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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 JAIMIE QUINBY, LINDA GOMES, and
ERIC FONTES, on behalf of themselves
17 and all others similarly situated,

18 Plaintiffs,

19 v.

20 ULTA SALON, COSMETICS &
FRAGRANCE, INC.,

21 Defendant.
22

Case No. CV-15-4099 WHO

**ORDER GRANTING MOTION FOR
CLASS REPRESENTATIVE SERVICE
AWARDS AND ATTORNEYS' FEES
AND COSTS**

Judge: Hon. William H. Orrick

Date: January 18, 2017

Time: 2:00 p.m.

Crtrm.: 2, 17th Floor

Trial Date: None Set

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1 On January 18, 2017, this Court conducted the Final Fairness Hearing, with Rosen
2 Bien Galvan & Grunfeld LLP and The Liu Law Firm, P.C. (“Plaintiffs’ Counsel”)
3 appearing as counsel for Plaintiffs JAIMIE QUINBY, ERIC FONTES, and LINDA
4 GOMES (“Plaintiffs” or “Class Representatives”), and Littler Mendelson, P.C. appearing
5 as counsel for Defendant ULTA SALON, COSMETICS & FRAGRANCE, INC.
6 (“Defendant”). Based upon the Court’s review of Plaintiffs’ Motion for Class
7 Representative Service Awards and Attorneys’ Fees and Costs, the Memorandum of Points
8 and Authorities in Support Thereof, the Declarations of Jennifer Liu (“Liu Declaration”),
9 Gay Crosthwait Grunfeld (“Grunfeld Declaration”), Jaimie Quinby, Eric Fontes, and Linda
10 Gomes, and the exhibits thereto, the Court finds:

11 1. Service award payments are justified where the class representatives expend
12 extraordinary effort, bear personal hardship, and risk their current and future livelihood to
13 remedy unfair practices for the benefit of the class. *See Van Vranken v. Atlantic Richfield*
14 *Co.*, 901 F. Supp. 294, 299 (N.D. Cal. 1995). The Court finds that the service awards are
15 justified here in light of the efforts of Class Representatives Jaimie Quinby, Eric Fontes,
16 and Linda Gomes to advance the litigation and the interests of the class.

17 2. “[A] litigant or a lawyer who recovers a common fund for the benefit of
18 persons other than himself or his client is entitled to a reasonable attorney’s fee from the
19 fund as a whole.” *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980). Courts are
20 directed to “take into account all of the circumstances of the case” when determining what
21 fees to approve (*Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1048 (9th Cir. 2002)), with
22 “[r]easonableness [being] the goal.” *Fischel v. Equitable Life Assurance Soc’y of the U.S.*,
23 307 F.3d 997, 1007 (9th Cir. 2002). The Court finds that the factors used to assess
24 reasonableness—primary among them, the value of the monetary secured for the class—
25 support the requested fee award of \$912,500, equal to 25% of the settlement amount of
26 \$3,650,000. The Court further finds that the costs advanced by Class Counsel were
27 reasonably incurred in pursuit of the litigation.

28 3. The Class Representatives and Plaintiffs’ Counsel have fairly and adequately

1 represented and protected the interests of the class.

2 4. The Court therefore ORDERS that the following class representative service
3 awards, attorney's fees, and costs are reasonable:

4 a. \$10,000 each to Jaimie Quinby, Eric Fontes, and Linda Gomes as
5 service awards;

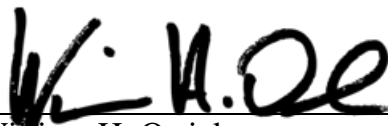
6 b. \$912,500 jointly to The Liu Law Firm, P.C. and Rosen Bien Galvan
7 & Grunfeld LLP for reasonable attorneys' fees; and

8 c. \$11,384.67 jointly to Class Counsel for litigation costs.

9 5. These amounts are to be paid if the Court grants final approval to the
10 settlement according to the schedule in the Joint Stipulation of Settlement and Release,
11 Exhibit A to the Declaration of Gay Crosthwait Grunfeld in support of the Motion for
12 Class Representative Service Awards and Attorneys' Fees and Costs or as directed in the
13 Court's Order Granting Final Approval to the Class Action Settlement.

14 IT IS SO ORDERED.

15 DATED: January 18, 2017

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19 William H. Orrick
20 Judge of the United States District Court
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