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11 *Attorneys for Plaintiffs and the Putative Class*

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

14 CLAUDIA GRANCIANO, individually and
15 on behalf of all others similarly situated,

16 Plaintiff,

17 v.

18 SOUTHWIND FOODS, LLC, a California
19 limited liability company; STAFFPOINT,
20 LLC, a California limited liability company;
and DOES 1 through 50, inclusive,

21 Defendants.

Case No. BC538900

CLASS ACTION

**NOTICE OF LODGING CONFIDENTIAL
TIME AND LODESTAR REPORTS IN
SUPPORT OF PLAINTIFFS' MOTIONS
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND FEES,
COSTS, AND SERVICE AWARDS**

Date: November 27, 2018
Time: 10:00 A.M.
Dept. 14 (Spring Street Courthouse)

Assigned for All Purposes to:
Hon. Kenneth R. Freeman

Action Filed: March 11, 2014
Trial Date: None
Five Year Statute: March 11, 2020

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PLEASE TAKE NOTICE that Plaintiffs Claudia Granciano and Ricardo Contreras (“Plaintiffs”), by and through their co-counsel of record in this case, Boucher LLP and Law Offices of Sahag Majarian, II, hereby lodge true and correct copies of the itemized billing records that are identified and discussed in the Declarations of Raymond P. Boucher and Sahag Majarian, II, in support of Plaintiff’s Motions for Final Approval of Class Action Settlement and Fees, Costs, and Service Award, for an *in camera* review by the Court, in compliance with the Court’s Final Approval of Class Action Checklist. See Exhibit 1. These itemized billing records are being lodged for *in camera* review because they contain information subject to the attorney-work product privilege.

DATED: October 26, 2018

Respectfully submitted,

BOUCHER LLP

By: 
RAYMOND P. BOUCHER
SHEHNAZ M. BHUJWALA
NEIL M. LARSEN

LAW OFFICES OF SAHAG MAJARIAN, II
SAHAG MAJARIAN, II

Attorneys for Plaintiffs and the Putative Class

EXHIBIT 1

FINAL APPROVAL OF CLASS ACTION SETTLEMENT

Department: _____

RE: _____

In reviewing your motion for final approval of class action settlement and motion for attorney fees and costs, the Court Orders further briefing on the items checked below. The additional briefing shall be due by _____, 20____. Your hearing date is _____, 20____.

NOTICE TO CLASS

- How was notice given?
- How many class members opted out?
- How many class members submitted a claim form?
- Explanation for the low response rate.
- Are there any objectors and, if so, please indicate the nature of the objections.
- Provide a response to the objections.

EVALUATION OF THE SETTLEMENT

- Need to provide "basic information about the nature and magnitude of the claims in question and the basis for concluding that the consideration being paid for the release of those claims represents a reasonable compromise." Kullar v. Foot Locker Retail, Inc. (2008) 168 Cal.App.4th 116, 133; Dunk v. Ford Motor Company (1996) 48 Cal.App.4th 1794, 1802
- Estimate of recovery to each class member.
- Valuation of injunctive relief.
- Explanation as to the why the number of class members has changed from the date of preliminary approval.

ATTORNEY FEES

- Need to provide a lodestar analysis. Consumer Privacy Cases (2009) 175 Cal.App.4th 545, 556-558. See also Dunk v. Ford Motor (1996) 48 Cal.App.4th 1794, 1809 ("Later

cases have cast doubt on the use of the percentage method to determine attorney fees in California class actions.”)

- Justification of the multiplier. Ketchum v. Moses (2001) 24 Cal.4th 1122, 1138-1139.
- Need to lodge billing records for Court’s review.
- Why the hourly rate is reasonable as compared to the community for similar work. PLCM Group, Inc. v. Drexler (2000) 22 Cal.4th 1084, 1095; Shaffer v. Superior Court (1995) 33 Cal.App.4th 993, 1002.
- Any agreement about how attorney fees will be paid, including fee splitting and whether the client has given written approval. Mark v. Spencer (2008) 166 Cal.App.4th 219; Ca. Rules of Professional Conduct, §2-200; Ca. Rules of Court, Rule 3.769.

COSTS

- What are the costs claimed?
- Details of the costs claimed.
- Explanation of why the costs are higher than previously estimated.

INCENTIVE PAYMENTS

- Need to provide declarations from class representatives.
- Incentive fee award to a named class representative must be supported by evidence that time and effort expended by the individual and a reasoned explanation of financial or other risks undertaken by the class representative. Clark v. American Residential Services LLC (2009) 175 Cal.App.4th 785, 806-807. See also Cellphone Termination Cases (2010) 186 Cal.App.4th 1380, 1394-1395.
- Explanation as to why the class representative enhancement is reasonable. Munoz v. BCI Coca-Cola Bottling Co. of Los Angeles (2010) 186 Cal.App.4th 399, 412; Radcliffe v. Experian Information Solutions Inc. (9th Cir. 2013) 715 F.3d 1157, 1165.

CLAIMS ADMINISTRATION COSTS

- Need to provide declaration from claims administrator justifying the costs sought.
- Explanation of why the administration costs are higher than previously estimated.

CY PRES

- Why does such distribution fill the purposes of the lawsuit or is otherwise appropriate. State of California v. Levi Strauss & Co. (1986) 41 Cal.3d 460, 472; In re Microsoft I-V Cases (2006) 135 Cal.App.4th 706, 722; Nachshin v. AOL, Inc. (9th Cir. 2011) 663 F.3d 1034, 1038-1041; Dennis v. Kellogg Co. (9th Cir.2012) 697 F.3d 858, 865; Ca. Code of Civil Proc., §384.
- Declaration disclosing interests or involvement by any counsel or party in the governance or work of the cy pres recipient.

NOTICE

- How will notice of final judgment be given to the class. Ca. Rules of Court, Rule 3.771(b) (e.g. posted on claims administrator’s website)

PROPOSED ORDER AND JUDGMENT

- Proposed date for final accounting and, if applicable, a Final Distribution of Residual Funds
- Fails to note the injunctive relief.
- Proposed Judgment must not include a dismissal. Ca. Rules of Court, Rule 3.769(h).
- Order and Judgment must be in separate documents.
- The proposed judgment fails to specifically list the members of the class who requested exclusion and are not bound by the judgment.

OTHER INFORMATION

- _____

Date: _____, 20__

JUDICIAL OFFICER

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES


At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 21600 Oxnard Street, Suite 600, Woodland Hills, CA 91367-4903.

On October 26, 2018, I served true copies of the following document(s) described as **NOTICE OF LODGING CONFIDENTIAL TIME & LODESTAR REPORTS IN SUPPORT OF PLAINTIFFS' MOTIONS FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND FEES, COSTS, AND SERVICE AWARDS** on the interested parties in this action as follows:

BY ELECTRONIC SERVICE: Pursuant to Court Order Authorizing Electronic Service entered in this case, I provided the document(s) listed above electronically on the CASE ANYWHERE Website to the parties on the Service List maintained on the CASE ANYWHERE Website. Case Anywhere is the on-line e-service provider designated in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 26, 2018, at Woodland Hills, California.



Tricia Yue