

United States District Court
For the Northern District of California

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E-FILED on 11/23/2010

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARY SANBROOK on behalf of herself and
others similarly situated,

Plaintiff,

v.

OFFICE DEPOT, INC.,

Defendant.

No. C-07-05938 RMW

ORDER GRANTING MOTION FOR
ATTORNEYS' FEES AND SERVICE
AWARD TO NAMED PLAINTIFF

[Re Docket No. 235]

Plaintiff Mary Sanbrook on behalf of herself and the settlement class moves for an award of attorneys' fees and costs of \$2,275,000 to class counsel and for a "service award" to her totaling \$30,000 as the named plaintiff, \$10,000 from defendant Office Depot, Inc. and \$20,000 from the award of attorneys' to Class Counsel. The motion is unopposed.

The court has reviewed the papers filed and finds the requested attorneys' fees of \$2,176,850 reasonable despite the fact that the fees exceed the lodestar calculations submitted by counsel which are themselves excessive. The reasons for the approval are that class counsel did good work resulting in what appears to be a favorable settlement for the class, the hourly rates charged are reasonable for the type of work performed, the attorneys' fees were negotiated separately from the

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1 class settlement and do not affect the recovery by the class, no objections were received to the
2 requested fees and defendant who was represented by competent counsel agreed to the fees.

3 The court notes, however, that the lodestar calculations resulted in an artificially high figure
4 because counsel unnecessarily duplicated services and charged excessive rates for travel. For
5 example, four counsel appeared on February 26, 2010 at the unopposed motion for preliminary
6 approval of the settlement. For travel to the hearing, Barbara Quinn Smith charged 10.50 hours at
7 \$425/hour, Thomas K. Caldwell charged 6.50 hours at \$500/hour, Matthew R. Wilson charged 8.00
8 hours at \$350/hour and Scott R. Kaufman charged .9 hours at \$425. For return from the hearing,
9 Smith charged an additional 10.80 hours, Caldwell another 6.5 hours and Wilson another \$8.00
10 hours. This does not include time spent for preparation for the hearing.

11 As stated above, the court nevertheless approves the fees for the reasons stated.

12 Plaintiff also seeks a "service award." The court is willing to approve the \$10,000 that the
13 defendant agreed to pay. That represents a premium over a generous hourly fee for services claimed
14 to have been provided by plaintiff Sandbrook.

15 Plaintiff's claimed costs in the amount of \$98,150 are approved.

16 **ORDER**

17 For the reasons stated above, Class counsel are awarded \$2,176,850 in attorneys' fees.,
18 \$98,150 in costs and Mary Sandbrook is given an incentive fee of \$10,000.

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DATED: 11/23/2010



RONALD M. WHYTE
United States District Judge