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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

JAVANNI MUNGUIA-BROWN, ANGELINA MAGAÑA, NORMA RODRIGUEZ, DAVID BONFANTI, and SHANNAH SMITH individually and on behalf of others similarly situated, Plaintiffs, vs. EQUITY RESIDENTIAL, a real estate investment trust, ERP OPERATING LIMITED PARTNERSHIP, a partnership, EQUITY RESIDENTIAL MANAGEMENT, L.L.C., EQR-WOODLAND PARK A LIMITED PARTNERSHIP, and EQR-WOODLAND PARK B LIMITED PARTNERSHIP, Defendants.	Case No.: 4:16-cv-01225-JSW-TSH **CLASS ACTION** **~~[PROPOSED]~~ ORDER GRANTING PLAINTIFFS' MOTION FOR REASONABLE ATTORNEYS' FEES, COSTS, AND EXPENSES** Date: June 26, 2026 Time: 9:00 a.m. Dept: Courtroom 5 Before: Hon. Jeffrey S. White

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[~~PROPOSED~~] ORDER

This matter comes before the Court upon consideration of the motion of Plaintiffs Javanni Munguia-Brown; Angelina Magaña, Norma Rodriguez, David Bonfanti, and Shannah Smith ("Plaintiffs") for Reasonable Attorneys' Fees, Costs, and Expenses of $17,227,761.62. The Court preliminarily approved the Settlement on February 2, 2026, ECF No. 590, and held a final fairness hearing on June 26, 2026. Having carefully reviewed the papers, considered the arguments and the relevant legal authority, and good cause appearing, the Court GRANTS Plaintiffs' Motion for Reasonable Attorneys' Fees, Costs, and Expenses.

I. BACKGROUND

Plaintiffs Javanni Munguia-Brown, Angelina Magaña, Norma Rodriguez, David Bonfanti, and Shannah Smith ("Plaintiffs") are current and former tenants of Defendant Equity Residential who allege that Equity's Standard Late Fee was an unlawful liquidated damages provision under California Civil Code section 1671(d) and an unlawful and unfair business act and practice under the Unfair Competition Law. Plaintiffs brought this action on behalf of themselves and all Equity tenants in California who were charged or paid Equity's late fee of $50 or more.

Plaintiffs and their Counsel began investigating their claims in 2013, and filed this class action in Alameda County Superior Court on September 3, 2014. Equity removed the action to this Court in 2016. ECF No. 1. For more than a decade, the Parties engaged in hard-fought litigation, including extensive fact and expert discovery, multiple class certification proceedings, summary judgment briefing, other significant motion practice, an eight-day bench trial, and multiple rounds of post-trial briefing. The Parties also participated in five separate mediation sessions with four different mediators before ultimately reaching a resolution through direct negotiations.

In April 2024, the Court issued its post-trial findings of fact and conclusions of law, declaring that Equity's Standard Late Fee was null and void under Section 1671(d) and that Equity had engaged in an unlawful business practice in violation of the California Unfair Competition Law. ECF No. 546. Following that ruling, Equity ceased charging its Standard Late Fee after April 2024. The Parties reached a settlement in principle just prior to the deadline for Plaintiffs to submit a proposed final judgment on November 14, 2025. The Parties subsequently finalized the Settlement Agreement, and the

Court granted preliminary approval of the Settlement on February 2, 2026. ECF No. 590.

The Settlement provides substantial relief to the Classes. Under the Settlement's terms, Equity will pay $22,707,238.38 in restitution to nearly 200,000 current and former Class Members, attorneys' fees, costs, and expenses of $17,227,761.62, and service award payments of $25,000 for each of the five class representatives (totaling $125,000). Funds will be distributed automatically to Class Members without any need to submit a claim form, and no amount will revert to Equity. Each Class Member will receive approximately 87% of the restitution owed as calculated by Plaintiffs' experts. Equity will also credit accounts for Class Members who were charged but did not pay a late fee before April 30, 2024, in an estimated total amount of approximately $2,939,639.53, and will separately pay settlement administration costs of up to $300,000. Plaintiffs estimate that, in total, they have won over $58.40 million in value to the Classes through litigation and the Settlement, including the monetary relief described above and the value attributable to Equity's cessation of its Standard Late Fee policy following the Court's declaratory judgment.

Plaintiffs now move for an award of $17,227,761.62 in attorneys' fees, costs, and expenses, to be paid by Equity separate and apart from the class's restitution and credits. Class Counsel have submitted declarations demonstrating that their actual lodestar through February 28, 2026 substantially exceeds the requested amount, and that their out-of-pocket costs (excluding expert costs) through that date total $394,593.79. Plaintiffs submitted their motion for attorneys' fees, costs, and expenses at least 35 days prior to the deadline to opt out or object to the settlement and [no/#] Class Members have objected to the request for attorneys' fees, costs, and expenses.

As explained below, the Court finds Plaintiffs' request reasonable. The Court shall address additional facts as necessary in the analysis that follows.

II. ANALYSIS

A. The Court Grants the Motion for Reasonable Attorneys' Fees and Costs.

In a class action settlement, the court may award reasonable attorney's fees and nontaxable costs that are authorized by law or by the parties' agreement. Fed. R. Civ. P. 23(h). Plaintiffs are entitled to reasonable fees, costs, and expenses using the lodestar method, under California Civil Procedure Code section 1021.5, which applies to cases conferring a significant benefit on behalf of the public. Cal. Civ. Proc. Code § 1021.5; *Indep. Living Ctr. of S. Cal., Inc. v. Kent*, 909 F.3d 272, 283 (9th Cir. 2018); *see also In re Bluetooth Headset Prods. Liab. Litig.*, 654 F.3d 935, 941 (9th Cir. 2011); *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1029 (9th Cir. 1998). Here, Plaintiffs are also the prevailing party entitled to seek reasonable attorneys' fees and costs under the lodestar method, based on Equity's Standard Lease. Because Plaintiffs' underlying, successful claims are based on state law, the Court applies state law with respect to Plaintiffs' request for attorneys' fees and costs. *Chicken Ranch Rancheria of Me-Wuk Indians v. California*, 65 F.4th 1145, 1148–49 (9th Cir. 2023); *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1047 (9th Cir. 2002).

1. <u>Reasonable Attorneys' Fees.</u>

Plaintiffs request $16,878,776.72 in attorneys' fees, which represents a substantial deduction from their actual lodestar. The "starting point of every fee award" under California law is to determine the amount of reasonable attorney fees based on the "lodestar-adjustment" method. *Laffitte v. Robert Half Int'l Inc.*, 1 Cal. 5th 480, 498 (2016) (quoting *Serrano v. Priest* ("*Serrano III*"), 20 Cal. 3d 25, 49 n.23 (1977)). "Using that method, the trial court first determines a touchstone or lodestar figure based on a careful compilation of the time spent by, and the reasonable hourly compensation for, each attorney, and the resulting dollar amount is then adjusted upward or downward by taking various relevant factors into account." *Chavez v. City of Los Angeles*, 47 Cal. 4th 970, 985 (2010) (citing *Press v. Lucky Stores, Inc.*, 34 Cal. 3d 311, 321-22 (1983)). There is a strong presumption that the lodestar amount represents a reasonable fee. *PLCM Grp. v. Drexler*, 22 Cal. 4th 1084, 1097 (2000), *as modified* (June 2, 2000); *see also Stanger v. China Elec. Motor, Inc.*, 812 F.3d 734, 738 (9th Cir. 2016).

a. <u>Hourly Rates.</u>

The Court determines the reasonableness of hourly rates by considering the prevailing hourly rates for attorneys of similar expertise and experience in the relevant market. *See PLCM Grp.*, 22 Cal. 4th at 1096 (affirming attorney fee award based "on the number of hours expended by counsel multiplied by the prevailing market rate for comparable legal services in San Francisco, where counsel is located"); *Altavion, Inc. v. Konica Minolta Sys. Lab'y, Inc.*, 226 Cal. App. 4th 26, 71 (2014) (The relevant legal community is "where the court is located."); *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d

973, 979 (9th Cir. 2008). "[T]he fee applicant has the burden of producing 'satisfactory evidence' that the rates he requests meet these standards." *Gonzalez v. City of Maywood*, 729 F.3d 1196, 1206 (9th Cir. 2013).

Here, Class Counsel submitted detailed declarations – from Linda M. Dardarian of Dardarian Ho Kan & Lee, Craig Nicholas of Nicholas & Tomasevic, LLP, and Margaret McBride of Community Legal Services in East Palo Alto – setting forth the experience and education of the billing attorneys and legal staff, the work each biller performed on the case, examples of other California state and federal courts approving their hourly rates, and, for DHKL, other entities that pay them their regular hourly rates pursuant to ongoing settlement obligations. Plaintiffs also refer to a declaration submitted in the related case, *Van Cott v. Equity Residential, et al*., No. 4:25-cv-02358-JSW (N.D. Cal.) ("*Van Cott*") from well-respected attorney-fee expert Richard M. Pearl describing Class Counsel's hourly rates as appropriate for the Bay Area legal market for the type of services provided, based on his extensive experience, review of court orders awarding attorneys' fees, other Bay Area law firms' reports regarding the hourly rates they charge for non-contingent work, and an independent survey of Bay Area legal market hourly rates. *Id.*, ECF No. 28-4. The Court has also already approved Class Counsel's 2025 hourly rates in the *Van Cott* case, which are the same rates Class Counsel seek here. *Id.*, ECF No. 36.

The Court finds, based on the extensive evidence submitted, that Class Counsel's 2025 hourly rates are reasonable and within the range of market rates charged by attorneys with similar skill and experience handling similarly complex litigation in this district. Accordingly, the Court approves the hourly rates set forth in the following table.

Name	**Position**	**Grad. Date/ Years of Experience**	**Rate**
Dardarian Ho Kan & Lee			
Linda M. Dardarian	Managing Shareholder	1987, 39 years	$1,275
Laura L. Ho	Shareholder	1994, 32 years	$1,275
Andrew P. Lee	Shareholder	2006, 20 years	$1,125
William Jhaveri-Weeks,	Partner	2007, 19 years	$925
Megan Ryan	Associate	2008, 18 years	$910

Anne Bellows	Partner	2013, 13 years	$900
Katharine F. Trabucco	Partner Associate	2015, 11 years	$900 $850
Kristen Burzynski	Associate	2016, 10 years	$775
Beth Holtzman	Associate	2017, 9 years	$750
Stephanie Tilden	Associate	2021, 5 years	$700
Scott Grimes	Statistician Senior Paralegal	37 years	$525 $475
Jacqueline Thompson	Senior Paralegal	38 Years	$475
Damon Valdez	Paralegal	23 years	$425
Stuart Kirkpatrick	Paralegal	12 years	$425
Christian Giannini	Paralegal	3 years	$425
Nicholas & Tomasevic, LLP			
Craig Nicholas	Partner	1995, 31 years	$875
Alex Tomasevic	Partner	2006, 20 years	$825
Shaun Markley	Partner	2013, 13 years	$725
Jake Schulte	Associate	2013, 13 years	$575
Ethan Litney	Associate	2013, 13 years	$500
Jordan Belcastro	Associate	2019, 7 years	$400
Valerie Brown	Paralegal	2 years	$225
Ryan Dilworth	Paralegal	3 years	$225
Emilia Carrillo	Paralegal	11 years	$225
Community Legal Services in East Palo Alto			
Jason H. Tarricone	Directing Attorney	2006, 20 years	$700
Margaret McBride	Lead Managing Attorney	2013, 13 years	$525
Stacy Townsend	Senior Attorney	2017, 9 years	$450
Michelle Trejo-Saldivar	Staff Attorney	2020, 6 years	$375
Linette Salcedo	Staff Attorney	2020, 6 years	$375

b. <u>Hours Billed.</u>

Controlling law instructs that attorney fee awards "should be fully compensatory," and absent "circumstances rendering the award unjust, an . . . award should ordinarily include compensation for *all* the hours *reasonably spent*." *Ketchum v. Moses*, 24 Cal. 4th 1122, 1133 (2001) (emphasis original); *accord Hensley v. Eckerhart*, 461 U.S. 424, 435 (1983). The party requesting attorneys' fees must prove the requested hours are reasonable by providing "a sufficient and proper basis for making that determination." *Rey v. Madera Unified Sch. Dist.*, 203 Cal. App. 4th 1223, 1244 (2012).

Class Counsel's declarations include billing summaries by attorney as well as by category of work, which provide the Court sufficient information to confirm that the hours Class Counsel requests are reasonable. *See, e.g.*, *Blackwell v. Foley*, 724 F. Supp. 2d 1068, 1081 (N.D. Cal. 2010) ("An attorney's sworn testimony that, in fact, it took the time claimed is evidence of considerable weight on the issue of the time required.") (citations omitted). Moreover, the Ninth Circuit has instructed district courts to "defer to the winning lawyer[s'] professional judgment as to how much time [they were] required to spend on the case." *Chaudhry v. City of Los Angeles*, 751 F.3d 1096, 1111 (9th Cir. 2014) (quoting *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008)); *accord Kerkeles v. City of San Jose*, 243 Cal. App. 4th 88, 104 (2015).

Class Counsel dedicated substantial time to this action for more than twelve years. Their diligence led to an excellent result for the class. Class Counsel litigated this complex and contentious class action through extensive pre-trial proceedings, trial, and post-trial proceedings, which necessitated a significant investment of time and resources. Their outstanding efforts led Plaintiffs to prevail on all of their claims and nearly every issue that was brought before this Court. The Court notes that Class Counsel exercised reasonable billing judgment by making a significant reduction in their total lodestar to account for duplicative, inefficient or unproductive time.

Class Counsel's sworn declarations attest that, after the exercise of billing judgment, Class Counsel worked a total of 27,466.75 hours on this matter through February 28, 2026. The Court is satisfied that the hours requested by Class Counsel are reasonable.

Additionally, Plaintiffs submitted evidence showing that they paid $1,644,811.55 out-of-pocket in expert costs and expenses through February 28, 2026. This amount is not being compensated under the Settlement as part of Plaintiffs' costs. The fact that Class Counsel are bearing these significant costs without compensation is a further factor in finding their attorneys' fee request reasonable, as bearing such a burden would deter many qualified lawyers from taking the case. *See In re Bluetooth*, 654 F. 3d at 941-42 (undesirability of the case a factor in evaluating reasonability of attorneys' fee request).

Based on substantial evidence, Class Counsel's actual lodestar after billing judgment is $22,493,911.75, which exceeds the amount that Plaintiffs' request for all of their attorneys' fees in this matter by $5,615,135.03 (25%) (without considering that Class Counsel are also absorbing their expert costs). Accordingly, Plaintiffs' request for attorneys' fees is reasonable.

2. Reasonable Costs.

Plaintiffs request $348,984.90 for non-expert costs. In their Motion for Reasonable Attorneys' Fees, Costs, and Expenses, Plaintiffs demonstrated that they actually incurred $394,593.79 in non-expert costs that were necessary to the prosecution and resolution of this case and which are of the type normally billed to a client paying for counsel's services on a regular basis. *See Harris v. Marhoefer*, 24 F.3d 16, 19 (9th Cir. 1994) (Class counsel is entitled to recover "those out-of-pocket expenses that would normally be charged to a fee-paying client.") (citation omitted); *In re Media Vision Tech. Sec. Litig.*, 913 F. Supp. 1362, 1372 (N.D. Cal. 1996) (awarding "necessary expenses incurred in furnishing effective representation"). The Court finds that Plaintiffs' request to recover $348,984.90 in costs is reasonable.

III. CONCLUSION

For the foregoing reasons, the Court GRANTS Plaintiffs' Motion for Reasonable Attorneys' Fees, Costs, and Expenses in the amount of $17,227,761.62.

No later than forty-two (42) days after the Effective Ugh the docuy , Equity will deliver a payment to Class Counsel in the amount of $17,227,761.62 for Plaintiffs' attorneys' fees, costs, and expenses incurred in this action.

Any payments to Class Counsel that are not timely made within the day deadline above shall accrue post-judgment interest at the rate of 4.02%, which is "equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of the judgment." *See* 28 U.S.C. § 1961(a); *see also* S.D. Cal. Bankruptcy Court, Post-Judgment Interest Rates, https://www.casb.uscourts.gov/post-judgment-interest-rates (citing Federal Reserve, *Select Interest Rates*, http://www.federalreserve.gov/releases/H15/Current).

IT IS SO ORDERED.

Dated: July 24, 2026

HON. JEFFREY S. WHITE
United States District Judge