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8 Attorneys for Plaintiffs MICHAEL ALLAGAS,
9 ARTHUR RAY, BRETT MORHMAN, and the
10 SETTLEMENT CLASS

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 MICHAEL ALLAGAS, ARTHUR RAY and
15 BRETT MOHRMAN, on behalf of
16 themselves and all others similarly situated,

17 Plaintiffs,

18 vs.

19 BP SOLAR INTERNATIONAL, INC.,
20 HOME DEPOT U.S.A., INC. and DOES 1 -
21 10, inclusive,

22 Defendants.

Case No. 3:14-cv-00560-SI

**NOTICE OF MOTION AND MOTION
FOR ATTORNEYS' FEES AND COSTS
AND INCENTIVE AWARDS**

Judge: Hon. Susan Illston
Crtrm: 1
Date: June 19, 2020
Time: 10:00 a.m.

Action Filed: January 9, 2014

NOTICE OF MOTION AND MOTION

23 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

24 PLEASE TAKE NOTICE that on June 19, 2020 at 10:00 a.m., or as soon thereafter as this
25 matter may be heard, in Courtroom 1, 17th Floor, Phillip Burton Federal Building and United States
26 Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102, Class Counsel will move and
27 hereby do move the Court for orders: (1) awarding Class Counsel attorneys' fees and out-of-pocket
28

1 costs and expenses incurred in prosecuting the litigation totaling \$235,000.00; and (2) awarding each
2 of the representative plaintiffs an incentive award, in the amount of \$750.00 each for Plaintiffs
3 Michael Allagas, Arthur and Brett Mohrman.

4 Plaintiffs and Defendants BP Solar International, Inc. and Home Depot U.S.A., Inc. will and
5 hereby do file a joint stipulation agreeing to modify the Settlement Agreement and moving the Court
6 for an order finally approving the Addendum to Settlement Agreement.

7 The motion is based upon this Notice of Motion and Motion, the Notice of Joint Stipulation
8 and Joint Stipulation for Final Approval of Addendum to Class Settlement Agreement, the Proposed
9 Order for Final Approval to Class Settlement Agreement, the Addendum to Settlement Agreement
10 and Release and the Declaration of David M. Birka-White filed in Support of Final Approval of
11 Addendum to Class Settlement Agreement and for Attorneys' Fees and Costs and Incentive
12 Awards, any reply papers, the argument of counsel, and all pleadings and records on file in this
13 matter.

14 Dated: March 4, 2020

Respectfully submitted,

BIRKA-WHITE LAW OFFICES

By: /s/ David Birka-White

DAVID BIRKA-WHITE

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25 Attorneys for Plaintiffs Michael Allagas, Arthur
26 Ray, Brett Mohrman, and the Settlement Class
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