complaint for San Jose Curb ramp case	2.00	415.00	830.00
04/22/2019	Lee, Andrew	Research regarding support for damages claim	1.50	750.00	1,125.00
04/23/2019	Lee, Andrew	Research damages claims for A. Lashbrook	6.10	750.00	4,575.00
04/23/2019	Lee, Andrew	Phone call to A. Lashbrook regarding damages demand	0.10	750.00	75.00
04/24/2019	Lee, Andrew	Draft correspondence to City regarding damages and attorneys' fees	2.80	750.00	2,100.00
04/25/2019	Lee, Andrew	Research and draft damages, service award, attorneys' fee and cost demand letter	6.80	750.00	5,100.00
04/29/2019	Lee, Andrew	Analyze City's edits to Consent Decree	0.30	750.00	225.00
04/30/2019	Lee, Andrew	Research and draft attorneys' fees demand correspondence	2.10	750.00	1,575.00
04/30/2019	Lee, Andrew	Revise and edit correspondence to City regarding damages and attorneys' fees demand	0.30	750.00	225.00
05/01/2019	Lee, Andrew	Analysis of City's edits to consent decree regarding elimination of funding sources w/ L. Dardarian	0.10	750.00	75.00
05/01/2019	Lee, Andrew	Revise correspondence to City regarding attorneys' fees and costs	1.70	750.00	1,275.00
05/01/2019	Holtzman, Beth	Draft complaint	0.40	415.00	166.00
05/01/2019	Holtzman, Beth	Review most recent draft of consent decree with City's edits to start drafting preliminary approval papers.	0.50	415.00	207.50
05/01/2019	Dardarian, Linda	Conference w/ B. Holtzman re complaint and preliminary approval papers	0.10	945.00	94.50
05/01/2019	Dardarian, Linda	Conference w/ A. Lee re same and settlement agreement	0.10	945.00	94.50
05/01/2019	Dardarian, Linda	Review City's edits to settlement agreement	0.10	945.00	94.50
05/01/2019	Lee, Andrew	Conference w/ L. Dardarian re same	0.10	750.00	75.00

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05/02/2019	Holtzman, Beth	Review City's edits to Consent Decree draft	0.40	415.00	166.00
05/02/2019	Lee, Andrew	Teleconference w/ A. Lashbrook regarding status of settlement and negotiations	0.30	750.00	225.00
05/02/2019	Lee, Andrew	Revise and edit correspondence to City regarding damages, service award, and attorneys' fees/costs	0.20	750.00	150.00
05/02/2019	Holtzman, Beth	Review City's edits to Consent Decree draft	0.50	415.00	207.50
05/02/2019	Holtzman, Beth	Draft complaint	1.10	415.00	456.50
05/02/2019	Dardarian, Linda	Prepare for settlement conference w/ San Jose	0.10	945.00	94.50
05/03/2019	Holtzman, Beth	Draft complaint	2.40	415.00	996.00
05/03/2019	Lee, Andrew	Prepare for structured negotiations call regarding Consent Decree	0.50	750.00	375.00
05/03/2019	Lee, Andrew	Structured negotiations call w/ L. Dardarian, T. Fox, J. Calegari and City staff	0.60	750.00	450.00
05/03/2019	Lee, Andrew	Analysis of consent decree revisions w/ L. Dardarian and T. Fox	0.10	750.00	75.00
05/03/2019	Lee, Andrew	Analysis of damages award to A. Lashbrook	0.10	750.00	75.00
05/03/2019	Lee, Andrew	Conference w/ A. Lashbrook regarding potential settlement	0.20	750.00	150.00
05/03/2019	Lee, Andrew	Research re A. Lashbrook damages claim	0.10	750.00	75.00
05/03/2019	Lee, Andrew	Revise and edit Consent Decree and complaint	1.40	750.00	1,050.00
05/03/2019	Holtzman, Beth	Draft complaint	1.80	415.00	747.00
05/03/2019	Dardarian, Linda	Prepare for conference w/ City re settlement negotiations	0.40	945.00	378.00
05/03/2019	Dardarian, Linda	Conference w/ J. Calegari, P. Park, R. Scott and F. Farshidi re terms of Settlement Agreement	0.60	945.00	567.00
05/03/2019	Dardarian, Linda	Conference w/ A. Lee and T. Fox re next steps	0.10	945.00	94.50
05/06/2019	Lee, Andrew	Revise and edit correspondence to San Jose regarding monetary relief	1.80	750.00	1,350.00
05/06/2019	Holtzman, Beth	Draft complaint	2.90	415.00	1,203.50

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05/06/2019	Dardarian, Linda	Review and edit correspondence to City re plaintiffs' attorneys' fees, costs, damages and service award	1.10	945.00	1,039.50
05/06/2019	Lee, Andrew	Research re A. Lashbrook damages claims	0.40	750.00	300.00
05/07/2019	Lee, Andrew	Teleconference w/ A. Lashbrook re damages claim	0.20	750.00	150.00
05/07/2019	Holtzman, Beth	Draft complaint, review San Jose's semi-annual curb ramp reports from May 2017, November 2017, and April 2018.	1.80	415.00	747.00
05/07/2019	Holtzman, Beth	Edit draft complaint	2.90	415.00	1,203.50
05/08/2019	Lee, Andrew	Revise and edit monetary demand letter.	2.50	750.00	1,875.00
05/08/2019	Dardarian, Linda	Conference w/ A. Lee re damages and draft complaint	0.10	945.00	94.50
05/08/2019	Lee, Andrew	Conference w/ L. Dardarian re same	0.10	750.00	75.00
05/13/2019	Dardarian, Linda	Review and respond to correspondence from J. Calegari re Decree Section 27 (a)	0.10	945.00	94.50
05/13/2019	Dardarian, Linda	Memos to and from T. Fox re same	0.10	945.00	94.50
05/14/2019	Lee, Andrew	Revise and edit Consent Decree to reflect changes agreed to on last call w/City	1.40	750.00	1,050.00
05/14/2019	Dardarian, Linda	Conference w/ A. Lee re fees and damages negotiations and revisions to Consent Decree	0.30	945.00	283.50
05/14/2019	Dardarian, Linda	Review and edit Consent Decree	0.40	945.00	378.00
05/14/2019	Lee, Andrew	Strategy w/ L. Dardarian re monetary relief negotiations and revisions to consent decree	0.30	750.00	225.00
05/15/2019	Lee, Andrew	Revise and edit correspondence to City regarding damages and attorneys' fees	1.60	750.00	1,200.00
05/15/2019	Lee, Andrew	Revise and edit Consent Decree	0.50	750.00	375.00
05/15/2019	Lee, Andrew	Draft correspondence to J. Calegari regarding updated version of Consent Decree	0.20	750.00	150.00
05/15/2019	Dardarian, Linda	Review and edit Consent Decree	0.50	945.00	472.50

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05/15/2019	Dardarian, Linda	Review and edit correspondence to City re plaintiffs' damages and fees demands	1.20	945.00	1,134.00
05/16/2019	Lee, Andrew	Teleconference w/ L. Dardarian, T. Fox, J. Calegari, and R. Scott regarding Consent Decree	0.50	750.00	375.00
05/16/2019	Lee, Andrew	Analysis of section 27 of Consent Decree w/ L. Dardarian and T. Fox	0.30	750.00	225.00
05/16/2019	Lee, Andrew	Analysis of section 27 of Consent Decree w/ L. Dardarian and B. Holtzman	0.20	750.00	150.00
05/16/2019	Holtzman, Beth	Confer with L. Dardarian and A. Lee re finalizing language in Consent Decree	0.20	415.00	83.00
05/16/2019	Dardarian, Linda	Prepare for settlement call w/ the city	0.20	945.00	189.00
05/16/2019	Dardarian, Linda	Conference w/ J. Calegari, R. Scott, T. Fox and A. Lee re Consent Decree terms	0.50	945.00	472.50
05/16/2019	Dardarian, Linda	Conference w/ T. Fox and A. Lee re same	0.30	945.00	283.50
05/16/2019	Dardarian, Linda	Conference w/ A. Lee and B. Holtzman re final edits to Consent Decree and approval papers	0.20	945.00	189.00
05/17/2019	Lee, Andrew	Revise and edit Consent Decree	0.80	750.00	600.00
05/17/2019	Lee, Andrew	Analysis of same w/ L. Dardarian	0.20	750.00	150.00
05/17/2019	Lee, Andrew	Revise and edit complaint	2.60	750.00	1,950.00
05/17/2019	Lee, Andrew	Teleconference w/ A. Lashbrook regarding damages negotiations	0.20	750.00	150.00
05/17/2019	Lee, Andrew	Draft correspondence to T. Fox regarding Consent Decree terms	0.20	750.00	150.00
05/17/2019	Holtzman, Beth	Confer with A. Lee re draft complaint	0.20	415.00	83.00
05/17/2019	Dardarian, Linda	Settlement strategy	0.10	945.00	94.50
05/17/2019	Dardarian, Linda	Conference w/ A. Lee re same and final edits to consent decree	0.20	945.00	189.00
05/17/2019	Dardarian, Linda	Review and edit same	0.10	945.00	94.50
05/22/2019	Lee, Andrew	Revise and edit correspondence to City regarding damages and attorneys' fees	3.90	750.00	2,925.00

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05/22/2019	Lee, Andrew	Phone call to J. Mastin regarding settlement negotiations	0.10	750.00	75.00
05/22/2019	Lee, Andrew	Analysis of attorneys' fees demand w/ L. Dardarian	0.70	750.00	525.00
05/22/2019	Dardarian, Linda	Strategy w/ A. Lee re monetary relief demand letter	0.70	945.00	661.50
05/22/2019	Dardarian, Linda	Review and edit same	0.50	945.00	472.50
05/23/2019	Holtzman, Beth	Draft complaint	2.80	415.00	1,162.00
05/28/2019	Lee, Andrew	Revise and edit fee demand letter and Consent Decree	1.20	750.00	900.00
05/28/2019	Lee, Andrew	Analysis of Consent Decree and fee demand letter w/ L. Dardarian	0.20	750.00	150.00
05/28/2019	Lee, Andrew	Revise and edit correspondence to City regarding monetary relief and Consent Decree	0.70	750.00	525.00
05/28/2019	Lee, Andrew	Draft correspondence to J. Calegari regarding fee demand and updated version of Consent Decree	0.30	750.00	225.00
05/28/2019	Dardarian, Linda	Conference w/ A. Lee re monetary relief demand, final changes to Consent Decree and draft complaint	0.20	945.00	189.00
05/28/2019	Dardarian, Linda	Review and edit consent decree and fee letter	0.40	945.00	378.00
05/29/2019	Holtzman, Beth	Draft complaint	1.80	415.00	747.00
05/31/2019	Holtzman, Beth	Draft complaint	1.00	415.00	415.00
06/11/2019	Lee, Andrew	Revise and edit complaint	1.30	750.00	975.00
06/12/2019	Lee, Andrew	Revise and edit complaint	1.20	750.00	900.00
06/13/2019	Lee, Andrew	Draft, research and edit complaint	5.90	750.00	4,425.00
06/14/2019	Lee, Andrew	Edit and draft complaint	1.70	750.00	1,275.00
06/21/2019	Dardarian, Linda	Review first half of 2019 semi-annual report	0.10	945.00	94.50
06/26/2019	Lee, Andrew	Conference w/ L. Dardarian re negotiations status	0.10	750.00	75.00
06/28/2019	Dardarian, Linda	Memo to A. Lee re negotiations strategy	0.20	945.00	189.00
07/01/2019	Lee, Andrew	Strategy and analysis regarding motion for preliminary approval	0.40	750.00	300.00
07/01/2019	Holtzman, Beth	Confer with A. Lee re drafting preliminary approval papers	0.20	415.00	83.00

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07/01/2019	Lee, Andrew	Analysis of preliminary approval motion w/ B. Holtzman	0.20	750.00	150.00
07/01/2019	Holtzman, Beth	Research re preliminary approval papers	0.70	415.00	290.50
07/03/2019	Holtzman, Beth	Prepare outline of preliminary approval motion	1.10	415.00	456.50
07/08/2019	Holtzman, Beth	Prepare outline of motion for preliminary approval	0.90	415.00	373.50
07/09/2019	Lee, Andrew	Analyze outline for motion for preliminary approval of settlement	0.50	750.00	375.00
07/11/2019	Lee, Andrew	Teleconference w/ A. Lashbrook regarding update on settlement and status of case	0.10	750.00	75.00
07/11/2019	Lee, Andrew	Review and edit outline for preliminary approval motion	0.80	750.00	600.00
07/11/2019	Lee, Andrew	Revise draft complaint	0.20	750.00	150.00
07/12/2019	Lee, Andrew	Revise and edit San Jose complaint	2.60	750.00	1,950.00
07/12/2019	Holtzman, Beth	Begin drafting motion for preliminary approval	0.30	415.00	124.50
07/12/2019	Lee, Andrew	Prepare for call w/ City of San Jose; develop list of issues for discussion	1.00	750.00	750.00
07/12/2019	Lee, Andrew	Teleconference w/ T. Fox and L. Dardarian in preparation for call w/ City; identify issues for discussion	0.20	750.00	150.00
07/12/2019	Lee, Andrew	Analysis of fee issues w/ L. Dardarian	0.10	750.00	75.00
07/12/2019	Lee, Andrew	Structured negotiations call w/ L. Dardarian, T. Fox, J. Calegari, and City folks	0.80	750.00	600.00
07/12/2019	Lee, Andrew	Analysis of information to provide to City and next steps in negotiations w/ L. Dardarian and B. Holtzman	0.30	750.00	225.00
07/12/2019	Holtzman, Beth	Confer with L. Dardarian and A. Lee re plaintiff's damages and attorneys' fee	0.30	415.00	124.50

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07/12/2019	Dardarian, Linda	Preparation for negotiations-- review fee and damages demand and current draft of Consent Decree (0.7). Conference with A. Lee and T. Fox re same (0.2). Negotiation session with A. Lee, T. Fox, J. Calegari, L. Wells, F. Faschidi, Octavia Duran and R. Scott (0.8). Follow up with T. Fox and A. Lee regarding same (0.1). Strategy regarding damages analysis with A. Lee and B. Holtzman (0.3).	2.20	945.00	2,079.00
07/16/2019	Holtzman, Beth	Phone call to A. Lashbrook re damages claim	0.30	415.00	124.50
07/16/2019	Holtzman, Beth	Memo to A. Lee re same	0.30	415.00	124.50
07/16/2019	Holtzman, Beth	Follow up email with A. Lashbrook re same	0.20	415.00	83.00
07/17/2019	Lee, Andrew	Phone call to A. Lashbrook regarding curb ramp encounters	0.10	750.00	75.00
07/17/2019	Lee, Andrew	Teleconference w/ A. Lashbrook regarding damages demand	0.30	750.00	225.00
07/18/2019	Lee, Andrew	Teleconference w/ B. Holtzman and A. Lashbrook regarding damages demand	0.70	750.00	525.00
07/18/2019	Holtzman, Beth	Call with A. Lee and A. Lashbrook re damages calculations	0.70	415.00	290.50
07/18/2019	Holtzman, Beth	Confer with A. Lee re damages calculations for A. Lashbrook	0.20	415.00	83.00
07/18/2019	Lee, Andrew	Analysis of A. Lashbrook curb ramp experiences w/ B. Holtzman	0.30	750.00	225.00
07/18/2019	Holtzman, Beth	Memo to A. Lee and L. Dardarian re A. Lashbrook damages claim	0.50	415.00	207.50
07/18/2019	Dardarian, Linda	Prepare materials regarding attorneys' fees fee demand (1.6); Conference with A. Lee regarding damages support (0.2)	1.80	945.00	1,701.00
07/18/2019	Lee, Andrew	Conference w/ L. Dardarian re same	0.20	750.00	150.00
07/19/2019	Lee, Andrew	Draft correspondence to City regarding Lashbrook damages	5.50	750.00	4,125.00
07/19/2019	Kirkpatrick, Stuart	Memo to L. Dardarian re damages claims	0.20	285.00	57.00

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07/19/2019	Dardarian, Linda	Prepare revised demand for fees and damages, review materials and research re same	4.50	945.00	4,252.50
07/22/2019	Lee, Andrew	Draft correspondence regarding A. Lashbrook damages calculations	3.10	750.00	2,325.00
07/22/2019	Lee, Andrew	Finalize correspondence regarding Plaintiff's damages demand	0.70	750.00	525.00
07/22/2019	Lee, Andrew	Research for preliminary approval briefing	0.20	750.00	150.00
07/22/2019	Dardarian, Linda	Strategy and research re materials for fee demand	0.50	945.00	472.50
07/22/2019	Dardarian, Linda	Review and edit correspondence to San Jose re Plaintiff's damages claim	0.70	945.00	661.50
07/24/2019	Lee, Andrew	Research regarding attorneys' fees claim	1.30	750.00	975.00
07/24/2019	Lee, Andrew	Draft correspondence regarding costs and monitoring fees	1.70	750.00	1,275.00
07/24/2019	Lee, Andrew	Analysis of monitoring fees cap w/ L. Dardarian	0.20	750.00	150.00
07/24/2019	Dardarian, Linda	Prepare further information re fee demand and draft correspondence to J. Calegari re same	3.30	945.00	3,118.50
07/24/2019	Dardarian, Linda	Conference w/ A. Lee re same	0.20	945.00	189.00
07/25/2019	Lee, Andrew	Teleconference w/ A. Lashbrook regarding status of negotiations	0.20	750.00	150.00
07/25/2019	Dardarian, Linda	Finalize correspondence to San Jose re fee demand	0.10	945.00	94.50
07/26/2019	Lee, Andrew	Prepare for call w/ J. Calegari regarding attorneys' fees and damages	0.20	750.00	150.00
07/26/2019	Lee, Andrew	Call w/ J. Calegari, L. Dardarian, and T. Fox regarding attorneys' fees, damages, and monitoring fees	0.20	750.00	150.00
07/26/2019	Lee, Andrew	Analysis of monitoring cap w/ L. Dardarian and T. Fox	0.10	750.00	75.00
07/26/2019	Lee, Andrew	Analysis of monitoring cap w/ L. Dardarian	0.10	750.00	75.00
07/26/2019	Lee, Andrew	Review and analyze materials and strategize re attorneys' fees claims for case in chief and implementation of settlement	2.70	750.00	2,025.00

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07/26/2019	Dardarian, Linda	Conference w/ J. Calegari, T. Fox and A. Lee re fee and damages demands	0.20	945.00	189.00
07/26/2019	Dardarian, Linda	Follow up w/ A. Lee and T. Fox re same	0.10	945.00	94.50
07/26/2019	Dardarian, Linda	Conference w/ A. Lee re same	0.10	945.00	94.50
07/29/2019	Holtzman, Beth	Draft motion for preliminary approval	1.40	415.00	581.00
07/29/2019	Lee, Andrew	Revise and analyze correspondence to J. Calegari regarding monitoring tasks	0.30	750.00	225.00
07/29/2019	Dardarian, Linda	Edit memo to J. Calegari re monitoring fees	0.50	945.00	472.50
07/30/2019	Holtzman, Beth	Draft motion for preliminary approval of consent decree	2.00	415.00	830.00
08/02/2019	Dardarian, Linda	Review and edit draft complaint	1.60	945.00	1,512.00
08/05/2019	Holtzman, Beth	Confer with A. Lee re final edits to complaint	0.10	415.00	41.50
08/05/2019	Holtzman, Beth	Edit complaint (add additional facts, injunctive relief claim)	1.20	415.00	498.00
08/05/2019	Holtzman, Beth	Draft motion for preliminary approval	1.50	415.00	622.50
08/06/2019	Lee, Andrew	Revise and edit complaint	1.30	750.00	975.00
08/06/2019	Lee, Andrew	Revise complaint and draft correspondence to T. Fox re same	0.40	750.00	300.00
08/06/2019	Dardarian, Linda	Review further revised draft complaint	0.10	945.00	94.50
08/07/2019	Holtzman, Beth	Draft motion for preliminary approval	0.70	415.00	290.50
08/07/2019	Holtzman, Beth	Final edits to complaint and send to co-counsel (Tim Fox) and San Jose	0.30	415.00	124.50
08/07/2019	Dardarian, Linda	Memo to B. Holtzman re finalizing complaint and memo to J. Calegari re same	0.20	945.00	189.00
08/08/2019	Holtzman, Beth	Draft motion for preliminary approval of consent decree	0.70	415.00	290.50
08/08/2019	Dardarian, Linda	Correspondence to and from J. Calegari re monetary relief negotiations	0.10	945.00	94.50
08/09/2019	Holtzman, Beth	Draft motion for preliminary approval	0.90	415.00	373.50
08/12/2019	Dardarian, Linda	Memo to A. Lee re curb ramp slope measurement techniques	0.10	945.00	94.50
08/13/2019	Lee, Andrew	Analyze transition plan and survey documents regarding City's measurements techniques	0.60	750.00	450.00

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08/13/2019	Lee, Andrew	Draft correspondence to J. Calegari regarding use assessing curb ramp slopes	0.50	750.00	375.00
08/14/2019	Lee, Andrew	Analysis of attorneys' fee negotiations and survey methodology w/ L. Dardarian	0.40	750.00	300.00
08/14/2019	Lee, Andrew	Draft correspondence to J. Calegari regarding attorneys' fees and approved rates	0.30	750.00	225.00
08/14/2019	Dardarian, Linda	Conference w/ A. Lee re response to J. Calegari request for additional fee information	0.20	945.00	189.00
08/14/2019	Dardarian, Linda	Further negotiations issues for injunctive relief negotiations and strategy re same	0.20	945.00	189.00
08/14/2019	Dardarian, Linda	Prepare for settlement meeting w/ the City	0.70	945.00	661.50
08/14/2019	Dardarian, Linda	Conference w/ A. Lee re same	0.40	945.00	378.00
08/21/2019	Lee, Andrew	Teleconference w/ A. Lashbrook regarding case status and settlement negotiations	0.10	750.00	75.00
08/28/2019	Lee, Andrew	Prepare for structured negotiations call regarding monetary issues	0.40	750.00	300.00
08/28/2019	Lee, Andrew	Teleconference w/ J. Calegari, R. Scott, and Laura (City folks) and L. Dardarian regarding monetary issues	0.50	750.00	375.00
08/28/2019	Holtzman, Beth	Confer with L. Dardarian and A. Lee re addressing City's position on attorneys fees and counter-offer for plaintiff damages	0.30	415.00	124.50
08/28/2019	Lee, Andrew	Strategy and analysis regarding follow up to structured negotiations call	0.30	750.00	225.00
08/28/2019	Dardarian, Linda	Prepare for monetary relief negotiations	0.50	945.00	472.50
08/28/2019	Dardarian, Linda	Conference w/ J. Calegari, R. Scott, Laura (LNU) and A. Lee re monetary relief negotiations	0.50	945.00	472.50
08/28/2019	Dardarian, Linda	Conference w/ B. Holtzman and A. Lee re strategy re counter proposals to City's offer	0.30	945.00	283.50
08/28/2019	Dardarian, Linda	Memo to T. Fox re same	0.50	945.00	472.50
08/29/2019	Lee, Andrew	Teleconference w/ A. Lashbrook regarding update	0.30	750.00	225.00
08/29/2019	Holtzman, Beth	Draft preliminary approval brief	0.20	415.00	83.00

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08/30/2019	Lee, Andrew	Research evidence to support plaintiff's attorneys' fees demand and counter City's position re same	4.10	750.00	3,075.00
08/30/2019	Lee, Andrew	Draft correspondence to J. Calegari regarding settlement, plaintiff damages, and attorneys' fees	0.80	750.00	600.00
08/30/2019	Holtzman, Beth	Review draft email re follow up from call and additional information re attorneys fees negotiations	0.20	415.00	83.00
08/30/2019	Dardarian, Linda	Strategy w/ A. Lee re fee negotiations and support thereof	0.30	945.00	283.50
08/30/2019	Dardarian, Linda	Research re same	0.10	945.00	94.50
08/30/2019	Dardarian, Linda	Review and edit correspondence to J. Calegari re same	0.10	945.00	94.50
08/30/2019	Lee, Andrew	Strategy w/ L. Dardarian re attorneys' fees negotiations	0.30	750.00	225.00
09/03/2019	Lee, Andrew	Revise and finalize correspondence to City memorializing 8/28 call regarding monetary relief issues	0.20	750.00	150.00
09/05/2019	Holtzman, Beth	Draft motion for preliminary approval	1.10	415.00	456.50
09/10/2019	Holtzman, Beth	Draft motion for preliminary approval	2.90	415.00	1,203.50
09/10/2019	Holtzman, Beth	Draft motion for preliminary approval	0.90	415.00	373.50
09/11/2019	Lee, Andrew	Prepare for call w/ City of San Jose regarding attorneys' fees	0.80	750.00	600.00
09/11/2019	Lee, Andrew	Teleconference w/ J. Calegari and T. Fox regarding attorneys' fees and plaintiff damages	0.40	750.00	300.00
09/11/2019	Lee, Andrew	Analysis of settlement call w/ T. Fox	0.10	750.00	75.00
09/11/2019	Lee, Andrew	Draft memo to L. Dardarian regarding call w/ J. Calegari and T. Fox regarding damages and attorneys' fees	0.60	750.00	450.00
09/11/2019	Lee, Andrew	Analysis of settlement and fee negotiation w/ L. Dardarian	0.10	750.00	75.00
09/12/2019	Lee, Andrew	Teleconference w/ A. Lashbrook regarding status of settlement	0.10	750.00	75.00
09/16/2019	Holtzman, Beth	Review materials to prepare draft declarations in support of motion for preliminary approval	0.20	415.00	83.00

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09/17/2019	Holtzman, Beth	Draft proposed order granting motion for preliminary approval of settlement	0.30	415.00	124.50
09/17/2019	Holtzman, Beth	Draft attorney declaration in support of motion for preliminary approval	0.70	415.00	290.50
09/17/2019	Holtzman, Beth	Review draft notice	0.20	415.00	83.00
09/18/2019	Holtzman, Beth	Draft attorney declaration in support of motion for preliminary approval of settlement	0.50	415.00	207.50
09/20/2019	Lee, Andrew	Teleconference w/ A. Lashbrook regarding status of settlement	0.20	750.00	150.00
09/24/2019	Lee, Andrew	Exchange memos w/ L. Dardarian and T. Fox re fee negotiations w/ the City	0.20	750.00	150.00
09/24/2019	Lee, Andrew	Analysis of response to City's request for additional information for fee negotiations	0.20	750.00	150.00
09/24/2019	Lee, Andrew	Research and draft correspondence to J. Calegari regarding hourly rates information	0.50	750.00	375.00
09/24/2019	Dardarian, Linda	Conference w/ A. Lee re fee negotiation strategy	0.20	945.00	189.00
10/09/2019	Dardarian, Linda	Review materials for fee negotiations	0.90	945.00	850.50
10/09/2019	Dardarian, Linda	Phone call to J. Calegari re same	0.10	945.00	94.50
10/09/2019	Dardarian, Linda	Memo to J. Calegari re same	0.10	945.00	94.50
10/10/2019	Lee, Andrew	Analysis of response to J. Calegari regarding call and request for information regarding attorneys' fees	0.20	750.00	150.00
10/10/2019	Dardarian, Linda	Draft correspondence to J. Calegari re fee and damages negotiations	0.30	945.00	283.50
10/10/2019	Dardarian, Linda	Conference w/ A. Lee re same	0.10	945.00	94.50
10/11/2019	Lee, Andrew	Analyze and revise preliminary approval motion.	3.80	750.00	2,850.00
10/11/2019	Dardarian, Linda	Memos to and from J. Calegari re fee and damages negotiations	0.10	945.00	94.50
10/11/2019	Dardarian, Linda	Conference w/ J. Calegari re fee and damages negotiations	0.10	945.00	94.50
10/11/2019	Dardarian, Linda	Memo to T. Fox and A. Lee re same and strategy for further negotiations	0.30	945.00	283.50

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10/15/2019	Holtzman, Beth	Draft and revise motion for preliminary approval of consent decree	1.40	415.00	581.00
10/17/2019	Holtzman, Beth	Draft motion for preliminary approval	2.30	415.00	954.50
10/17/2019	Holtzman, Beth	Research and draft motion for preliminary approval	2.90	415.00	1,203.50
10/17/2019	Dardarian, Linda	Strategy re negotiations re and fees	0.20	945.00	189.00
10/18/2019	Lee, Andrew	Teleconference w/ J. Calegari regarding plaintiff damages and attorneys' fees	0.40	750.00	300.00
10/18/2019	Lee, Andrew	Strategy and analysis of settlement positions regarding damages and attorneys' fees w/ L. Dardarian and T. Fox	0.40	750.00	300.00
10/18/2019	Holtzman, Beth	Draft motion for preliminary approval	2.60	415.00	1,079.00
10/18/2019	Holtzman, Beth	Confer with A. Lee re drafting motion for preliminary approval of consent decree	0.20	415.00	83.00
10/18/2019	Lee, Andrew	Analysis of preliminary approval motion w/ B. Holtzman	0.20	750.00	150.00
10/18/2019	Holtzman, Beth	Review city's responses to requests for information regarding the City's installation and maintenance of curb ramps	0.20	415.00	83.00
10/18/2019	Lee, Andrew	Teleconference w/ L. Dardarian and J. Calegari regarding plaintiff damages negotiation	0.20	750.00	150.00
10/18/2019	Lee, Andrew	Strategy and analysis regarding attorneys' fee negotiations w/ L. Dardarian	0.40	750.00	300.00
10/18/2019	Lee, Andrew	Draft correspondence to J. Calegari regarding monitoring fees	0.60	750.00	450.00
10/18/2019	Dardarian, Linda	Prepare for conference w/ J. Calegari re fees and damages	0.30	945.00	283.50
10/18/2019	Dardarian, Linda	Conference w/ J. Calegari, A. Lee and T. Fox re same	0.40	945.00	378.00
10/18/2019	Dardarian, Linda	Follow up strategy re T. Fox and A. Lee re same	0.40	945.00	378.00
10/18/2019	Dardarian, Linda	Further research and strategy for counter proposals re same	1.10	945.00	1,039.50
10/18/2019	Dardarian, Linda	Research, strategy and memos to T. Fox and A. Lee re fee negotiations	0.60	945.00	567.00

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10/18/2019	Dardarian, Linda	Second conference w/ J. Calegari and A. Lee re damages and fees	0.20	945.00	189.00
10/18/2019	Dardarian, Linda	Strategy w/ A. Lee re same	0.40	945.00	378.00
10/21/2019	Lee, Andrew	Teleconference w/ A. Lashbrook regarding status of settlement and disclosure of damages settlement	0.30	750.00	225.00
10/21/2019	Holtzman, Beth	Draft motion for preliminary approval	0.80	415.00	332.00
10/22/2019	Holtzman, Beth	Draft motion for preliminary approval	3.30	415.00	1,369.50
10/22/2019	Dardarian, Linda	Correspondence to J. Calegari re plaintiff damages	0.10	945.00	94.50
10/29/2019	Lee, Andrew	Draft correspondence to J. Calegari regarding fees	0.20	750.00	150.00
10/29/2019	Lee, Andrew	Teleconference w/ A. Lashbrook regarding settlement of damages claims	0.20	750.00	150.00
11/06/2019	Dardarian, Linda	Correspondence to J. Calegari re finalizing settlement negotiations and consent decree	0.10	945.00	94.50
11/07/2019	Lee, Andrew	Revise and edit consent decree	0.50	750.00	375.00
11/08/2019	Lee, Andrew	Revise and edit consent decree to reflect recent negotiations	1.40	750.00	1,050.00
11/08/2019	Lee, Andrew	Analyze and edit motion for preliminary approval	2.10	750.00	1,575.00
11/11/2019	Dardarian, Linda	Memo to T. Fox re consent decree and fee negotiations	0.10	945.00	94.50
11/12/2019	Lee, Andrew	Analyze consent decree and correspondence regarding monitoring fee cap	0.40	750.00	300.00
11/12/2019	Lee, Andrew	Exchange memos w/ L. Dardarian and T. Fox regarding monitoring fees cap	0.30	750.00	225.00
11/12/2019	Lee, Andrew	Revise and edit consent decree	1.70	750.00	1,275.00
11/14/2019	Dardarian, Linda	Phone call to J. Calegari re finalizing consent decree	0.10	945.00	94.50
11/18/2019	Dardarian, Linda	Conference w/ J. Calegari re status of negotiations and finalizing decree	0.10	945.00	94.50
11/18/2019	Dardarian, Linda	Memo to T. Fox and A. Lee re same	0.10	945.00	94.50
11/18/2019	Dardarian, Linda	Conference w/ A. Lee re preliminary approval motion	0.10	945.00	94.50
11/19/2019	Lee, Andrew	Analyze case history and revise motion for preliminary approval of settlement	3.90	750.00	2,925.00

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11/22/2019	Lee, Andrew	Teleconference w/ J. Calegari, L. Dardarian and T. Fox regarding consent decree and monitoring fees	0.50	750.00	375.00
11/22/2019	Lee, Andrew	Analysis of monitoring fees provision in consent decree w/ T. Fox and L. Dardarian	0.40	750.00	300.00
11/22/2019	Lee, Andrew	Analysis of monitoring fees provision in consent decree w/ L. Dardarian	0.20	750.00	150.00
11/22/2019	Dardarian, Linda	Conference w/ J. Calegari, A. Lee and T. Fox re consent decree finalization and fee negotiations	0.50	945.00	472.50
11/22/2019	Dardarian, Linda	Follow up strategy re fee negotiations w/ T. Fox and A. Lee	0.40	945.00	378.00
11/22/2019	Dardarian, Linda	Conference w/ A. Lee re same	0.20	945.00	189.00
11/26/2019	Lee, Andrew	Revise consent decree per recent negotiations w/ the City	0.90	750.00	675.00
11/26/2019	Dardarian, Linda	Conference w/ A. Lee re fee motion strategy and research	0.10	945.00	94.50
11/27/2019	Lee, Andrew	Edit consent decree per recent negotiations	0.90	750.00	675.00
12/03/2019	Lee, Andrew	Draft correspondence to J. Calegari regarding monitoring fees	0.80	750.00	600.00
12/03/2019	Dardarian, Linda	Memo to and from T. Fox re monitoring fee proposal	0.10	945.00	94.50
12/05/2019	Dardarian, Linda	Conference w/ J. Calegari re fee negotiations and finalizing decree	0.20	945.00	189.00
12/05/2019	Dardarian, Linda	Memo to T. Fox and A. Lee re same	0.10	945.00	94.50
12/09/2019	Lee, Andrew	Analysis of settlement discussions w/ L. Dardarian regarding monitoring fees	0.10	750.00	75.00
12/09/2019	Lee, Andrew	Analyze correspondence from L. Dardarian regarding call w/ J. Calegari regarding monitoring fees and scheduling of next call	0.20	750.00	150.00
12/09/2019	Lee, Andrew	Teleconference w/ A. Lashbrook regarding update on status of settlement	0.10	750.00	75.00
12/09/2019	Lee, Andrew	Analyze history of negotiations; draft background section of motion for preliminary approval of settlement	2.30	750.00	1,725.00

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12/09/2019	Dardarian, Linda	Conference w/ A. Lee re settlement status and open issues	0.10	945.00	94.50
12/10/2019	Lee, Andrew	Revise and draft motion for preliminary approval, declarations and orders in support	5.90	750.00	4,425.00
12/12/2019	Lee, Andrew	Draft and revise motion for preliminary approval of settlement	4.20	750.00	3,150.00
12/16/2019	Lee, Andrew	Draft and revise motion for preliminary approval of settlement	0.60	750.00	450.00
12/17/2019	Lee, Andrew	Revise and draft motion for preliminary approval of settlement and related pleadings	1.50	750.00	1,125.00
12/17/2019	Dardarian, Linda	Conference w/ A. Lee re fee motion	0.10	945.00	94.50
12/18/2019	Dardarian, Linda	Correspondence to and from J. Calegari re final terms of agreement	0.10	945.00	94.50
12/20/2019	Lee, Andrew	Draft and revise motion for preliminary approval	1.50	750.00	1,125.00
12/23/2019	Lee, Andrew	Draft motion for preliminary approval of settlement and supporting declarations and orders	6.10	750.00	4,575.00
12/23/2019	Dardarian, Linda	Legal research re local fee rates and compensable time for fee petition	0.20	945.00	189.00
12/23/2019	Dardarian, Linda	Conference w/ A. Lee re preliminary approval motion	0.20	945.00	189.00
01/02/2020	Holtzman, Beth	Draft class notice	0.50	415.00	207.50
01/02/2020	Lee, Andrew	Research for revisions to motion for preliminary approval	1.30	750.00	975.00
01/03/2020	Lee, Andrew	Review and edit draft motion for preliminary approval	4.90	750.00	3,675.00
01/03/2020	Lee, Andrew	Analysis of preliminary approval standard w/ L. Dardarian	0.20	750.00	150.00
01/06/2020	Lee, Andrew	Draft motion for preliminary approval	3.80	750.00	2,850.00
01/07/2020	Lee, Andrew	Revise and edit motion for preliminary approval	3.90	750.00	2,925.00
01/07/2020	Dardarian, Linda	Conference w/ A. Lee re preliminary approval briefing	0.10	945.00	94.50
01/07/2020	Dardarian, Linda	Memo to co-counsel re same	0.20	945.00	189.00
01/08/2020	Lee, Andrew	Draft and revise preliminary approval motion	0.50	750.00	375.00

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01/09/2020	Lee, Andrew	Revise and edit motion for preliminary approval and supporting documents	5.20	750.00	3,900.00
01/09/2020	Lee, Andrew	Teleconference w/ J. Calegari, L. Dardarian, and T. Fox re finalizing settlement	0.30	750.00	225.00
01/09/2020	Lee, Andrew	Analysis of next steps for preliminary approval of settlement w/ L. Dardarian	0.10	750.00	75.00
01/09/2020	Holtzman, Beth	Confer with A. Lee re drafting named plaintiff's declaration in support of motion for preliminary approval	0.20	415.00	83.00
01/09/2020	Lee, Andrew	Analysis of Lashbrook declaration in support of preliminary approval motion and service award motion w/ B. Holtzman	0.20	750.00	150.00
01/09/2020	Dardarian, Linda	Conference w/ A. Lee, J. Calegari, T. Fox re finalizing consent decree and submitting it for approval	0.30	945.00	283.50
01/09/2020	Dardarian, Linda	Conference w/ A. Lee re same	0.10	945.00	94.50
01/10/2020	Lee, Andrew	Research and draft motion for preliminary approval of settlement and fee petition	2.00	750.00	1,500.00
01/10/2020	Dardarian, Linda	Legal research for fee petition	0.50	945.00	472.50
01/16/2020	Lee, Andrew	Revise and edit consent decree; draft declaration in support of preliminary approval	2.50	750.00	1,875.00
01/16/2020	Lee, Andrew	Revise motion for preliminary approval of settlement and declarations	1.20	750.00	900.00
01/16/2020	Dardarian, Linda	Conference w/ A. Lee re final revisions to consent decree	0.10	945.00	94.50
01/17/2020	Dardarian, Linda	Memo to A. Lee re final edits to consent decree	0.20	945.00	189.00
01/21/2020	Lee, Andrew	Revise consent decree regarding attorneys' fees and monitoring provisions and draft correspondence to J. Calegari re same	0.50	750.00	375.00
01/21/2020	Holtzman, Beth	Draft declaration of named plaintiff (Artie Lashbrook) in support of preliminary approval	1.40	415.00	581.00
01/22/2020	Lee, Andrew	Revise motion for preliminary approval and supporting documents	1.70	750.00	1,275.00
01/22/2020	Lee, Andrew	Teleconference w/ J. Calegari regarding final results of survey and exhibits to consent decree	0.30	750.00	225.00

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01/22/2020	Holtzman, Beth	Draft declaration for named plaintiff (Artie Lashbrook) in support of preliminary approval motion	0.20	415.00	83.00
01/23/2020	Lee, Andrew	Revise and edit notice of motion for preliminary approval of consent decree	0.60	750.00	450.00
01/23/2020	Holtzman, Beth	Draft named plaintiff (Artie Lashbrook) declaration in support of preliminary approval	1.60	415.00	664.00
01/23/2020	Dardarian, Linda	Review and edit motion for preliminary approval	1.50	945.00	1,417.50
01/28/2020	Holtzman, Beth	Call with named plaintiff (Artie Lashbrook) re declaration	0.10	415.00	41.50
01/28/2020	Holtzman, Beth	Correspondence with A. Lee re following up with named plaintiff (Artie Lashbrook) re declaration in support of preliminary approval	0.20	415.00	83.00
01/28/2020	Lee, Andrew	Analyze and edit declaration of A. Lashbrook in support of preliminary approval	0.30	750.00	225.00
02/04/2020	Lee, Andrew	Draft correspondence to J. Calegari regarding council approval of settlement agreement and final survey results	0.10	750.00	75.00
02/11/2020	Holtzman, Beth	Confer with A. Lee and L. Dardarian re preparing class notice and preliminary approval order for San Jose City Council review	0.20	415.00	83.00
02/11/2020	Lee, Andrew	Analysis of next steps in preliminary approval process w/ L. Dardarian	0.10	750.00	75.00
02/11/2020	Lee, Andrew	Analysis of consent decree and exhibits w/ L. Dardarian and B. Holtzman	0.20	750.00	150.00
02/11/2020	Holtzman, Beth	Review consent decree re preparing attachments	0.30	415.00	124.50
02/11/2020	Holtzman, Beth	Draft named plaintiff (Artie Lashbrook) declaration	0.40	415.00	166.00
02/11/2020	Lee, Andrew	Draft correspondence to J. Calegari regarding finalizing the consent decree and filing of case	0.30	750.00	225.00
02/11/2020	Holtzman, Beth	Draft class notice	1.50	415.00	622.50
02/11/2020	Holtzman, Beth	Draft proposed order granting motion for preliminary approval of settlement	0.20	415.00	83.00

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02/11/2020	Dardarian, Linda	Conference w/ A. Lee re class notice and approval papers	0.10	945.00	94.50
02/11/2020	Dardarian, Linda	Conference w/ A. Lee and B. Holtzman re same	0.20	945.00	189.00
02/12/2020	Holtzman, Beth	Draft declaration for Artie Lashbrook (review time records re number of calls and meetings with plaintiff)	0.50	415.00	207.50
02/12/2020	Holtzman, Beth	Draft proposed order for preliminary approval motion	0.60	415.00	249.00
02/12/2020	Holtzman, Beth	Draft declaration for named plaintiff (Artie Lashbrook)	0.50	415.00	207.50
02/12/2020	Holtzman, Beth	Phone call to named plaintiff (Artie Lashbrook) re declaration draft	0.10	415.00	41.50
02/12/2020	Holtzman, Beth	Telephonic conference with named plaintiff (Artie Lashbrook) re involvement in the case for declaration	0.10	415.00	41.50
02/12/2020	Lee, Andrew	Revise and edit settlement notice	2.00	750.00	1,500.00
02/12/2020	Holtzman, Beth	Revise class notice	0.20	415.00	83.00
02/13/2020	Holtzman, Beth	Revise class notice draft	0.40	415.00	166.00
02/13/2020	Holtzman, Beth	Draft exhibit E (list of organizations for sending the notice) of proposed consent decree	1.20	415.00	498.00
02/13/2020	Holtzman, Beth	Draft proposed final judgment (consent decree exhibit F)	0.40	415.00	166.00
02/13/2020	Holtzman, Beth	Draft proposed order granting preliminary approval of class action settlement (consent decree exhibit)	0.30	415.00	124.50
02/13/2020	Dardarian, Linda	Review and edit class notice	0.90	945.00	850.50
02/14/2020	Holtzman, Beth	Research and draft exhibit E (list of organizations for sending the notice) of proposed consent decree	0.30	415.00	124.50
02/14/2020	Holtzman, Beth	Revise class notice	0.30	415.00	124.50
02/14/2020	Holtzman, Beth	Draft declaration for named plaintiff (Artie Lashbrook) in support of motion for preliminary approval	0.30	415.00	124.50
02/18/2020	Holtzman, Beth	Draft declaration of named plaintiff (Artie Lashbrook) in support of preliminary approval motion	0.70	415.00	290.50
02/18/2020	Holtzman, Beth	Revise proposed order granting preliminary and final approval	1.60	415.00	664.00

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02/18/2020	Dardarian, Linda	Conference w/ A. Lee re complaint and preliminary approval	0.10	945.00	94.50
02/18/2020	Dardarian, Linda	Memos to and from B. Holtzman re same	0.50	945.00	472.50
02/18/2020	Dardarian, Linda	Review and edit preliminary and final approval orders and class notice	1.80	945.00	1,701.00
02/19/2020	Holtzman, Beth	Draft proposed order granting motion for preliminary approval	0.20	415.00	83.00
02/19/2020	Holtzman, Beth	Correspondence with co-counsel (Tim Fox) re finalizing class notice, proposed order, and final judgment	0.20	415.00	83.00
02/19/2020	Grimes, Scott	Prepare complaint and supporting documents for filing with the court	0.50	325.00	162.50
02/19/2020	Grimes, Scott	Efile same	0.60	325.00	195.00
02/19/2020	Dardarian, Linda	Conference w/ A. Lee re complaint and summons	0.10	945.00	94.50
02/20/2020	Holtzman, Beth	Revise proposed order and class notice	0.20	415.00	83.00
02/20/2020	Kirkpatrick, Stuart	Draft Notice of Appearance for B. Holtzman	0.20	285.00	57.00
02/20/2020	Holtzman, Beth	Revise consent decree and class notice	0.60	415.00	249.00
02/20/2020	Lee, Andrew	Analyze and revise consent decree and all exhibits	2.30	750.00	1,725.00
02/20/2020	Kirkpatrick, Stuart	Edit Consent Decree and exhibits	0.20	285.00	57.00
02/20/2020	Dardarian, Linda	Conference w/ A. Lee re finalizing consent decree and exhibits	0.10	945.00	94.50
02/20/2020	Dardarian, Linda	Conference w/ B. Holtzman re same	0.20	945.00	189.00
02/20/2020	Dardarian, Linda	Review and edit final documents	0.10	945.00	94.50
02/20/2020	Grimes, Scott	Draft notice of appearance for Beth Holtzman	0.30	325.00	97.50
02/20/2020	Grimes, Scott	Revise summons and file with court	0.50	325.00	162.50
02/21/2020	Grimes, Scott	Review local and federal rules re service of summons, waiver of service, and related deadlines	0.80	325.00	260.00
02/24/2020	Grimes, Scott	Draft memo to attorneys re court deadlines	0.30	325.00	97.50
02/24/2020	Grimes, Scott	Review local rules and orders re service of complaint	0.40	325.00	130.00

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02/24/2020	Grimes, Scott	Conference w/ A. Lee re same	0.20	325.00	65.00
02/25/2020	Dardarian, Linda	Conference w/ A. Lee re approval process	0.10	945.00	94.50
02/26/2020	Lee, Andrew	Teleconference message for J. Calegari re finalizing settlement	0.10	750.00	75.00
02/26/2020	Lee, Andrew	Teleconference w/ J. Calegari regarding timing of service regarding complaint, waiver of service regarding complaint, consent to magistrate judge, and City edits to preliminary approval papers	0.20	750.00	150.00
02/26/2020	Lee, Andrew	Analysis of service of complaint, City Council approval, and preliminary approval filing w/ L. Dardarian	0.10	750.00	75.00
02/26/2020	Dardarian, Linda	Conference w/ A. Lee re status of settlement	0.10	945.00	94.50
02/28/2020	Lee, Andrew	Draft correspondence to J. Calegari regarding follow up on outstanding issues regarding consent decree and service of complaint	0.10	750.00	75.00
03/02/2020	Holtzman, Beth	Draft declaration for named plaintiff (Artie Lashbrook) in support of motion for preliminary approval	0.30	415.00	124.50
03/03/2020	Dardarian, Linda	Phone call and email to J. Calegari re status of Decree approval	0.10	945.00	94.50
03/03/2020	Dardarian, Linda	Conference w/ J. Calegari re same and City Council approval	0.20	945.00	189.00
03/03/2020	Dardarian, Linda	Memo to T. Fox and A. Lee re City Council approval of Decree	0.10	945.00	94.50
03/04/2020	Holtzman, Beth	Telephonic conference with named plaintiff (Artie Lashbrook) re status of the case	0.10	415.00	41.50
03/05/2020	Kirkpatrick, Stuart	Confer with L. Dardarian to plan Complaint process service on 3/6/20	0.30	285.00	85.50

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03/05/2020	Dardarian, Linda	Review & respond to emails to and from E. Tolentino re settlement approval process (0.1). Conference with S. Kirkpatrick re service of complaint (0.2). Conference with J. Calegari & E. Tolentino re approval process (0.1). Draft motion for preliminary approval (1.9). Legal research re same (0.3). Memo to A. Lee re same (0.1). Correspondence to J. Calegari & E. Tolentino re same (0.1).	2.90	945.00	2,740.50
03/06/2020	Holtzman, Beth	Draft declaration of named plaintiff (Artie Lashbrook) in support of motion for preliminary approval	0.50	415.00	207.50
03/06/2020	Grimes, Scott	Prepare complaint, request for waiver of service summons and supporting documents for service	1.70	325.00	552.50
03/06/2020	Grimes, Scott	Serve same	0.30	325.00	97.50
03/09/2020	Lee, Andrew	Analyze and revise Lashbrook declaration in support of preliminary approval	1.00	750.00	750.00
03/09/2020	Grimes, Scott	Strategy w/ L. Dardarian re service of complaint	0.10	325.00	32.50
03/09/2020	Dardarian, Linda	Strategy w/ S. Grimes re service of complaint	0.10	945.00	94.50
03/10/2020	Lee, Andrew	Analysis of preliminary approval filing and timing w/ L. Dardarian	0.20	750.00	150.00
03/10/2020	Holtzman, Beth	Draft declaration for named plaintiff (Artie Lashbrook)	0.40	415.00	166.00
03/10/2020	Lee, Andrew	Draft declaration of L. Dardarian in support of preliminary approval motion	3.50	750.00	2,625.00
03/10/2020	Dardarian, Linda	Conference with A. Lee re finalizing settlement for preliminary approval (0.2).	0.20	945.00	189.00
03/11/2020	Holtzman, Beth	Draft declaration for named plaintiff (Artie Lashbrook) in support of motion for preliminary approval	0.10	415.00	41.50
03/11/2020	Grimes, Scott	Exchange memos w/ Beth Holtzman re settlement agreement finalization	0.20	325.00	65.00
03/12/2020	Lee, Andrew	Draft L. Dardarian declaration in support of preliminary approval	0.70	750.00	525.00

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03/12/2020	Dardarian, Linda	Phone calls and email to J. Calegari & E. Tolentino re status of settlement documents	0.20	945.00	189.00
03/13/2020	Holtzman, Beth	Draft declaration for named plaintiff (Artie Lashbrook)	1.10	415.00	456.50
03/13/2020	Holtzman, Beth	Telephonic conference with named plaintiff (A. Lashbrook) re declaration draft	0.20	415.00	83.00
03/13/2020	Lee, Andrew	Analyze City edits to preliminary approval motion	0.40	750.00	300.00
03/13/2020	Lee, Andrew	Analysis of City's edits to preliminary approval motion w/ L. Dardarian	0.30	750.00	225.00
03/13/2020	Dardarian, Linda	Conference with E. Tolentino re joint motion for preliminary approval (0.1). Review City's edits to same (0.2). Phone call w/ A. Lee re same (0.3). Memo to E. Tolentino, J. Calegari & N. Frimann re same (0.1).	0.70	945.00	661.50
03/17/2020	Lee, Andrew	Analysis of settlement tasks	0.20	750.00	150.00
03/17/2020	Lee, Andrew	Research regarding City's presentation of settlement to City Council	0.30	750.00	225.00
03/17/2020	Lee, Andrew	Analyze next steps regarding preliminary approval papers and finalizing Consent Decree w/ L. Dardarian	0.30	750.00	225.00
03/17/2020	Dardarian, Linda	Conference with A. Lee re approval papers and settlement status	0.30	945.00	283.50
03/18/2020	Lee, Andrew	Draft correspondence to J. Calegari and N. Frimann regarding status of Consent Decree and City Council review	0.10	750.00	75.00
03/18/2020	Lee, Andrew	Revise and edit motion for preliminary approval	0.70	750.00	525.00
03/18/2020	Lee, Andrew	Teleconference w/ A. Lashbrook regarding status of settlement	0.20	750.00	150.00
03/18/2020	Lee, Andrew	Draft correspondence to A. Lashbrook regarding review of Consent Decree	0.30	750.00	225.00
03/18/2020	Holtzman, Beth	Revise named plaintiff (Artie Lashbrook) declaration in support of motion for preliminary approval	0.20	415.00	83.00
03/18/2020	Lee, Andrew	Draft declaration of L. Dardarian in support of motion for preliminary approval	2.00	750.00	1,500.00

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03/18/2020	Lee, Andrew	Analyze and revise A. Lashbrook declaration in support of preliminary approval and service award motions	0.70	750.00	525.00
03/19/2020	Lee, Andrew	Teleconference w/ A. Lashbrook regarding Consent Decree	0.20	750.00	150.00
03/19/2020	Lee, Andrew	Draft correspondence to N. Frimann regarding status of Consent Decree exhibits and City Council approval	0.20	750.00	150.00
03/19/2020	Holtzman, Beth	Draft declaration of named plaintiff (Artie Lashbrook)	0.10	415.00	41.50
03/19/2020	Dardarian, Linda	Review and edit preliminary approval brief & declarations in support thereof (1.7).	1.70	945.00	1,606.50
03/20/2020	Lee, Andrew	Edit Dardarian declaration in support of motion for preliminary approval	0.50	750.00	375.00
03/20/2020	Lee, Andrew	Analyze and revise Dardarian declaration in support of preliminary approval	2.30	750.00	1,725.00
03/20/2020	Dardarian, Linda	Review and edit Preliminary Approval briefing and declarations in support.	3.10	945.00	2,929.50
03/21/2020	Lee, Andrew	Analysis of Dardarian Declaration in support of Motion for Preliminary Approval	0.20	750.00	150.00
03/21/2020	Lee, Andrew	Revise and edit motion for preliminary approval of class action settlement	1.30	750.00	975.00
03/22/2020	Dardarian, Linda	Revise motion for Preliminary Approval (0.5).	0.50	945.00	472.50
03/23/2020	Lee, Andrew	Analysis of City Council approval of Consent Decree and timing of preliminary approval w/ L. Dardarian	0.10	750.00	75.00
03/23/2020	Lee, Andrew	Draft correspondence to N. Frimann regarding timing of City Council review of Consent Decree	0.10	750.00	75.00
03/23/2020	Dardarian, Linda	Conference with A. Lee re status of settlement and approval process (0.1).	0.10	945.00	94.50
03/24/2020	Lee, Andrew	Teleconference w/ A. Lashbrook regarding status of settlement	0.10	750.00	75.00
03/25/2020	Lee, Andrew	Analyze City's proposed edits to Consent Decree, settlement notice, preliminary approval order, and final judgment	0.40	750.00	300.00

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03/25/2020	Dardarian, Linda	Draft evidence for fee petition (0.3). Correspondence to and from N. Frimann re final versions of Consent Decree and exhibits thereto (0.1). Review City's edits to same and finalize preliminary approval briefing and declarations in support , and proposed order re same (1.9).	2.30	945.00	2,173.50
03/26/2020	Lee, Andrew	Analyze updated versions of Consent Decree and all exhibits; send same to N. Frimann and J. Calegari	0.30	750.00	225.00
03/26/2020	Dardarian, Linda	Memo to T. Fox re settlement status (0.1)	0.10	945.00	94.50
03/27/2020	Lee, Andrew	Analysis of damages release issue w/ L. Dardarian	0.10	750.00	75.00
03/27/2020	Dardarian, Linda	Correspondence to and from N. Frimann re class releases of claims (0.2). Preparation of exhibits for fee petition (2.5)	2.70	945.00	2,551.50
03/30/2020	Dardarian, Linda	Correspondence to and from N. Frimann re City Council approval of settlement (0.2)	0.20	945.00	189.00
04/01/2020	Dardarian, Linda	Memo to A. Lee re consent to jurisdiction of Magistrate (0.1). Conference with S. Grimes re same (0.1).	0.20	945.00	189.00
04/01/2020	Grimes, Scott	Strategy w/ L. Dardarian re consent to magistrate judge	0.10	325.00	32.50
04/01/2020	Grimes, Scott	Finalize consent to magistrate judge and e-file same	0.20	325.00	65.00
04/01/2020	Grimes, Scott	Prepare waiver of service of summons for e-filing; efile same	0.20	325.00	65.00
04/03/2020	Lee, Andrew	Teleconferences w/ A. Lashbrook regarding review and execution of Consent Decree	0.50	750.00	375.00
04/13/2020	Lee, Andrew	Revise and edit A. Lashbrook declaration in support of motion for preliminary approval and service award	0.80	750.00	600.00
04/13/2020	Holtzman, Beth	Analyze and revise plaintiff's (Artie Lashbrook) declaration in support of motion for preliminary approval	0.70	415.00	290.50
04/13/2020	Dardarian, Linda	Memos to and from J. Calegari & N. Frimann re City Council approval of Consent Decree (0.1). Memo to A. Lee re service award motion (0.1)	0.20	945.00	189.00

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04/14/2020	Lee, Andrew	Analysis of City Council review of Consent Decree and completion of A. Lashbrook declaration w/ L. Dardarian	0.10	750.00	75.00
04/14/2020	Lee, Andrew	Revise and edit Lashbrook declaration in support of preliminary approval and service award motions	0.30	750.00	225.00
04/14/2020	Holtzman, Beth	Correspondence with A. Lee re finalizing Artie Lashbrook's declaration.	0.20	415.00	83.00
04/14/2020	Holtzman, Beth	Revise named plaintiff declaration in support of preliminary approval and service award	0.40	415.00	166.00
04/14/2020	Lee, Andrew	Analyze edits to A. Lashbrook declaration in support of preliminary approval and fee motion	0.20	750.00	150.00
04/14/2020	Dardarian, Linda	Conference with A. Lee re Lashbrook declaration in support of service award and preliminary approval	0.10	945.00	94.50
04/15/2020	Kirkpatrick, Stuart	Correspondence to A. Lashbrook re finalizing declaration	0.10	285.00	28.50
04/15/2020	Lee, Andrew	Teleconference w/ A. Lashbrook regarding declaration in support of preliminary approval and service awards.	0.30	750.00	225.00
04/15/2020	Lee, Andrew	Analysis of next steps regarding preliminary approval filing w/ L. Dardarian	0.20	750.00	150.00
04/15/2020	Dardarian, Linda	Follow up with N. Frimann re finalizing Consent Decree and approval papers (0.2). Memo to S. Kirkpatrick & S. Grimes re finalizing preliminary approval briefing (0.5). Conference with A. Lee re same (0.2). Review and edit L. Dardarian declaration in support of preliminary approval (0.5).	1.50	945.00	1,417.50
04/16/2020	Lee, Andrew	Analyze preliminary approval motion and supporting papers; prepare for meeting regarding finalizing motion and timeline for filing	0.30	750.00	225.00
04/16/2020	Kirkpatrick, Stuart	Review emails from L. Dardarian and A. Lee re preliminary approval filing	0.20	285.00	57.00

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04/16/2020	Kirkpatrick, Stuart	Conference with L. Dardarian, A. Lee, and S. Grimes re: finalizing preliminary approval motion for filing	0.80	285.00	228.00
04/16/2020	Kirkpatrick, Stuart	Further conference with S. Grimes re: preliminary approval filing	0.20	285.00	57.00
04/16/2020	Lee, Andrew	Plan and analyze preliminary approval filing w/ L. Dardarian, S. Grimes, and S. Kirkpatrick	0.80	750.00	600.00
04/16/2020	Kirkpatrick, Stuart	Legal cite-check and edit Motion for Preliminary Approval	2.80	285.00	798.00
04/16/2020	Dardarian, Linda	Conference with S. Grimes, S. Kirkpatrick, & A. Lee re finalizing motion for preliminary approval for court's filing (0.8). Memo to N. Frimann & J. Calegari re same (0.1).	0.90	945.00	850.50
04/16/2020	Grimes, Scott	Strategy w/ L. Dardarian, A. Lee and S. Kirkpatrick re finalizing motion for settlement approval	0.80	325.00	260.00
04/16/2020	Grimes, Scott	Follow up conference w/ S. Kirkpatrick re settlement approval filing	0.20	325.00	65.00
04/17/2020	Kirkpatrick, Stuart	Complete legal cite-check of Motion for Preliminary Approval	0.80	285.00	228.00
04/17/2020	Lee, Andrew	Research for preliminary approval motion; exchange memos w/ S. Kirkpatrick regarding same	0.20	750.00	150.00
04/17/2020	Lee, Andrew	Revise and edit proposed order granting preliminary approval	0.70	750.00	525.00
04/17/2020	Lee, Andrew	Revise preliminary approval motion; correspondence to N. Frimann re same	0.70	750.00	525.00
04/17/2020	Dardarian, Linda	Revise preliminary approval papers for submission City for approval	0.50	945.00	472.50
04/20/2020	Kirkpatrick, Stuart	Legal fact-check and edit motion for preliminary approval	1.00	285.00	285.00
04/20/2020	Lee, Andrew	Analyze and revise Dardarian declaration, Fox declaration, and proposed order in support of motion for preliminary approval	0.30	750.00	225.00
04/20/2020	Lee, Andrew	Analysis of preliminary approval motion and filing tasks w/ L. Dardarian	0.20	750.00	150.00
04/20/2020	Lee, Andrew	Revise preliminary approval motion and finalize same for filing	1.70	750.00	1,275.00

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04/20/2020	Dardarian, Linda	Review and edit preliminary approval brief (1.1); conference w/ A. Lee re finalizing preliminary approval filing (0.2)	1.30	945.00	1,228.50
04/21/2020	Kirkpatrick, Stuart	Finalize L. Dardarian preliminary approval declaration in preparation for filing	0.30	285.00	85.50
04/21/2020	Lee, Andrew	Revise, edit, and finalize motion for preliminary approval of settlement, L. Dardarian declaration, and T. Fox declarations in support of same	4.20	750.00	3,150.00
04/21/2020	Lee, Andrew	Teleconference w/ S. Kirkpatrick regarding edits to motion and table of authorities	0.10	750.00	75.00
04/21/2020	Kirkpatrick, Stuart	Edit and finalize L. Dardarian declaration and exhibits in support of preliminary approval motion	0.40	285.00	114.00
04/21/2020	Kirkpatrick, Stuart	Finalize and prepare T. Fox declaration in support of preliminary approval	0.20	285.00	57.00
04/21/2020	Kirkpatrick, Stuart	Finalize and prepare Proposed Order Granting Preliminary Approval	0.20	285.00	57.00
04/21/2020	Kirkpatrick, Stuart	Revise and finalize Motion for Preliminary Approval and supporting documents for filing with USDC Northern District	2.80	285.00	798.00
04/21/2020	Kirkpatrick, Stuart	Review Magistrate Judge Cousin's standing order re: chambers copies and proposed orders, and transmit same to Court	0.20	285.00	57.00
04/21/2020	Dardarian, Linda	Correspondence to N. Frimann, J. Calegari and E. Tolentino re joint motion for preliminary approval (0.1). Conference with A. Lee re same (0.1)	0.20	945.00	189.00
04/22/2020	Holtzman, Beth	Review joint motion in support of preliminary approval of class action settlement	0.60	415.00	249.00
04/24/2020	Lee, Andrew	Analysis and planning regarding translation of settlement notice w/ L. Dardarian	0.10	750.00	75.00
05/20/2020	Lee, Andrew	Teleconference w/ A. Lashbrook regarding status of settlement and approval process	0.10	750.00	75.00

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05/26/2020	Lee, Andrew	Prepare for preliminary approval hearing w/ L. Dardarian	0.40	750.00	300.00
05/26/2020	Dardarian, Linda	Conference with A. Lee re preparation for preliminary approval hearing (0.4). Preparation for preliminary approval hearing (1.00)	1.40	945.00	1,323.00
05/27/2020	Lee, Andrew	Appear at preliminary approval hearing on Zoom (0.7); debrief w/ L. Dardarian re same (0.3)	1.00	750.00	750.00
05/27/2020	Holtzman, Beth	Review court order granting preliminary approval of class action settlement	0.20	415.00	83.00
05/27/2020	Dardarian, Linda	Prepare for preliminary approval hearing (2.9). Attend preliminary approval hearing (0.7). Conference with A. Lee re same (0.3). Memos to S. Grimes & S. Kirkpatrick re issuing class notice (0.3). Correspondence to N. Frimann re class notice (0.2). Conference with S. Grimes re settlement implementation (0.2).	4.60	945.00	4,347.00
05/28/2020	Kirkpatrick, Stuart	Conference with L. Dardarian, Beth Holtzman and S. Grimes re: preliminary approval order and service of notice to disability rights organizations	0.40	285.00	114.00
05/28/2020	Holtzman, Beth	Working meeting with L. Dardarian, S. Kirkpatrick, S. Grimes re class notice issuance and drafting attorneys' fees and service award motions	0.40	415.00	166.00
05/28/2020	Holtzman, Beth	Left voicemail for named plaintiff (Artie Lashbrook) re status of settlement agreement	0.10	415.00	41.50
05/28/2020	Dardarian, Linda	Conference with S. Grimes, S. Kirkpatrick, B. Holtzman re preliminary approval, implementing notice obligations, and drafting service award and fee motions (0.4). Memo to N Frimann re class notice (0.1). Memo to K. Pugh and C. Ruebke re class notice (0.1). Review preliminary approval order (0.1).	0.70	945.00	661.50
05/28/2020	Kirkpatrick, Stuart	Draft and file Transcript Order for 5/27 preliminary approval hearing	0.40	285.00	114.00

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05/28/2020	Kirkpatrick, Stuart	Begin contacting disability rights organizations listed in settlement agreement to arrange service of settlement notice	0.60	285.00	171.00
05/29/2020	Holtzman, Beth	Telephone conference with named plaintiff (Artie Lashbrook) re update on preliminary approval hearing	0.10	415.00	41.50
05/29/2020	Kirkpatrick, Stuart	Call disability rights organizations listed in preliminary approval order to confirm recipient for the 6/8 service of settlement notice	1.10	285.00	313.50
06/02/2020	Kirkpatrick, Stuart	Leave voicemail and emails with six organizations who have not responded to requests for email address to send notice of settlement	0.40	285.00	114.00
06/02/2020	Dardarian, Linda	Memos to and from S. Kirkpatrick re notice issuance.	0.10	945.00	94.50
06/03/2020	Holtzman, Beth	Draft summary of case for website posting of class notice	0.70	415.00	290.50
06/03/2020	Lee, Andrew	Conference w/ L. Dardarian regarding notice to organizations, fee motion, and service award motion	0.20	750.00	150.00
06/03/2020	Kirkpatrick, Stuart	Lexis research re: active disability access cases against City of San Jose, to comply with service requirements of settlement notice	0.80	285.00	228.00
06/03/2020	Kirkpatrick, Stuart	Memos to L. Dardarian and A. Lee re settlement notice obligations	0.20	285.00	57.00
06/03/2020	Kirkpatrick, Stuart	Exchange phone calls and emails with two disability rights organizations to confirm proper recipient for settlement notice	0.30	285.00	85.50
06/03/2020	Dardarian, Linda	Memo to S. Kirkpatrick re class notices issuance (0.2). Conference with A. Lee re same (0.1).	0.30	945.00	283.50
06/03/2020	Dardarian, Linda	Review related case docket & settlement and draft memo to S. Kirkpatrick re same (0.2)	0.20	945.00	189.00
06/03/2020	Dardarian, Linda	Conference w/ A. Lee re class notice issuance, and service award and fee motions	0.20	945.00	189.00
06/04/2020	Lee, Andrew	Edit outreach memo regarding settlement	0.50	750.00	375.00
06/04/2020	Lee, Andrew	Begin drafting fee motion	0.70	750.00	525.00

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06/04/2020	Holtzman, Beth	Revise statement for website re court granting preliminary approval of settlement	0.10	415.00	41.50
06/04/2020	Kirkpatrick, Stuart	Exchange calls with Lynette from United Cerebral Palsy of Golden Gate, to confirm preferred recipient of settlement notice	0.20	285.00	57.00
06/05/2020	Lee, Andrew	Draft fee motion	5.80	750.00	4,350.00
06/05/2020	Lee, Andrew	Review deadlines for posting and publication of settlement notices; draft correspondence to J. Calegari and N. Frimann regarding same	0.30	750.00	225.00
06/05/2020	Holtzman, Beth	Review case summary for GBDH website	0.10	415.00	41.50
06/05/2020	Kirkpatrick, Stuart	Correspondence to Easter Seals re notice of Settlement	0.10	285.00	28.50
06/05/2020	Kirkpatrick, Stuart	Draft email for service of notice of settlement to disability rights organizations, and email A. Lee and L. Dardarian re same	0.30	285.00	85.50
06/05/2020	Dardarian, Linda	Memo to A. Lee re notice deadlines and confirming same with the City.	0.10	945.00	94.50
06/08/2020	Lee, Andrew	Exchange memo w/ S. Kirkpatrick regarding notice to disability organizations	0.10	750.00	75.00
06/08/2020	Lee, Andrew	Draft summary regarding settlement for case news page on firm website	0.30	750.00	225.00
06/08/2020	Lee, Andrew	Revise settlement notice to include information regarding fairness hearing and objection deadline; send same to S. Kirkpatrick for distribution to disability organizations	0.30	750.00	225.00
06/08/2020	Lee, Andrew	Review settlement agreement for requirements regarding documents for posting on class counsel webpage.	0.10	750.00	75.00
06/08/2020	Lee, Andrew	Draft short summary of settlement for DRC website	0.30	750.00	225.00
06/08/2020	Lee, Andrew	Draft fee motion	2.20	750.00	1,650.00
06/08/2020	Lee, Andrew	Analysis of fee motion w/ L. Dardarian	0.20	750.00	150.00
06/08/2020	Kirkpatrick, Stuart	Finalize email and formatted settlement notice in preparation for service to disability rights organizations	0.20	285.00	57.00

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06/08/2020	Kirkpatrick, Stuart	Transmit notice of settlement to 33 disability rights organizations per preliminary approval order	0.60	285.00	171.00
06/08/2020	Kirkpatrick, Stuart	Chart responses to notice of settlement, and exchange emails with Easter Seals re: delivering notice to a Bay Area branch of the organization	0.30	285.00	85.50
06/08/2020	Dardarian, Linda	Revise web summary of settlement (0.1); correspondence to Disability Rights California re settlement	0.30	945.00	283.50
06/08/2020	Dardarian, Linda	Conference with A. Lee re fee motion & class notice issuance	0.30	945.00	283.50
06/09/2020	Lee, Andrew	Draft correspondence to J. Calegari and N. Frimann regarding settlement notice	0.10	750.00	75.00
06/09/2020	Holtzman, Beth	Draft motion for service award for named plaintiff (Artie Lashbrook) (review service award in Levis case)	1.50	415.00	622.50
06/09/2020	Lee, Andrew	Draft fee motion	3.30	750.00	2,475.00
06/10/2020	Holtzman, Beth	Draft motion for service award for Named Plaintiff (Artie Lashbrook)	1.40	415.00	581.00
06/11/2020	Dardarian, Linda	Draft L. Dardarian declaration in support of fee motion	0.50	945.00	472.50
06/12/2020	Lee, Andrew	Revise and edit Spanish and Vietnamese settlement notices	0.80	750.00	600.00
06/12/2020	Lee, Andrew	Analysis of Vietnamese and Spanish settlement notices w/ L. Dardarian	0.10	750.00	75.00
06/12/2020	Lee, Andrew	Analysis of translated notices and exchange memos w/ S. Kirkpatrick	0.20	750.00	150.00
06/12/2020	Kirkpatrick, Stuart	Review Spanish and Vietnamese notice translations and insert missing URL and objection deadlines	0.30	285.00	85.50
06/12/2020	Dardarian, Linda	Conference with A. Lee re notice translations (0.1); review and respond to memo from N. Frimann re same (0.1).	0.20	945.00	189.00
06/12/2020	Grimes, Scott	Edit class notice for accessibility	1.20	325.00	390.00
06/18/2020	Holtzman, Beth	Draft motion for service award for named plaintiff (Artie Lashbrook)	0.40	415.00	166.00

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06/19/2020	Holtzman, Beth	Draft service award motion for named plaintiff (Artie Lashbrook)	4.80	415.00	1,992.00
06/22/2020	Holtzman, Beth	Revise service award motion (incorporate L. Dardarian's edits)	0.30	415.00	124.50
06/22/2020	Dardarian, Linda	Review and edit service award motion.	1.70	945.00	1,606.50
06/23/2020	Lee, Andrew	Revise and edit motion for service award	0.60	750.00	450.00
06/24/2020	Lee, Andrew	Draft fee motion	3.20	750.00	2,400.00
06/24/2020	Dardarian, Linda	Memo to B. Holtzman re service award motion (0.2). Review and respond to memo re class notice (0.1).	0.30	945.00	283.50
06/25/2020	Lee, Andrew	Draft fee motion	3.70	750.00	2,775.00
06/25/2020	Dardarian, Linda	Correspondence to and from City re published notice.	0.30	945.00	283.50
06/26/2020	Lee, Andrew	Draft fee motion	4.20	750.00	3,150.00
06/26/2020	Holtzman, Beth	Review stipulation and proposed order re notice	0.10	415.00	41.50
06/26/2020	Dardarian, Linda	Multiple correspondences to and from E. Tolentino re notice by publication (0.3). Research re same (0.3). Review & edit stipulation re same (0.4). Review and edit fee motion (1.6). Review and edit service award motion (0.3).	2.90	945.00	2,740.50
06/27/2020	Holtzman, Beth	Review correspondence with L. Dardarian re potential citations for service award motion	0.10	415.00	41.50
06/29/2020	Lee, Andrew	Draft and edit fee motion	1.30	750.00	975.00
06/30/2020	Dardarian, Linda	Correspondence to and from B. Holtzman re service award motion.	0.10	945.00	94.50
07/03/2020	Holtzman, Beth	Draft service award snf research case law in support of same	5.50	415.00	2,282.50
07/03/2020	Holtzman, Beth	Draft proposed order granting service award motion	0.40	415.00	166.00
07/05/2020	Holtzman, Beth	Draft service award motion	2.00	415.00	830.00
07/06/2020	Holtzman, Beth	Draft service award motion and proposed order	0.50	415.00	207.50
07/06/2020	Lee, Andrew	Revise and edit fee motion	3.70	750.00	2,775.00
07/06/2020	Lee, Andrew	Analysis of fee motion w/ L. Dardarian	0.20	750.00	150.00

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07/06/2020	Lee, Andrew	Teleconference w/ A. Lashbrook regarding updated contact information and status of case	0.20	750.00	150.00
07/06/2020	Lee, Andrew	Analysis of service award motion	0.30	750.00	225.00
07/06/2020	Dardarian, Linda	Conference with A. Lee re fee motion (0.2). Review and edit service award motion (1.2). Prepare exhibits to fee motion (0.3).	1.70	945.00	1,606.50
07/07/2020	Lee, Andrew	Revise and edit motion for service awards	1.40	750.00	1,050.00
07/07/2020	Holtzman, Beth	Draft service award motion	0.70	415.00	290.50
07/07/2020	Lee, Andrew	Teleconference w/ L. Dardarian, B. Holtzman, S. Grimes regarding finalizing service award and fee motions	0.50	750.00	375.00
07/07/2020	Holtzman, Beth	Working meeting with L. Dardarian, A. Lee, and S. Grimes re finalizing service award and attorneys fees award	0.50	415.00	207.50
07/07/2020	Lee, Andrew	Draft Dardarian declaration in support of fee motion	4.60	750.00	3,450.00
07/07/2020	Dardarian, Linda	Memo to A. Lee re evidence to support fee brief (0.4). Memo to M. Miller re same (0.1). Conference w/ S. Grimes, A. Lee and B. Holtzman re finalizing fee and service award motions (.5). Review and revise service award motion (.7)	1.70	945.00	1,606.50
07/07/2020	Grimes, Scott	Conference w/ A. Lee, L. Dardarian, and B. Holtzman re finalizing service award and attorneys' fee motion	0.50	325.00	162.50
Grand Total:				<u>1082.0000</u>	<u>737699.00</u>

EXHIBIT B

costs and matter id = '721' and not hidden and not on hold

<u>Description</u>	<u>Cost</u>
Matter ID: 721	
Description: San Jose	
In-House Copying @ \$.10/page	260.40
Travel - airline/car/mileage/taxi/gas	186.51
Meals	79.48
Other Litigation Costs	10.00
In-House Postage	4.97
Research - Online	879.02
Telephone	55.22
Messenger	8.52
In-house printing	238.00
Court Fees/Filing Fees/Service Fees	400.00
Total For this Matter and Date Range in Query:	2,122.12

GBDH Costs Detail

costs and matter id = '721' and not hidden and not on hold

Date	Narrative	Value
01/31/2014	In-House Copying @ \$.10/page	13.00
01/17/2014	Stuart Kirkpatrick travel to/from SJ (116.4 mi) - curb ramp measurements in San Jose	65.18
11/30/2014	In-House Copying @ \$.10/page	0.20
01/08/2015	Stuart Kirkpatrick mileage (131 mi) to/from SJ - curb ramps	75.33
01/08/2015	Stuart Kirkpatrick lunch - SJ curb ramps investigation	6.43
12/15/2014	Google Earth/Earth point fees - map intersections	10.00
01/31/2015	In-House Postage	2.87
01/31/2015	In-House Copying @ \$.10/page	1.20
04/30/2014	Westlaw, 4/2014	11.51
06/30/2014	Westlaw, 6/2014	11.84
12/08/2014	Global Crossing Conferencing - conference call	0.49
12/08/2014	Global Crossing Conferencing - conference call	1.75
12/31/2014	Westlaw, 12/2014	81.30
02/02/2015	Linda Dardarian mileage (80 mi) to/from Santa Clara - client meeting	46.00
02/02/2015	Linda Dardarian lunch - client meeting	7.95
02/04/2015	L. Dardarian working lunch - meeting with San Jose	10.40
02/28/2015	Westlaw 2/2015	276.73
03/31/2015	Westlaw 3/2015	3.13
04/30/2015	Westlaw, 4/2015	10.27
07/01/2015	L. Dardarian, A. Lee, and A. Robertson lunch - client meeting	36.92
06/30/2015	Westlaw 6/2015	0.85
07/31/2015	Global Crossing Conferencing conference call	5.94
08/24/2016	L. Dardarian working lunch - preparation for settlement meeting w/ city	11.77
01/31/2016	In-House Copying @ \$.10/page	1.70
04/30/2016	In-House Copying @ \$.10/page	5.60
05/31/2016	In-House Copying @ \$.10/page	7.50
06/30/2016	In-House Copying @ \$.10/page	6.50
07/31/2016	In-House Copying @ \$.10/page	1.60
08/31/2016	In-House Copying @ \$.10/page	4.70
11/30/2016	In-House Copying @ \$.10/page	6.60
12/31/2016	In-House Copying @ \$.10/page	2.00
01/31/2015	In-House Copying @ \$.10/page	104.70
02/28/2015	In-House Copying @ \$.10/page	21.40

GBDH Costs Detail

costs and matter id = '721' and not hidden and not on hold

Date	Narrative	Value
03/31/2015	In-House Copying @ \$.10/page	0.30
04/30/2015	In-House Copying @ \$.10/page	0.40
07/31/2015	In-House Copying @ \$.10/page	13.30
09/30/2015	In-House Copying @ \$.10/page	7.00
10/31/2015	In-House Copying @ \$.10/page	3.50
12/31/2015	In-House Copying @ \$.10/page	3.00
01/31/2014	In-House Copying @ \$.10/page	2.10
02/28/2014	In-House Copying @ \$.10/page	2.60
03/31/2014	In-House Copying @ \$.10/page	0.50
05/31/2014	In-House Copying @ \$.10/page	24.60
06/30/2014	In-House Copying @ \$.10/page	2.30
07/31/2014	In-House Copying @ \$.10/page	3.40
08/31/2014	In-House Copying @ \$.10/page	0.60
11/30/2014	In-House Copying @ \$.10/page	6.30
12/31/2014	In-House Copying @ \$.10/page	12.30
12/22/2016	FedEx - delivery to J. Calegari	8.52
05/31/2016	Westlaw 5/2016	68.86
04/30/2016	Westlaw 4/2016	2.19
01/31/2017	Westlaw 01/2017	14.03
11/30/2017	In-house printing	1.70
11/08/2017	Conference call	2.37
04/30/2018	In-house printing	1.40
04/20/2018	A. Lee - conference call	1.70
05/31/2018	In-house printing	3.00
06/30/2018	In-house printing	0.90
05/23/2018	A. Lee - conference call	4.02
06/18/2018	A. Lee - conference call	2.98
08/31/2018	In-house printing	7.80
08/09/2018	A. Lee - conference call	5.89
01/31/2015	Westlaw 1/2015	11.68
09/26/2018	A. Lee - conference call	4.54
11/30/2018	In-house printing	0.60
10/31/2018	In-house printing	2.40
09/30/2018	In-house printing	19.00

GBDH Costs Detail

costs and matter id = '721' and not hidden and not on hold

Date	Narrative	Value
01/04/2019	Century Link - Invoice # 75527285- A. Lee conference call.	2.61
01/04/2019	Century Link - Invoice # 75527285- A. Lee conference call.	6.32
03/01/2019	Westlaw - Invoice # 839704370 - January 2019.	22.82
01/31/2019	In-House Copying @ \$.10/page	0.50
01/31/2019	In-house printing	2.10
02/28/2019	In-house printing	7.70
03/31/2019	In-house printing	5.60
04/01/2019	Westlaw - March 2019	28.73
04/30/2019	In-house printing	33.50
02/04/2019	Century Link - Invoice # 76431666 - A. Lee conference call	3.86
02/24/2019	Level 3 Communications, LLC - Invoice # 78301897 - A. Lee conference call	1.11
03/24/2019	Level 3 Communications, LLC - Invoice # 79096524 - A. Lee conference call	8.63
05/31/2019	In-house printing	33.30
06/30/2019	In-house printing	3.00
07/31/2019	In-house printing	35.60
08/31/2019	In-house printing	4.30
08/05/2019	City National Bank - Burma Bear - L. Dardarian working lunch	6.01
09/30/2019	In-house printing	4.30
08/24/2019	Level 3 Communications, LLC - Invoice # 84754656 - A. Lee conference call	3.01
10/12/2019	PACER - Q3 2019 - Invoice # 2633640-Q32019	4.60
10/31/2019	In-house printing	28.00
11/30/2019	In-house printing	4.30
01/07/2020	American Express - PACER - Q4 2019 - Invoice # 2633640-Q42019	6.00
01/31/2020	In-house printing	5.10
08/31/2019	RELX Inc. DBA LexisNexis	94.29
08/31/2019	RELX Inc. DBA LexisNexis	4.58
10/31/2019	RELX Inc. DBA LexisNexis	6.46
12/31/2019	RELX Inc. DBA LexisNexis	20.32
01/31/2020	RELX Inc. DBA LexisNexis	46.60
02/28/2020	In-House Copying @ \$.10/page	1.00
02/28/2020	In-house printing	20.30
03/31/2020	In-House Postage	2.10
03/31/2020	In-house printing	12.20

GBDH Costs Detail

costs and matter id = '721' and not hidden and not on hold

Date	Narrative	Value
03/31/2020	RELX Inc. DBA LexisNexis - Invoice # 3092567417 - March 2020	1.92
03/04/2020	US District Court - Filing fee	400.00
04/06/2020	American Express - PACER - Q1 2020 - Invoice # 2633640-Q12020	3.00
04/06/2020	American Express - PACER - Q1 2020 - Invoice # 2633640-Q12020	3.00
04/30/2020	In-house printing	1.90
04/30/2020	American Express - Lexis Nexis - Invoice # 3092614716 - April 2020	112.14
06/30/2020	American Express - RELX Lexis Nexis - June 2020 - Invoice # 3092737211	23.03
06/30/2020	American Express - RELX Lexis Nexis - June 2020 - Invoice # 3092737211	9.14
Grand Total:		<u>\$2,122.12</u>

EXHIBIT C

STRUCTURED NEGOTIATIONS AGREEMENT

1. Parties

The Parties to this Agreement are (1) the City of San Jose ("San Jose") and (2) the Civil Rights Education and Enforcement Center "CREEC") and Goldstein, Borgen, Dardarian & Ho ("GBDH"), on behalf of CREEC, its members, members of an alleged class of persons with disabilities whose use of San Jose curb ramps and sidewalks has allegedly been, or allegedly will be, impacted by alleged violations of access regulations relating to those curb ramps ("the Class"), and individually named class representative Artie Lashbrook (collectively "Claimants").

2. Purposes

The purposes of this agreement are:

- a. To protect the interest of all Parties during the pendency of negotiations concerning disputed claims about the alleged lack of curb ramps in San Jose's pedestrian right of way that comply with the access requirements of federal and state disability rights laws;
- b. To provide an alternative to litigation in the form of good faith negotiations concerning disputed claims over the alleged lack of curb ramps in San Jose's pedestrian right of way that comply with the access requirements of federal and state disability rights laws; and
- c. To explore whether the Parties' disputes concerning the alleged lack of curb ramps in San Jose's pedestrian right of way that comply with the access requirements of federal and state disability rights laws can be resolved without the need for litigation.

3. Tolling of Alleged ADA and State Law Claims

- a. The Parties recognize and agree that, as used in this Agreement, the term "Claim(s)" includes any and all claims that could be brought either before an administrative agency or in a civil lawsuit in either state or federal court alleging that Claimants have been, and continue to be discriminated against due to the alleged lack of curb ramps in San Jose's pedestrian right of way that comply with the access requirements of federal and state disability rights laws.
- b. The Parties incorporate herein by reference the Tolling Agreement they executed on March 28, 2014, which is attached hereto as

Exhibit A, and which tolled the Claims as of February 24, 2014. The Claims will remain tolled during negotiations and throughout the duration of the tolling agreement as described in paragraph 6 below.

4. Topics to Be Addressed through Negotiations:

The Parties agree that the subject of negotiations undertaken pursuant to this Agreement will include, but are not limited to:

- a. Increasing the accessibility of San Jose's pedestrian right of way to people with mobility disabilities through the installation and maintenance of curb ramps that comply with the ADA, the Rehabilitation Act, and relevant state law;
- b. Modification of policies and training of appropriate personnel to ensure that curb ramps are installed and maintained in compliance with the ADA, the Rehabilitation Act, and relevant state law;
- c. Reasonable damages and reasonable attorney's fees, costs and litigation expenses, pursuant to the Americans with Disabilities Act, 42 U.S.C. § 12205 (the "ADA"), the Rehabilitation Act, 29 U.S.C. § 794a(a)(2), California's Disabled Persons Act, Cal. Civil Code § 54-54.3, Unruh Civil Rights Act, Cal. Civil Code § 52, and Cal. Code of Civil Procedure § 1021.5; and
- d. Scope and format of written agreement(s) addressing (a)-(c), monitoring, and other relevant issues.

5. Attorney's Fees

The Parties recognize that execution of this Agreement is in lieu of Claimants filing a complaint in federal or state court. San Jose agrees that neither Claimants nor Counsel for Claimants shall be precluded from recovering attorney's fees, expenses and costs, as defined under applicable federal and/or state law because Claimants and Counsel for Claimants pursued alternative means of dispute resolution relating to any and all Claims, as defined above, including but not limited to conciliation, settlement negotiations, mediation and/or arbitration, rather than instituting a civil action in this matter. In this regard, San Jose will not assert that Claimants or Counsel for Claimants are not entitled to recover attorneys' fees, expenses or costs solely because Claimants did not obtain relief in the form of an enforceable judgment, consent decree or court order. Additionally, San Jose will not argue that Claimants are not entitled to recover attorneys' fees, expenses or costs because Claimants obtain relief through a settlement agreement. Except for the arguments identified in the

preceding sentences, San Jose reserves all arguments with respect to the amount of fees and any other defense with respect to fees.

6. Duration of Tolling Agreement

The tolling effectuated in this Agreement will remain in effect until thirty (30) days after any party gives written notice by certified mail to all other parties that the tolling agreement is no longer effective. Upon such notice, San Jose's obligation to negotiate with Claimants regarding the topics listed in paragraph 4 will expire.

7. No Admission of Liability

The Parties expressly recognize and agree that entering into this Agreement does not in any way constitute an admission of liability or any wrongdoing by any Party, and that all discussions and negotiations pursuant to this Agreement will constitute conduct made in an effort to compromise claims within the meaning of Federal Rules of Evidence, Rule 408 or any similar state rule of evidence.

8. Rules of Construction

Each Party, through its legal counsel, has reviewed and participated in the drafting of this Agreement; and any rule of construction to the effect that ambiguities are construed against the drafting Party shall not apply in the interpretation or construction of this Agreement. Section titles used herein are intended for reference purposes only and are not to be construed as part of the Agreement.

9. Effective Date

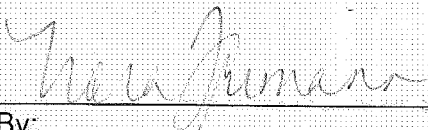
The effective date of this Agreement is the date of the last signature below.

CITY OF SAN JOSE

Dated:

5/21/14

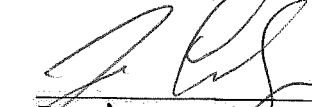
By:



APPROVED AS TO FORM FOR
CITY OF SAN JOSE

Dated:

8/19/14


By: Jon Calgari

COUNSEL FOR CLAIMANTS

Dated:

8/11/14



By: Timothy P. Fox

EXHIBIT D

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

WILMA FOSTER, et al.
Plaintiff,
v.
ADVANTAGE SALES & MARKETING,
LLC.,
Defendant.

Case No. 18-cv-07205-LB
FINAL APPROVAL ORDER
Re: ECF No. 51, 58

INTRODUCTION

This is an overtime-pay case under federal and California law: a nationwide collective action under the Federal Labor Standards Act (“FLSA”) and a California class action under Federal Rule of Civil Procedure 23.¹ The plaintiffs claim that their employer, defendant Advantage Sales and Marketing, LLC, d/b/a Advantage Solutions, misclassified them as exempt under the FLSA and California law and so failed to pay requisite compensation. The parties entered into a settlement agreement, and the court previously granted the plaintiffs’ unopposed motion for preliminary approval of the proposed settlement.² The plaintiffs moved for final approval of the settlement.³

¹ SAC – ECF No. 49 at 6–7. Citations refer to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of documents.
² Order – ECF No. 48.
³ Mot. – ECF No. 58.

1 The court held a fairness hearing on May 28, 2020, finds the settlement fair, adequate, and
 2 reasonable, and approves the final settlement, including fees, costs, and service awards.

3 4 STATEMENT

5 1. The Lawsuit

6 On November 28, 2018, named plaintiff Wilma Foster filed this wage-and-hours lawsuit on
 7 behalf of employees who worked for Advantage as Customer Development Managers-Retail
 8 (“CDMRs”) as (1) a FLSA collective action on behalf of a nationwide collective and (2) a class
 9 action on behalf of a California class alleging violations of California law.⁴ (Shortly after the
 10 plaintiff filed the complaint, Advantage reclassified CDMRs from exempt to non-exempt.⁵) The
 11 First Amended Complaint (filed on February 4, 2019) added a Private Attorney General Act
 12 (“PAGA”) claim.⁶ The Second Amended Complaint (“SAC”) added Adam Thimons and
 13 Kimberly Schmidt as named plaintiffs.⁷

14 Advantage produced documents and data enabling the plaintiffs to make informed damage
 15 assessments, and on March 11, 2019, the parties met in person for a day-long settlement
 16 discussion, made progress, and ultimately were unable to settle that day.⁸ On March 28, 2019,
 17 Advantage filed a motion to compel the opt-in plaintiffs to arbitration and to stay the PAGA
 18 claim.⁹ The plaintiffs served requests for production relating to the motion to compel.¹⁰ The
 19 parties ultimately agreed to a settlement conference and to postpone the plaintiffs’ filing their
 20 opposition to the motion to compel, and the case was referred to Magistrate Judge Kandis

23 ⁴ Compl. – ECF No. 1.

24 ⁵ Ho Decl. – ECF No. 58-1 at 2 (¶ 3).

25 ⁶ FAC – ECF No. 15 at 14–17 (¶¶ 87–93).

26 ⁷ SAC – ECF No. 49 at 2.; Consent Forms – ECF No. 14.

27 ⁸ Ho Decl. – ECF No. 42-1 at 3 (¶¶ 8–9).

28 ⁹ *Id.* (¶ 10); Mot. – ECF No. 25.

¹⁰ Ho Decl. – ECF No. 42-1 at 3–4 (¶¶ 11–13).

1 Westmore for a settlement conference.¹¹ At the settlement conference on September 6, 2019, the
 2 parties reached a tentative agreement and memorialized the material terms on the record.¹² They
 3 finalized their long-form settlement agreement on November 7, 2019, and agreed to the filing of
 4 the SAC, and the plaintiffs thereafter filed the motion for preliminary approval of the settlement
 5 and leave to file the SAC.¹³ The court granted the unopposed motion for preliminary approval and
 6 leave for plaintiffs to file the SAC.¹⁴

7 The plaintiffs moved for final approval of the settlement and for their attorney’s fees and
 8 costs.¹⁵ The court held a fairness hearing on May 28, 2020.

9

10 **2. Settlement**

11 **2.1 Settlement Class**

12 There are 59 California class members and 303 Non-California opt-in eligible plaintiffs.¹⁶

13 The California Rule 23 class is as follows:

14 Individuals employed by Advantage Sales & Marketing LLC d/b/a Advantage
 15 Solutions as Customer Development Managers-Retail (“CDMR”) in California
 16 during any workweek between January 1, 2017 and December 31, 2018 and who
 were classified as exempt.¹⁷

17 The nationwide FLSA collective is as follows:

18 Individuals employed by Advantage Sales & Marketing LLC d/b/a Advantage
 19 Solutions as Customer Development Managers-Retail (“CDMR”) outside of
 20 California during any workweek between January 1, 2017 and December 31, 2018
 and who were classified as exempt, excluding, however, all California Class
 Members.¹⁸

21
 22 ¹¹ Stipulation and Order – ECF No. 29.

23 ¹² Minute Entry – ECF No. 37.

24 ¹³ Ho Decl. – ECF No. 42-1 at 4 (¶¶ 17–18); Settlement Agreement, Ex. A to *id.* at 19–45.

25 ¹⁴ Order – ECF No. 48.

26 ¹⁵ Mots. – ECF Nos. 51, 58.

27 ¹⁶ Longley Decl. – ECF No. 58-2 at 6 (¶ 16).

28 ¹⁷ Proposed Order – ECF No. 58-3 at 2; Settlement Agreement, Ex. A to Ho Decl. – ECF No. 42-1 at 21 (§ 1.3).

¹⁸ Proposed Order – ECF No. 58-3 at 2; Settlement Agreement, Ex. A to Ho Decl. – ECF No. 42-1 at 23 (§§ 1.13–1.14).

1 The settlement agreement specifies the following definitions for the class:

2 The “California Class” and “California Class Members” means all individuals who
3 are identified by Defendant as having worked as exempt Customer Development
4 Managers-Retail (“CDMR”) for Defendant in California during any workweek
5 between January 1, 2017 and December 31, 2018.

6 . . .

7 “Non-California Opt-in Eligible Plaintiffs” are the individuals identified by
8 Defendant as having worked as CDMRs in any state other than California during
9 any workweek between January 1, 2017 and December 31, 2018. Non-California
10 Opt-in Eligible Plaintiffs will receive a Notice of Collective Action Settlement and,
11 after, final approval of the settlement is granted, a check in the amount of their
12 Individual Payment Amount minus any payroll taxes withheld.

13 “Non-California Opt-in Plaintiffs” are all Non-California Opt-in Eligible Plaintiffs
14 who elect to opt in to this action pursuant to 29 U.S.C. § 216(b) by cashing their
15 settlement check, as set forth below.

16 “Participating Claimants” means all California Class Members who do not timely
17 request exclusion from California Class, and all Non-California Opt-in Plaintiffs.¹⁹

18 **2.2 Settlement Amount and Allocation**

19 The settlement fund is \$1,209,652.²⁰ In the settlement agreement, it was \$1,200,000, but 42
20 non-California CDMRs were inadvertently left off the mailing list, and Advantage funded an extra
21 \$9,652 that (with the reserve fund of \$20,000) covered payments to them.²¹ The \$1,209,652 is
22 allocated as follow: (1) \$749,950 (\$355,149 to the California class members and \$394,801 to the
23 Non-California opt-in eligible plaintiffs), with payments to individuals allocated pro rata based on
24 work weeks; (2) \$17,702 for administration costs; (3) \$10,000 for the PAGA claim (deducted
25 from the allocation to the California class members); (4) service awards to plaintiffs (\$10,000 to
26 Ms. Foster and \$3,000 each to Mr. Thimons and Ms. Schmidt); (5) \$400,000 for attorney’s fees;
27 and (6) \$16,000 in costs.²²

28 ¹⁹ Settlement Agreement, Ex. A to Ho Decl. – ECF No. 42-1 at 21–23 (§§ 1.3, 1.13–1.15).

²⁰ Ho Decl. – ECF No. 58-1 at 3 (¶ 10).

²¹ *Id.* (¶¶ 5–10); Settlement Agreement, Ex. A to Ho Decl. – ECF No. 42-1 at 30 (§ 2.7).

²² Ho Decl. – ECF No. 58-1 at 3–4 (¶ 11); Longley Decl. – ECF No. 58-2 at 7 (¶ 22).

1 For the “Individual Payment Amounts” allocated based on workweeks, the payments will be
2 allocated evenly (one-third each) to (1) wages (and Advantage will pay any employer payroll-tax
3 obligations separately, in addition to the settlement fund), (2) interest, and (3) non-wage income
4 (penalties, liquidated damages, and other non-wage recovery reported on an IRS Form 1099).²³

5 For the 59 California Class members, the highest estimated individual award is \$8,264.03, the
6 lowest award is \$612.99, and the median payment is \$7,696.44.²⁴ For the 303 Non-California opt-
7 in plaintiffs, the highest estimated individual award is \$2,253.70, the lowest award is \$3.10, and
8 the median payment is \$1,284.73.²⁵

9 Funds from opt-out class members or their uncashed checks will be given to *cy pres*
10 beneficiary Employee Rights Advocacy Institute for Law & Policy, a non-profit advocacy group
11 for employee rights.²⁶ If the non-California CMDRs do not cash their checks, they will not be
12 opting into the settlement, their claims will not be released, and Advantage will retain the funds.²⁷

13 **2.3 Release Provisions**

14 The release is limited to the claims that were brought or could have been brought based on the
15 facts alleged in the SAC.²⁸ The three named plaintiffs have a general release.²⁹

16 **2.4 Administration**

17 The court appointed Atticus Administration to send the class notice, update addresses
18 (including through skip traces on returned mail), and administer the settlement under the
19 procedures in the settlement agreement.³⁰ Atticus complied with these procedures. On December
20 23, 2019, it sent the class notice and statements of workweeks by first-class mail to the 320
21

22 ²³ Settlement Agreement, Ex. A to Ho Decl. – ECF No. 42-1 at 33 (§ 2.7(e)).

23 ²⁴ Longley Decl. – ECF No. 58-2 at 8 (¶ 25).

24 ²⁵ *Id.*

25 ²⁶ Settlement Agreement, Ex. A to Ho Decl. – ECF No. 42-1 at 34 (§ 2.7(g)).

26 ²⁷ Ho Decl. – ECF No. 42-1 at 4–5 (¶ 20).

27 ²⁸ Settlement Agreement, Ex. A to Ho Decl. – ECF No. 42-1 at 23–24 (§ 1.19), 39–40 (§ 4).

28 ²⁹ *Id.* at 32 (§ 2.7(d)).

³⁰ Order – ECF No. 48.

1 settlement class members that Advantage identified.³¹ The customized statements of workweeks
 2 had dates of employment and the estimated Individual Payment Amount.³² If notices were
 3 returned as undeliverable, Atticus updated the addresses (through skip-tracing if necessary) and
 4 resent the notices.³³ In the end, Atticus mailed the notices to 318 California Class Members and
 5 non-California opt-in eligible plaintiffs (99.38% of the settlement class).³⁴

6 In January 2020, four CDMRs contacted either plaintiff's counsel or Atticus and identified
 7 themselves as non-California opt-in eligible plaintiffs, and Atticus sent the notice packages to
 8 them in January 2020.³⁵ In February 2020, Advantage sent Atticus the data files for the 38
 9 additional non-California opt-in eligible plaintiffs, and Atticus sent notice packages to them on
 10 February 5, 2020.³⁶ Of the 42 additional notices, three were undeliverable, and no address updates
 11 were identified.³⁷

12 In sum, Atticus sent notices to 362 CDMRs: 59 California class members and 303 non-
 13 California opt-in eligible plaintiffs.³⁸ Of the 362 CDMRs, 357 (98.62%) received the notice
 14 packages.³⁹ No California class member objected or requested exclusion.⁴⁰

16 ANALYSIS

17 1. Jurisdiction

18 The court has federal-question jurisdiction under 28 U.S.C. § 1331 for the FLSA claim and
 19 supplemental jurisdiction under 28 U.S.C. § 1367 for the state-law claims.

21 ³¹ Longley Decl. – ECF No. 58-2 at 4 (¶¶ 7–8).

22 ³² *Id.* (¶ 9).

23 ³³ *Id.* at 5 (¶ 10).

24 ³⁴ *Id.*

25 ³⁵ *Id.* (¶ 11).

26 ³⁶ *Id.* (¶ 12).

27 ³⁷ *Id.* at 6 (¶ 15).

28 ³⁸ *Id.* (¶ 16).

³⁹ *Id.*

⁴⁰ *Id.* at 6 (¶ 18).

1 **2. Certification of Settlement Class**

2 The court determines whether the settlement classes meet the requirements for class
3 certification first under Rule 23 and then under the FLSA.

4 **2.1 Rule 23 Requirements**

5 The court reviews the propriety of class certification under Federal Rule of Civil Procedure
6 23(a) and (b). When parties enter into a settlement before the court certifies a class, the court
7 “must pay ‘undiluted, even heightened, attention’ to class certification requirements” because the
8 court will not have the opportunity to adjust the class based on information revealed at trial. *Staton*
9 *v. Boeing Co.*, 327 F.3d 938, 952–53 (9th Cir. 2003) (quoting *Amchem Prods., Inc. v. Windsor*,
10 521 U.S. 591, 620 (1997)); *In re Hyundai & Kia Fuel Econ. Litig.*, 926 F.3d 539, 557 (9th Cir.
11 2019).

12 Class certification requires the following: (1) the class is so numerous that joinder of all
13 members individually is “impracticable;” (2) there are questions of law or fact common to the
14 class; (3) the claims or defenses of the class representatives are typical of the claims or defenses of
15 the class; and (4) the person representing the class will fairly and adequately protect the interests
16 of all class members. Fed. R. Civ. P. 23(a); *Staton*, 327 F.3d at 953. Also, the common questions
17 of law or fact must predominate over any questions affecting only individual class members, and
18 the class action must be superior to other available methods for fairly and efficiently adjudicating
19 the controversy. Fed. R. Civ. P. 23(b)(3). All claims arise from the defendant’s uniform practices,
20 and thus liability can be determined on a class-wide basis. *Betorina v. Ranstad US, L.P.*, No. 15-
21 cv-03646-EMC, 2017 WL 1278758, at *5 (N.D. Cal. Apr. 6, 2017).

22 The court finds (for settlement purposes only) that the proposed settlement classes meet the
23 Rule 23(a) prerequisites of numerosity, commonality, typicality, and adequacy. Also, under Rule
24 23(b)(3) (and for settlement purposes only), common questions predominate over any questions
25 affecting only individual members, and a class action is superior to other available methods.

1 First, there are 59 California Class Members.⁴¹ The class is numerous. *Nelson v. Avon Prods.,*
2 *Inc.*, No. 13-cv-02276-BLF, 2015 WL 1778326, at *5 (N.D. Cal. April 17, 2015) (“Courts have
3 repeatedly held that classes comprised of ‘more than forty’ members presumptively satisfy the
4 numerosity requirement”) (internal citations omitted).

5 Second, there are questions of law and fact common to the class that predominate over any
6 individual issues. Common fact questions are that Advantage classified all CDMRs as exempt
7 during the class period, the CDMRs had the same job duties, Advantage sent them schedules with
8 no-meal-and-rest periods on the schedules, and they all had arbitration agreements. Common law
9 questions include whether the arbitration agreements are valid and whether the CDMRs qualify for
10 any of the exemptions under California law or the FLSA. The claims depend on common
11 contentions that — true or false — will resolve issues central to the validity of the claims. *Cf. Wal-*
12 *Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 350 (2011); *Betorina*, 2017 WL 1278758 at *4.

13 Third, the claims of the representative parties are typical of the claims of the class. The
14 representative parties and all class members allege wage-and-hours violations based on similar
15 facts. All representatives possess the same interest and suffer from the same injury. *Cf. Betorina*,
16 2017 WL 1278758 at *4.

17 Fourth, the representative parties fairly and adequately protect the interests of the class. The
18 factors relevant to a determination of adequacy are (1) the absence of potential conflict between
19 the named plaintiff and the class members, and (2) counsel chosen by the representative party who
20 is qualified, experienced, and able to vigorously conduct the litigation. *In re Hyundai & Kia*, 926
21 F.3d at 566 (citing *Hanlon v. Chrysler Crop.*, 150 F.3d 1011, 1020 (9th Cir. 1998)). The factors
22 exist here: the named plaintiffs have shared claims and interests with the class (and no conflicts of
23 interest), and they retained qualified and competent counsel who have prosecuted the case
24 vigorously. *Cf. id.*; *Local Joint Exec. Bd. of Culinary/Bartender Tr. Fund v. Las Vegas Sands, Inc.*,
25 244 F.3d 1152, 1162 (9th Cir. 2001); *Hanlon*, 150 F.3d at 1021–22.

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⁴¹ *Id.* at 6 (¶ 16).

1 Finally, a class action is superior to other available methods for fairly and efficiently
2 adjudicating the controversy.

3 In sum, the prerequisites of Fed. R. Civ. P. 23(a) and (b)(3) are met. The court conditionally
4 certifies the class under Federal Rule of Civil Procedure 23(b)(3) for settlement purposes only.

5 **2.2 FLSA Class**

6 The FLSA authorizes “opt-in” representative actions where the complaining parties are
7 “similarly situated” to other employees. 29 U.S.C. § 216(b); *see generally Tyson Foods, Inc. v.*
8 *Bouaphakeo*, 136 S. Ct. 1036, 1042 (2016). Here, all class representatives worked as CDMRs
9 during the class period, and their wage-and-hour claims — and related issues such as the validity
10 of the arbitration agreements — present common fact and law questions. The court certifies the
11 FLSA class for settlement purposes only.

13 **3. Approval of Settlement**

14 Settlement is a strongly favored method for resolving disputes, particularly “where complex
15 class action litigation is concerned.” *Class Plaintiffs v. City of Seattle*, 955 F.2d 1268, 1276 (9th
16 Cir. 1992); *see, e.g., In re Pac. Enters. Sec. Litig.*, 47 F.3d 373, 378 (9th Cir. 1995). A court may
17 approve a proposed class-action settlement only “after a hearing and on finding that it is fair,
18 reasonable, and adequate.” Fed. R. Civ. P. 23(e)(2). The court need not ask whether the proposed
19 settlement is ideal or the best possible; it determines only whether the settlement is fair, free of
20 collusion, and consistent with the named plaintiffs’ fiduciary obligations to the class. *See Hanlon*,
21 150 F.3d at 1027 (9th Cir. 1998). In *Hanlon*, the Ninth Circuit identified factors relevant to
22 assessing a settlement proposal: (1) the strength of the plaintiff’s case; (2) the risk, expense,
23 complexity, and likely duration of further litigation; (3) the risk of maintaining class-action status
24 throughout trial; (4) the amount offered in settlement; (5) the extent of discovery completed and
25 the stage of the proceeding; (6) the experience and views of counsel; (7) the presence of a
26 government participant; and (8) the reaction of class members to the proposed settlement. *Id.* at
27 1026 (citation omitted).

1 When parties “negotiate a settlement agreement before the class has been certified, “settlement
 2 approval ‘requires a higher standard of fairness’ and ‘a more probing inquiry than may normally
 3 be required under Rule 23(e).” *Roes, 1–2 v. SFBSC Mgmt., LLC*, 944 F.3d 1035, 1048 (9th Cir.
 4 2019) (quoting *Dennis v. Kellogg Co.*, 697 F.3d 858, 864 (9th Cir. 2012)). “Specifically, ‘such
 5 settlement agreements must withstand an even higher level of scrutiny for evidence of collusion or
 6 other conflicts of interest than is ordinarily required under Rule 23(e) before securing the court’s
 7 approval as fair.’” *Id.* at 1049 (quoting *In re Bluetooth Headset Prods. Liab. Litig.*, 654 F.3d 935,
 8 946 (9th Cir. 2011)).

9 The court has evaluated the proposed settlement agreement for overall fairness under the
 10 *Hanlon* factors and concludes that it is free of collusion and approval is appropriate.

11 First, as the plaintiffs point out, the settlement provides good value and is fair, and they collect
 12 cases in this district where courts have approved settlements at comparable or lower rates
 13 compared to the maximum recoverable at trial.⁴² *See, e.g., Stovall-Gusman v. W.W. Granger, Inc.*,
 14 No. 13-cv-02540-HSG, 2015 WL 3776765, at *4–5 (N.D. Cal. June 17, 2015) (approving a final
 15 settlement representing 7.3% of the plaintiffs’ estimated trial award in wage-and-hour class
 16 action); *Balderas v. Massage Envy Franchising, LLC*, No. 12-cv-06327-NC, 2014 WL 3610945,
 17 at *5 (N.D. Cal. July 21, 2014) (granting preliminary approval of gross settlement representing 8%
 18 of the maximum recovery and net settlement representing 5% of the maximum recovery), *final*
 19 *approval*, 12-cv-06327-NC – ECF No. 78 (N.D. Cal. Mar. 15, 2015); *Nelson v. Avon Prods., Inc.*,
 20 No. 13-cv-02276-BLF, 2017 WL 733145, at *2–4 (N.D. Cal. Feb. 24, 2017) (approving settlement
 21 amount of \$1,800,000, representing 12 to 24% of recovery rate, for 289 class members alleging
 22 claims for misclassification as exempt from overtime wages).

23 Second, a related point is that the value is significant compared to litigation risks and
 24 certainties. The plaintiffs identify the risks: (1) class certification could require individual

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 26 ⁴² Mot. – ECF No. 58 at 18–19; Ho Decl. – ECF No. 42-1 at 10–11 (¶¶ 47–50) (estimating a maximum
 27 exposure of \$4,112,633 for the California Class with PAGA damages and a maximum exposure of
 28 \$8,472,812 for the FLSA Collective (but discounting it to \$4,236,406 given the potential fluctuating-
 workweek application for the FLSA overtime claim).

1 assessment of the CDMRs’ duties and whether they were exempt from federal and state overtime
 2 laws; (2) the merits of Advantage’s motion to compel individual arbitration; (3) uncertainties
 3 about the amounts of overtime; and (4) the relative short liability period.⁴³ In particular, if
 4 Advantage prevailed on a motion to compel arbitration, a “large portion of the class would be
 5 excluded from a class or collective action.”⁴⁴ *Cf. In re Uber FCRA Litig.*, No. 14-cv-05200-EMC,
 6 2017 WL 2806698, at *6 (N.D. Cal. June 29, 2017) (“[S]ome 40% of the class members are
 7 subject to arbitration . . . [thus] a large portion of the class would be excluded from this litigation,
 8 and would be forced to arbitrate their claims individually. Given the small amount of potential
 9 recovery per individual, there is strong likelihood that few would pursue individual arbitration.
 10 This fact alone accounts for a significant discount on the potential recovery”). Moreover,
 11 settlement allows payment to the CDMRs now, while litigation would be costly and protracted,
 12 possibly through an appeal.⁴⁵

13 Third, a class action allows class members — who otherwise would not pursue their claims
 14 individually because costs would exceed recoveries — to obtain relief.

15 Finally, the settlement is the product of serious, non-collusive, arm’s-length negotiations,
 16 reached the agreement after a settlement conference with Judge Westmore.⁴⁶

17 In sum, the court finds that viewed as a whole, the proposed settlement is sufficiently fair,
 18 adequate, and reasonable. Fed. R. Civ. P. 23(e)(2). The court approves the settlement.

19 For the same reasons, the court approves the settlement of the FLSA collective action.
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24 ⁴³ *Id.* at 16–18; Ho Decl. – ECF No. 42-1 at 7 (¶ 29) (“Advantage claims the arbitration agreements are
 25 enforceable . . . and that 57 of the 59 California Class Members and 253 of the 261 Non-California
 Opt-in Eligible Plaintiffs are covered by the agreements”).

26 ⁴⁴ Mot. – ECF No. 58 at 18.

27 ⁴⁵ *Id.* at 17.

28 ⁴⁶ Minute Entry – ECF No. 37.

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4. Class Representative, Class Counsel, and Claims Administrator

The court confirms its appointment of Ms. Foster as the class representative.⁴⁷ She has claims that are typical of members of the class generally, and she is an adequate representative of the other members of the proposed classes.

The court confirms its appointment of Laura Ho and Byron Goldstein of Goldstein, Borgen, Dardarian & Ho LLP and Andrew Horowitz of Obermayer Rebmann Maxwell & Hoppel, LLP as class counsel for settlement purposes only. *See* Fed. R. Civ. P. 23(a) & (g)(1). They have the requisite qualifications, experience, and expertise in prosecuting class actions.

The court approves Atticus’s expenses of \$17,702.

5. Class Notice

The class administrator provided notice to the members of the class in the form that the court approved previously. The notice met all legal prerequisites: it was the best notice practicable, satisfied the notice requirements of Rule 23, adequately advised class members of their rights under the settlement agreement, met the requirements of due process, and complied with the court’s order regarding court notice.⁴⁸ The form of notice fairly, plainly, accurately, and reasonably provided class members with all required information, including (among other things): (1) a summary of the lawsuit and claims asserted; (2) a clear definition of the class; (3) a description of the material terms of the settlement, including the estimated payment; (4) a disclosure of the release of the claims; (5) an explanation of class members’ opt-out rights, a date by which they must opt out, and information about how to do so; (6) the date and location of the final fairness hearing (including how to check if the date of the hearing changes); and (7) the

⁴⁷ Order – ECF No. 48 at 11.

⁴⁸ *Id.* at 11–12.

1 identity of class counsel and the provisions for attorney’s fees, costs, and class-representative
2 service awards.⁴⁹

3 4 **6. CAFA and PAGA Notices**

5 On February 27, 2020, the plaintiffs provided notice of the settlement and other information
6 showing compliance with the Class Action Fairness Act of 2005, 28 U.S.C. § 1715, to the
7 appropriate federal and state officials.⁵⁰ The court’s final approval hearing is more than 90 days
8 after service as required by 28 U.S.C. § 1715. The plaintiff also provided notice of the settlement
9 of PAGA penalties to the California Labor and Workforce Development Agency.⁵¹

10 11 **7. Attorney’s Fees and Costs**

12 “In a certified class action, the court may award reasonable attorney’s fees and nontaxable
13 costs that are authorized by law or by the parties’ agreement.” Fed. R. Civ. P. 23(h). The court
14 approves \$400,000 in attorney’s fees and \$16,000 in costs.⁵²

15 Fee provisions in class-action settlements must be reasonable. *In re Bluetooth.*, 654 F.3d at
16 941. The court is not bound by the parties’ settlement agreement as to the amount of fees. *Id.* at
17 942–43. The court must review fee awards with special rigor:

18 Because in common fund cases the relationship between plaintiffs and their attorneys turns
19 adversarial at the fee-setting stage, courts have stressed that when awarding attorneys’ fees
20 from a common fund, the district court must assume the role of fiduciary for the class
21 plaintiffs. Accordingly, fee applications must be closely scrutinized. Rubber-stamp
22 approval, even in the absence of objections, is improper.

23 *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1052 (9th Cir. 2002) (quotation omitted).

24 When counsel recovers a common fund that confers a “substantial benefit” on a class of

25 ⁴⁹As part of the notice, class members and eligible plaintiffs received their estimated settlement
26 amounts based on customized statements of weeks worked. Longley Decl. – ECF No. 58-2 at 4 (¶¶ 8–
27 9); Notice Packets, Ex. B to *id.* at 13–31; Additional Notice, Ex. C to *id.* at 33–40.

28 ⁵⁰ Ho Decl. – ECF No. 58-1 at 4 (¶ 13); Longley Decl. – ECF No. 58-2 at 3 (¶ 5); CAFA Notice, Ex. A
to *id.* at 11–12.

⁵¹ Ho Decl. – ECF No. 58-1 at 4 (¶ 12).

⁵² Mot. – ECF No. 58 at 25; Fees Mot. – ECF No. 51 at 7.

1 beneficiaries, counsel is “entitled to recover their attorney’s fees from the fund.” *Fischel v.*
 2 *Equitable Life Assurance Soc’y*, 307 F.3d 997, 1006 (9th Cir. 2002). In common-fund cases, courts
 3 may calculate a fee award under either the “lodestar” or “percentage of the fund” method. *Id.*;
 4 *Hanlon*, 150 F.3d at 1029.

5 Where the settlement involves a common fund, courts typically award attorney’s fees based on
 6 a percentage of the settlement fund. The Ninth Circuit has established a “benchmark” that fees
 7 should equal 25% of the settlement, although courts diverge from the benchmark based on factors
 8 that include “the results obtained, risk undertaken by counsel, complexity of the issues, length of
 9 the professional relationship, the market rate, and awards in similar cases.” *Morales v. Stevco, Inc.*,
 10 No. CIV-F-09-0704-AWI-JLT, 2013 WL 1222058, *2 (E.D. Cal. Mar. 25, 2013); *see also Morris v.*
 11 *Lifescan, Inc.*, 54 F. App’x 663, 664 (9th Cir. 2003) (affirming 33% fee award); *In re Pac. Enter.*
 12 *Secs. Litig.*, 47 F.3d at 379; *Six Mexican Workers v. Arizona Citrus Growers*, 904 F.2d 1301, 1311
 13 (9th Cir. 1990).

14 When determining the value of a settlement, courts consider the monetary and non-monetary
 15 benefits that the settlement confers. *See, e.g., Staton*, 327 F.3d at 972–74; *Pokorny v. Quixtar, Inc.*,
 16 No. C-07-0201-SC, 2013 WL 3790896, *1 (N.D. Cal. July 18, 2013) (“The court may properly
 17 consider the value of injunctive relief obtained as a result of settlement in determining the
 18 appropriate fee.”); *In re Netflix Privacy Litig.*, No. 5:11-CV-0379-EJD, 2013 WL 1120801, *7
 19 (N.D. Cal. Mar. 18, 2013) (settlement value “includes the size of the cash distribution, the *cy pres*
 20 method of distribution, and the injunctive relief”).

21 Finally, Ninth Circuit precedent requires courts to award class counsel fees based on the total
 22 benefits being made available to class members rather than the actual amount that is ultimately
 23 claimed. *Young v. Polo Retail, LLC*, No. C-02-4547-VRW, 2007 WL 951821, *8 (N.D. Cal. Mar.
 24 28, 2007) (citing *Williams v. MGM-Pathe Commc’ns Co.*, 129 F.3d 1026 (9th Cir. 1997) (“district
 25 court abused its discretion in basing attorney fee award on actual distribution to class” instead of
 26 amount being made available)).

27 If the court applies the percentage method, it then typically calculates the lodestar as a “cross-
 28 check to assess the reasonableness of the percentage award.” *See, e.g., Weeks v. Kellogg Co.*, No.

1 CV-09-8102-MMM-RZx, 2013 WL 6531177, *25 (C.D. Cal. Nov. 23, 2013); *see also Serrano v.*
 2 *Priest*, 20 Cal. 3d 25, 48–49 (1977); *Fed-Mart Corp. v. Pell Enters., Inc.*, 111 Cal. App. 3d 215,
 3 226–27 (1980).⁵³ “The lodestar . . . is produced by multiplying the number of hours reasonably
 4 expended by counsel by a reasonable hourly rate.” *Lealao v. Beneficial Cal., Inc.*, 82 Cal. App. 4th
 5 19, 26 (2000). Once the court has fixed the lodestar, it may increase or decrease that amount by
 6 applying a positive or negative “multiplier to take into account a variety of other factors, including
 7 the quality of the representation, the novelty and complexity of the issues, the results obtained, and
 8 the contingent risk presented.” *Id.*

9 Based on counsel’s submissions, the court finds that the requested fees are appropriate as a
 10 percentage of the common fund, supported by a lodestar cross-check (with counsel’s suggested
 11 multiplier). First, the settlement achieved significant relief, including a non-reversionary payment
 12 to the class members, Advantage’s separate payment of payroll taxes, and (shortly after the lawsuit
 13 was filed), Advantage’s reclassification of CDMRs from exempt to non-exempt.⁵⁴ No class
 14 member objected to the settlement or opted out, which supports the conclusion of reasonableness.
 15 Second, class counsel assumed significant litigation risk and litigated the case efficiently on a
 16 contingency basis, achieving a settlement in a year.⁵⁵ *Cf. Burden v. SelectQuote Ins. Servs.*, No.
 17 10-cv-05966-LB, 2013 WL 3988771, at *5 (N.D. Cal. Aug. 2, 2013) (adjusting the benchmark
 18 25% to 33% for these reasons); *see also In re Volkswagen ‘Clean Diesel’ Mktg., Sales Practices,*
 19 *& Prod. Liab. Litig.*, MDL No. 2672 CRB (JSC), 2017 WL 1352859, at *6 (N.D. Cal. April 12,
 20 2017) (“Class counsel, however, ‘should not be ‘punished’ for efficiently litigating [the] action . . .
 21 [a] positive multiplier rewards [] Class Counsel for its efforts in achieving swift settlement”).

22 Also, this is a smaller case, and courts award fees above the 25% benchmark, particularly when
 23 the benchmark would undercompensate counsel. *See, e.g., Cicero v. DirecTV, Inc.*, No. EDCV 07-

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 26 ⁵³ Longley Decl. – ECF No. 58-2 at 6 (¶ 18).

27 ⁵⁴ *Id.* at 8 (¶ 25); Ho Decl. – ECF No. 51-1 at 3 (¶ 7).

28 ⁵⁵ Ho Decl. – ECF No. 51-1 at 3–4 (¶¶ 8–9).

1 1182, 2010 WL 2991486, at *6 (C.D. Cal. July 27, 2010) (collecting cases); *Burden*, 2013 WL
2 3988771 at *5.⁵⁶

3 The lodestar cross-check supports this conclusion. The billing rates are normal and customary
4 (and thus reasonable) for lawyers of comparable experience doing similar work.⁵⁷ *See CuvIELLO v.*
5 *Feld Entm't, Inc.*, No. 13-cv-04951-BLF, 2015 WL 154197, at *2–3 (N.D. Cal. Jan. 12, 2015)
6 (“court has broad discretion in setting the reasonable hourly rates used in the lodestar calculation”)
7 (citation omitted); *Ketchum v. Moses*, 24 Cal. 4th 1122, 1132 (2001) (court can rely on its own
8 experience); *accord Open Source Sec. v. Perens*, 803 F. App’x 73, 77 (9th Cir. 2020). Counsel
9 provided billing records justifying the hours worked in the case and allowing a conclusion about
10 the multiplier.⁵⁸ The lodestar is more than the 25-percent benchmark.⁵⁹ The court applies the
11 multiplier (based on the quality of the representation, the complexity and risk, the amounts at stake
12 in the litigation, the efficiency of the litigation, and the result obtained) and awards 400,000 (33%
13 of the common fund).⁶⁰

14 The court also awards the reasonable out-of-pocket costs of up to \$16,000. Fed. R. Civ. P.
15 23(h); *see Harris v. Marhoefer*, 24 F.3d 16, 19 (9th Cir. 1994) (attorneys may recover reasonable
16 expenses that would typically be billed to paying clients in non-contingency matters); *Van*
17 *Vranken v. Atl. Richfield Co.*, 901 F. Supp. 294, 299 (N.D. Cal. 1995) (approving reasonable costs
18 in class action settlement). Costs compensable under Rule 23(h) include “nontaxable costs that are
19 authorized by law or by the parties’ agreement.” Fed. R. Civ. P. 23(h). Costs were \$15,106.38 on
20 May 7, 2020.⁶¹ Counsel estimates that total costs will be \$16,000 (less than the maximum \$20,000
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24 ⁵⁶ *See* Mot. – ECF No. 51 at 9 (collecting cases).

25 ⁵⁷ Ho Decl. – ECF No. 51-1 at 5–7 (¶¶ 15); Fox Decl. – ECF No. 51-2 at 2–3 (¶¶ 6–8).

26 ⁵⁸ Ho Decl. – ECF No. 51-1 at 8–12 (¶¶ 18–31); Fox Decl. – ECF No. 51-2 at 3–4 (¶¶ 9–15).

27 ⁵⁹ Ho Decl. – ECF No. 58-1 at 5 (¶ 18).

28 ⁶⁰ *See also* Proposed Order – ECF No. 58-3 at 6 (collecting cases).

⁶¹ Ho Decl. – ECF No. 58-1 at 6 (¶ 20).

1 in the settlement agreement), and any excess costs will be redistributed to class and collective-
 2 action members.⁶² The court approves costs of up to \$16,000.

3 4 **8. Service Awards**

5 The settlement proposes service awards of \$10,000 to Ms. Foster and \$3,000 each to Mr.
 6 Thimons and Ms. Schmidt. The court reduces Ms. Foster’s award to \$6,000 and awards \$2,000
 7 each to Mr. Thimons and Ms. Schmidt.

8 District courts must evaluate proposed awards individually, using relevant factors that include
 9 “the actions the plaintiff has taken to protect the interests of the class, the degree to which the class
 10 has benefitted from those actions, ... [and] the amount of time and effort the plaintiff expended in
 11 pursuing the litigation.” *Staton*, 327 F.3d at 977. “Such awards are discretionary . . . and are
 12 intended to compensate class representatives for work done on behalf of the class, to make up for
 13 financial or reputational risk undertaken in bringing the action, and, sometimes, to recognize their
 14 willingness to act as a private attorney general.” *Rodriguez v. West Publishing Corp.*, 563 F.3d
 15 948, 958–59 (9th Cir. 2009) (citation omitted). The Ninth Circuit has “noted that in some cases
 16 incentive awards may be proper but [has] cautioned that awarding them should not become routine
 17 practice.” *Radcliffe v. Experian Info. Sols.*, 715 F.3d 1157, 1163 (9th Cir. 2013) (discussing
 18 *Staton*, 327 F.3d at 975–78). Also, district courts “must be vigilant in scrutinizing all incentive
 19 awards to determine whether they destroy the adequacy of the class representatives.” *Id.* at 1164.
 20 In this district, a \$5,000 incentive award is “presumptively reasonable.” *Bellinghausen v. Tractor*
 21 *Supply Co.*, 306 F.R.D. 245, 266 (N.D. Cal. 2015) (collecting cases).

22 Ms. Foster’s request of \$10,000 is double the presumptively reasonable award of \$5,000. Her
 23 efforts in this case include gathering documents, explaining her work to her attorneys, reviewing
 24 Advantage’s motion to compel arbitration, helping draft her declaration to oppose the motion, and
 25 participating in the settlement conference.⁶³ She played a “critical role” in developing the facts and

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 27 ⁶² *Id.*

28 ⁶³ Foster Decl. – ECF No. 42-3 at 2–3 (¶¶ 4–8).

1 representing the class in settlement discussions, and she assumed the risk of being perceived as a
2 “trouble-maker,” possibly affecting her future employment in her industry.⁶⁴ In total, she spent
3 28.5 hours prosecuting the case.⁶⁵

4 The plaintiffs’ cases show that the proposed award is high, considering the hours Ms. Foster
5 spent (in the context of the discovery landscape). *Cf. Harris v. Vector Mktg. Corp.*, No. 08-cv-
6 5198-EMC, 2012 WL 381202, at *7–8 (N.D. Cal. Feb. 6, 2012) (awarding \$12,500 where the
7 plaintiff spent “more than 100 hours on this case (which included being deposed twice)” and the
8 defendant “pursued disclosure of her private information”); *Dyer v. Wells Fargo Bank, N.A.*, 303
9 F.R.D. 326, 335–36 (awarding \$10,000 where the plaintiff was deposed, attended a four-day
10 mediation (which required her to travel and miss work), and spent “more than 200 hours assisting
11 in the case”); *Bellinghausen.*, 306 F.R.D. at 267–68 (awarding \$15,000 where the plaintiff spent
12 73 hours on the case, attended mediation, and was rejected by potential employers because of his
13 status as class representative); *Browner v. Bank of Am. Nat’l Ass’n*, No. 14-cv-02702-LB, 2016
14 WL 161295, at *6 (N.D. Cal. Jan. 14, 2016) (approving \$15,000 where the plaintiff spent between
15 80 to 100 hours in the case). Still, the plaintiffs observe, the proposed award is not
16 disproportionate compared to the net recoveries (a median recovery for the California Class and
17 the non-California opt-in eligible plaintiffs of \$7,696.44 and \$1,284, respectively).⁶⁶ *Cf. Bolton v.*
18 *U.S. Nursing Corp.*, No. 12-cv-4466-LB, 2013 WL 5700403, at *6 (N.D. Cal. Oct. 18, 2013).

19 Given the hours spent, the recoveries here, and the points of reference from other cases, the
20 court allows \$6,000 for Ms. Foster and \$2,000 each for Mr. Thimons and Ms. Schmidt. Mr.
21 Thimons spent a total of ten hours in this case, including discussing his work as a CDMR with
22 plaintiff’s counsel, gathering relevant documents, and making himself available for the settlement
23 conference.⁶⁷ Ms. Schmidt spent about nine hours total in similar fact-gathering and settlement
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25 ⁶⁴ Ho Decl. – ECF No. 58-1 at 4 (¶ 14); Foster Decl. – ECF No. 42-3 at 4 (¶ 12).

26 ⁶⁵ Foster Decl. – ECF No. 42-3 at 3 (¶ 9)

27 ⁶⁶ Longley Decl. – ECF No. 58-2 at 8 (¶ 25).

28 ⁶⁷ Thimons Decl. – ECF No. 42-4 at 2 (¶¶ 2, 4), at 3 (¶ 7).

1 efforts.⁶⁸ Their awards are below the presumptively reasonable amount in this district. *Cf.*
 2 *Bellinghausen*, 306 F.R.D. at 266. Ms. Foster’s \$6,000 is about three times their awards, and the
 3 court finds this the reasonable service award for her based on the relative hours and the case.

4
 5 **9. *Cy Pres* Award**

6 If there is a *cy pres* distribution to the beneficiary Employee Rights Advocacy Institute for
 7 Law & Policy, it accounts for and has a substantial nexus to the nature of the lawsuit, the
 8 objectives of the statutes, and the interest of the silent class members. *See Lane v. Facebook, Inc.*,
 9 696 F.3d 811, 818–22 (9th Cir. 2012); *Nachshin v. AOL, LLC*, 663 F.3d 1034, 1038–41 (9th Cir.
 10 2011).

11
 12 **10. Release of Claims⁶⁹**

13 As of the date the judgment becomes final (meaning that the time for appeal has expired with
 14 no appeal taken, all appeals are resolved, and none are left pending, or this judgment is affirmed in
 15 all material respects after completion of the appellate process), the named plaintiffs, California
 16 class members, and non-California plaintiffs who opt in by cashing their checks are barred from
 17 bringing or presenting any action or proceeding against any Released Parties that involves or
 18 asserts any of the Released Claims (as those terms are defined in the Settlement Agreement).

19
 20 **11. Post-Distribution Accounting**

21 Within 21 days after the distribution of the settlement funds and payment of attorney’s fees,
 22 the parties must file a post-distribution accounting, which provides the following information:

23 The total settlement fund, the total number of class members, the total number of class
 24 members to whom notice was sent and not returned as undeliverable, the number and
 25 percentage of claim forms submitted, the number and percentage of opt-outs, the number
 26 and percentage of objections, the average and median recovery per claimant, the largest
 and smallest amounts paid to class members, the methods of notice and the methods of

27 ⁶⁸ Schmidt Decl. – ECF No. 42-5 at 2–3 (¶¶ 2, 4–8).

28 ⁶⁹ The remaining provisions in this order are taken from the proposed order’s identification of relevant provisions from the settlement agreement. Proposed Order – ECF No. 58-3 at 8–9.

United States District Court
Northern District of California

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payment to class members, the number and value of checks not cashed, the amounts distributed to each *cy pres* recipient, the administrative costs, the attorney’s fees and costs, the attorneys’ fees in terms of percentage of the settlement fund, and the multiplier, if any.

Within 21 days after the distribution of the settlement funds and award of attorney’s fees, the parties must post the post-distribution accounting, including the easy-to-read chart, on the settlement website. The court may hold a hearing following submission of the parties’ post-distribution accounting.

12. Non-Admission

This order and the Settlement Agreement are not evidence of, or an admission or concession on the part of, the Released Parties with respect to any claim of any fault, liability, wrongdoing, or damages.

13. Order for Settlement Purposes

The findings and rulings in this order are made for the purposes of settlement only and may not be cited or otherwise used to support the certification of any contested class or subclass in any other action.

14. Use of Agreement and Ancillary Terms

The Settlement Agreement and any documents, actions, statements, or filings in furtherance of settlement (including matters associated with the mediation) are not admissible and cannot be offered into evidence in any action related or similar to this one for the purposes of establishing, supporting, or defending against any claims that were raised or could have been raised in this action or are similar to such claims.

CONCLUSION

The court (1) certifies the class and the FLSA collective for settlement purposes only, (2) approves the settlement and authorizes the distribution of funds (as set forth in this order), (3) appoints the class representative and class counsel, (4) approves \$400,000 in attorney’s fees, up to

1 \$16,000 in costs, \$17,702 for Atticus’s administration costs, and service awards of \$6,000 to Ms.
2 Foster and \$2,000 each to Mr. Thimons and Ms. Schmidt, (5) orders the post-distribution
3 accounting, and (6) orders the parties and Atticus to carry out their obligations in the settlement
4 agreement.

5
6 **IT IS SO ORDERED.**

7 Dated: May 28, 2020



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9 LAUREL BEELER
United States Magistrate Judge

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United States District Court
Northern District of California

EXHIBIT E



14106503

FILED
ALAMEDA COUNTY

JUN 13 2019

CLERK OF THE SUPERIOR COURT

By *[Signature]* Deputy

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18 SUPERIOR COURT OF THE STATE OF CALIFORNIA
19 COUNTY OF ALAMEDA

20 ANGELA FLOWERS, individually and on behalf
21 of others similarly situated,

22 Plaintiff,

23 vs.

24 TWILIO, INC., and DOES 1-20, inclusive,

25 Defendants.

Case No.: RG16804363

CLASS ACTION

~~[REVISED PROPOSED]~~ ORDER OF FINAL
APPROVAL AND JUDGMENT

Date: June 11, 2019
Time: 3:00 p.m.
Dept: 23
Before: Hon. Brad Seligman
Reservation No. R-2078197

1 WHEREAS, Plaintiff filed this action on February 18, 2016.

2 WHEREAS, on January 2, 2018, the Court certified two classes, the 631 Class and the 632.7
3 Class. The Settlement Class includes these two already-certified Classes (with an update to reflect
4 Trulia's changes to its Privacy Policy since that order), which are defined as:

5 The 631 Class: All persons who, while in California either a) made or
6 received a phone call that Twilio recorded for an account linked to
7 Homejoy or Handy between April 21, 2010 and March 31, 2016
8 (Homejoy) or June 29, 2017 (Handy); or b) sent or received a text message
9 that Twilio recorded for an account linked to Homejoy between April 21,
10 2010 and March 31, 2016, Trulia between April 21, 2010 and April 26,
11 2018, or Handy between April 21, 2010 and April 25, 2016.

12 The 632.7 Class: All persons who, while in California and using a cell
13 phone either a) made or received a phone call that Twilio recorded for an
14 account linked to Homejoy or Handy between April 21, 2010 and March
15 31, 2016 (Homejoy) or June 29, 2017 (Handy); or b) sent or received a
16 text message that Twilio recorded for an account linked to Homejoy
17 between April 21, 2010 and March 31, 2016, Trulia between April 21,
18 2010 and April 26, 2018, or Handy between April 21, 2010 and April 25,
19 2016.

20 Excluded from the classes are: (1) individuals classified as employees of Twilio, Handy, Homejoy or
21 Trulia; (2) real estate agents of Trulia (i.e., real estate agents advertising listings and services on
22 Trulia's website); (3) Plaintiff's and Defendant's counsel and their respective employees; and (4) court
23 personnel.

24 WHEREAS, the Parties to this litigation reached a proposed class action settlement, as set forth
25 in the Amended Stipulation of Class Action Settlement Agreement ("Amended Settlement
26 Agreement").

27 WHEREAS, Plaintiff filed a motion for Preliminary Approval of Class Settlement, and the
28 Court granted preliminary approval of the class action settlement on January 15, 2019.

WHEREAS, after the order preliminarily approving the class settlement, a Notice of Class
Action Settlement was sent to Settlement Class Members. Settlement Class Members were provided
the opportunity to exclude themselves or object. A final fairness hearing was held on June 11, 2019.

NOW, THEREFORE, IT IS HEREBY FINALLY ADJUDGED AND ORDERED THAT:

1. The Amended Settlement Agreement is fair, reasonable, and adequate, and it is hereby
approved and incorporated herein.

1 2. The Parties to the Amended Settlement Agreement shall implement Agreement
2 according to its terms and provisions. All defined terms contained herein shall have the same
3 meanings as set forth in the Amended Settlement Agreement.

4 3. Notice of the Amended Settlement Agreement was provided to Class Members via
5 direct mailing, direct e-mailing, a settlement website, and a toll-free phone number in accordance with
6 the terms of the Amended Settlement Agreement. The Class Notice implemented adequately informed
7 Class Members of the pendency of the Action, their right to object to or exclude themselves from the
8 proposed Agreement, and to appear at the Final Approval Hearing.

9 4. Settlement Class Members were afforded the opportunity to exclude themselves or
10 object, and a hearing was held on June 11, 2019, to entertain any such objections. No Class Member
11 objected to this settlement.

12 5. The scope of the release, which is hereby incorporated from the Amended Settlement
13 Agreement, is appropriate to the claims asserted in the case.

14 6. The Amended Settlement Agreement (including the release provisions thereof) is
15 binding on, and has res judicata and preclusive effect in all pending and future lawsuits or other
16 proceedings maintained by or on behalf of Plaintiff and Settlement Class Members who have not opted
17 out. Settlement Class Members who have not been properly excluded from the Settlement Class are
18 permanently enjoined from filing, commencing, prosecuting, intervening in, or participating (as class
19 members or otherwise) in, any lawsuit or other action in any jurisdiction based on the Released Claims.
20 The following individuals have excluded themselves from this Amended Settlement: Suvas Khadgi
21 and Jennifer and Brennan Gaunce.

22 7. Plaintiff Flowers and Class Counsel have adequately represented the Settlement Class
23 for purposes of entering into and implementing the Amended Settlement Agreement.

24 8. Plaintiff's motion makes an adequate analysis required by *Kullar v. Foot Locker Retail*,
25 168 Cal. App. 4th 116 (2008), and compares the best-case scenario with the result of the Amended
26 Settlement Agreement. The Amended Settlement Agreement takes into account the risks of continued
27 litigation, including on the merits at trial and any potential appeals.
28

1 9. The Court gives “considerable weight to the competency and integrity of counsel and
2 the involvement of a neutral mediator in [concluding] that [the] settlement agreement represents an
3 arm’s length transaction entered without self-dealing or other potential misconduct.” *Kullar*, 168 Cal.
4 App. 4th at 129; *see also In re Sutter Health Uninsured Pricing Cases*, 171 Cal. App. 4th 495, 504
5 (2008). The Court finds that attorneys for the Class are experienced class action litigators and have
6 expressed the view that the Amended Settlement Agreement is fair, reasonable, and adequate, which
7 further supports the Amended Settlement Agreement.

8 10. The Court notes and approves of the plan to distribute the settlement funds with no
9 claims process.

10 11. Plaintiff requests one-third of the Settlement Fund for attorneys’ fees, which equals
11 \$3,333,333.33. The requested attorneys’ fees represent approximately a 1.45 multiplier of Class
12 Counsel’s current and expected lodestar. The Court approves attorneys’ fees in the amount of
13 \$3,333,333.33. Class Counsel’s request falls within the range of reasonableness and the result
14 achieved justifies the requested attorneys’ fees. *See Chavez v. Netflix, Inc.*, 162 Cal. App. 4th 43, 66
15 n.11 (2008) (noting that fee awards of one-third are average). The Court further finds that Class
16 Counsel’s 2019 hourly rates are reasonable and commensurate with the prevailing rates for class
17 actions.

18 12. The Court ORDERS that 10% of the fee award to be kept in the administrator’s trust
19 fund until the completion of the Class award distribution process and Court approval of an Amended
20 Judgment regarding final accounting. The Court will set a compliance hearing after the completion of
21 the distribution process regarding Settlement Class Member awards before which Class Counsel and
22 the Administrator shall submit a summary accounting of how the funds have been distributed to the
23 Class and the status of any unresolved issues. If the distribution is completed to the satisfaction of the
24 Court, the Court will enter an Amended Judgment at that time and release any hold-back of attorneys’
25 fees.

26 13. The Court approves Class Counsel’s request for reimbursement of litigation costs in the
27 amount of \$302,000.00. Class Counsel’s request for reimbursement of litigation costs is reasonable.
28

1 14. The Court approves payment of a Service Award in the amount of \$10,000.00 to
2 Plaintiff Angela Flowers. Plaintiff Flowers has provided evidence regarding the nature of her
3 participation in the action, including a description of their specific actions and the amount of time she
4 committed to the prosecution of the case. *Clark v. American Residential Services LLC*, 175 Cal. App.
5 4th 785, 804-07 (2009).

6 15. The Court approves payment of up to \$544,907.53 to the Settlement Administrator.

7 16. The Court approves of the proposed *cy pres* recipient, Youth Law Center, as consistent
8 with the requirements of California Code of Civil Procedure § 384(b). In the event the Court enters an
9 Amended Judgment directing the payment of any unpaid residue of Settlement Class Member funds to
10 Youth Law Center, funds associated with checks mailed to Class Members that were not cashed within
11 90 calendar days after the issuance shall be paid to the *cy pres* recipient no later than fourteen (14)
12 days of the entry of the Amended Judgment.

13 17. Without affecting the finality of this Order, the Court shall retain continuing jurisdiction
14 over this action and the parties under California Rule of Court 3.769(h), including all Class Members
15 and over all matters pertaining to the implementation and enforcement of the terms of the Amended
16 Settlement Agreement. Except as provided to the contrary herein, any disputes or controversies arising
17 with respect to interpretation, enforcement or implementation of the Amended Settlement Agreement
18 shall be presented by motion to the Court for resolution.

19 18. The Court sets a compliance hearing for February 25, 2019 at 3:00 p.m. in Department
20 23 to determine whether the Amended Settlement Agreement payments have been distributed to the
21 Settlement Class, to confirm whether the uncashed check funds should be distributed to the *cy pres*
22 recipient, and to determine whether the 10% hold-back of attorneys fees should be released. Plaintiff
23 must reserve a hearing for that date and submit a compliance report with a proposed Amended
24 Judgment (compliant with California Code of Civil Procedure § 384.5 and Government Code § 65820)
25 to the Court at least five (5) court days prior to the compliance hearing date.


26 ///

27 ///

28 ///

1 This Judgment and Final Order Approving Settlement of Class Action is hereby granted and the
2 Court directs that this judgment is hereby entered.

3
4 Dated: 6/13, 2019



Hon. Brad Seligman
Judge of the Superior Court

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

Case Number: RG16804363
Case Name: Flowers v. Twilio, Inc.

CLERK'S CERTIFICATE OF SERVICE

I certify that I am not a party to this cause and that a true and correct copy of the **Stipulation and Order Authorizing Electronic Service** was emailed to the individuals shown on at the bottom of this document.

Dated: June 17, 2019

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Courtroom Clerk, Dept. 23

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EXHIBIT F

Electronically Filed
by Superior Court of CA,
County of Santa Clara,
on 1/22/2019 3:45 PM
Reviewed By: R. Walker
Case #17CV319862
Envelope: 2412187

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

LADONNA YUMORI KAKU, et al.,

Plaintiffs,

vs.

CITY OF SANTA CLARA; and DOES 1 to 50,
inclusive,

Defendants.

Case No. 17CV319862
**ORDER RE: MOTION FOR
ATTORNEYS' FEES**

The above-entitled matter came on regularly for hearing on Friday, January 4, 2019, at 9:00 a.m. in Department 5 (Complex Civil Litigation), the Honorable Thomas E. Kuhnle presiding. After listening to arguments made by counsel, the Court continued the hearing to January 22, 2019 at 9:00 a.m. and requested supplemental briefing. Having reviewed and considered the written submissions of the parties, and having listened carefully to arguments of counsel, the Court rules as follows:

I. INTRODUCTION

Plaintiffs alleged that defendant City of Santa Clara's (the "City") at-large method of election violated the California Voting Rights Act ("CVRA"). This action was tried in two phases – liability and remedies. In the liability phase of trial, the Court found Plaintiffs proved

1 by a preponderance of the evidence that the at-large method of election used by the City
2 impaired the ability of Asians to elect candidates as a result of the dilution and abridgment of
3 their voting rights. In the remedies phase, the Court ordered that six city council members be
4 elected in district-based elections, and the mayor be elected in an at-large election.

5 Before the Court is Plaintiffs' motion for attorneys' fees. Plaintiffs are prevailing parties
6 and are entitled to recover attorneys' fees and costs under applicable law. Plaintiffs assert their
7 attorneys and paralegals have spent 4,672.35 hours working on the case. (Corrected Declaration
8 of Anne Bellows in Support of Plaintiffs' Supplemental Brief ("Bellows Decl."), Ex. B.)
9 Plaintiffs then delete certain time entries and apply an across-the-board reduction of five percent
10 of the time billed. Plaintiffs then multiply the remaining 4,189.55 hours by the hourly rates of
11 attorneys and paralegals. This results in an attorneys' fees "lodestar" of \$2,524,201.06.
12 Plaintiffs then argue the skill of counsel, the significant contingency risk, the preclusion of other
13 employment, and the success in vindicating the voting rights of Asian voters compels an
14 enhanced recovery – what California law calls a "multiplier" – of 1.8 times the lodestar amount
15 for pre-judgment work. Based on these calculations, Plaintiffs seek an attorneys' fee award of
16 \$4,239,055.75.

17 The City objects to the attorneys' fees requested by Plaintiffs. The City argues that
18 Plaintiffs are seeking recovery of fees for "blatant overstaffing at all levels, as well as inefficient
19 and duplicative staff utilization" including the "overuse of partner time in this case."
20 (Defendant's Opposition to Plaintiffs' Motion for Attorney's Fees and Costs ("Opp."), at 7.) The
21 City also contends that the "unjustifiable multiplier, inefficient overstaffing and excessive hourly
22 rates, taken together, would result in an improper windfall for Plaintiffs." (*Ibid.*) The reasonable
23 fee for the work of Plaintiffs' counsel, the City argues, should be no more than \$1,031,007.00.
24 (*Ibid.*)

25 II. BACKGROUND

26 To provide context, below the Court briefly discusses three issues: the earlier CVRA
27 action filed against the City by Wesley Kazuo Mukoyama and other plaintiffs; Measure A, which
28 was proposed by the City to change its election system; and the pace of this litigation.

1 **A. The *Mukoyama* Action**

2 On August 10, 2017, Wesley Kazuo Mukoyama, Umar Kamal, Michael Kaku, and
3 Herminio Hernando brought an action under the CVRA challenging the City’s at-large election
4 system for council members and the mayor. The case was captioned *Mukoyama v. City of Santa*
5 *Clara*, Case No. 2017-1-CV-308056 (the “*Mukoyama* action”). The attorneys who filed the
6 *Mukoyama* action are the same attorneys who filed this action, and the claims in both actions are
7 nearly identical. The City demurred to the complaint based on the failure of the plaintiffs to
8 comply with the notice requirements set forth in Elections Code section 10010. On December 1,
9 2017, the Court sustained the demurrer without leave to amend.

10 **B. The “Santa Clara District Election and Voting Method Measure”**

11 On March 6, 2018, the City’s council members and mayor voted unanimously to place
12 the “Santa Clara District Election and Voting Method Measure,” known as Measure A, on the
13 June 5, 2018 ballot. Measure A proposed changing the way the City’s voters elect council
14 members and the mayor. In particular, council members would be elected through two voting
15 districts, with voters electing three council members per district. The mayor would be elected by
16 voters throughout the City. In addition, Measure A prescribed a voting process known as
17 “ranked choice voting” for council members and the mayor.

18 Measure A did not pass. Approximately 52 percent of the votes cast were “no” and
19 approximately 48 percent were “yes.”

20 **C. The Pace of this Litigation**

21 This action was filed on November 30, 2017. Judgment was entered on July 24, 2018.
22 The parties, and the Court, were mindful of the election on November 6, 2018 in which voters
23 would elect council members. As noted in the Court’s June 26, 2018 Order:

24 The parties have discussed the concern that if an appropriate remedy is not
25 selected for the November 2018 elections, those elections may be jeopardized.
26 Just a few years ago this happened in Palmdale, California, when CVRA
27 violations were not corrected before its 2013 elections. (*Jauregui v. City of*
28 *Palmdale* (2014) 226 Cal.App.4th 781, 791.) There, the court enjoined Palmdale
from certifying the results of its City Council elections. The Court and the parties
are committed to avoiding that result here.

1 In other words, it was in the best interest of both sides to resolve the case quickly so that if
2 CVRA violations were found, the voting system for the November 2018 election could be
3 corrected. Without changes, the City risked having to hold costly new elections.

4 **III. APPLICABLE LAW**

5 The CVRA provides that prevailing plaintiffs are entitled to receive “a reasonable
6 attorney’s fee.” In particular, it states:

7 In any action to enforce Section 14027 and Section 14028, the court shall allow
8 the prevailing plaintiff party, other than the state or political subdivision thereof, a
9 reasonable attorney’s fee consistent with the standards established in *Serrano v.*
10 *Priest* (1977) 20 Cal.3d 25, 48-49, and litigation expenses including, but not
11 limited to, expert witness fees and expenses as part of the costs. Prevailing
12 defendant parties shall not recover any costs, unless the court finds the action to
13 be frivolous, unreasonable, or without foundation.

14 (Elec. Code § 14030.)

15 The *Serrano* case cited in Elections Code section 14030 concerned entitlement to, and
16 calculation of, fees that could be recovered by plaintiffs who prevailed in a case involving the
17 constitutional requirements for funding public schools. The California Supreme Court concluded
18 that attorneys’ fees could be recovered under the “private attorney general” doctrine if:

19 the litigation has resulted in the vindication of a strong or societally important
20 public policy, that the necessary costs of securing this result transcend the
21 individual plaintiff’s pecuniary interest to an extent requiring subsidization, and
22 that a substantial number of persons stand to benefit from the decision. . . .

23 (*Serrano v. Priest*, (1977) 20 Cal.3d 25, 45.)

24 To calculate recoverable attorneys’ fees, *Serrano* first requires “a careful compilation of
25 the time spent and reasonable hourly compensation of each attorney. . . .” (*Serrano v. Priest*,
26 *supra*, 20 Cal.3d at p. 48.) This calculation is known as the “lodestar.” The lodestar is then
27 subject to augmentation or diminution based on a number of factors:

28 (1) the novelty and difficulty of the questions involved, and the skill displayed in
presenting them; (2) the extent to which the nature of the litigation precluded
other employment by the attorneys; (3) the contingent nature of the fee award,
both from the point of view of eventual victory on the merits and the point of
view of establishing eligibility for an award; (4) the fact that an award against the
state would ultimately fall upon the taxpayers; (5) the fact that the attorneys in
question received public and charitable funding for the purpose of bringing law