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*Attorneys for Plaintiffs
and the putative class*

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

BAERBEL MCKINNEY-DROBNIS,
JOSEPH B. PICCOLA, and CAMILLE
BERLESE, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

MASSAGE ENVY FRANCHISING, LLC, a
Delaware Limited Liability Company,

Defendant.

Case No: 3:16-cv-6450 MMC

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION FOR AN AWARD OF
ATTORNEYS' FEES, EXPENSES, AND
SERVICE AWARDS**

Dated: November 1, 2019
Time: 9:00 am
Courtroom: 7 – 19th Floor
Judge: Hon. Maxine M. Chesney

1 **TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD**

2 **PLEASE TAKE NOTICE** that on November 1, 2019, at 9:00 a.m. in Courtroom 7-19th
3 Floor of the above-titled Court located at 450 Golden Gate Avenue, San Francisco, California,
4 the Honorable Maxine M. Chesney presiding, Plaintiffs Baerbel McKinney-Drobnis, Joseph B.
5 Piccola and Camille Berlese will and hereby do move pursuant to Rule 23 of the Federal Rules
6 of Civil Procedure for an order: (1) awarding Class Counsel combined attorneys' fees and
7 litigation expenses of \$3.3 million, and (2) approving an incentive award of \$10,000 for each of
8 Plaintiffs (collectively \$30,000) for their time and effort in serving as Class Representatives.

9 This motion is based the parties Stipulation of Settlement filed April 15, 2019, and
10 exhibits attached thereto ("Settlement Agreement"); this Notice of Motion and Motion;
11 Plaintiffs' Memorandum in Support of Motion for an Award of Attorneys' Fees, Expenses and
12 Incentive Awards; Declaration of Jeffrey R. Krinsk, Baerbel McKinney-Drobnis, Joseph B.
13 Piccola and Camille Berlese in Support thereof; and upon such other matters as may be presented
14 at the hearing.

15 This motion is made on the grounds, *inter alia*: (1) pursuant to the Settlement Agreement,
16 defendant Massage Envy Franchising, LLC, has agreed to pay Class Counsel attorneys' fees and
17 litigation expenses up to \$3.3 million, separate and apart from the relief provided to the
18 Settlement Class, and such award will not reduce or otherwise affect the settlement relief; (2) the
19 Settlement obtained by Class Counsel confers substantial and valuable benefits to the Settlement
20 Class Members such that their fee request is reasonable and fair under the "Lodestar" or
21 "Percentage-of-Recovery" analyses approved by the Ninth Circuit; (3) Class Counsel's expenses
22 are their actual expenses, which were reasonable and necessary, and (4) a service award of
23 \$10,000 for each of the Plaintiffs is reasonable and fair for their time and effort as Plaintiffs in
24 this action.

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DATED: August 16, 2019

Respectfully submitted,

FINKELSTEIN & KRINSK LLP

By: /s/ Jeffrey R. Krinsk

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