

FILED

Superior Court of California
County of San Francisco

NOV 17 2023

CLERK OF THE COURT

BY: Clara Garry
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

DEPARTMENT 613

CYNTHIA MAYER, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

VISA INC., a Delaware Corporation, VISA
U.S.A. INC. a Delaware Corporation, and
CYBERSOURCE CORPORATION, a Delaware
Corporation,

Defendants.

Case No. CGC-21-593058

ORDER GRANTING PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES AND
COSTS AND PAYMENTS FOR CLASS
REPRESENTATIVES

Plaintiffs Cynthia Mayer and Christian Calderon ("Plaintiffs") moved the Court for approval of attorneys' costs and fees and payments for class representatives. On October 25, 2023, the Court issued a tentative ruling on (1) Plaintiffs' Motion for Final Approval of Class Action Settlement, and (2) Plaintiffs' Motion for Attorneys' Fees and Costs and Payments for Class Representatives ("Motions"). In the tentative ruling, the Court outlined its concerns regarding the Motions and continued the Motions for further briefing and continued the October 25, 2023 hearing to November 15, 2023. The hearing was then continued to November 17, 2023. The supplemental briefing deadline was November 3, 2023. On November 3, 2023, Plaintiffs timely submitted supplemental briefing.

1 This matter came on regularly for hearing on November 17, 2023, at 10:00 a.m. in Department
2 613, the Honorable Andrew Y.S. Cheng presiding. Polina Brandler (HammondLaw P.C.) appeared for
3 Plaintiffs. Tritia Murata (Morrison & Foerster LLP) appeared for Defendants. No class members
4 appeared at the hearing to object to this request.

5 The Court has granted final approval of the settlement by separate written order ("Final Approval
6 Order"), creating a Settlement Amount of \$2,700,000.00. In this motion, Plaintiffs seek \$945,000.00 in
7 attorney's fees for Class Counsel, \$12,347.25 for reimbursement of litigation costs, and \$10,000.00 for
8 Plaintiff Mayer and \$7,500.00 for Plaintiff Calderon as Class Representatives.

9 Having considered the motion and all authorities and evidence in support of the motion, the Court
10 orders as follows:

11 1. The Court awards Class Counsel attorneys' fees in the amount of \$900,000.00. The Court
12 noted in its tentative ruling that it would not award an award of 35% but rather would award 1/3 of the
13 Gross Settlement Amount. In response to the Court's tentative ruling, Class Counsel did not dispute an
14 award of 1/3 of the Gross Settlement Amount. Specifically, the attorneys' fees are reasonable from the
15 perspective of the percentage-of-recovery method based on the following factors: (1) the results obtained
16 by counsel in this case; (2) the risks and complex issues involved in this case, which required a high level
17 of skill and a high quality of work to overcome; (3) the fees' contingency upon success, which meant
18 counsel risked time and effort and advanced costs with no guarantee of compensation; (4) the range of
19 awards made in similar cases; and (5) the notice and opportunity to object available to Class Members and
20 the absence of any objections. The Court finds that the fee award of \$900,000.00 comports with the
21 applicable law and is justified by the circumstances of this case. The award shall be paid from the Gross
22 Settlement Amount subject to the terms, conditions and obligations of the Settlement Agreement.

23 2. The Court awards Class Counsel reimbursement of their litigation costs and expenses in
24 the amount of \$12,347.25. The Court finds that the amount requested is reasonable and was reasonably
25 incurred in the prosecution of this action. The award shall be paid from the Gross Settlement Amount
26 subject to the terms, conditions and obligations of the Settlement Agreement.

27 3. The Court orders a service award of \$3,000.00 each to Class Representatives Cynthia
28 Mayer and Christian Calderon. The Court noted in its Tentative Ruling that it would reduce the requested

1 service award to \$3,000.00 each in light of Plaintiffs' contributions to the case and the risks Plaintiff
2 undertook in serving as class representatives. There was no response to this reduction in Plaintiffs'
3 supplemental briefing. This award is separate from and in addition to any award to which Class
4 Representatives may be entitled to as a Settling Plaintiff. This award shall be paid from the Gross
5 Settlement Amount subject to the terms, conditions, and obligations of the Settlement Agreement.

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7 IT IS SO ORDERED.

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9 Dated: November 17, 2023

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ANDREW Y.S. CHENG
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 November 17, 2023, I electronically served the ATTACHED DOCUMENT(S) via File&ServeXpress on the recipients designated on the Transaction Receipt located on the File&ServeXpress website.

I also served via email transmission the attached document(s) on the following party/parties as shown below.

Dated: November 17, 2023

Brandon E. Riley, Clerk

By:  _____
CLARK BANAYAD, Deputy Clerk