



**FILED**  
Superior Court of California  
County of San Francisco

SEP 26 2018

CLERK OF THE COURT

BY: *Cham King*  
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
DEPARTMENT 305

SPENCER JANSSEN,  
  
Plaintiff,  
  
v.  
  
SQUARE, INC., a California Corporation  
doing business as trycaviar.com; and DOES 1  
through 50, inclusive,  
  
Defendant.

No. CGC-16-549980

ORDER GRANTING MOTION FOR  
APPROVAL OF PLAINTIFFS' ATTORNEYS'  
FEES AND COSTS

Plaintiff Spencer Janssen ("Plaintiff") moved the Court for approval of attorneys' fees and costs, class representative service award, and settlement administration fees in connection with the settlement of the above matter with defendant Square, Inc. ("Defendant"). The motion came on for hearing on September 21, 2018, along with plaintiff's motion for final approval of the class action settlement. Appearances are noted in the record.

The Court has granted final approval of the settlement by separate written order (Final Approval Order), which provides for a cash Gross Settlement Amount of \$2,200,000.00, permanent relief in the form of changed practices, and the payment by Defendant to the Settlement Administrator of all costs of administration currently estimated to be \$34,260.00. (Unless otherwise indicated, capitalized terms correspond with those set forth in the Stipulation for Settlement.)

In the instant motion, Plaintiff seeks for Settlement Class Counsel \$729,488.09 in attorneys' fees and \$25,511.91 for reimbursement of out-of-pocket costs, for a total sum of \$755,000.00. Plaintiff also

1 seeks a class representative service award in the amount of \$7,500.00. Defendant does not oppose  
2 Plaintiff's motion, and the Court has received no objections to the requests from any Class Member.

3 Having fully considered the instant motion for fees, costs, and service award, the Court finds and  
4 orders as follows.

5 1. The Court awards Class Representative Spencer Janssen a service award in the amount of  
6 \$7,500.00 each. This award is reasonable and justified in light of Plaintiff's contributions to the case and  
7 the risks he undertook in serving as class representative. This award is separate from and in addition to  
8 any award to which Plaintiff may be entitled as a Class Member. The service award shall be paid from  
9 the Gross Settlement Amount.

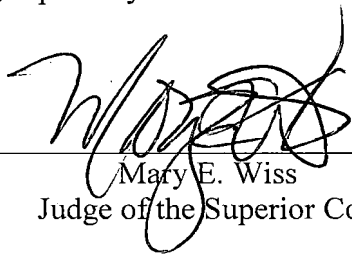
10 2. The Court awards Settlement Class Counsel reimbursement of their litigation costs and  
11 expenses in the requested amount of \$25,511.91. The Court finds that the amount requested is reasonable  
12 and was reasonably incurred in the prosecution of this action. The award shall be paid from the Gross  
13 Settlement Amount.

14 3. The Court awards Settlement Class Counsel the requested \$729,488.09 in attorneys' fees.  
15 In awarding this amount, the Court considered the fact that courts typically award attorneys fees reflecting  
16 one-third or 33.33% of the total recovery, and the fact that Settlement Class Counsel's requested fees is  
17 less than this amount at 33.16% of the Gross Settlement Amount. The Court also considered the risks and  
18 potential value of the litigation, the contingent nature of the litigation, the novelty and complexity of the  
19 issues, the skills shown by counsel, and counsel's number of hours worked and asserted hourly rates.  
20 There was no objection to the settlement and no objection to the fee request. Based on these factors, the  
21 Court finds that the requested fee amount of \$729,488.09 is reasonable in this case. The award shall be  
22 paid from the Gross Settlement Amount.

23 4. Finally, pursuant to the terms of the Settlement Agreement, Defendant shall pay the  
24 Settlement Administrator's costs, capped at \$34,260.00, separately from the Gross Settlement Amount.

25 IT IS SO ORDERED.

26 Dated: September 26, 2018

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Mary E. Wiss  
Judge of the Superior Court

Superior Court of California  
County of San Francisco

SPENCER JANSSEN,

Plaintiff,

vs.

SQUARE, INC., a California Corporation  
doing business as trycaviar.com; and DOES 1  
through 50, inclusive,

Defendants.

Case Number: CGC-16-549980

**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 September 26, 2018, I electronically served the ORDER GRANTING MOTION FOR APPROVAL OF PLAINTIFFS' ATTORNEYS' FEES AND COSTS via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: September 26, 2018

T. Michael Yuen, Clerk

By:   
Sean Kane, Deputy Clerk