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JS-6

6 [Additional Attorneys for Plaintiffs and the Putative Class on Attachment]

8 **UNITED STATES DISTRICT COURT**  
 9 **CENTRAL DISTRICT OF CALIFORNIA**

10 ROCHELLE INGALLS, suing )  
 11 individually and on behalf of all other )  
 12 similarly situated persons, )

13 Plaintiffs,

14 v.

15 HALLMARK MARKETING )  
 CORPORATION, a Delaware corporation, )  
 16 and defendant DOES 1 through 10, )  
 inclusive, )

17 Defendants.

18 \_\_\_\_\_ )  
 19 NIKKI FUZELL, an individual, on behalf )  
 of herself, all others similarly situated, )

20 Plaintiffs,

21 v.

22 HALLMARK MARKETING )  
 CORPORATION, a Delaware corporation )  
 23 with it's principal place of business in the )  
 State of Missouri, )

24 Defendants.

25 \_\_\_\_\_ )  
 26 BEVERLY WEAVER, et al., Plaintiffs, )

27 v.

28 HALLMARK MARKETING CORP., )  
 \_\_\_\_\_ )

Defendants.

Case No.: CV08-04342 VBF (Ex) C/W  
 CV08-05330-VBF (FFMx)  
 CV08-07481-VBF (Ex)

**ORDER GRANTING CLASS COUNSEL'S  
 MOTION FOR ATTORNEYS' FEES,  
 LITIGATION COSTS, AND INCENTIVE  
 AWARDS**

Date: October 16, 2009  
 Time: 3:00 p.m.  
 Courtroom: 9  
 Judge: Honorable Valerie  
 Baker Fairbank

1 **ATTACHMENT TO CAPTION**

2 **ZELBST, HOLMES & BUTLER**

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1 On October 16, 2009, the Court heard a motion by Plaintiffs, Rochell Ingalls  
2 (“Ingalls”), Nikki Fuzell (“Fuzell”), and Beverly Weaver (“Weaver”) on behalf of  
3 themselves and all others similarly situated, for approval of Class Counsel’s Motion for  
4 an Award of Attorneys Fees, Litigation Costs and Incentive Awards to Ingalls, Fuzell,  
5 Weaver, Sandy Ripp (“Ripp”), Carol White (“White”), and Vanesa Yanez (“Yanez”).

6 The Parties have submitted the proposed Settlement, which this Court finally  
7 approved on October 16, 2009. Having finally approved the Settlement, and having  
8 received and reviewed the supporting papers, the response of the Class Members to the  
9 Notice of Settlement, and the evidence and argument received by the Court at Hearing  
10 on October 16, 2009, the Court grants the Motion by Class Counsel for an Award of  
11 Attorneys’ Fees, Litigation Costs and Incentive Awards, and HEREBY FINDS as  
12 follows:

13 1. Except as otherwise specified herein, the Court for purposes of this Order  
14 of Final Approval adopts all defined terms set forth in the Settlement;

15 2. Pursuant to the Preliminary Approval Order, a Notice Packet was sent to  
16 each Class Member by first-class mail. The Notice included language advising Class  
17 Members that Class Counsel would ask the Court to award attorneys’ fees up to 33% of  
18 the Maximum Settlement Amount and litigation costs. In addition, the Notice provided  
19 that Class Counsel would ask the Court to authorize an enhancement payment of up to  
20 \$10,000 each to Ingalls, Fuzell, Weaver, Ripp, White and Yanez;

21 3. The Claims Administrator took reasonable steps to provide the Notice  
22 Packet to Class Members when it learned that the address to which those documents were  
23 mailed was no longer accurate. These documents informed Class Members of the terms  
24 of the Settlement, including the request by Class Counsel for Attorneys’ fees, litigation  
25 costs, and enhancement payments and their right to object to the Settlement or to opt out  
26 of the Settlement and pursue their own remedies, and their right to appear in

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1 person or by counsel at the Final Approval Hearing and be heard regarding the final  
2 approval of the Settlement. Notice was provided with ample time for the Class Members  
3 to follow these procedures;

4 4. The Court finds that this notice procedure afforded adequate protections to  
5 Class Members and provides the basis for the Court to make an informed decision  
6 regarding approval of Class Counsels' Motion for an Award of Attorneys' Fees,  
7 Litigation Costs and the Incentive Awards requested. Notice was accomplished in all  
8 material respects in the manner prescribed by the Settlement. The Court finds that  
9 adequate notice provided to all persons entitled to such notice in this case, was the best  
10 notice practicable, and, therefore, fully satisfied the requirements of due process;

11 5. The Attorneys' Fees requested by Class counsel are commensurate with 1)  
12 the risk Class Counsel took in commencing this action, (2) the time, effort and expense  
13 dedicated to the case, (3) the skill and determination they have shown, (4) the results they  
14 have achieved throughout the litigation, (5) the value of the settlement they have achieved  
15 for class members, and (6) the other cases counsel have turned down in order to devote  
16 their time and efforts to this matter;

17 6. The Attorneys' Fees requested by Class counsel, \$1,825,000.00 of the total  
18 settlement of \$5,625,000 are reasonable and are within the range of fees awarded in  
19 comparable cases;

20 7. That the litigation costs for which Class Counsel requests reimbursement  
21 were reasonable and necessary;

22 8. That the enhancement payments requested by Ingalls, Fuzell, Weaver, Ripp,  
23 White, and Yanez, for their efforts in obtaining recovery for the Class are reasonable and  
24 are within the range of enhancement payments awarded in comparable cases;

25 Therefore, IT IS HEREBY ORDERED:

26 1. That the Motion by Class Counsel for an award of Attorneys' Fees in the  
27 amount of \$1,825,000.00 is granted;

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1           2.       That the Motion by Class Counsel for an award of litigation costs in the  
2 amount of \$54,528.85 is granted;

3           3.       That the Motion by Class Counsel for an award of an enhancement payment  
4 to Rochell Ingalls, in the amount of \$10,000 is granted;

5           4.       That the Motion by Class Counsel for an award of an enhancement payment  
6 to Nikki Fuzell, in the amount of \$10,000 is granted.

7           5.       That the Motion by Class Counsel for an award of an enhancement payment  
8 to Beverly Weaver, in the amount of \$10,000 is granted.

9           6.       That the Motion by Class Counsel for an award of an enhancement payment  
10 to Sandy Ripp, in the amount of \$10,000 is granted.

11          7.       That the Motion by Class Counsel for an award of an enhancement payment  
12 to Carol White, in the amount of \$10,000 is granted.

13          8.       That the Motion by Class Counsel for an award of an enhancement payment  
14 to Vanesa Yanez , in the amount of \$10,000 is granted.

15  
16 Dated: October 16, 2009



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Honorable Valerie Baker Fairbank

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and defendant DOES 1 through 10, )  
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Honorable Valerie Baker Fairbank

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