

1 PAUL. T. CULLEN, ESQ.  
2 THE CULLEN LAW FIRM, APC  
3 9800 Topanga Canyon Boulevard  
4 Suite D, PMB 325  
5 Chatsworth, CA 91311-4057  
6 Telephone: (818) 360-2529  
7 Facsimile: (866) 794-5741  
8 Email: [paul@cullenlegal.com](mailto:paul@cullenlegal.com)

9 Attorneys for Plaintiff IA BROWN

10  
11  
12  
13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 IA BROWN, an individual, on behalf of  
16 herself, all others similarly situated, and  
17 the general public,

18 Plaintiff,

19 v.

20 AUDIOLOGY DISTRIBUTION, LLC, a  
21 Delaware limited liability company;  
22 CRAIG CAMERON, an individual;  
23 HEARX WEST, INC., A California  
24 corporation; STEVE MAHON, an  
25 individual; TINO SCHWEIGHOEFER, an  
26 individual; HEARX WEST LLC, a  
27 Delaware limited liability company; WS  
AUDIOLOGY (CALIFORNIA), PC, A  
California professional corporation;  
SIVANTOS, INC., a Delaware  
corporation; and DOES 1 to 100,  
inclusive,

Defendants.

Case No. 2:22-cv-04271-DMG-MRW

**[PROPOSED] ORDER ON MOTION  
FOR APPROVAL OF CLASS  
COUNSEL'S FEES**

DATE: December 6, 2024

TIME: 10:00 AM

LOCATION: Courtroom 8C, 8th Floor

Case Filed: June 22, 2022

1 Plaintiff Ia Brown’s motion for approval of class counsel’s fees came orderly  
2 before the Court on December 6, 2024. The Court has considered Plaintiff’s motion  
3 and in the evidence and argument submitted in support thereof. The Court grants the  
4 motion finding as follows:

- 5 1. Class Counsel, Paul T. Cullen, request for percentage fee award that constitutes  
6 one third of the \$1.8 million gross settlement, or \$600,000, is reasonable and  
7 hereby approved. It is also supported by case law. *See, e.g., Hanlon v. Chrysler*  
8 *Corp.* (9th Cir. 1998) 150 F.3d 1011, 1029; *In re Bluetooth Headset Products*  
9 *Liability Litigation* (9th Cir. 2011) 654 F.3d 935, 942.
- 10 2. Class Counsel’s lodestar is \$362,230.00. Class Counsel’s Lodestar is well  
11 supported by the evidentiary record, in which Class Counsel’s billing records  
12 demonstrate that, as of the date of the filing of the motion for fees, Class  
13 Counsel had already devoted 299.3 hours to achieve the Settlement before the  
14 Court. Class Counsel’s declaration also demonstrates that he anticipated  
15 spending at least another 30 hours working on the case.
- 16 3. With a modest multiplier of 1.66, multiplied against the hours already expended  
17 plus the additional 30 hours of work Class Counsel anticipates performing,  
18 Class Counsel’s request is both reasonable and fair. It is also well supported by  
19 case law. *See, e.g., PLCM Group v. Drexler* (2000) 22 Cal.4th 1084, 1095, *as*  
20 *modified (June 2, 2000)*.
- 21 4. Class Counsel’s rate of \$1100 per hour is reasonable in the prevailing market of  
22 Los Angeles for litigators with the experience and expertise exhibited by Class  
23 Counsel in this case. *See Schwarz v. Secretary of Health & Human Services* (9th  
24 Cir. 1995) 73 F.3d 895, 906. Class Counsel has provided a declaration providing  
25 satisfactory evidentiary support for the claimed rate. *Welch v. Metropolitan Life Ins.*  
26 *Co.* (9th Cir. 2007) 480 F.3d 942, 947. The claimed rate is also supported by the  
27 Laffey matrix, as adjusted for the city of Los Angeles. *In re Chiron Corp.*

///

1           *Securities Litigation* (N.D. Cal., Nov. 30, 2007, No. C-04-4293 VRW) 2007  
2           WL 4249902, at \*6.

- 3           5. No objections have been made by any person to Class Counsel’s fee request.  
4           6. The fee request is also well supported by the exceptional results obtained in this  
5           Settlement on behalf of the Class and subclasses, with a settlement that is  
6           approximately 102% of the projected liability for the claims at bar.  
7           7. The fee is further supported by the following factors, all of which are evidenced  
8           by Plaintiff’s motion and the supporting declarations of Class Counsel and the  
9           Claims Administrator:  
10           a. the risk undertaken by Class Counsel;  
11           b. the efficiency, experience, and skill of counsel;  
12           c. the efforts expended by counsel;  
13           d. the contingent nature of the fee;  
14           e. the awards in similar cases and Class Counsel’s reasonable expectations;  
15           f. the preclusion of other employment; and,  
16           g. the reaction of the Class to the proposed Settlement.

17           The Court further finds that Class Counsel’s costs in the amount of \$6,319,  
18           which are evidenced by the Declaration of Class Counsel submitted in connection  
19           with the motion for fees, were necessarily incurred in the furtherance of the objectives  
20           of this litigation. Defendant has agreed to reimburse Class Counsel for expenses  
21           incurred up to \$10,000. As such, the Court hereby orders that Class Counsel shall be  
22           reimbursed for these costs in addition to the \$600,000 in fees requested.

23           IT IS SO ORDERED.

24           Dated:

25           By:

26           HON. DOLLY M. GEE,  
27           CHIEF JUDGE OF THE DISTRICT COURT

**CERTIFICATE OF SERVICE**

I, Paul T. Cullen, certify and declare as follow:

I am over the age of 18 and not a party to this action.

My business address is 9800 Topanga Canyon Boulevard; Suite D, PMB 325; Chatsworth, CA 91311-4057.

On September 23, 2024, I caused a copy of the following document:

**[PROPOSED] ORDER ON MOTION FOR APPROVAL OF CLASS COUNSEL’S FEES** to be served upon the following counsel via the Court’s CM/ECF system:

YURI MIKULKA (State Bar No. 185926)  
MARTHA S. DOTY (State Bar No. 143287)  
LISA L. GARCIA (State Bar No. 301362)

Alston & Bird LLP  
333 South Hope Street, 16th Floor  
Los Angeles, CA 90071-1410  
Telephone: (213) 576-1000  
Facsimile: (213) 576-1100  
E-mail: yuri.mikulka@alston.com  
martha.doty@alston.com  
lisa.garcia@alston.com

Attorneys for DEFENDANTS AUDIOLOGY DISTRIBUTION, LLC;  
HEARX WEST, INC.; and HEARX WEST LLC

I declare under penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed on September 23, 2024, at Los Angeles, California.

/s/ Paul T. Cullen  
Attorneys for Plaintiff IA BROWN