

MAR 10 2022

CLERK OF THE COURT

BY: Clara Bennett
Deputy Clerk

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
DEPARTMENT 613

SHELBY STEWART, CHARLETA
DABROWSKI, BENEDICT JOHNSON, and
KENYA MAYFIELD, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

KAISER FOUNDATION HEALTH PLAN,
INC., KAISER FOUNDATION HOSPITALS,
THE PERMANENTE MEDICAL GROUP,
INC., and SOUTHERN CALIFORNIA
PERMANENTE MEDICAL GROUP,

Defendants.

Case No. CGC-21-590966

ORDER GRANTING MOTION FOR
ATTORNEYS' FEES AND COSTS AND
SERVICE AWARDS

Plaintiffs Shelby Stewart, Charleta Dabrowski, Benedict Johnson, and Kenya Mayfield moved for final approval of the settlement, which was previously set for hearing on February 9, 2022. On February 8, 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 March 9, 2022. On February 25, 2022, March 3, 2022, and March 9, 2022, Plaintiffs timely

1 submitted supplemental briefing.

2 The Court has granted final approval of the settlement by separate written order (“Final Approval
3 Order”), creating a Settlement Amount of \$11,504,759. In this motion, Plaintiffs seek \$3,451,427.70 in
4 attorneys’ fees for Class Counsel, \$64,228.90 for reimbursement of litigation costs, and \$75,000 for
5 Stewart and \$60,000 each for Dabrowski, Johnson, and Mayfield as incentive payments. Defendants do
6 not oppose Plaintiffs’ motion, and the Court has received no objections to the requests.

7 Having considered the motion for attorneys’ fees and costs, and enhancement payment, and all
8 authorities and evidence in support of the motion, the Court orders as follows:

9 1. The Court awards Class Counsel the requested attorneys’ fees in the amount of
10 \$3,451,427.70. Specifically, the attorneys’ fees requested are reasonable from the perspective of the
11 percentage-of-recovery method based on the following factors: (1) the results obtained by counsel in this
12 case; (2) the risks and complex issues involved in this case, which required a high level of skill and a high
13 quality of work to overcome; (3) the fees’ contingency upon success, which meant counsel risked time
14 and effort and advanced costs with no guarantee of compensation; (4) the range of awards made in similar
15 cases; and (5) the notice and opportunity to object available to Class Members and the absence of any
16 objections. Class Counsel provided evidence which reflects that the total lodestar is \$1,448,545.50 which
17 accounts for 2,408.7 hours of work. (Decl. of Kelly M. Dermody ISO Plaintiffs’ Motion for Attorneys’
18 Fees, Costs, & Service [sic] Awards, ¶¶ 17-18, Ex. A; Decl. of Felicia M. Medina ISO Plaintiffs’ Motion
19 for Attorneys’ Fees and Costs and Class Representative Service Awards, ¶¶ 30, 33, Ex. A; Supp. Decl. of
20 Kelly M. Dermody ISO Plaintiffs’ Motion for Attorneys’ Fees, Costs, and Service Awards, Ex. A; Supp.
21 Decl. of Felicia M. Medina ISO Plaintiffs’ Motion for Final Approval of Class Action Settlement &
22 Motion for Attorneys’ Fees, Costs, & Service Awards, Ex. A.) There is a lodestar multiplier of 2.38.
23 (Motion at 6.) However, this 2.38 multiplier has shrunk as Class Counsel performed work since
24 providing the multiplier in December 2021. (*See, e.g.*, Dermody Supp. Decl., ¶¶ 3, 5, Ex. A [additional
25 \$10,000 in LCHB lodestar when time submitted for a few additional weeks, through January 7, 2022];
26 Medina Supp. Decl., ¶ 4.) Additionally, Class Counsel will continue working on this file for three more
27 years without additional compensation as they monitor the implementation of the programmatic relief,
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1 which further justifies awarding the fees requested. (Dermody Supp. Decl., ¶ 4; Medina Supp. Decl., ¶ 4.)

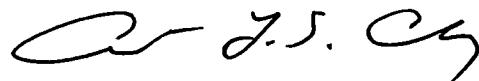
2 The Court finds that the requested fee award of \$3,451,427.70 comports with the applicable law
3 and is justified by the circumstances of this case. The award shall be paid from the Class Settlement Fund
4 subject to the terms, conditions and obligations of the Settlement Agreement.

5 2. The Court awards Class Counsel reimbursement of their litigation costs and expenses in
6 the requested amount of \$64,228.90. The Court finds that the amount requested is reasonable and was
7 reasonably incurred in the prosecution of this action. The award shall be paid from the Class Settlement
8 Fund subject to the terms, conditions and obligations of the Settlement Agreement.

9 3. The Court awards plaintiff Stewart an incentive payment of \$75,000 and awards incentive
10 payments of \$60,000 each for plaintiffs Dabrowski, Johnson, and Mayfield. This award is reasonable and
11 justified in light of the amount of time and effort spent and the risks undertaken. This award is separate
12 from and in addition to any award to which Named Plaintiffs may be entitled as a Settlement Class
13 Member. The service award shall be paid from the Class Settlement Fund subject to the terms, conditions
14 and obligations of the Settlement Agreement.

15
16 IT IS SO ORDERED.

17
18 Dated: March 10, 2022



19 ANDREW Y.S. CHENG
20 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 March 10, 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: March 10, 2022

T. Michael Yuen, Clerk

By: 
CLARK BANAYAD, Deputy Clerk