



**FILE**  
Superior Court of California  
County of San Francisco

OCT 25 2022

CLERK OF THE COURT

BY: Clk. Barney  
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
DEPARTMENT 613

KELLY ELLIS, HOLLY PEASE, KELLI  
WISURI, and HEIDI LAMAR individually and  
on behalf of all others similarly situated,

Plaintiffs,

v.

GOOGLE, LLC (formerly GOOGLE, INC.),

Defendant.

Case No. CGC-17-561299

ORDER GRANTING PLAINTIFFS'  
MOTION FOR FEES, COSTS, AND CLASS  
REPRESENTATIVE SERVICE AWARDS

This matter came on regularly for hearing on October 24, 2022, in Department 613, the Honorable Andrew Y.S. Cheng presiding. Kelly Dermody, James Finberg, and Michelle Lamy appeared for Plaintiffs Kelly Ellis, Holly Pease, Kelli Wisuri, and Heidi Lamar ("Plaintiffs"). Felicia Davis appeared for Google, LLC.

On August 30, 2022, Plaintiffs moved for attorneys' fees and costs and class representative service awards.

On October 19, 2022, the Court issued a tentative ruling on the (1) Unopposed Motion for Final Approval of Class Action Settlement and (2) Unopposed Motion for Approval of Attorneys' Fees, Costs, and Class Representative Service Awards ("Motions"). In the tentative ruling, the Court outlined its concerns regarding the Motions, and continued the Motions for further briefing. The supplemental briefing deadline was November 4, 2022. On October 19, 2022, Plaintiffs timely submitted supplemental briefing and requested to keep the October 24, 2022 hearing on calendar. The Court notified the parties

1 via email on October 21, 2022 that the hearing would remain on calendar.

2 The Court has granted final approval of the settlement by separate written order (“Final Approval  
3 Order”), creating a Total Settlement Amount of \$118,000,000.00. In this motion, Plaintiffs seek  
4 \$29,500,000.00 in attorneys’ fees for Class Counsel, \$1,061,350.65 for reimbursement of litigation costs,  
5 and \$50,000.00 per Named Plaintiffs Pease, Wisuri, and Lamar and \$75,000.00 for Named Plaintiff Ellis  
6 as an incentive payment. Defendant does not oppose Plaintiffs’ motion.

7 The Court received no objections to the motion for attorneys’ fees and costs, and class  
8 representative service awards. (Supplemental Decl. of Gretchen Eoff Regarding Recently Received  
9 Settlement Exclusion Requests and Objections, Ex. A.)

10 Having considered the motion for attorneys’ fees and costs, and class representative service  
11 awards, and all authorities and evidence in support of the motion, the Court orders as follows:

12 1. The Court awards Class Counsel the requested attorneys’ fees in the amount of  
13 \$29,500,000.00. Specifically, the attorneys’ fees requested are reasonable from the perspective of the  
14 percentage-of-recovery method based on the following factors: (1) the results obtained by counsel in this  
15 case; (2) the risks and complex issues involved in this case, which required a high level of skill and a high  
16 quality of work to overcome; (3) the fees’ contingency upon success, which meant counsel risked time  
17 and effort and advanced costs with no guarantee of compensation; (4) the range of awards made in similar  
18 cases; and (5) the notice and opportunity to object available to Class Members.

19 The Court finds that the requested fee award of \$29,500,000.00 comports with the applicable law  
20 and is justified by the circumstances of this case. The award shall be paid from the Settlement Fund,  
21 subject to the terms, conditions, and obligations of the Settlement Agreement.


22 2. The Court awards Class Counsel reimbursement of their litigation costs and expenses in  
23 the amount of \$1,061,350.65. The Court finds that the amount requested is reasonable and was  
24 reasonably incurred in the prosecution of this action. The award shall be paid from the Settlement Fund,  
25 subject to the terms, conditions, and obligations of the Settlement Agreement.

26 3. The Court awards Named Plaintiffs Pease, Wisuri, and Lamar a service award of  
27 \$50,000.00 each and awards Named Plaintiff Ellis a service award of \$75,000.00. This award is  
28 reasonable and justified in light of the amount of time and effort spent, the risks undertaken, and the

1 duration of the litigation. This award is separate from and in addition to any award to which Named  
2 Plaintiffs may be entitled as Settlement Class Members and the \$50,000.00 payment that the Named  
3 Plaintiffs will receive from Google. The service award shall be paid from the Settlement Fund, subject to  
4 the terms, conditions, and obligations of the Settlement Agreement.

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6 IT IS SO ORDERED.

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8 Dated: October 25, 2022

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ANDREW Y.S. CHENG  
Judge of the Superior Court

**CERTIFICATE OF ELECTRONIC SERVICE**  
(CCP 1010.6(6) & CRC 2.251)

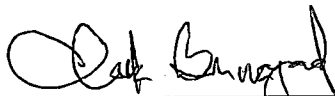
I, CLARK BANAYAD, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On October 25, 2022, I electronically served the ATTACHED DOCUMENT(S) via File&ServeXpress on the recipients designated on the Transaction Receipt located on the File&ServeXpress website.

Dated: October 25, 2022

Mark Caulkin, Interim Clerk

By:



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CLARK BANAYAD, Deputy Clerk