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8 For Plaintiff Alana Schwartz
9 and other persons similarly situated

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 **ALANA SCHWARTZ**, individually
13 and on behalf of other persons similarly
situated,

14 Plaintiff,

15 vs.

16 **DESTINATION MATERNITY**
17 **CORPORATION and DOES 1-20,**

18 Defendants.

Case No.: 14-CV-01477-GHK-FFM

**[proposed] ORDER GRANTING
PLAINTIFF'S MOTION FOR
ATTORNEYS' FEES, LITIGATION
COSTS, AND INCENTIVE AWARD**

Before the Hon. George H. King

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1 On December 7, 2015, at 9:30 a.m., the Court, the Honorable George H.
2 King presiding, heard a motion brought by Plaintiff Alana Schwartz (“Plaintiff” or
3 “Class Representative”) for an order approving and awarding attorneys’ fees,
4 litigation costs, and incentive awards. The parties appeared by their respective
5 counsel of record.

6 After considering the evidence and argument provided by the parties, and
7 the pleadings and other papers on file in this action, the Court hereby GRANTS
8 Plaintiff’s motion.

9 NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- 10 1. The Court finds that Plaintiff’s requested fee award of \$197,500 is fair
11 and reasonable in light of the results obtained by Plaintiff’s counsel in
12 this case; the risks and complex issues involved, and the skill and
13 high-quality work required to overcome them; the burdens borne by
14 counsel in pursuing this litigation on a pure contingency basis; and the
15 range of awards made in similar cases. The Court finds that the
16 requested fee award, which is well below the Ninth Circuit’s
17 benchmark of 25% of the fund created by the value created by the
18 Settlement Agreement, comports with the applicable law and is
19 justified by the circumstances of this case.
- 20 2. The Court finds that Plaintiff’s counsel’s lodestar is
21 \$_____ based on the hours expended and their hourly
22 rates. The Court finds that Plaintiff’s counsel’s hours and rates are
23 reasonable in light of their experience and well-justified here, given
24 the issues presented in this litigation, counsel’s skillful handling of the
25 difficult factual and legal issues presented, the significant contingent
26 risks in this case, and the quality of the result achieved.
- 27 3. The Court finds that Plaintiff’s counsel incurred \$_____ in
28 litigation costs and expenses in connection with litigating this case.

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The Court finds that these costs and expenses were reasonably incurred in the ordinary course of prosecuting this case and were necessary given the nature and scope of the case. Accordingly, the Court approves a payment to Plaintiff’s counsel in the amount of \$_____ to reimburse them for such costs and expenses.

- 4. Finally, the Court approves an incentive award of \$5,750.00 to Plaintiff. This incentive award is reasonable and justified given: (1) the risks—reputational, financial, and otherwise—faced by Plaintiff in bringing this lawsuit; and (2) the work performed and the active participation in the litigation and settlement processes by Plaintiff.
- 5. The attorneys’ fees, costs, and incentive awards set forth in this Order shall be paid by Defendant Destination Maternity Corporation in accordance with the terms of the Settlement Agreement.

IT IS SO ORDERED.

DATED: _____

Honorable George H. King
United States District Court Judge