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12 Attorneys for Petitioner/Plaintiff
MIRIAM GREEN, on behalf of herself and all
13 others similarly situated

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **COUNTY OF SANTA CLARA**

16 MIRIAM GREEN, on behalf of herself, and
all others similarly situated,

17 Petitioner and Plaintiff,

18 v.

19 CITY OF PALO ALTO, and DOES 1 through
20 100,

21 Respondents and Defendants.

Case No. 16CV300760 (Lead)
Consolidated with Case No. 18CV336237

*Assigned for all purposes to the Hon. Sunil R.
Kulkarni*

CLASS ACTION

**NOTICE OF MOTION AND MOTION
FOR ATTORNEY'S FEES, COSTS, AND
INCENTIVE AWARD**

Hearing date: December 21, 2023
Time: 1:30 p.m.
Dept.: 1

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

2 **NOTICE IS HEREBY GIVEN** that on December 21, 2023, at 1:30 p.m., in Department 1
3 of the Superior Court of the State of California for the County of Santa Clara, located at 161 North
4 First Street, San Jose, California 95113, the Honorable Sunil R. Kulkarni presiding, Petitioner and
5 Plaintiff Miriam Green (“Petitioner”), on behalf of herself and all others similarly situated, will
6 move and hereby does move this court for an award of attorneys’ fees and reimbursement of
7 expenses to Class Counsel, payment of settlement administration costs, and for a service award to
8 Petitioner payable from the common settlement fund.

9 Specifically, Petitioner will request, and hereby does request, that the court enter an order
10 (a) awarding Class Counsel attorneys’ fees to be paid from the common fund in the amount of
11 \$4,319,720.10, and (b) directing payment from the common settlement fund of \$14,557.65 to
12 reimburse Class Counsel for costs incurred in litigating this class action, for total combined
13 attorney’s fees and costs equal to 25% of the common fund, which is \$4,334,277.75 Petitioner
14 also moves for an award to Petitioner Miriam Green of \$7,500 as an incentive award. In total,
15 between attorneys’ fees, costs, incentive award, and notice/distribution costs Plaintiff seeks
16 \$4,341,777.75, which is to be paid from the \$17,337,111 common settlement fund.

17 This motion is made on the grounds that the requested fees, costs and incentive award are
18 reasonable and in accordance with California law.

19 This motion is based on this notice of motion; the memorandum of points and authorities
20 filed herewith; the Declaration of Prescott W. Littlefield, filed herewith; the Declaration of
21 Vincent D. Slavens, filed herewith; the Declaration of Miriam Green, filed herewith; the
22 Compendium of Previously Submitted Attorney Declarations, filed herewith; and the complete
23 records and files in this action, and any arguments the court may hear at the hearing.

24 Pursuant to Department 1’s Tentative Rulings directions, tentative rulings may be
25 accessible by accessing the appropriate link through the webpage available at:
26 http://www.sccourt.org/online_services/tentatives/tentative_rulings_Dept1.shtml. Tentative
27 rulings are made available after 2:00 p.m. on the court day preceding the scheduled hearing. To
28 arrange an appearance to contest a tentative ruling, notify the Court at (408) 808-6856 before 4:00

1 p.m. on the court day before the hearing. You may make your notification to the court by leaving a
2 message when prompted to do so at the end of the recorded greeting. Messages shall be brief, no
3 longer than 30 seconds. When you leave your message, state only:

- 4 • the case number
- 5 • the case name
- 6 • and the name of the attorney, including phone number and area code

7 You must also notify opposing counsel. Note: you do not need to call or leave a message if
8 you are not contesting the ruling.

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10 DATED: September 21, 2023


Respectfully submitted,

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KEARNEY LITTLEFIELD, LLP

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By:  _____

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Thomas A. Kearney
Prescott W. Littlefield

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Attorneys for Petitioner/Plaintiff
MIRIAM GREEN

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