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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

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| JAVANNI MUNGUIA-BROWN, ANGELINA MAGAÑA, NORMA RODRIGUEZ, DAVID BONFANTI, and SHANNAH SMITH individually and on behalf of others similarly situated,<br><br>Plaintiffs,<br><br>vs.<br><br>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,<br><br>Defendants. | Case No.: 4:16-cv-01225-JSW-TSH<br><br>**CLASS ACTION**<br><br>**~~[PROPOSED]~~ ORDER GRANTING PLAINTIFFS' MOTION FOR CLASS REPRESENTATIVE SERVICE AWARDS**<br><br>Date: June 26, 2026<br>Time: 9:00 a.m.<br>Dept: Courtroom 5<br>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 Class Representative Service Awards in the amount of $25,000 for each Class Representative, totaling $125,000. Plaintiffs filed the motion on March 12, 2026. The Court heard this motion, along with Plaintiffs' Motions for Final Approval of Class Action Settlement and for Reasonable Attorneys' Fees, Costs, and Expenses at the 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 Class Representative Service Awards.

## 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. The Court appointed all five Plaintiffs as Class Representatives. ECF No. 91 at 11; ECF No. 315 at 4-5. After over a decade of hard-fought litigation, including an eight-day bench trial and post-trial briefing, the Parties entered into a Settlement Agreement, which the Court preliminarily approved on February 2, 2026. ECF No. 590.

The background of this case and the details of the settlement are set out in the Court's order granting preliminary approval of the class action settlement. ECF No. 590.

In support of their motion for service awards, each of the five Class Representatives submitted declarations describing their individual participation in this litigation over a period ranging from six to over twelve years. The Class Representatives each spent between 54 and 110 hours on this litigation.

The declarations recount the Class Representatives' involvement in the initial investigation of Equity's late fee practices, and their responses to written discovery requests. They also detail four of the Class Representatives' preparation for and participation in nearly day-long depositions during which, according to the declarants, they were subjected to repetitive, invasive, and at times intimidating questioning regarding their personal finances, employment histories, and family circumstances. The declarations further describe the Class Representatives' efforts to prepare declarations in support of class certification and summary judgment. Three of the five declarants, Ms. Smith, Mr. Bonfanti, and Ms. Brown (formerly Munguia-Brown), describe their experiences testifying at the bench trial in June 2023, including cross-examination by Equity's counsel regarding their personal spending habits and the circumstances of their late rent payments. Ms. Magaña and Ms. Rodriguez describe the stress of preparing to testify and remaining on standby throughout the trial. The Class Representatives explain that they were required to take time away from work, family, and other obligations in order to participate in the litigation, particularly for depositions and trial testimony. All five Class Representatives describe the burden of participating in litigation for many years, as well as the personal risks they faced by filing suit against their landlord, including concerns about retaliation or harassment from Equity or other landlords and employers who would learn or did learn about their participation in this case. The Class Representatives all took on these burdens and risks, and stayed dedicated to the case for many years, despite their relatively small personal stakes in the outcome, because they wanted to help effectuate California's public policy to protect tenants from being charged unlawful late fees.

In recognition of these efforts and burdens, as well as the excellent benefits the Class Representatives have secured on behalf of the class, Plaintiffs seek a $25,000 service award for each of the five Class Representatives. The combined total of the awards, $125,000, represents approximately 0.2% of the classes' recovery and will be paid separately by Defendants. Defendants do not oppose these service awards, and no class member objected to them. Plaintiffs filed their motion at least 35 days before the deadline to object or opt out of the settlement.

## II. ANALYSIS

The Ninth Circuit has "repeatedly held that reasonable incentive awards to class representatives are permitted." *In re Apple Inc. Device Performance Litig.*, 50 F.4th 769, 785-87 (9th Cir. 2022) (quotation marks and citation omitted). Indeed, service awards are "fairly typical in class action cases" and are meant "to compensate class representatives for work done on behalf of the class, to make up for financial or reputational risk undertaken in bringing the action, and, sometimes, to recognize their willingness to act as a private attorney general." *Rodriguez v. W. Publ'g Corp.*, 563 F.3d 948, 958-59 (9th Cir. 2009*); accord Radcliffe v. Experian Info. Sols., Inc.*, 715 F.3d 1157, 1163 (9th Cir. 2013). In evaluating requests for service awards, courts consider the following factors: (1) the amount of time and effort spent by the class representatives on the litigation; (2) the degree to which the class representatives' efforts benefitted the class; (3) the personal difficulties encountered by the class representatives; (4) the duration of the litigation; (5) the risk to the class representatives in commencing suit, whether financial, reputational, or otherwise; and (6) whether the litigation has promoted important public policy. *Id.*

While the Court notes that the amounts sought are on the higher end of service awards approved in this District, *see e.g., Montera v. Premier Nutrition Corp.*, No. 3:16-cv-06980-RS, 2022 WL 10719057, at *5 (N.D. Cal. Oct. 18, 2022), *aff'd*, 111 F.4th 1018 (9th Cir. 2024) (Seeborg, J.) (finding $25,000 service award was "both comparable to similar awards in this District and reasonable considering [the named plaintiff's] experience participating in this case"), courts have approved similar or higher awards where, as here, the litigation is impactful, prolonged, and difficult and where the service award represents a small percentage of the total recovery for the class. *See, e.g.*, *Wren v. RGIS Inventory Specialists*, No. 3:06-cv-05778-JCS, 2011 WL 1230826, at *32 (N.D. Cal. Apr. 1, 2011), *supplemented*, No. 06-cv-05778-JCS, 2011 WL 1838562 (N.D. Cal. May 13, 2011) (higher award may be appropriate where class representatives expend significant time and effort on the litigation and face the risk of retaliation or other personal risks; where the class overall has greatly benefitted from the class representatives' efforts; and where the incentive awards represent an insignificant percentage of the overall recovery). Significantly, the service awards that Plaintiffs request are not being paid from the Classes' recovery but instead will be separately paid by Defendants.

The service awards Plaintiffs request are appropriate here where the Class Representatives litigated the case on behalf of the Classes for many years and through trial, sat through depositions and responded to discovery requests, and either prepared to be called for trial or testified at trial. The Court finds the awards appropriate given the significant time and effort Plaintiffs expended on this matter and the risk of retaliation they face as California tenants having filed a lawsuit against a large residential landlord. In addition, Plaintiffs' request for a total of $125,000 for the Class Representatives represents only 0.2% of this total value, and is not being paid from Class funds, which further supports granting the service awards. *See, e.g.*, *Carter v. XPO Logistics, Inc.*, No. 3:16-cv-01231-WHO, 2019 WL 5295125, at *4 (N.D. Cal. Oct. 18, 2019) (considering the fact that the requested service awards totaled 0.6% of $16.5 million settlement and granting motion for service awards).

## III. CONCLUSION

For the foregoing reasons, the Court GRANTS Plaintiffs' Motion for Class Representative Service Awards in the amount of $25,000 for each to Plaintiffs Javanni Brown (formerly Munguia-Brown); Angelina Magaña, Norma Rodriguez, David Bonfanti, and Shannah Smith.

No later than forty-two (42) days after the Effective Date, Equity will deliver payments in the amount of $125,000 for Class Representative service awards to Class Counsel.

Any payments to Plaintiffs and Class Counsel that are not timely made within the deadlines 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

Jeffrey S White

HON. JEFFREY S. WHITE
United States District Judge