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ORIGINAL FILED
Superior Court Of California
County Of Los Angeles

FEB 10 2014

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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF LOS ANGELES

13 JOSE ANTONIO LOZANO, JUAN
14 JIMENEZ and SILVIANO CASILLAS, on
15 behalf of themselves and all others similarly
16 situated,

16 Plaintiffs,

17 vs.

18 HILTON LOS ANGELES AIRPORT,
19 HILTON HOSPITALITY INC.,
20 FORTUNA ENTERPRISES, and Does 1-
100,

21 Defendants.

) Case No. BC 377063

) [Assigned to the Honorable William F.
Highberger- Department 307]

) ~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR
ATTORNEY'S FEES AND COSTS

) DATE: February 10, 2014
) TIME: 10:00 a.m.
) DEPT.: 307

) Complaint Filed: September 5, 2007

RECEIVED
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BY: T. Blackwell

1 This matter came before the Court for hearing on February 10, 2014, at 10:00 a.m., for
2 Plaintiffs' Motion for Order Granting Final Approval of Class Action Settlement and for an Award
3 of Attorneys' Fees and Costs ("Motion"). The Settlement was set forth in an agreement entered
4 into by the parties.

5 Adequate notice having been given to the Class as required by this Court's Order Granting
6 Preliminary Approval, dated December 3, 2013, and the Court having considered all papers filed
7 and proceedings had herein and otherwise being fully informed, and good cause appearing
8 therefore,

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

10 1. Plaintiff's Counsel is awarded attorney's fees in the amount of \$1,320,000. The
11 forgoing award is 33% (less than one third) of the settlement fund in this case of \$4,000,000 (the
12 "Settlement Fund"). Plaintiff's Counsel is further awarded reimbursement of their costs and
13 expenses in the amount of \$32,652.81. These awards shall be paid from the Settlement Fund.

14 2. The Class Representatives, Jose Antonio Lozano, Juan Jimenez, and Silviano
15 Casillas, are each awarded an enhancement award in the amount of \$15,000. This payment shall
16 be made from the Settlement Fund.

17 3. The \$32,652.81 in costs were reasonably incurred by Plaintiff's Counsel and
18 appropriate given the circumstances of this action.

19 4. Plaintiffs may also set aside \$16,995 from the Settlement Fund to be paid to the
20 notice provider and settlement administrator, Simpluris.

21 5. This Order is made pursuant to California case law (*see, e.g., Serrano v. Priest*, 20
22 Cal. App. 3d 25 (1977)); this Court's equitable power to award attorney's fees and costs when a
23 litigation proceeding in a representative capacity secures a substantial benefit for a group.

24 6. An award of attorney's fees of \$1,320,000 shall be paid according to the terms of
25 the Settlement Agreement. The fee is less than one-third of the Settlement Fund. Applying the
26 percentage of recovery analysis, the Court determines that an award of fees of less than one-third
27 of the total settlement consideration is consistent with fee awards in similar cases, consistent with
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1 the market for contingent litigation of this nature, and is reasonable and appropriate under the
2 circumstances of this case.

3 7. The award of fees is also based on the lodestar-plus-multiplier method for
4 determining a reasonable award of attorney's fees. The Court finds that the lodestar that Plaintiff's
5 Counsel has accumulated was reasonable and consistent with the litigation in this case. The Court
6 further finds that Plaintiff's Counsel's hourly rates were reasonable for the work they performed.

7 8. Both the application of the percentage fee method for awarding reasonable
8 attorney's fees and the lodestar-plus-multiplier method are available to the Court, both produce the
9 same result, and the Court relies on each method as an independent basis for its determination of a
10 reasonable award of attorney's fees.

11 9. In setting an award of attorney's fees, costs and expenses, the Court has considered
12 the following factors: (1) the time and labor required; (2) preclusion of other employment; (3) the
13 contingent nature of the case; (4) the experience, reputation, and ability of Plaintiffs' Counsel and
14 the skill they displayed in the litigation; (5) the results achieved; and (6) the reaction of plaintiffs
15 and the class members. *See, e.g. Serrano v. Priest*, 20 Cal.3d 25, 49 (1977); *Dunk v. Ford Motor*
16 *Co.*, 48 Cal. App. 4th 1794, 1810 n.21 (1996).

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18 IT IS SO ORDERED.

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21 Dated: February 10, 2014

WILLIAM F. HIGHBERGER

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Honorable William Highberger
Los Angeles Superior Court Judge