

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JANE DOE, individually and on behalf of all others
similarly situated,

Plaintiff,

v.

YOUTUBE, INC.,

Defendant.

Civil Case No. 4:20-CV-07493-YGR

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
ATTORNEY FEES, REIMBURSEMENT
OF EXPENSES, AND SERVICE
AWARDS**

Date: February 21, 2023
Time: 2:00 p.m.
Judge: Hon. Yvonne Gonzalez Rogers
Location: Courtroom 1

1 On November 18, 2022, Plaintiffs filed a motion requesting attorney fees, reimbursement of
2 expenses, and service awards in relation to a Class Action Settlement with YouTube, Inc.
3 (“YouTube”). The Court, having reviewed the motion, the settlement agreement between the Plaintiffs
4 and YouTube (“Settlement Agreement”), the pleadings and other papers on file in this action, and the
5 statements of counsel and the parties, hereby finds that:

6 1. The Motion requests an award of attorneys’ fees in the amount of \$1,416,163.44 or 30%
7 of the \$4,269,070 gross settlement fund (“Settlement Fund”).

8 2. Class Counsel also requests reimbursement of litigation costs and expenses in the
9 amount of \$41,234.97.

10 3. Class Counsel further requests a service award for the Class Representative in the
11 amount of \$20,000.00

12 4. The Court finds that Class Counsel’s requested fee award is fair and reasonable under
13 the percentage-of-the-recovery method based upon the following factors: (a) the results obtained by
14 Class Counsel in this case; (b) the risks and complex issues involved in this case, which were
15 significant and required a high level of skill and high-quality work to overcome; (c) that the attorneys’
16 fees requested were entirely contingent upon success – Class Counsel risked time and effort and
17 advanced costs with no ultimate guarantee of compensation; and (d) that the Class Members have been
18 notified of the requested fees and had an opportunity to inform the Court of any concerns they have
19 with the request. These factors justify an award above the Ninth Circuit’s 25% benchmark. *Vizcaino v.*
20 *Microsoft Corp.*, 290 F.3d 1043, 1048-50 (9th Cir. 2002). As such, the Court finds that the requested
21 fee-award comports with the applicable law and is justified by the circumstances of this case.

22 5. The Court has confirmed the reasonableness of Class Counsel’s fee request by
23 conducting a lodestar cross-check. The Court finds that Class Counsel’s reasonable lodestar was
24 \$709,395.00 based on historic hourly rates for the period from the commencement of the litigation to
25 date, and that an award of \$1,416,163.44 yields a 2.0 multiplier.
26
27
28

1 6. The Court has confirmed the reasonableness of Class Counsel’s requested service award
2 of \$20,000 for Plaintiff Jane Doe due to her service in bringing the case and facilitating its resolution in
3 light of the personal risks she faced due to bringing the action.

4 7. The Court finds that Settlement Class Counsel incurred a total of \$41,234.97 in litigation
5 costs and expense (for which Settlement Class Counsel seek reimbursement at this time) in prosecuting
6 this litigation from the inception of the case to date. The Court finds that these costs and expenses were
7 reasonably incurred in the ordinary course of prosecuting this case and were necessary given the
8 complex nature, nationwide scope, and novel issues of law of the case.

9 8. The Court finds that the requested service award is fair and reasonable in light of the
10 Class Representatives’ efforts on behalf of the litigation.

11 9. In sum, upon consideration of the Motion and accompanying Declarations, and based
12 upon all matters of record, including the pleadings and papers filed in this action, the Court hereby
13 finds that the fee requested is reasonable and proper, that the service award for the named plaintiff is
14 reasonable and proper, and the costs and expenses incurred by Settlement Class Counsel were
15 necessary, reasonable, and proper.

16 Accordingly, it is hereby ORDERED and DECREED that:

17 10. Class Counsel are awarded attorneys’ fees of \$1,416,163.44 (30% of the \$4,269,070
18 Settlement Fund).

19 11. Class Counsel are awarded reimbursement of their litigation costs and expenses in the
20 amount of \$41,234.97.

21 12. The Class Representative shall be awarded a service award in the amount of \$20,000.00.

22 13. The attorneys’ fees awarded, reimbursement of litigation costs and expenses, and service
23 awards shall be paid from the Settlement Fund.

24 14. The fees and expenses shall be allocated among Settlement Class Counsel by Settlement
25 Class Counsel in a manner that, in Counsel’s good-faith judgment, reflects each firm’s contribution to
26 the institution, prosecution, and resolution of the litigation.

1 15. This order shall be entered of this date pursuant to Rule 54(b) of the Federal Rules of
2 Civil Procedure, the Court finding that there is no just reason for delay.

3 **IT IS SO ORDERED**

4 Dated: _____, 2022

By: _____
HON. YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28