

1 PACIFIC RIAL ATTORNEYS  
A Professional Corporation  
2 Scott J. Ferrell, Bar No. 202091  
sferrell@pacifictrialattorneys.com  
3 Richard H. Hikida, Bar No. 196149  
rhikida@pacifictrialattorneys.com  
4 David W. Reid, Bar No. 267382  
dreid@pacifictrialattorneys.com  
5 Victoria C. Knowles, Bar No. 277231  
vknowles@pacifictrialattorneys.com  
6 4100 Newport Place, Ste. 800  
Newport Beach, CA 92660  
7 Tel: (949) 706-6464  
Fax: (949) 706-6469

8 Attorneys for Plaintiff  
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10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA  
12

13 JORDAN KISSEL, individually and on  
behalf of all others similarly situated,

14 Plaintiff,

15 v.

16 CODE 42 SOFTWARE, INC., a Delaware  
17 corporation; and DOES 1 – 10, inclusive,

18 Defendants.  
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Case No. 8:15-cv-01936-JLS-KES

**PLAINTIFF’S NOTICE OF MOTION  
AND MOTION FOR ATTORNEYS’  
FEES AND COSTS, AND INCENTIVE  
FEE**

[Filed concurrently with the Memorandum  
of Points and Authorities, Declaration of  
Scott J. Ferrell, and [Proposed] Order]

Date: February 9, 2018  
Time: 2:30 p.m.  
Courtroom: 10-A  
Judge: Josephine L. Staton

Complaint Filed: October 27, 2015

1 **TO THE COURT AND ALL PARTIES AND THEIR RESPECTIVE**  
2 **ATTORNEYS OF RECORD, PLEASE TAKE NOTICE THAT** on February 9,  
3 2018, at 2:30 p.m., in the Courtroom of the Honorable Josephine L. Staton, United  
4 States District Court for the Central District of California, Plaintiff Jordan Kissel  
5 (“Plaintiff”) will and hereby will and hereby does move the Court, pursuant to Federal  
6 Rules of Civil Procedure 23(h) and 54(d)(2) and California Code of Civil Procedure §  
7 1021.5, for an order approving and awarding attorneys’ fees and costs, and an incentive  
8 award to Plaintiff. By way of this motion, Plaintiff seeks:

- 9 1. \$100,000 awarded to Class Counsel from the Common Fund pursuant to  
10 the Settlement Agreement for fees and costs; and
- 11 2. \$2,500 awarded to Plaintiff from the Common Fund pursuant to the  
12 Settlement Agreement as an incentive award based on her service to, and  
13 representation of, the Class.

14 This motion is made on the grounds that: (1) Plaintiff’s requested attorneys’ fees  
15 are fair and reasonable in light of the efforts of Pacific Trial Attorneys in obtaining the  
16 settlement herein; (2) the requested attorneys’ fees comport with the applicable law; (3)  
17 the expenses for which reimbursement is sought were reasonably and necessarily  
18 incurred in connection with the prosecution of this action; and (4) a reasonable payment  
19 to the Class Representative for her efforts on behalf of the Class is warranted and  
20 appropriate.

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1 This motion is based on this notice of motion and motion, the accompanying  
2 memorandum of points and authorities, the Settlement Agreement, including all  
3 exhibits thereto, the accompanying declaration of Scott J. Ferrell, the argument of  
4 counsel, all papers and records on file in these cases, and such other matters as the  
5 Court may consider.

6 DATED: December 11, 2017 **PACIFIC TRIAL ATTORNEYS, APC**

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8 By: /s/ Scott J. Ferrell  
9 Attorneys for Plaintiff and the Class  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 11, 2017, I electronically filed the foregoing **PLAINTIFF’S NOTICE OF MOTION AND MOTION FOR ATTORNEYS’ FEES AND COSTS, AND INCENTIVE FEE** with the Clerk of the Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record.

*/s/ Scott J. Ferrell*  
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Scott. J. Ferrell

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