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10 *Attorneys for Plaintiff Tami Trepte and the Class*

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 12 **COUNTY OF LOS ANGELES, SPRING STREET COURTHOUSE**

13 TAMI TREPTE, as an individual, on behalf of  
 14 herself and all others similarly situated,

15 Plaintiff,

16 vs.

17 BIONAIRE, INC., a Florida corporation, and  
 18 DOES 1 through 50,

19 Defendants.

CASE NO. BC540110

**CLASS ACTION**

**[PROPOSED] ORDER GRANTING  
 PLAINTIFF’S MOTION FOR  
 ATTORNEYS’ FEES, COSTS, AND  
 SERVICE AWARD**

Assigned to the Honorable Amy D. Hogue

[Complaint Filed: March 20, 2014]

Date: August 24, 2020

Time: 11:00 a.m.

Dept.: SSC 7

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1 The Motion for Attorneys' Fees, Costs, and Service Award came before this Court on  
2 August 24, 2020. The Court, having considered the Settlement Agreement; Plaintiff's Motion for  
3 Attorneys' Fees, Costs and Service Award; the points and authorities and declarations in support  
4 thereof as well as the arguments of counsel; and good cause appearing, HEREBY ORDERS THE  
5 FOLLOWING:

6 1. The Court, for purposes of this Order, adopts the terms and definitions set forth in  
7 the Settlement Agreement, unless otherwise specifically defined herein.

8 2. The Court awards \$337,453.41 in attorneys' fees to class counsel Pearson, Simon  
9 & Warshaw, LLP and Perona, Langer, Beck, Serbin and Harrison ("Class Counsel"). The Court  
10 finds Class Counsel's lodestar, based on their historical hourly rates, is \$1,470,180.50. The Court  
11 finds that this lodestar amount is reasonable based upon the amount of work performed by Class  
12 Counsel. In light of the novelty and difficulty of this action; Class Counsel's skill and effort in  
13 dealing with the complex issues presented by this case; and the substantial benefit obtained for the  
14 Class, the Court finds that Class Counsel is entitled to the requested award of attorneys' fees in  
15 this case of \$337,453.41. This award represents a "negative" multiplier of 0.257.

16 3. The Court also finds that Class Counsel have incurred \$140,046.59 in litigation  
17 costs. All of these costs were reasonably incurred in the ordinary course of prosecuting this case  
18 and necessary given the complex nature and scope of the case. The Court finds that Class Counsel  
19 are entitled to be reimbursed for these costs.

20 4. The Court further approves an incentive award of \$7,500.00 to the class  
21 representative, Plaintiff Tami Trepte. This incentive award is justified by: (1) the risks Plaintiff  
22 faced in bringing this lawsuit, financial and otherwise; (2) the amount of time and effort spent on  
23 this case by Plaintiff; (3) the benefits Plaintiff helped obtain for the Class Members under the  
24 Settlement Agreement; and (4) agreeing to a general release with a Civil Code § 1542 waiver.

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5. The attorneys' fees, costs, and incentive awards set forth in this Order shall be paid and distributed in accordance with the terms of the Settlement Agreement.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_, 2020

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Honorable Amy D. Hogue