

FILED
Superior Court of California
County of San Francisco



NOV 05 2020

CLERK OF THE COURT

BY: [Signature] Deputy Clerk

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
DEPARTMENT 305

PHYLLIS BRANNIN, VIRGINIA GOMEZ
and VENUS SAVAGE, Individually and On
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

GOLDEN GRAIN COMPANY and DOES 1
through 100

Defendants.

Case No. CGC-16-555084

ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES AND COSTS AND
INCENTIVE AWARDS

Plaintiffs Phyllis Brannin, Virginia Gomez, and Venus Savage ("Plaintiffs") moved the Court for an award of attorneys' fees, costs, and incentive awards in connection with the settlement of the above matter with defendant Golden Grain Company ("Defendant"). The motion came on for hearing concurrently with the final approval motion on November 5, 2020. Appearances are as noted in the record.

The Court has granted final approval of the settlement by separate written order ("Final Approval Order"), which provides for changes in Defendant's business practices and claims-made settlement payments. In the instant motion, Plaintiffs seek a sum of \$500,000 to compensate Class Counsel for their attorneys' fees and litigation costs and \$5,000 to each Plaintiff as incentive awards. After the motion was filed, the parties submitted a stipulation and proposed order asking the Court to remove Plaintiff Phyllis Brannin from her role as a class representative because Class Counsel has been unable to contact her since before the parties

1 executed the operative settlement agreement. As set forth in the Final Approval Order, the Court
2 declines to confirm Ms. Brannin as a class representative. Defendant does not otherwise oppose
3 Plaintiffs' motion. The Court has received no objections to the requests from any Class Member.

4 Having fully considered the motion for attorneys' fees, litigation costs, and incentive
5 awards, the Court finds and orders as follows:

6 1. The Court awards incentive awards as follows: \$5,000.00 to Virginia Gomez;
7 and \$5,000.00 to Venus Savage. These awards are reasonable and justified in light of their
8 contributions to the case and the risks they undertook serving as class representatives. These
9 awards shall be paid by Defendant and are separate from and in addition to any award to
10 which they may be entitled as Class Members.

11 2. The Court denies Phyllis Brannin's request for an incentive award, insofar as
12 that request has not been withdrawn. Although Brannin might otherwise have been entitled
13 to an incentive award, she has been unreachable and unavailable to Class Counsel since
14 before the operative settlement agreement was executed.

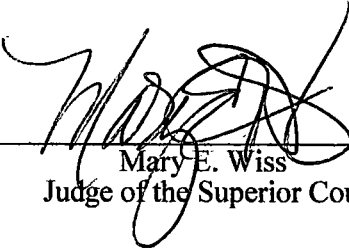
15 3. The Court awards Class Counsel \$500,000 in attorneys' fees and litigation costs.
16 The Court finds the amount reasonable to reimburse Class Counsel for the litigation costs
17 reasonably incurred in the prosecution of this action and to compensate Class Counsel for
18 their work in securing the relief provided through settlement. Defendant shall pay Class
19 Counsel the award of \$500,000 consistent with the terms of the settlement. In awarding this
20 amount, which will not be paid from a common fund because the settlement did not create a
21 common fund, the Court considered a declaration filed by Class Counsel to establish Class
22 Counsel's litigation costs and base lodestar. In that declaration, Class Counsel claimed
23 litigation costs of \$91,495.13, primarily composed of expert expenses. Class Counsel
24 claimed a base lodestar of over \$1.18 million for approximately 1,604 hours of work,
25 including litigating a demurrer, completing discovery, litigating a successful class
26 certification motion, and negotiating a settlement over multiple sessions conducted both
27 before and after class certification. Accordingly, even if the lodestar were substantially
28 reduced the fee request would reflect a downward multiplier. There was no objection to the

1 settlement or the fee request. Considering all of the circumstances, the requested award of
2 \$500,000 to cover attorneys' fees and litigation costs is reasonable in this case.

3 IT IS SO ORDERED.

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5 Dated: November 5, 2020

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Mary E. Wiss
Judge of the Superior Court

