

FILED
Superior Court of California
County of San Francisco



APR 30 2018

CLERK OF THE COURT
BY: Craig R. Blakes
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
DEPARTMENT 305

CALIFORNIA DENTAL ASSOCIATION, a
California Corporation; RICHARD W.
BARNES, D.D.S.; ROBERT E. REED,
D.D.S.; DEAN SCHWEITZER, D.D.S.;
GERALD MIDDLETON, D.D.S.; WHITNEY
JOHNSON, D.D.S.; TERRENCE Y. LAU,
D.D.S.; and BARBARA M. HAWTHORNE,
D.D.S., individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

DELTA DENTAL OF CALIFORNIA, a
California Corporation, and DOES 1-10,
inclusive,

Defendants.

Case No.: CGC-14-538849

ORDER GRANTING PLAINTIFFS'
MOTION FOR APPROVAL OF
ATTORNEYS' FEES AND INCENTIVE
AWARDS TO INDIVIDUAL CLASS
REPRESENTATIVES

Plaintiffs California Dental Association ("CDA"), Dr. Richard W. Barnes, Dr. Robert E. Reed, Dr. Dean Schweitzer, Dr. Gerald Middleton, Dr. Whitney Johnson, Dr. Terrence Y. Lau, and Dr. Barbara M. Hawthorne ("Individual Class Representatives") moved the Court for approval of attorneys' fees and incentive awards for the Individual Class Representatives in connection with the settlement of the above matter with defendant Delta Dental of California ("defendant"). The motion came on for hearing on April 25, 2018, along with plaintiffs' motion for final approval of the amended class section settlement. Appearances are as noted in the record.

1 The Court has granted final approval of the settlement by separate written order (Final Approval
2 Order). In the instant motion, plaintiffs seek for Class Counsel \$2,350,000 in attorneys' fees, and \$3,500
3 for each of the seven Individual Class Representatives. Defendant does not oppose plaintiffs' motion, and
4 the Court has received no objections to the requests from any Settlement Class Member.

5 Having fully considered the instant motion for attorneys' fees and incentive awards, the Court
6 finds and orders as follows:

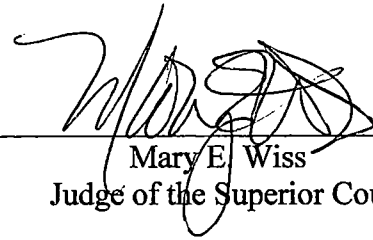
7 1. The Court awards Class Counsel the requested \$2,350,000 in attorneys' fees and costs.
8 Under the common fund approach for evaluating a request for attorneys' fees in a class action, this
9 amount is only approximately 3.6% of the monetary component of the Amended Settlement, and is well
10 below the percentage of fees typically awarded in class actions. In awarding this amount, as a cross-
11 check, the Court also considered whether the requested amount was reasonable in light of the lodestar.
12 The Court carefully considered the documentation submitted in support of the fee request, including the
13 declarations of Class Counsel setting forth the hours expended in this matter. Class Counsel has spent at
14 least 6,191.35 hours litigating the class claims, which results in a lodestar of \$3,604,729.39. The Court
15 finds this amount justified given the contingent nature of the litigation, the quality of representation, the
16 benefits obtained for the class, the risk of nonpayment, the extent of the litigation to date, and the results
17 achieved. Finally, there was no objection to the settlement and no objection to the fee request.
18 Accordingly, the requested fee of \$2,350,000 of the Amended Settlement Amount is justified in this case.
19 This amount will not come from the settlement fund, but will be paid by defendant *in addition to* the
20 Amended Settlement Amount, and therefore will not reduce recovery of the Class.

21 2. The Court awards the Individual Named Plaintiffs, Dr. Richard W. Barnes, Dr. Robert E.
22 Reed, Dr. Dean Schweitzer, Dr. Gerald Middleton, Dr. Whitney Johnson, Dr. Terrence Y. Lau, and Dr.
23 Barbara Hawthorne, a service award of \$3,500 each. This award is reasonable and justified in light of the
24 Individual Named Plaintiffs' contributions to the case and the risks they undertook in serving as Class
25 Representatives. This award is separate from and in addition to any award to which the Individual Named
26 Plaintiffs may be entitled as a Settlement Class Member. This amount will not come from the settlement
27 fund, but will also be paid by defendant *in addition to* the Amended Settlement Amount, and therefore
28

1 will not reduce recovery of the Class.

2 IT IS SO ORDERED.

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4 Dated: April 30, 2018



Mary E. Wiss
Judge of the Superior Court

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Superior Court of California
County of San Francisco

CALIFORNIA DENTAL ASSOCIATION,
et al.,

Plaintiffs,

vs.

DELTA DENTAL OF CALIFORNIA, et al.,

Defendants.

Case Number: CGC-14-538849

CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.260(g))

I, T. Michael Yuen, Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On April 30, 2018, I electronically served the ORDER GRANTING PLAINTIFFS' MOTION FOR APPROVAL OF ATTORNEYS' FEES AND INCENTIVE AWARDS TO INDIVIDUAL CLASS REPRESENTATIVES via File&ServeXpress® on the recipients designated on the Transaction Receipt located on the File&ServeXpress® website.

Dated: April 30, 2018

T. Michael Yuen, Clerk

By:



Craig Blackstone, Deputy Clerk