

MATTIE HALLEY and LETICIA
MALAVÉ, On Behalf of Themselves and All
Others Similarly Situated,

Plaintiffs,

-against-

PPG INDUSTRIES, INC.,

Defendants.

Civil Action No. 2:10-cv-3345
(ES)(JAD)

**CLASS COUNSEL'S MOTION
SEEKING AN AWARD OF
REASONABLE COSTS,
ATTORNEYS' FEES, AND
INCENTIVE AWARDS IN
CONNECTION WITH THE PPG
SETTLEMENT**

Pursuant to Federal Rules of Civil Procedure Rule 23(h) and 54(d)(2), plaintiffs, by and through undersigned counsel, respectfully move this Court for an order approving Class Counsel's Motion Seeking an Award of Reasonable Costs, Attorneys' Fees, and Incentive Awards in Connection with the PPG Settlement. Plaintiffs seek an order, in connection with and contingent upon the final approval of the proposed Class Action Settlement Agreement, that (1) awards reasonable attorneys' fees of \$1,250,000; (2) approves reimbursement of litigation costs to Class Counsel in the amount of \$315,251.33; and (3) approves \$20,000 in incentive awards (\$10,000 each) for the two named Class Representatives, Mattie Halley and Leticia Malave. All payments will be paid from the common fund established in this Settlement. PPG Industries, Inc. ("PPG") does not oppose the award sought in this Motion.

As set forth in Class Counsel's Memorandum in Support of this Motion and Declaration of Steven J. German, filed in support, Class Counsel should be awarded reasonable attorneys' fees of \$1,250,000. The fee award sought equates to 27% of the \$5,000,000 common fund, after deduction of costs, obtained by Class Counsel under the Settlement. Consistent with the percentage-of-recovery method favored by this Circuit, this percentage is well within the accepted range in this Circuit and is fully supported by a lodestar cross-check multiplier deemed reasonable by this Court.

Class Counsel should also be awarded reimbursement of reasonable litigation costs incurred in this matter. Class Counsel advanced \$315,251.33 in reasonable and necessary litigation costs in pursuing

Class Counsel further seek this Court's approval of \$20,000 in total incentive awards, \$10,000 for each of the two named Class Representatives. These awards are justified under the circumstances, and the amount of incentive awards sought is an appropriate and reasonably calculated payment for services provided in developing and prosecuting the case.

Finally, as detailed in Class Counsel's Memorandum in Support and Declaration of Steven J. German, filed in support, Class Counsel respectfully request that the Court issue an Order finding that Class Counsel's proposed formula for the pro rata allocation and reimbursement of joint Honeywell and PPG litigation expenses to the Honeywell Classes (A and C) is deemed fair and reasonable, and further directing Epiq Class Action and Claims Solutions, Inc. to redistribute to each Class A and C property for which a valid Claim has been submitted, a pro rata portion of the \$1,085,869.58 in previously reimbursed joint Honeywell and PPG litigation expenses pursuant to the formula set forth therein.

WHEREFORE, Class Counsel respectfully request that this Court enter an Order approving the award of attorneys' fees, reasonable costs, incentive awards, and the redistribution of previously reimbursed joint Honeywell and PPG litigation expenses. A proposed order is attached.

Dated: October 16, 2020

/s/ Steven J. German
Steven J. German
German Rubenstein LLP
PPG Settlement Class Counsel