

JAMES HAWKINS APLC

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Attorneys for Plaintiff JOE VIGIL,
on behalf of himself and all others similarly situated

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JOE VIGIL, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

HYATT CORPORATION, a
Delaware corporation, GRAND
HYATT S.F., LLC, a Delaware
limited liability company, doing
business as GRAND HYATT SAN
FRANCISCO, and DOES 1-50,
inclusive,

Defendants.

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

**PLAINTIFF'S NOTICE OF MOTION
AND MOTION FOR AWARD OF
ATTORNEYS' FEES AND COSTS,
AND CLASS REPRESENTATIVE
INCENTIVE PAYMENT UNDER
RULE 23(h)**

Date: February 22, 2024
Time: 2:00 p.m.
Courtroom: 2, 4th Floor

Action Filed: November 2, 2021

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on February 22, 2024, at 2:00 p.m., or as
3 soon thereafter as the matter may be heard, before the Honorable Haywood S.
4 Gilliam, Jr., in Courtroom 2, 4th Floor, of the United States District Court,
5 Northern District of California, at the Ronald V. Dellums Federal Building &
6 United States Courthouse, located at 1301 Clay Street, Oakland, California 94612,
7 Plaintiff Joe Vigil (“Plaintiff”) will seek an Order:

- 8 (1) Approving the request for attorneys’ fees to Class Counsel of 1/3 of the
9 Gross Settlement Amount, totaling \$241,666.67.
10 (2) Approving reimbursement of actual litigation costs of \$24,253.43; and
11 (3) Approving a Class Representative Incentive Payment of \$10,000 to Plaintiff
12 Joe Vigil for the time and effort he spent pursuing this matter on behalf of
13 the Settlement Class, the risks taken and in recognition of the general
14 release he has entered into as part of this Settlement;

15 This Motion for Attorneys’ Fees and Costs, and Class Representative
16 Incentive Payment is made on the grounds that Plaintiff and Class Counsel have
17 recovered a common fund cash settlement of \$725,000.00 for the benefit of the
18 Settlement Class. Rule 23(h) of the Federal Rules of Civil Procedure provides that,
19 “[i]n a certified class action, the court may award reasonable attorney’s fees and
20 non-taxable costs that are authorized by law or by the parties’ agreement.” Fed. R.
21 Civ. P. 23(h). The United States Supreme Court has stated that “a litigant or a
22 lawyer who recovers a common fund for the benefit of persons other than himself
23 or his client is entitled to a reasonable attorney’s fee from the fund as a whole.”
24 *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980). “The doctrine rests on the
25 perception that persons who obtain the benefit of a lawsuit without contributing to
26 its cost are unjustly enriched at the successful litigant’s expense.” *Id.* Under the
27 common fund doctrine, the Court may assess “attorney’s fees against the entire fund,
28 thus spreading fees proportionately among those benefited by the suit.” *Id.*

This Motion is based on this Notice of Motion, the following Memorandum of Points and Authorities, the Declaration of James R. Hawkins in support of Motion for Attorneys' Fees and Costs and Class Representative Incentive Payment, the Joint Stipulation of Class Action Settlement and Release, the Declaration of James R. Hawkins submitted in support of Preliminary Approval, the Court's Order Granting Preliminary Approval (Dkt. 48), the Declaration of Plaintiff Joe Vigil in support of Preliminary Approval, the Declaration of Joe Vigil in support of Motion for Fees and Costs, and Class Representative Incentive Payment, and all other records, pleadings, and papers on file in this action and such other evidence or argument as may be presented to the Court at the hearing on this Motion.

The Parties have met and conferred pursuant to 7-3 regarding the substance of the motion, and Plaintiff does not anticipate an objection to this motion from Defendant.

Respectfully submitted,

JAMES HAWKINS, APLC

Dated: November 3, 2023

By: /s/Christina M. Lucio

James R. Hawkins
Christina M. Lucio
Mitchell J. Murray

Attorneys for Plaintiff and the Settlement Class

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CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2023 I electronically filed the foregoing with the Clerk of the Court for the U.S. District Court, for the Northern District of California using the CM/ECF system. All participants are registered CM/ECF users, and will be served by the CM/ECF system.

Dated: November 3, 2023

/s/ Christina M. Lucio

Christina M. Lucio

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>
Via LWDA Website