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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRUCE CORKER, *et al.*, on behalf of
themselves and others similarly situated,

Plaintiff,

v.

COSTCO WHOLESALE
CORPORATION, *et al.*,

Defendants.

Case No. 2:19-CV-00290-RSL

**ORDER GRANTING MOTION FOR
ATTORNEYS’ FEES, REIMBURSEMENT
OF EXPENSES, AND SERVICE AWARDS**

Upon review and consideration of Plaintiffs’ Motion for Attorneys’ Fees, Reimbursement of Expenses, and Service Awards (“Motion”), and all declarations and exhibits submitted in support thereof, the Court GRANTS the motion and finds as follows:

1. Unless otherwise provided, all capitalized terms shall have the same meaning as set forth in the Motion.

2. Plaintiffs have presented eight class action settlements for the Court’s approval. The settlements include monetary relief totaling \$13,105,750.00, and injunctive provisions that institute labeling changes for the products supplied and sold by the Settling Defendants.

Plaintiffs’ experts have calculated the value of the injunctive relief provided for in the

1 settlements to be \$37.9 million over five years. The Court has reviewed the declarations of
2 Plaintiffs' experts and finds that the value of the injunctive relief provided for in the settlements
3 is quantifiable, and that the experts present a reliable methodology for calculating that value.

4 **2. Attorneys' Fees**

5 3. Class Counsel have requested attorneys' fees in the amount of \$5.6 million, or
6 just under 11 percent of the total economic value of the settlements. The Court will apply the
7 percentage-of-the-fund method to calculate their award, taking into account both the monetary
8 component of the eight settlements and the value of the injunctive relief deriving from the
9 injunctive relief components of the settlements. *See Staton v. Boeing Co.*, 327 F.3d 938, 974
10 (9th Cir. 2003).

11 4. The requested fees are fair and reasonable under the circumstances. The Court
12 reaches this conclusion upon consideration of the results achieved, the complexity of the case
13 and risks involved in prosecuting it, especially on a contingent basis, the benefits to the class
14 beyond the immediate generation of a cash fund, fees awarded in similar cases, and a lodestar
15 cross-check. *See Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1048-52 (9th Cir. 2002).

16 5. First, the results obtained by Class Counsel are excellent. In addition to the
17 substantial monetary component of the settlements, the settlements also provide for meaningful
18 injunctive relief in the form of practice changes on the part of the Settling Defendants who
19 supply the coffee at issue in this litigation and the Settling Defendants who are retailers, and
20 whose vendors will now be subject to certification and labeling processes.

21 6. Second, the Court finds that the complexity of this case presented unusual risks,
22 particularly in a contingent fee case. The sheer number of defendants presented its own
23 complexities, as did pursuing Lanham Act claims on a class basis, in the onset of and through a
24 global health crisis. These circumstances weigh in favor of the requested fee.

1 7. Third, the Court has considered the benefits to the Settlement Class beyond the
2 cash component of the settlements. The Court finds that the injunctive relief provisions of the
3 settlements support the requested fee.

4 8. Fourth, the Court has considered other cases involving the creation of both a cash
5 fund and quantifiable injunctive relief, and finds that the requested fee is consistent with awards
6 in analogous cases.

7 9. The Court also exercises its discretion to perform a lodestar cross-check. *See*
8 *Vizcaino*, 290 F.3d at 1050. The Court finds that the hours and rates used to generate the overall
9 lodestar figure are reasonable. That cross-check reveals a negative multiplier of [.66], which
10 confirms the reasonableness of the requested fee.

11 10. The Court grants Class Counsel's request of a fee of \$5,600,000 to be paid from
12 the Settlement Funds generated by the settlements presented to the Court to date.

13 **3. Costs and Expenses**

14 11. Class Counsel has also requested reimbursement of litigation expenses in the
15 amount of \$1,200,000.

16 12. The Court has reviewed Class Counsel's costs and finds that they were reasonably
17 incurred, and accordingly grants reimbursement of \$1,200,000 from the Settlement Funds.


18 **4. Service Awards**

19 13. Class Counsel requests service awards of \$35,000 for each farm whose owners
20 have served as class representatives in this litigation: Rancho Aloha, Kanalani Ohana Farm, and
21 Smithfarms.

22 14. The requested awards are fair and reasonable. The owners of each farm, as class
23 representatives, invested substantial amounts of time in this case and have made significant
24 contributions to the case on behalf of the members of the Settlement Class. *See Rodriguez v.*
25 *West Publ'g Corp.*, 563 F.3d 948, 958 (9th Cir. 2009). The Court accordingly awards the
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1 requested service awards of \$35,000 to each of the three farming units as follows: (a) Bruce
2 Corker; (b) Colehour and Melanie Bondera; and (c) Robert and Cecelia Smith.

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4 Dated this 25th day of June, 2021.

5 
6 Robert S. Lasnik
7 United States District Judge

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