

JAMES HAWKINS APLC
James R. Hawkins (192925)
Christina Lucio (253677)
9880 Research Drive, Suite 200
Irvine, CA 92618
Tel.: (949) 387-7200
Fax: (949) 387-6676
Email: james@jameshawkinsaplc.com
Email: christina@jameshawkinsaplc.com

[additional counsel on next page]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

GIANA BENSON, an individual; and
MONICA FOWLER, an individual, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

F21 OPCO, LLC dba FOREVER 21, a
Delaware Corporation; and DOES 1-10,
inclusive,

Defendants.

GIANA BENSON, and on behalf of the
general public as private attorneys
general,

Plaintiffs,

v.

F21 OPCO, LLC dba FOREVER 21, a
Delaware Corporation; and DOES 1-10,
inclusive,

Defendants.

Lead Case No.:
37-2021-00024619-CU-OE-CTL

Consolidated with:
Benson v. F21 OPCO, LLC, San Diego County,
37-2021-00037256-CU-OE-CTL

Assigned for All Purposes To:
Judge: Eddie C. Sturgeon
Dept.: C-67

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION FOR AWARD OF ATTORNEYS'
FEES AND COSTS, AND CLASS
REPRESENTATIVE SERVICE AWARDS**

Date: October 6, 2023

Time: 9:00 a.m.

Dept.: C-67

MELMED LAW GROUP P.C.

Jonathan Melmed (SBN 290218)

jm@melmed law.com

Laura Supanich (SBN 314805)

lms@melmedlaw.com

Maria Burciaga (SBN 334545)

mb@melmedlaw.com

1801 Century Park East, Suite 850

Los Angeles, California 90067

Phone: (310) 824-3828

Fax: (310) 862-6851

ACKERMANN & TILAJEF, P.C.

Craig J. Ackermann, Esq. (SBN 229832)

cja@ackermanntilajef.com

315 South Beverly Drive, Suite 504

Beverly Hills, California 90212

Telephone: (310) 277-0614

Facsimile: (310) 277-0635

Attorneys for Plaintiffs, the Putative Class, and the Aggrieved Employees

1 **TO DEFENDANT F21 OPCO, LLC DBA FOREVER 21, AND TO ITS ATTORNEYS OF**
2 **RECORD:**

3 **PLEASE TAKE NOTICE THAT** on October 6, 2023 at 9:30 a.m., or as soon thereafter
4 as the matter may be heard, in Department 67 of the above-captioned court, located at the Hall of
5 Justice, Fourth Floor, 330 W Broadway, San Diego, CA 92101, before the Honorable Eddie C.
6 Sturgeon, Plaintiffs Giana Benson and Monica Fowler (“Plaintiffs”), individually, and on behalf
7 of the members of the putative class they seek to represent, will and hereby do move this Court
8 for an order awarding (a) Class Counsel’s attorneys’ fee in the amount of \$1,566,666.66 and
9 litigation costs of \$22,319.37; and (b) Class Representative Service Awards in the amount of
10 \$10,000.00 each to Plaintiff Giana Benson and Plaintiff Monica Fowler (total \$20,000).

11 This motion is based on the Memorandum of Points and Authorities in support of the
12 Motion for Attorneys’ Fees, Costs, and Class Representative Service Awards; the Declaration of
13 James R. Hawkins; the Declaration of Craig Ackermann; the Declaration of Jonathan Melmed;
14 the declarations of the Class Representatives Giana Benson and Monica Fowler on preliminary
15 approval; the declaration of Giana Benson on final approval; the Declaration of Jennifer Forst of
16 Settlement Administrator CPT Group, Inc.; the Proposed Order Granting Final Approval of Class
17 Action and PAGA Settlement and Judgement; all documents currently on file in this action
18 including without limitation those submitted in support of the Motion for Preliminary Approval
19 of Class Action and PAGA Settlement and Motion for Final Approval of Class Action and PAGA
20 Settlement; the arguments of counsel; and such other and further evidence as the Court may
21 choose to entertain.

22 ///

23 ///

24 ///

25 ///

26 ///

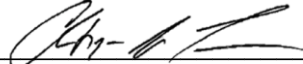
27 ///

1 This motion is set to be heard concurrently with Plaintiffs' Motion for Final Approval of
2 Class Action and PAGA Settlement.

3
4
5 Dated: September 13, 2023

Respectfully Submitted:

6
7 **JAMES HAWKINS, APLC**
8 **MELMED LAW GROUP, P.C.**
9 **ACKERMANN & TILAJEF, P.C.**

10 By: 

11 James R. Hawkins
12 Christina M. Lucio
13 Jonathan Melmed
14 Laura Supanich
15 Maria Burciaga
16 Craig J. Ackermann
17 Avi Kreitenberg
18 Attorneys for Plaintiffs
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE, COUNTY OF ORANGE

I am a resident of the State of California, County of Orange. I am over the age of eighteen years and not a party to the within action. My business address is 9880 Research Drive., Suite 200, Irvine, California 92618.

On September 13, 2023, I served on the interested parties in this action the following document(s) entitled:

PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR AWARD OF ATTORNEYS' FEES AND COSTS, AND CLASS REPRESENTATIVE SERVICE AWARD

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION FOR AWARD OF ATTORNEYS' FEES, COSTS, AND CLASS REPRESENTATIVE SERVICE AWARDS

DECLARATION OF JAMES R. HAWKINS IN SUPPORT OF PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AND MOTION FOR FEES AND COSTS

DECLARATION OF CRAIG J. ACKERMANN IN SUPPORT OF UNOPPOSED MOTION FOR FINAL APPROVAL OF CLASS SETTLEMENT, AND AWARD OF ATTORNEY'S FEES AND COSTS

DECLARATION OF PLAINTIFF GIANA BENSON IN SUPPORT OF PLAINTIFFS' MOTION FOR ORDER GRANTING FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AND ENTERING JUDGMENT

DECLARATION OF JONATHAN MELMED IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

DECLARATION OF JENNIFER FORST ON BEHALF OF CPT GROUP, INC. WITH RESPECT TO NOTIFICATION, PROOF OF PROCESSING AND REQUEST FOR EXCLUSION

[PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AND ENTRY OF JUDGMENT

[XX] BY ELECTRONIC SERVICE: Based on a court Order or an agreement by the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent from the email address irma@jameshawkinsaplc.com to the persons at the e-mail addresses listed in the Service List below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

SERVICE LIST

Please see page attached

[X] STATE: I declare under penalty of perjury, under the laws of the State of California, that the above is true and correct.

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

Executed on September 13, 2023, at Irvine, California.

/s/ Nicole Miccolis
Nicole Miccolis

SERVICE LIST

Jonathan Melmed, Esq.
Laura Supanich, Esq.
Maria Burciaga, Esq.
MELMED LAW GROUP P.C.
1801 Century Park East, Suite 850
Los Angeles, CA 90067
Tel: 310-824-3828
Fax: 310-862-6851
jm@melmedlaw.com
lms@melmedlaw.com
mb@melmedlaw.com

Craig J. Ackermann, Esq.
ACKERMANN & TILAJEF. P.C.
1180 South Beverly Dr., Suite 610
Los Angeles, CA 90035
Tel: 310-277-0614
Fax: 310-227-0635

Attorneys for Plaintiffs

Jennfer Terry, Esq.
Brittany Hernandez, Esq.
REED SMITH LLP
355 South Grand Ave, Suite 2900
Los Angeles, CA 90071

Mark Phillips, Esq.
SEALS PHILLIPS LLP
790 E. Colorado Blvd, Suite 900
Pasadena, CA 91101

Attorneys for Defendant

California Labor and Workforce Development Agency
Attn: PAGA Administrator
1515 Clay Street, Ste 801
Oakland, CA 94612
<http://www.dir.ca.gov/Private-Attorneys-General-Act>