



FILED
Superior Court of California
County of San Francisco

SEP 15 2016

CLERK OF THE COURT

BY: *Alan Hone*
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

DEPARTMENT 305

RAMONA EDERY, individually and on behalf of
a class of similarly situated individuals,

Plaintiff,

v.

CITIBANK, N.A. and DOES 1 through 10,
inclusive,

Defendants.

Case No. CGC-14-538436

**ORDER AWARDING COMMON FUND
ATTORNEYS' FEES, COSTS, INCENTIVE
AWARD, AND ADMINISTRATION COSTS**

Plaintiff's motion for approval of attorneys' fees, costs, class member service awards, and administration costs initially came before the Court for hearing on August 26, 2016 in conjunction with plaintiff's Motion for Final Approval of Class Action Settlement. At that hearing, the Court requested (1) a supplemental declaration from Class Counsel addressing the difference between the original estimate of administration costs and the actual administration costs sought, as well as the qualifications of other Class Counsel; and (2) a supplemental declaration from the Settlement Administrator providing the basis for additional costs incurred above the original estimated costs. Following receipt of these supplemental declarations, the continued hearing on plaintiff's motion was held on September 15, 2016.

The Court has granted final approval to the settlement by separate written order ("Final Approval Order") creating a total Settlement Fund of \$1,550,000.00 ("Settlement Amount"). Having fully considered plaintiff's application, and good cause existing, the Court finds and orders as follows:

1 In the February 19, 2016 Order Granting Renewed Motion for Preliminary Approval of Class
2 Action Settlement, the Court appointed Anthony J. Orshansky and Justin Kachadoorian of CounselOne,
3 P.C. as counsel for the settlement class ("Class Counsel"). In the instant motion, Class Counsel seeks to
4 recover a fee award of \$465,000.00, which is 30% of the \$1,550,000.00 Settlement Amount, and
5 \$15,000.00 in litigation costs. In addition, Class Counsel requests the Court approve a total incentive
6 payment of \$3,000.00 to Ramona Edery, the named representative plaintiff in this case, and a payment of
7 \$139,000.00 in administration costs to Rust Consulting ("Rust"). Defendant did not object to this
8 requests, and the Court has received no objection to the requests from any class member.

9 Having fully considered plaintiff's instant fee application, and good cause existing, the Court finds
10 and orders as follows:

11 1. The Court awards \$139,000.00 as reasonable costs for the administration of the Settlement
12 Agreement to Rust, to be paid from the Settlement Amount. The Notice sent to Class Members indicated
13 that administration costs were estimated at \$80,000.00. The supplemental declaration submitted by Rust,
14 however, adequately described the additional work it performed, which was in large part due to the more
15 than 25,000 Claim Forms it received from the public, many of whom were not Class Members, as a result
16 of the Publication Notice, and the additional 8,464 duplicate Claim Forms it received. Rust's declaration
17 further indicates that its actual estimated costs for past and future work total \$159,258.00, but that it has
18 agreed to reduce this amount to a flat fee of \$139,000.00 for past and future services. Moreover, it does
19 not appear that the increase in administration costs resulted in any unfair prejudice to Class Members.
20 The Notice sent to Class Members indicated that their estimated individual share was between \$350.00
21 and \$2,500.00. Given the total number of valid Claim Forms received, the estimated individual share of
22 each Class Member who submitted a valid Claim Form is \$2,263.00, which far exceeds the original
23 estimate of a minimum payment of \$350.00.

24 2. The Court awards \$3,000.00 as a service award to the named representative plaintiff,
25 Ramona Edery. This award is reasonable and justified by plaintiff's contributions to this case. The
26 service award to the named plaintiff shall be paid from the Settlement Amount.


27 3. Class Counsel are awarded reimbursement of their expenses in the amount of \$15,000.00.
28 The Court considered the documentation submitted in support of the request for cost reimbursement. This

1 amount is the maximum amount set aside for litigation expenses pursuant to the Settlement Agreement.
2 This award shall be paid from the Settlement Fund.

3 4. The Court awards Class Counsel \$465,000.00 in attorneys' fees. This amount represents
4 30% of the \$1,550,000.00 Settlement Amount before deduction of the above expenses and administration
5 costs. The Court finds that the percentage of the fund calculation is reasonable in this case. In awarding
6 this amount, as a cross-check, the Court also considered whether the 30% amount was reasonable in light
7 of the lodestar amount. The Court considered the documentation submitted in support of the fee request
8 including the declarations of class counsel. Class Counsel have spent at least 475 hours litigating the
9 class claims which at their normal hourly rates calculates to a lodestar of at least \$251,485.00. The
10 attorneys' fee award of 30% is justified by Class Counsel's experience, the work performed, the risk
11 undertaken, and the result achieved. This award is to be paid from the Settlement Amount.

12 IT IS SO ORDERED.

13 Dated: September 15, 2016

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16 Mary E. Wiss
17 Judge of the Superior Court
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Superior Court of California
County of San Francisco

RAMONA EDERY, individually and on
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CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.260(g))


I, Sean Kane, a Deputy Clerk of the Superior Court of the County of San Francisco,
certify that I am not a party to the within action.

On September 15, 2016, I electronically served the ORDER AWARDING COMMON
FUND ATTORNEYS' FEES, COSTS, INCENTIVE AWARD, AND ADMINISTRATION
COSTS via File&ServeXpress® on the recipients designated on the Transaction Receipt located
on the File&ServeXpress® website.

Dated: September 15, 2016

T. Michael Yuen, Clerk

By: _____



Sean Kane, Deputy Clerk