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Attorneys for Plaintiff Rudy Gonzalez and the Putative Class

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RUDY GONZALEZ,

Plaintiff,

vs.

XTREME MANUFACTURING, LLC; and
DOES 1-100, inclusive,

Defendants.

Case No.: 1:20-cv-01704-JLT-SKO

NOTICE OF MOTION AND
PLAINTIFF'S MOTION FOR
ATTORNEYS' FEES, LITIGATION
EXPENSES, AND SERVICE PAYMENT

Date: March 10, 2023

Time: 9:00 a.m.

Dept.: Courtroom 4, Seventh Floor

Judge: United States District Judge
Jennifer L. Thurston

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, on March 10, 2023 at 9:00 a.m., or as soon thereafter as counsel may be heard, Plaintiff Rudy Gonzalez ("Gonzalez" or "Plaintiff"), will bring on for hearing before the Honorable United States District Court Judge Jennifer L. Thurston, in Courtroom 4, Seventh Floor, Robert E. Coyle United States Courthouse, 2500 Tulare Street, Fresno, California, 93721 this unopposed Motion for Attorneys' Fees, Litigation Expenses, and Service Payment (the "Fee Motion"). The Motion is brought pursuant to Federal Rules of Civil Procedure Rule 23, subdivision (h) on the grounds that the fees sought by Class Counsel, in the amount of \$96,666.67, 1/3 of the Gross Settlement Amount negotiated in this matter, are reasonable and appropriate pursuant to *Laffitte v. Robert Half Int'l., Inc.*, 1 Cal.5th 480, 503-506 (2016) and applicable California and federal

1 law, that the requested cost award of \$12,897.03 is reasonable and appropriate as the costs requested
2 are less than those estimated by Class Counsel at the time of preliminary approval, and that affording
3 Gonzales a service payment in the amount of \$5,000 is reasonable and appropriate in light of her
4 service to the Class.

5 Plaintiff's Fee Motion is based on this Notice of Motion; the Memorandum of Points and
6 Authorities in Support of Motion Plaintiff's Motion for Attorneys' Fees, Litigation Expenses, and
7 Service Payment; the Declaration of Jenny D. Baysinger, with exhibits, the Declaration of Rudy
8 Gonzalez, and the previously filed Declaration of Evelin Reyes Regarding Notice and Settlement
9 Administration (Dkt. 35-2), the pleadings, orders, transcripts, and other papers on file in this matter,
10 specifically including the declarations and exhibits presented in connection with Plaintiff's Motion for
11 Final Approval of Class Action Settlement (Dkt. 35, 35-1, 35-2, 35-3), filed February 3, 2023, and any
12 further evidence and arguments as may be presented at the hearing of this matter.

13 **DATED:** February 9, 2023

MAYALL HURLEY P.C.

14 By /s/ Jenny D. Baysinger
15 JENNY D. BAYSINGER
16 ROBERT J. WASSERMANN
17 Attorneys for Plaintiff, RUDY GONZALEZ,
18 and the Class
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