



FILED
San Francisco County Superior Court

APR 10 2024

CLERK OF THE COURT

BY: [Signature]
Deputy Clerk

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

ERIC GRUBER; EVER GONZALEZ; and
JEREMY EARLS, individually and on behalf
and all others similarly situated,

Plaintiffs,

v.

YELP, INC., and DOES 1-10, inclusive,

Defendants.

Case No. CGC 16-554784

CLASS ACTION

**ORDER GRANTING PLAINTIFFS'
MOTION FOR ATTORNEY'S FEES,
COSTS, AND SERVICE AWARDS**

DATE: APRIL 10, 2024
TIME: 10:00 AM
LOCATION: DEPT. 613
Assigned For All Purposes to the Honorable
Andrew Y.S. Cheng (Dept. 613)

Action Filed: October 12, 2016
Trial Date: TBD

An unopposed motion for attorney's fees, costs, and service awards came on for hearing concurrently with the motion for final approval of this class action settlement on April 10, 2024, at 10:00 a.m. in Department 613, the Honorable Andrew Y.S. Cheng presiding. Matthew Fisher (Da Vega Fisher Mechtenberg LLP) and Zareh Jaltorossian (KP Law) appeared in person and Michael Jaurigue (Jaurigue Law Group) appeared via CourtCall for Plaintiffs. Brian Sutherland (Complex Appellate Litigation Group LLP) appeared via CourtCall for Defendant. No class members independently appeared, either *pro se* or through counsel, at the final approval hearing. The Court has thoroughly reviewed and analyzed all of the briefing and evidence along with the

1 oral arguments of counsel. On that basis, the Court **GRANTS** the motion for attorney's fees,
2 costs, and service awards in the amounts below and **ORDERS** as follows.

3 **1. Attorney's Fees:** The Court awards attorney's fees to Class Counsel in the total amount
4 of **\$4,200,000.00**, allocated as follows:

5	Da Vega Fisher Mechtenberg LLP:	\$1,800,000
6	Jaurigue Law Group:	\$900,000
7	KP Law:	\$1,000,000
8	Dakessian Law, Ltd.	\$500,000

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10 The Court finds fees in the amount of \$4,200,000 as allocated above, rather than the
11 amounts proposed by Plaintiffs, to be reasonable based on a consideration of the following
12 factors: (1) the results obtained by Class Counsel in this case; (2) the risks and legal issues
13 involved in this case; (3) the fees' contingency upon success, including throughout appeals;
14 (4) the range of awards made in similar cases; (5) the limited objections and requests for
15 exclusion during the settlement administration process; (6) lodestar cross-check; and (7) the
16 respective work performed and responsibilities of each law firm. In particular, the Court views
17 the contributions of appellate counsel in this action—in terms of counsel's experience, time spent,
18 results obtained, and impact on the litigation and settlement—to be substantial. But as for
19 Jaurigue Law Group, it played a subsidiary role and proposed that it be allocated a
20 disproportionate share of the fund in light of the circumstances. Moreover, Jaurigue Law Group's
21 lodestar figure does not support its proposed allocation because it improperly includes time spent
22 by staff that is fundamentally not compensable as attorney's fees. Irrespective of the lack of
23 billing records from Jaurigue Law Group and Da Vega Fisher Mechtenberg LLP, the Court did
24 not receive even a high-level summary of how many hours were spent on certain broad categories
25 of litigation tasks. This approach in the fee motion undermines the credibility of the lodestar
26 calculation (excepting the calculation for appellate work supported by a description of the work
27 performed by counsel) that counsel used to justify the award requested based on a cross-check
28 and suggests that the lodestar amounts may be overstated. The risk of providing too substantial of

1 a windfall to counsel under the percentage-of-the-fund method increases with the size of the
2 settlement fund. Consequently, and in light of the record before the Court and all of the
3 circumstances, the Court finds the reasonable amount of attorney's fees to be \$4,200,000 as
4 allocated above. These fee awards shall be paid from the settlement fund subject to the terms and
5 conditions of the Amended Settlement Agreement.

6 **2. Class Representative Service Awards:** The proposed service awards in the total amount
7 of \$45,000 are disproportionate and are not justified under the circumstances, based on
8 consideration of the criteria in *Cellphone Termination Fee Cases* (2010) 186 Cal.App.4th 1380,
9 1394–95, and upon reviewing the nearly identical declarations submitted for each class
10 representative. The Court does not find evidence that the class representatives faced substantial
11 risks, notoriety, or personal difficulties warranting awards in the amounts proposed, particularly
12 considering, for example, amounts awarded in cases, such as wage-and-hour cases, where class
13 representatives face significantly greater personal risks not only to their current employment (and,
14 thus, their income, housing, and medical insurance and expenses) but to their continued future
15 employment anywhere. The Court awards **\$2,000** to Eric Gruber and **\$1,000** each to Jeremy Earls
16 and Ever Gonzalez, respectively.

17 **3. Class Counsel Expenses:** Class Counsel failed to itemize their expenses, which is
18 particularly problematic for travel expenses and marketing expenses. Additionally, the
19 declarations from counsel submitted do not otherwise provide sufficient detail about what falls
20 within individual categories of expenses set forth at a very high-level in the briefing (which high-
21 level summary is pasted, verbatim, into the declaration of each attorney). In lieu of further
22 delaying closure and compensation for the class (with attendant additional expenses) and denying
23 expense reimbursement entirely, the Court makes the following adjustments in light of the record,
24 the Court's experience with expenses in this area and other class proceedings, and the Court's
25 familiarity with the litigation activity and volume in this case, including the parties' employment
26 of experts. The Court authorizes reimbursement of costs in the total amount of **\$179,419.43** with
27 **\$93,599.58** to Da Vega Fisher Mechtenberg LLP, **\$55,799.77** to Jaurigue Law Group, and
28

1 **\$30,020.07** to appellate counsel (\$20,013.38 to Dakessian Law, Ltd. & \$10,006.69 to KP Law).
2 The Court does not award marketing and travel expenses because these amounts are
3 unsubstantiated and no authority is provided for reimbursement of the marketing expenses. With
4 respect to the travel expenses in particular, the Court cannot evaluate the amounts incurred, their
5 relatedness to litigation tasks or events, and their reasonableness on this record. Finally, the total
6 amount authorized for reimbursement above includes \$47,206.10 and \$108,034.13 in
7 “Filing/Service/Depos/Court Fees” and “Experts Fees/Costs,” respectively.

8 **4. Reimbursement of Advance on Administrative Expenses.** The Court authorizes
9 reimbursement to Class Counsel in the amount of **\$115,000.00** for administration costs advanced
10 as a deposit to Epiq Class Action & Claims Solutions, Inc. The evidence shows that this amount
11 was, in fact, advanced and has been actually incurred as an expense in the course of administering
12 the settlement to date. Reimbursement of this amount is in addition to the expenses authorized for
13 reimbursement in paragraph three above. Class Counsel shared equally in advancing these
14 expenses and shall share equally in the reimbursement of the funds advanced with **\$38,333.33**
15 each to Da Vega Fisher Mechtenberg LLP, Jaurigue Law Group, and KP Law (but not Dakessian
16 Law Ltd.).

17 **IT IS SO ORDERED.**

18 Dated: April 10, 2024



19
20 **ANDREW Y.S. CHENG**

21 Judge of the Superior Court
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CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.251)

I, Ericka Larnauti, 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 April 10, 2024, I electronically served the attached document via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: April 10, 2024

Brandon E. Riley, Clerk

By: 

Ericka Larnauti, Deputy Clerk