

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10

11 JOE VIGIL, individually and on
12 behalf of all others similarly situated,
13 Plaintiff,

14 vs.

15 HYATT CORPORATION, a
16 Delaware corporation, GRAND
17 HYATT S.F., LLC, a Delaware
18 limited liability company, doing
19 business as GRAND HYATT SAN
20 FRANCISCO, and DOES 1-50,
21 inclusive,
22 Defendants.
23
24
25
26
27
28

Case No. 4:22-cv-00693-HSG
Judge: Haywood S. Gilliam, Jr.

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
AWARD OF ATTORNEYS' FEES
AND COSTS, AND CLASS
REPRESENTATIVE INCENTIVE
PAYMENT UNDER RULE 23(H)**

Date: February 2, 2024
Time: 2:00 p.m.
Courtroom: 2, 4th Floor

Action Filed: November 2, 2021

1 Before the Court is Plaintiff's Motion for Award of Attorneys' Fees and Costs,
2 and Class Representative Incentive Payment filed by Plaintiff Joe Vigil ("Plaintiff" or
3 "Class Representative"). Because the settlement is fundamentally fair, reasonable, and
4 adequate, and the fee request is reasonable and well supported, the Court grants the
5 Motion, approves the settlement, and enters final judgment.

6 On October 10, 2023, the Court granted preliminary approval of a proposed class
7 and representative action settlement (the "Preliminary Approval Order"). Dkt. 48. That
8 Order included the following terms: (i) granted preliminary approval of a gross
9 settlement in the amount of \$725,000.00; (ii) The Court accepted and incorporated the
10 Settlement Agreement and confirmed the Class defined as follows:

11 [A]ll current and former non-exempt, hourly employees working for
12 Defendants at the Grand Hyatt San Francisco hotel at any time between
13 November 2, 2017 to March 9, 2023.

14 (iii) approved the class notice documents; (iv) appointed James R. Hawkins and
15 Christina M. Lucio of James Hawkins APLC as Class Counsel; (v) appointed Joe Vigil
16 as the Class Representative for the Settlement Class; (vi) appointed Phoenix Class
17 Action as the Settlement Administrator; and (vii) set a hearing on a motion for fees and
18 costs, and class representative incentive payment, and (viii) set a hearing on a motion
19 for final approval.

20 Plaintiff now moves for an award of attorneys' fees and costs, and a class
21 representative incentive payment.

22 Having reviewed the papers and documents presented, the Court hereby
23 ORDERS as follows:

24 1. The Court has jurisdiction over the Settlement Class Members and all
25 claims asserted in the Action.

26 9. The Court grants Class Counsel's request for attorneys' fees of
27 \$241,666.67 (33.33% of Gross Settlement Amount), and \$24,253.43 in litigation
28 costs. This amount is justified under the common fund doctrine, the range of awards

1 ordered in this District and Circuit, the results obtained, the substantial risk borne by
2 Class Counsel in litigating this matter, the high degree of skill and quality of work
3 performed, the financial burden imposed by the contingency basis of Class Counsel'
4 representation of Plaintiff and the Settlement Class, and the additional work required
5 of Class Counsel to bring this Settlement to conclusion. The Court finds the fee award
6 is further supported by a lodestar crosscheck, whereby it finds that the hourly rates of
7 Class Counsel and the estimated hours expended are reasonable.

8 10. The Court confirms its approval of Class Representative Incentive
9 Payment of \$10,000 to Plaintiff Vigil, and finds that this award is fair and reasonable
10 for the work this individual provided to the Settlement Class, the risks undertaken as
11 Class Representative, and for the general release he executed.

12
13 IT IS SO ORDERED.

14
15 Dated: _____

The Honorable Haywood S. Gilliam, Jr.
United States District Judge