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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

ALFONSO and ARLENE MORAN,  
individually, and on behalf of a class of  
similarly situated individuals,

Plaintiffs,

v.

FCA US LLC, a Delaware limited  
liability company,

Defendant.

Case No.: 3:17-CV-02594-JO-AHG

Hon.  Jinsook Ohta

**[PROPOSED] ORDER GRANTING  
MOTION FOR ATTORNEYS' FEES,  
COSTS, AND CLASS  
REPRESENTATIVE SERVICE  
AWARDS**

Date: February 15, 2023

Time: 9:15a.m.

Place: Courtroom 4C

**ORDER**

1  
2 On February 15, 2023, this Court conducted a hearing on Plaintiffs’ Motion for  
3 Attorneys’ Fees, Costs, and Class Representative Service Awards. Having carefully  
4 considered the papers, evidence, and arguments presented by the parties, the Court finds,  
5 and orders, as follows:

6 1. Plaintiffs have entered into a proposed Settlement Agreement with  
7 Defendant FCA US LLC (“Defendant” or “FCA”) that has been preliminarily approved by  
8 separate order as fair, adequate, and reasonable to the certified Settlement Class. Plaintiffs  
9 now seek entry of an order for attorneys’ fees, costs, and service awards.

10 2. The Court exercises diversity jurisdiction over this action pursuant to 28  
11 U.S.C. § 1332. Accordingly, Plaintiffs’ right to an award of attorneys’ fees and costs, as  
12 well as the method of calculating the amount of that award, is governed by California law.  
13 *Mangold v. California Public Utilities Commission*, 67 F.3d 1470, 1478 (9th Cir. 1985).  
14 The Court finds that Plaintiffs are the prevailing parties for settlement purposes, having  
15 achieved a Settlement that provides substantial relief and benefits for Class Members.  
16 Plaintiffs are therefore entitled to an award of attorneys’ fees and costs/expenses under  
17 California law.

18 3. The Court applies California’s lodestar/multiplier method to calculate the  
19 appropriate attorneys’ fees to be awarded to Plaintiffs. Under this method, the Court first  
20 determines the lodestar by multiplying the number of hours Class Counsel reasonably  
21 spent by reasonable hourly rates. Also under this method, the Court may then apply a  
22 multiplier to the lodestar.

23 4. The Court has reviewed Plaintiffs’ submission and finds that Class  
24 Counsel’s time was reasonably spent and that their hourly rates are commensurate with  
25 the hourly prevailing rates for private attorneys in the community conducting class action  
26 litigation. Multiplying the documented hours Class Counsel reasonably spent litigating  
27 this case by their hourly rates, the Court finds that Class Counsel’s \$1,066,528.50 lodestar  
28 is reasonable.

1           5.     Because Plaintiffs seek an amount in fees that is less than what is actually  
2 billed, the requested fee amount is reasonable and appropriate. Applying a negative  
3 multiplier of .65 to Class Counsel’s lodestar of \$1,066,528.50 yields the requested fee  
4 amount of \$688,920.60, which the Court finds to be reasonable attorneys’ fees for the  
5 services rendered.

6           6.     Federal Rule of Civil Procedure 54 governs the determination of costs and  
7 expenses in a diversity action in federal court. *Aceves v. Allstate Ins. Co.*, 68 F.3d 1160,  
8 1167 (9th Cir. 1995). The Court has reviewed the evidence of Class Counsel’s costs and  
9 expenses and concludes that they were reasonably necessary to the conduct of the  
10 litigation, and are the type of expenses that firms ordinarily bill to a paying client. The  
11 Court therefore awards Class Counsel their requested costs and expenses in the sum of  
12 \$146,079.40.

13           7.     The Court finds Plaintiffs have rendered services on behalf of the Settlement  
14 Class, and therefore the Court hereby awards each Plaintiff a service award of \$10,000.  
15 *See In re Online DVD-Rental Antitrust Litig.*, 779 F.3d 934, 943 (9th Cir. 2015).

16           8.     The Court hereby **GRANTS** Plaintiffs’ motion for attorney fees, costs, and  
17 service awards as stated above, and awards a total of \$835,000 in attorneys’ fees and costs  
18 combined, and \$10,000 for each service award.

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20           **IT IS SO ORDERED.**

21 Dated: 2/21/23

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Hon. Jinsook Ohta  
United States District Judge