

1 Sinclair Law Office
2 Andrew Thomas Sinclair (SB No. 72681)
3 300 Frank H. Ogawa Plaza
4 Rotunda Building, Suite 160
5 Oakland, CA 94612
6 Tel: (510) 465-5300
7 Fax: (510) 465-5356
8 ats@sinclairlawoffice.com

9 Carter Carter Fries & Grunschlag
10 Dov M. Grunschlag (SB No. 42040)
11 582 Market Street, Suite 518
12 San Francisco, CA 94104
13 Tel: (415) 341-6774
14 dgrunschlag@carterfries.com

15 Calvo Fisher & Jacob LLP
16 Kathleen V. Fisher (SB No. 70838)
17 Rodney J. Jacob (SB No. 146428)
18 Alexander M. Freeman (SB No. 237811)
19 Maya S. Maravilla (SB No. 209081)
20 535 Pacific Avenue, Suite 201
21 San Francisco, CA 94133
22 Tel: (415) 374-8370
23 Fax: (415) 374-8373
24 kfisher@calvofisher.com
25 rjacob@calvofisher.com
26 mmaravilla@calvofisher.com
27 afreeman@calvofisher.com

28 Attorneys for Petitioners and Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

Wendell G. Moen, Jay Davis, Donna Ventura, Gregory M.
Bianchini, Alan Hindmarsh, Cal Wood and Sharon Wood,
on behalf of Themselves and Others Similarly Situated,

Petitioners,

v.

Regents of University of California, and Does, 1 through
99, inclusive,

Respondents.

No. RG 10530492

**Notice of Motion and Motion for
Attorneys' Fees**

Date: April 10, 2020

Time: 10:00 a.m.

Dept.: 21

Judge: Hon. Winifred Y. Smith

Reservation No.: R-2151296

1 **Notice of Motion and Motion**

2 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

3 The Dept. 21 Guidelines for Final Approval of Class Action Settlement, ¶ 1, provide:

4 Since the date and place of final approval hearings are set by the preliminary approval
5 order, notice of which is typically included in the notice to class members of the
6 settlement itself (California Rules of Court [“CRC”] 3.769(e) & (f)), the final approval
7 hearing is outside the scope of Code of Civil Procedure §1005. Nevertheless, settling
8 parties should caption their papers submitted in support of final approval as a “Motion for
9 Final Approval,” and should obtain a motion reservation number from the Department 21
10 clerk before filing. Doing so will ensure proper handling in the court's electronic
11 calendaring system, and provide the mechanism for the issuance of a tentative ruling.

12 Pursuant to these Guidelines, notice of the hearing on Petitioners’ Motion for Attorneys’ Fees has
13 already been provided. Specifically, the Court’s orders on December 20, 2019 granting preliminary
14 approval of the class action settlement provided adequate notice that it was setting a hearing for April 10,
15 2020 on Petitioners’ Motion for Attorneys’ Fees, which was set for 10:00 a.m. in Department 21 of the
16 above-entitled Court, located at 1221 Oak Street, 4th Floor, Oakland, California 94612. Given the
17 ongoing COVID-19 situation, Petitioners intend to ask the Court to conduct the hearing telephonically.

18 Pursuant to Dept. 21 Guidelines for Final Approval of Class Action Settlement, ¶ 7, the
19 proposed order on attorneys’ fees should be combined with the proposed final approval order. The relief
20 sought in this motion for attorneys’ fees is set forth in the [Proposed] Final Approval Order and
21 Judgment, submitted with Petitioners’ Motion for Final Approval of Stipulation of Class Action
22 Settlement and Release, Reservation No. R-2151295. Accordingly, at the hearing, Petitioners will move
23 the Court, pursuant to California Rules of Court 3.769(f), (g), (h), for entry of the [Proposed] Final
24 Approval Order and Judgment referenced above, including the award of attorneys’ fees in the amount of
25 \$12,000,000 pursuant to the terms of the parties’ Settlement Agreement.

26 This motion is made pursuant to California Rules of Court 3.769(f), (g), (h) and will be based on
27 this notice; the accompanying memorandum and declarations in support thereof; the proposed [Proposed]
28 Final Approval Order and Judgment; all other papers on file in this action; and such oral or documentary
evidence as may be presented at the hearing on this motion.

1 DATE: March 17, 2020

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Andrew Thomas Sinclair
Attorney for Petitioners and Class