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7 Attorneys for Plaintiff Samantha Owens and the Class

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF CONTRA COSTA

10 SAMANTHA OWENS,

11 Plaintiff,

12 vs.

13 FIDELITY NATIONAL HOME
14 WARRANTY COMPANY; and DOES 1-
15 100, inclusive,

16 Defendants.
17

Case No.: MSC21-00731

NOTICE OF MOTION AND MOTION FOR
ATTORNEYS' FEES, COSTS, AND CLASS
REPRESENTATIVE ENHANCEMENT
PAYMENT

Date: April 25, 2024

Time: 9:00 a.m.

Dept.: 12

Judge: Hon. Charles S. Treat

1 **TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 PLEASE TAKE NOTICE THAT, on April 25, 2024 at 9:00 a.m. in Department 12 of the
4 above-captioned court, or as soon thereafter as this matter can be heard, Plaintiff Samantha Owens
5 (“Plaintiff”) will bring on for hearing before the Honorable Charles S. Treat, this unopposed Motion
6 for Attorneys’ Fees, Costs, and Class Representative Enhancement Payment (“Fee Motion”).¹

7 The Fee Motion is brought pursuant to California Rules of Court Rule 3.769 and the
8 principles of *Laffitte v. Robert Half Int’l, Inc.* (2016) 1 Cal.5th 480. The Fee Motion is brought on
9 the grounds that the fees sought by Class Counsel, in the amount of \$95,000, 33 1/3% of the Gross
10 Settlement Amount negotiated in this matter, are reasonable and appropriate pursuant to *Laffitte*, 1
11 Cal.5th at 503-506 and applicable California and federal law, that the requested cost award of
12 \$15,000 is reasonable and appropriate as these costs were actually incurred by Class Counsel in
13 prosecution of this matter, and that affording Plaintiff an enhancement payment in the amount of
14 \$10,000 is reasonable and appropriate in light of her service to the Class and provision of a
15 substantially broader release of claims than that provided on behalf of Class Members.

16 Plaintiff’s Fee Motion is based on the Notice of Motion; the Memorandum of Points and
17 Authorities; the Declarations of Jenny D. Baysinger with exhibits, Taylor Mitzner (Administrator)
18 with exhibits, and Samantha Owens, filed with the Motion for Final Approval of Class Action
19 Settlement that is being filed concurrently herewith; the pleadings, orders, and other papers on file in
20 this matter; and any further evidence and arguments as may be presented at the hearing of this
21 matter.

22 Pursuant to Contra Costa County Local Rule 3.43, Judges assigned to unlimited civil law
23 and motion matters shall prepare a tentative ruling for each matter on calendar and a ruling will be
24 available to counsel and litigants beginning at 1:30 p.m. on the court day preceding the scheduled
25 hearing. Tentative rulings can be accessed on the court’s website at [https://www.cc-](https://www.cc-courts.org/civil/motions-hearings-tentative.aspx)
26 [courts.org/civil/motions-hearings-tentative.aspx](https://www.cc-courts.org/civil/motions-hearings-tentative.aspx). If the website is down, or for some reason cannot

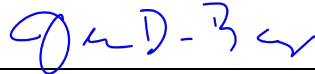
27 _____
28 ¹ Defendant does not oppose the relief sought by the Motion.

1 be accessed, counsel and/or self-represented parties are directed to call (925) 608-1000 during
2 business hours. If the tentative ruling is satisfactory to counsel, he or she need not appear and the
3 tentative ruling will become final. If counsel or self-represented litigants wish to appear, he or she
4 may do so only after appropriately notifying the court and all other counsel or SRL of that intent.
5 The tentative ruling shall become the ruling of the court unless by 4:00 p.m. the court day
6 preceding the hearing, counsel or self-represented parties call the department rendering the decision
7 to request argument. If a judge so indicates in the instructions accompanying the tentative ruling,
8 the parties may also be required to specify what issues are to be argued. Calling counsel or self-
9 represented parties requesting argument must advise all other affected counsel and self-represented
10 parties by no later than 4:00 p.m. of his or her decision to appear and of the issues to be argued.
11 Failure to timely advise the Court and counsel or self-represented parties will preclude any party
12 from arguing the matter.

13 **DATED:** April 2, 2024

MAYALL HURLEY P.C.

14 By



JENNY D. BAYSINGER

Attorneys for Plaintiff and the Putative Class

PROOF OF SERVICE

I, the undersigned, certify and declare as follows:

I am over the age of eighteen years and not a party to this action. My business address is 112 S. Church Street, Lodi, CA 95240, that is located in the county where the mailing and/or delivery below took place.

On April 2, 2024, I served the following document:

NOTICE OF MOTION AND MOTION FOR ATTORNEYS' FEES, COSTS, AND CLASS REPRESENTATIVE ENHANCEMENT PAYMENT

addressed to:

Curtis A. Graham
LITTLER MENDELSON P.C.
633 West 5th Street, 63rd Floor
Los Angeles, California 90071
Email: cagraham@littler.com
Sarah Fleming
safleming@littler.com
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333 Bush Street, 34th Floor
San Francisco, California 94104
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☐ **BUSINESS PRACTICE TO ENTRUST DEPOSIT TO OTHERS:** I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business. On the date specified below, at my place of business at Stockton, California a copy of the document described above was placed for deposit in the United States Postal Service in a sealed envelope, with postage fully prepaid addressed to the individuals and/or entities mentioned above; and that envelope was placed for collection and mailing on that date following ordinary business practice.

☒ **BY EMAIL:** In accordance with Code of Civil Procedure, Section 1010.6, on the date specified below, I caused a copy of the document(s) described above to be sent to the person(s) at the e-mail address(es) listed above. My business e-mail address is lriley@mayallaw.com. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 2, 2024, at Lodi, California.


LINDSAY RILEY