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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE PLAID INC. PRIVACY LITIGATION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Master Docket No.: 4:20-cv-03056-DMR

REPLY MEMORANDUM OF POINTS AND AUTHORITIES ISO PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

Date:	Sept. 30, 2021
Time:	1:00 p.m.
Courtroom:	via videoconference only
Judge:	The Hon. Donna M. Ryu

MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiffs filed their Notice of Motion and Motion for Preliminary Approval of Class Action Settlement on August 6, 2021. Dkt. No. 137. On August 6, 2021, this Court set September 30, 2021, for the preliminary approval hearing. Dkt. No. 136.

No opposition to Plaintiffs' motion was filed.

Now, consistent with Paragraph 6 of the Ninth Circuit's Procedural Guidance for Class Action Settlements, Plaintiffs supplement their opening memorandum with information regarding fees and costs incurred up to the filing of the preliminary approval motion.[1]

As previously indicated, and pursuant to this Circuit's benchmarks, Plaintiffs will request fees up to 25% of the settlement's common fund as well as reimbursement of costs. Dkt. No. 137-1 at 8. Although, if the settlement is approved, Plaintiffs will have obtained substantial injunctive relief providing important benefits to the Class, the fee request will be tied only to the monetary amount of the settlement in the interests of being conservative.

As of August 6, 2021, Plaintiffs' counsel collectively—i.e., Co-Lead Counsel, Plaintiffs' Steering Committee, and other counsel—had incurred $4,659,337.00 in lodestar, representing 5,884.7 hours of attorney and staff time. While this amount has not yet been audited and does not account for the additional work that must be performed in the case, this generally encompasses, among other things, the extensive pre-filing investigation, briefing of and argument on dispositive motions and related motions, discovery, and intensive settlement negotiations. Bearing these caveats in mind, Plaintiffs represent that a fee award constituting 25% of the common fund would result in a 3.1 multiplier overall (with allocation between and among counsel to be determined by Co-Lead Counsel in due course).

At the appropriate time, Plaintiffs will show that this multiplier is comfortably within the accepted range in the Ninth Circuit. *See, e.g.*, *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1051 (9th Cir. 2002); *Steiner v. Am. Broad. Co.*, 248 F. App'x 780, 782-83 (9th Cir. 2007) (upholding fee award that represented a 6.85 multiplier where counsel obtained a $65 million fund for the

[1] Specifically, the relevant date is August 6 for Lead Counsel, who have contributed the vast majority of the lodestar, and July 31 for all other counsel.

class and non-monetary benefits consisting of changes in licensing practices in a short timeframe and before substantive motion practice). Plaintiffs' counsel also have incurred reasonable costs for standard expenditures such as the pre-filing investigation, filing, consultant costs, electronic discovery, and mediation. The present costs are approximately $81,291.39.

Dated: August 27, 2021

Respectfully submitted,

By: */s/ Rachel Geman*
Rachel Geman

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Interim Co-Lead Class Counsel

CERTIFICATE OF SERVICE

On August 27, 2021, I electronically submitted the foregoing document with the clerk of the court for the U.S. District Court for the Northern District of California, using the electronic case filing system. I hereby certify that I have provided copies to all counsel of record electronically or by another manner authorized by Fed. R. Civ. P. 5(b)(2).

Dated: August 27, 2021

By: */s/ Rachel Geman*
Rachel Geman