STATE OF MINNESOTA | DISTRICT COURT

COUNTY OF RAMSEY | SECOND JUDICIAL DISTRICT

CASE TYPE: OTHER CIVIL

S.A. and A.M., individually and on behalf of all others similarly situated,

Plaintiffs,

v.

Minnesota Department of Public Safety; Bob Jacobson, in his official capacity as Commissioner of Public Safety; and Pong Xiong, in his official capacity as Director of the Minnesota Department of Public Safety Division of Driver and Vehicle Services,

Defendants.

Case No. 62-cv-23-2275
Judge Laura Nelson

ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR ATTORNEY'S FEES AND EXPENSES

This case is before the Court on Plaintiffs' Unopposed Motion for Attorney's Fees and Expenses (the "Motion"), the accompanying memorandum of law, and supporting documents. This motion was heard by the Court at the Final Approval Hearing on November 4, 2025. The Court finds that payment of attorney's fees and ongoing litigation expenses is appropriate under Minn. R. Civ. P. 23.08.

Attorney's Fees

1. The Motion seeks an award of attorney's fees in the amount of $360,000, which represents 40% of the Settlement Fund. The Court GRANTS the motion because the

amount is fair and reasonable under the percentage-of-the fund method. This award is within the range allowed by courts.

2. The Court finds that the Settlement Agreement authorizes an award of attorney's fees and expenses up to $400,000. *See* Settlement Agreement ¶ 6. In addition, the statute under which Plaintiffs brought this case authorizes fee-shifting. *See* Minn. Stat. § 609A.04. Therefore, the Court finds an award of attorney's fees is permitted under Minn. R. Civ. P. 23.08.

3. Additionally, the Motion was served on all parties and made available to members of the class. The deadline for class members to object to the settlement was 14 days after the Motion was filed and members of the class had an opportunity to object to the Motion. Therefore, the Court finds that Plaintiffs have met the requirements of Minn. R. Civ. P. 23.08(a) and (b).

4. The Court will award fees to counsel for the Plaintiffs using the percentage-of-the-fund approach. "Using the percentage method of awarding attorney fees in common-fund cases is both approved and well established." *Flores v. Zorbalas*, A19-0578, 2019 WL 7142886, at *1 (Minn. Ct. App. Dec. 23, 2019) (citing *Yarrington v. Solvay Pharm., Inc.*, 697 F. Supp. 2d 1057, 1061 (D. Minn. 2010)).

5. When considering whether a common fund award is reasonable, courts will consider the following factors: "(1) the benefit conferred on the class, (2) the risk to which plaintiffs' counsel was exposed, (3) the difficulty and novelty of the legal and factual issues of the case, (4) the skill of the lawyers, both plaintiffs' and defendants', (5) the time and labor involved, (6) the reaction of the class, and (7) the comparison between the requested

attorney fee percentage and percentages awarded in similar cases." Yarrington, 697 F. Supp. 2d at 1062.

6. The Court has considered each factor and finds that each factor weighs in favor the award sought. Specifically: (1) the Settlement confers a substantial benefit on the class, in the form of a recovery of $500,000 for 482 class members and valuable injunctive relief; (2) Class Counsel took the case at risk on a contingent basis; (3) the case presented novel legal issues and was the first of its kind; (4) the case was litigated by skilled counsel on both sides; (5) Class Counsel invested substantial time and resources into the case; (6) the class's reaction is generally positive; and (7) the award is within the range of reasonable awards for cases with valuable injunctive relief, novel issues, and a negative lodestar multiplier.

7. In addition, the Court finds that the Settlement obtains valuable injunctive relief for the Class. This further supports an award at the higher end of the range permitted by courts.

8. Although not required, courts may apply a lodestar "cross-check" on the reasonableness of the fee calculated as a percentage of the fund. *Keil v. Lopez*, 862 F.3d 685, 701 (8th Cir. 2017). A cross-check of the lodestar incurred by Class Counsel indicates that the fee requested constitutes fair and reasonable compensation for the risks assumed, the work done, and the benefits achieved for the members of the Settlement Class. The Court finds that Class Counsel's lodestar as of August 28, 2025, based on historical hourly rates, is reasonable. Plaintiffs' requested award of attorneys' fees in the amount of $360,000 represents a negative multiplier of approximately .85.

Litigation and Settlement Administration Expenses

9. Plaintiffs seek $7,942.20 from the portion of the settlement fund allocated to fees and expenses to reimburse expenses Class Counsel advanced in connection with the prosecution of this case. Specifically, Plaintiffs seek recovery of expenses for the costs of a document review database, copying expenses, computer legal research, courier fees and postage, and filing fees.

10. The Court finds that payment of these expenses from the Settlement Fund is allowed under the terms of the Settlement Agreement. *See* Settlement Agreement ¶ 6.B.

11. The Court finds that the expenses sought by Plaintiffs were reasonable and necessary for the prosecution of this case, and that they are among the types of litigation expenses routinely awarded by courts. *See, e.g.*, *Mart v. Tactile Sys. Technology, Inc.*, No. 20-cv-2074 (NEB/DTS), 2023 WL 12126528, at *4 (D. Minn. Aug. 25, 2023) (approving similar expenses in class case); *In re CenturyLink Sales Practice & Securities Litig.*, MDL No. 17-2795 (MJD/KMM), 2020 WL 7133805, at *13 (D. Minn. Dec. 4, 2020) (same).

12. Accordingly, the Court GRANTS Plaintiffs' request for reimbursement of litigation expenses in the amount of $7,942.20 from the Settlement Fund.

13. The Settlement Agreement also authorizes the payment of the costs of settlement administration from the Settlement Fund. *See* Settlement Agreement ¶ 6.B.

14. The Court GRANTS Plaintiffs' request to set aside $32,057.80 of the Settlement Fund for ongoing litigation expenses related to class notice and settlement and claims administration. Allowing a portion of a class settlement to be used for ongoing

litigation expenses is a well-accepted practice. *See, e.g., In re Pork Antitrust Litig*., No. CV 18-1776, 2022 WL 18959155, at *1 (D. Minn. Oct. 19, 2022). At the Court's request, Class Counsel will provide the Court with an accounting of their payment of class notice and settlement administration expenses from this award.

15. Class Counsel are authorized to use up to $32,057.80 of the Settlement Fund for ongoing expenses related to settlement administration.

IT IS HEREBY ORDERED:

16. Upon consideration of the Motion, accompanying memorandum, and based on all the files, records, and proceedings in this matter:

a. Class Counsel are awarded attorneys' fees of $360,000 from the portion of the Settlement Fund allocated for fees and expenses, consistent with the Settlement Agreement;

b. Class Counsel are awarded $7,942.20 in incurred litigation expenses to be paid from the portion of the Settlement Fund allocated for fees and expenses, consistent with the Settlement Agreement;

c. Class Counsel are authorized to use up to $32,057.80 of the portion of the Settlement Fund allocated for fees and expenses for ongoing litigation expenses related to settlement administration.

Nelson, Laura (Judge)
Nov 5, 2025 10:39 AM

Dated: November 5, 2025

The Honorable Laura Nelson