

The Honorable Ricardo S. Martinez
Noted for: May 21, 2021

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

JIKIRI BAUTISTA, an individual, ARI
SILVA, an individual;

Plaintiffs,

v.

WFS EXPRESS, a Delaware corporation,
CONSOLIDATED AVIATION SERVICES,
a New York corporation;

Defendants.

NO. 2:18-cv-00757 RSM

**ORDER GRANTING PLAINTIFFS’
MOTION FOR ATTORNEY’S FEES,
COSTS AND CLASS
REPRESENTATIVE’S INCENTIVE
AWARD**

WHEREAS, Plaintiffs have submitted authority and evidence supporting Plaintiffs’
Motion for Attorney’s Fees, Costs and Class Representative’s Incentive Award; and

WHEREAS, the Court, having considered the pleadings on file and being fully advised,
finds that good cause exists for entry of the Order below; now, therefore,

IT IS HEREBY FOUND, ORDERED, ADJUDGED, AND DECREED THAT:

1. Unless otherwise provided herein, all capitalized terms in this Order shall have
the same meaning as set forth in the Plaintiffs’ Motion for Attorney’s Fees, Costs and Class
Representative Incentive Award.

2. The Court having appointed Badgley Mullins Turner, PLLC and Abel M. Tsegga,
PLLCC, as Class Counsel.

3. Class Counsel has requested the Court award fees of \$153,750.00, which largely

1 consists of the Defendants' settlement contribution, above and beyond the approximately
2 \$465,962 claimed for missed meal damages.

3 4. These requested attorney's fees are fair and reasonable under RCW 49.48.030.
4 The Court reaches this conclusion after analyzing: (1) the results Class Counsel achieved; (2)
5 Class Counsels' risk in this litigation; (3) the complexity of the issues presented; (4) the hours
6 Class Counsel worked on the case; (5) Class Counsels' hourly rate; (6) the contingent nature of
7 the fee; and (7) awards made in similar cases.

8 5. Class Counsel has submitted authority and declarations to support the Court's
9 lodestar cross-check. See Declaration of Duncan C. Turner, and Dkt. #43.

10 6. Class Counsel reasonably expended more than 587 hours on the investigation,
11 preparation, filing, and settlement of Plaintiffs' claims. They maintained detailed
12 contemporaneous time records recording the number of hours worked. Class Counsel exercised
13 billing judgment and billed efficiently.

14 7. Class Counsels' hourly rates - \$575.00 for Duncan Turner, \$300.00 for Abel
15 Tsegga, and \$350.00 for Mark Trivett – are reasonable hourly rates considering their individual
16 "experience, skill, and reputation," see *Trevino v. Gates*, 99 F.3d 911, 924 (9th Cir. 1996) and
17 the prevailing market rates in this jurisdiction. See *Blum v. Stenson*, 465 U.S. 886, 895 (1984).

18 8. Applying these rates to the number of hours reasonably expended in litigation,
19 Class Counsels' fee lodestar is approximately \$157,611.50 This lodestar reflects work that was
20 reasonable and necessarily expended on the pursuing Plaintiffs' claims and that are estimated to
21 occur in concluding the case.

22 9. Here, Plaintiffs pursued the action under a remedial Washington employment
23 statute. Class Counsel pursued this action on a contingency fee basis and assumed the risk that if
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1 they were unsuccessful, they would receive no compensation for their work on the certified
2 questions or settlement negotiations. This action presented novel issues, including whether
3 Defendants' liability was reduced by individual Class Members' alleged failure to properly
4 record meal periods.

5 10. Class Counsel performed high-quality work, resulting in an extremely favorable
6 collective settlement for Class Members. Class Members net recovery represents approximately
7 90.3% of the wages owed for missed regular and overtime meal periods. This is an excellent
8 result for the Class.

9 11. Defendants agreed to pay Settlement Amount of Six Hundred and Fifteen
10 Thousand dollars (\$615,000.00) to the Class Members, inclusive of any attorney's fees and costs.
11 Further, the Defendants agreed to bear the cost of settlement notice and administration, and all
12 payroll taxes arising from the Settlement Agreement. As such, the fees and costs incurred by
13 Class Counsel were reasonable, necessary, and appropriately documented in the declarations
14 filed by Class Counsel.

15 12. This Court also awards \$4,000.00 each to Plaintiffs Jikiri Bautista and Ari Silva
16 as incentive awards for their service as the Class Representatives.

17 13. Based on the foregoing findings and analysis, the Court awards Class Counsel
18 \$153,750 in attorney's fees, and \$33,255.87 in costs.

19 IT IS SO ORDERED this 3rd day of June, 2021.
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24 RICARDO S. MARTINEZ
25 CHIEF UNITED STATES DISTRICT JUDGE

1 Presented by:

2 BADGLEY MULLINS TURNER, PLLC

3 /s/ Mark A. Trivett

4 Mark A. Trivett, WSBA No. 46375
5 Duncan C. Turner, WSBA No. 20597
6 Telephone: (206) 621-6566
7 Facsimile: (206) 621-9686
8 Email: mtrivett@badgleyturner.com
9 Email: dturner@badgleyturner.com

10 ***Attorneys for Plaintiffs***

11 ABEL M. TSEGGA, PLLC

12 /s/ Abel M. Tsegga

13 Abel M. Tsegga, WSBA No. #46349
14 PO Box 5246, Lynnwood, WA 98046
15 144 Railroad Ave., #308
16 Edmonds, WA 98020
17 Telephone: 206-697-4878
18 Email: abel@tglawgrp.com

19 ***Attorney for Plaintiffs***

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