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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 a class action settlement with Defendant L&K Coffee Co., LLC (“L&K”) for the Court’s approval. The settlement includes monetary relief totaling \$6,150,000.00, and injunctive provisions that institute labeling changes for the products supplied and sold by L&K.

1 **2. Attorneys' Fees**

2 3. Class Counsel have requested attorneys' fees in the amount of \$2,029,500, or 33
3 percent of the settlement fund.

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

9 5. First, the results obtained by Class Counsel are excellent. In addition to the
10 substantial monetary component, the settlement provides for meaningful injunctive relief in the
11 form of practice changes on the part of L&K.

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

16 7. Third, the Court has considered the benefits to the Settlement Class beyond the
17 cash component of the settlement. The Court finds that the injunctive relief provisions of the
18 settlement support the requested fee.

19 8. Fourth, the Court has considered other cases involving the creation of both a cash
20 fund and valuable injunctive relief, and finds that the requested fee is consistent with awards in
21 analogous cases.

22 9. The Court also exercises its discretion to perform a lodestar cross-check. *See*
23 *Vizcaino*, 290 F.3d at 1050. The Court finds that the hours and rates used to generate the overall
24 lodestar figure are reasonable. Taking into account fees previously awarded in connection with
25 prior settlements, that cross-check reveals a negative multiplier of .72, which confirms the
26 reasonableness of the requested fee.

1 10. The Court grants Class Counsel's request of a fee of \$2,029,500 to be paid from
2 the Settlement Funds generated by the settlement.

3 **3. Costs and Expenses**

4 11. Class Counsel has also requested reimbursement of litigation expenses in the
5 amount of \$970,500.

6 12. The Court has reviewed Class Counsel's costs and finds that they were reasonably
7 incurred, and accordingly grants reimbursement of \$970,500 from the Settlement Funds.

8 **4. Service Awards**

9 13. Class Counsel requests service awards of \$2,500 for each farm whose owners
10 have served as class representatives in this litigation: Rancho Aloha, Kanalani Ohana Farm, and
11 Smithfarms.

12 14. The requested awards are fair and reasonable. Each class representative invested
13 substantial amounts of time in this case and have made significant contributions to the case on
14 behalf of the members of the Settlement Class. *See Rodriguez v. West Publ'g Corp.*, 563 F.3d
15 948, 958 (9th Cir. 2009). The Court accordingly awards each farm the requested service awards
16 of \$2,500.

17
18 Dated this 16th day of February, 2023.

19 

20 Robert S. Lasnik
21 United States District Judge