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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

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20 NATIONAL FEDERATION OF THE
BLIND, NATIONAL FEDERATION OF
21 THE BLIND OF CALIFORNIA,
MICHAEL KELLY, MICHAEL
22 HINGSON, and MICHAEL PEDERSON,

23

Plaintiffs,

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v.

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UBER TECHNOLOGIES, INC.

26

Defendant.

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Case No. 3:14-cv-04086-NC

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR FEES
AND COSTS**

Judge: Hon. Magistrate Nathanael
Cousins

Date: November 10, 2016

Time: 10:00 a.m.

Crtrm.: D, 450 Golden Gate Avenue,
San Francisco, CA 94102

1 On November 10, 2016, this matter came before the Court for hearing to consider
2 Plaintiffs' application for their reasonable attorneys' fees and costs based on the successful
3 litigation and settlement obtained on behalf of a certified class of all blind or visually
4 disabled individuals nationwide who travel with the assistance of service animals and who
5 have used, attempted to use, or been deterred from attempting to use transportation
6 arranged through the Uber rider application.

7 This Court granted preliminary approval of the parties' settlement agreement on
8 July 13, 2016. This Court heard the parties' request for final approval of the settlement
9 agreement on November 10, 2016. Plaintiffs moved for the award of fees and costs on
10 September 19, 2016.

11 The Settlement Agreement provides that Plaintiffs may seek reasonable attorneys'
12 fees, litigation expenses and costs through the effective date of the settlement agreement,
13 by application to the Court. Defendant retained the right to dispute the amount of fees and
14 costs but has agreed not to dispute entitlement to fees and costs. Settlement Agreement,
15 § 11-C, Dkt. No. 85.1.

16 The Court, having considered all papers filed and proceedings in this case, the
17 pleadings and papers filed in support of Plaintiffs' fee motion, the entire record in this
18 action, the arguments of counsel, and otherwise being fully informed regarding this
19 litigation and good cause appearing therefor, now finds and orders as follows:

20 FINDINGS

21 1. Plaintiffs are "prevailing parties" under the federal fee-shifting statute 42
22 U.S.C. § 12205 and the state fee-shifting statutes Cal. Civ. Code § 52(a) and Cal. Civ.
23 Code § 54.3. An award of attorneys' fees is appropriate under the federal and state
24 statutes.

25 2. Plaintiffs' counsel are entitled to compensation at their full market rates for
26 prevailing on claims brought under section 12188 of the Americans with Disabilities Act
27 ("ADA"), California Civil Code § 52 ("Unruh Act"), and California Civil Code § 54.3
28 ("Disabled Persons Act"). Because Plaintiffs' claims are all based on related legal theories

1 involving the ADA, the Unruh Act, and the Disabled Persons Act, it is reasonable and
2 appropriate to award Plaintiffs' counsel their full market rates for all time expended in this
3 litigation.

4 3. The requested market rates of Plaintiffs' counsel are reasonable and
5 appropriate for their work in this litigation. The rates sought here are in line with the
6 market rates prevailing in the Northern District of California for work of similar
7 complexity by lawyers of similar skills and experience. Plaintiffs' counsel have
8 experience and expertise in complex litigation and disability rights, which they used in this
9 case to secure exceptional results. Further, the agreement embodied in the settlement
10 addresses all violations alleged by Plaintiffs, and provides substantial and lasting benefits
11 to disabled individuals nationwide who travel with service animals.

12 4. The time Plaintiffs' counsel expended on this case was appropriate given the
13 length, intensity, and nature of the litigation, and the complexity of the settlement
14 agreement. Plaintiffs' counsel effectively and efficiently litigated this case. Legal work
15 was allocated between Plaintiffs' counsel to ensure work was performed effectively and
16 efficiently, utilizing the expertise of each firm and appropriately assigning tasks based on
17 individuals' experience and rates. In calculating their lodestar, Plaintiffs' counsel have
18 written off a total of 394.4 hours, or 11.3% of counsel's billable hours. The Court finds
19 these billing judgment reductions to be reasonable and appropriate, in that they ensure that
20 Plaintiffs' counsel have accounted for any undue duplication of effort or inefficiency.

21 5. The Court finds that the lodestar for Plaintiffs' counsel's work on the merits
22 shall be adjusted upward by a multiplier of 2.0. Plaintiffs' counsel demonstrated great
23 skill, handled novel and complex issues, obtained exceptional and far-reaching results, and
24 undertook the litigation despite a high level of contingent risk and preclusion of other
25 employment.

26 6. Plaintiffs' counsel are entitled to recover the expenses advanced to prosecute
27 this litigation on behalf of the class. Plaintiffs have incurred costs and expenses of
28 \$13,447.14. These financial outlays include but are not limited to expenses related to

1 copying, legal research, an expert consultant, telephone calls, postage, service of process,
 2 and travel. The costs and expenses submitted by Plaintiffs’ counsel are reasonable,
 3 appropriate, and fully compensable.

4 7. Accordingly, the Court finds that Plaintiffs’ counsel’s application should be
 5 awarded in the amount set forth below:

Category	Amount
Merits Lodestar, Hours x Rates	\$1,589,574
2.0 Multiplier Enhancement	\$1,589,574
Expenses	\$13,447.14
Fees-Related Lodestar	\$87,938
TOTAL	\$3,280,533.14

12
 13 **ORDER**

14 **IT IS HEREBY ORDERED THAT:**

15 Defendants are ordered to pay Plaintiffs’ counsel \$3,280,533.14 for attorneys’ fees,
 16 expenses, and costs. Interest on this award shall run from the date of this order, at the rate
 17 provided by 28 U.S.C. Section 1961, running from July 13, 2016.

18
 19 DATED: _____, 2016

 20 Nathanael Cousins
 21 United States Magistrate Judge