

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ARNESHA M. GARNER, on behalf of
herself and all others similarly
situated,

Plaintiff,

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, et al.,

Defendants.

No. C 08-01365 CW

ORDER ON PROPOSED
ATTORNEYS' FEES AND
REVISIONS TO NOTICE
TO CLASS MEMBERS

On December 30, 2009, the parties filed motions for preliminary approval of the proposed class action settlement in this case. The Court has granted the parties' motions. This Order addresses the parties' proposal concerning Class Counsel's attorneys' fees and the Court's revisions to the parties' proposed notice to class members. The Settlement Agreement indicates the Class Counsel intends to seek attorneys' fees in an amount not to exceed thirty percent of the Gross Settlement Fund. The Court notes that twenty-five percent is the benchmark award for attorneys' fees, although this amount may be adjusted if necessary. See Staton v. Boeing Co., 327 F.3d 938, 968 (9th Cir. 2003); Nobles v. MBNA Corp., 2009 WL 1854965, at *3 (N.D. Cal.). If Plaintiff's attorneys intend to seek fees in excess of this amount, they should submit their "lodestar" numbers and provide further justification.

With regard to the proposed notice, the Court suggests that

1 the parties make the following revisions:

- 2 1. On page one, the heading states that this is a notice for
3 "State Farm California Policyholders Who Received a
4 Vehicle Total Loss Payment from State Farm in 2007 or
5 2008." On page three, the answer to Question One states
6 that class members received this notice because they "may
7 have made a vehicle total loss claim with State Farm in
8 2007 or 2008" These statements do not account
9 for the certain "people who reside in or near San Diego
10 and who received a vehicle total loss payment from State
11 Farm between August 2006 and March 12, 2007," who are
12 discussed in Question Four. The parties should revise
13 the heading on page one and the answer to Question One to
14 be consistent with the answer to Question Four.
- 15 2. On page two, the parties should delete the asterisks
16 following "Postmarked" and preceding "by" under the
17 "Deadline" column. In the alternative, the parties could
18 include a footnote explaining the asterisks.
- 19 3. On page six, the answer to Question Fourteen provides the
20 date of the Fairness Hearing. Although the Court has
21 scheduled the hearing for April 15, 2010 at 2:00 p.m.,
22 this date could change. The parties should add the
23 following sentence to the answer to Question Fourteen:
24 "This date is subject to change. Class members should
25 check the Court's calendar, located on the Court's
26 website at www.cand.uscourts.gov, to confirm the date of
27 the Fairness Hearing."
- 28 4. On page seven, the parties shall delete "Court" between

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

"District" and "Judge," so that the line reads: "United States District Judge."

IT IS SO ORDERED.

Dated: January 15, 2010



CLAUDIA WILKEN
United States District Judge