

1
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

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

NICHOLAS C. SMITH-WASHINGTON,) Case No. 3:23-CV-830-VC

JOYCE MAHONEY, JONATHAN AMES,)

MATTHEW HARTZ, and JENNY LEWIS)

on behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

TAXACT, INC., an Iowa corporation,

Defendant.

) Assigned to Hon. Vince Chhabria

) **[PROPOSED] ORDER AWARDING
ATTORNEYS’ FEES, EXPENSES, AND
NAMED PLAINTIFF SERVICE
AWARDS**

WHEREAS, by order dated _____, 2024, the Court has granted final approval of the Settlement entered into by and between Plaintiffs Nicholas C. Smith-Washington, Joyce Mahoney, Jonathan Ames, Jenny Lewis, and Matthew Hartz (together, “Settlement Class Representatives”), and Defendant TaxAct, Inc. (“TaxAct”) (collectively “Parties”) on February 21, 2024 (Dkt. No.____) (“Final Approval Order”).

WHEREAS, in its Final Approval Order the Court found that the payment of attorneys’ fees and expenses, and service awards was appropriate.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED AS FOLLOWS:

1. Class Counsel is hereby awarded attorneys’ fees in the amount of \$4,362,500 (25% of the \$17,450,000 Qualified Settlement Fund).

1 2. The \$4,362,500 attorneys' fee amount is subject to a 10 percent hold back, pursuant to
2 the Court's Final Approval Order.

3 3. This Court further finds that an award of attorneys' fees based on the actual redeemed
4 value of in-kind relief negotiated for the Settlement Classes is appropriate. The Parties cannot, however,
5 submit information to the Court regarding the actual redeemed value of the in-kind relief at this time,
6 but will be able to do so after May 2025, following the April 2025 tax filing deadline. Accordingly, the
7 Court GRANTS Class Counsel's request to hold back \$1,450,000 (25% of the anticipated actual
8 redeemed value for in-kind relief of \$5,800,000) from the Qualified Settlement Fund and to allow Class
9 Counsel to file a renewed motion for attorneys' fees, after May 2025, for additional attorneys' fees based
10 on the in-kind relief benefit negotiated for the Settlement Classes.

11 4. Class Counsel shall file a renewed motion for attorneys' fees based on the actual
12 redeemed value of in-kind relief after May 2025.

13 5. Within thirty (30) days after the Effective Date, Class Counsel shall be paid \$4,362,500
14 in fees, less the 10% hold back which, pursuant to the Order Granting Final Approval, shall remain in
15 the Qualified Settlement Fund until Class Counsel files a Notice of Completion of Duties and the Court
16 authorizes the release of these attorneys' fees to Class Counsel.

17 6. The Settlement Administrator shall also hold back from the Qualified Settlement Fund
18 \$1,450,000, to be distributed in accordance with the Court's order on Class Counsel's renewed motion
19 for attorneys' fees.

20 7. The Court finds that the requested amounts are justified under the common fund doctrine,
21 fall within the range of awards ordered in this District and Circuit, and are reasonable and appropriate
22 given the excellent results obtained, the substantial risk borne by Class Counsel in litigating this matter,
23 the high degree of skill and quality of work performed by Class Counsel, the financial burden imposed
24 by the contingency basis of Class Counsel's representation of Plaintiffs and the Classes, and the
25 additional work required of Class Counsel to bring this Settlement to conclusion.

26 8. The Court finds the fees award further supported by the lodestar crosscheck, whereby it
27 finds that HammondLaw, P.C.'s hourly rates and the hourly rates of co-counsel Keller Postman LLC are
28

1 reasonable, and the hours expended are reasonable. The Court finds that the requested multiplier of 2.25
 2 is appropriate in light of the substantial risk, skill and quality of work by Class Counsel.

3 9. The Court finally approves Class Counsel’s request for litigation expenses in the amount
 4 of \$ 57,558.36 from the Qualified Settlement Fund.

5 10. The Court finally approves service awards of \$10,000 each for the five named Plaintiffs
 6 and Class Representatives Nicholas Smith-Washington, Joyce Mahoney, Jonathan Ames, Jenny Lewis,
 7 and Matthew Hartz, from the Qualified Settlement Fund. The Court finds that these awards are fair and
 8 reasonable for the work these individuals performed on behalf of the Class, and for the risks they
 9 undertook in attaching their names to this litigation.

10 11. Accordingly, GOOD CAUSE APPEARING, the Court hereby APPROVES the
 11 following implementation schedule as to the payment of attorneys’ fees, litigation expenses, and service
 12 awards:

13	Final Approval Hearing	November 21, 2024, 2:00 p.m.
14	Settlement Effective Date	
15	Settlement Administrator shall pay to Class Counsel \$4,362,500 in fees, less 10% holdback	_____ [30 days after the Settlement Effective Date]
17	Settlement Administrator shall pay \$57,558.36 to Class Counsel in litigation expenses, and shall pay each of the named Plaintiffs \$10,000 as a Service Award	_____ [30 days after the Settlement Effective Date]
20	Settlement Administrator shall hold back \$1,450,000 from the Qualified Settlement Fund and shall distribute this amount as directed in the Court’s forthcoming order on Class Counsel’s renewed motion for an award of attorneys’ fees based on in-kind relief	
24	Estimated Date of Class Counsel’s Renewed Fees Motion	After May 2025

26 **IT IS SO ORDERED.**

27 Dated: _____

28 _____
 HON. VINCE CHHABRIA
 UNITED STATES DISTRICT COURT