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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT SEATTLE**

10 ALMA SUE CROFT, individually and on
11 behalf of all others similarly situated,

12 Plaintiff,

13 v.

14 SPINX GAMES LIMITED, GRANDE
15 GAMES LIMITED, and BEIJING BOLE
16 TECHNOLOGY CO., LTD.,

Defendants.

Case No. 2:20-cv-01310-RSM

[PROPOSED] ORDER GRANTING
CLASS COUNSEL'S MOTION FOR
ATTORNEYS' FEES AND EXPENSES
AND CLASS REPRESENTATIVE
INCENTIVE AWARD

HON. RICARDO S. MARTINEZ

17 WHEREAS, Plaintiff has submitted authority and evidence supporting Class Counsel's
18 Motion for Award of Attorneys' Fees and Expenses and Issuance of Incentive Award; and

19 WHEREAS, the Court, having considered the Motion and being fully advised, finds that
20 good cause exists for entry of the Order below; therefore, the motion is hereby GRANTED and it
21 is ORDERED as follows:

22 1. The Court awards \$875,000 in attorneys' fees for Bursor & Fisher, P.A. ("Class
23 Counsel"). These requested attorneys' fees, which reflect the "benchmark" fee award in
24 common fund cases, are fair and reasonable. *See Vizcaino v. Microsoft Corp.*, 290 F.3d 1043,
25 1047, 1052 (9th Cir. 2002). The Court reaches this conclusion after analyzing: (1) the extent to
26 which class counsel achieved exceptional results for the class; (2) whether the case was risky for
27 class counsel; (3) whether counsel's performance generated benefits beyond the cash settlement
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1 fund; (4) the market rate for the particular field of law; (5) the burdens class counsel experienced
2 while litigating the case; (6) and whether the case was handled on a contingency basis.

3 2. The Court also grants Class Counsel’s request for reimbursement of \$22,295.01 in
4 litigation costs and expenses, as the Court finds these costs and expenses reasonable and
5 appropriate. *See Dennings v. Clearwire Corp.*, 2013 WL 1858797, at *10 (W.D. Wash. May 3,
6 2013), *aff’d*, Case No. 13-35491 (9th Cir. Sept. 9, 2013).

7 3. The Court also awards Plaintiff Alma Sue Croft \$5,000 as an incentive award for
8 her participation in this matter. Ms. Croft and her late son invested substantial time in this case,
9 risked reputational harm, and otherwise made significant contributions to the Class. A \$5,000
10 incentive award is reasonable for her services. *McClintic v. Lithia Motors, Inc.*, 2011 WL
11 13127844, at *6 (W.D. Wash. Oct. 19, 2011); *see also In re Portfolio Recovery Assocs., LLC*,
12 *Tel. Consumer Prot. Act Litig.*, 2017 WL 10777695, at *3 (S.D. Cal. Jan. 25, 2017) (incentive
13 award appropriate where class representatives “were required to review documents” and “they
14 will earn little for their efforts without [] incentive payments”).

15 4. Defendants shall pay the above attorneys’ fees, costs, and expenses, and incentive
16 award, pursuant to and in the manner provided by the terms of the Settlement Agreement.

17 **IT IS SO ORDERED.**

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20 Dated this day _____ of _____, 2022

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22 _____
23 The Honorable Ricardo S. Martinez
24 Chief United States District Judge
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