

1 Todd D. Carpenter (CA 234464)  
tcarpenter@carlsonlynch.com  
2 Scott G. Braden (CA 305051)  
sbraden@carlsonlynch.com  
3 **CARLSON LYNCH LLP**  
1350 Columbia Street, Suite 603  
4 San Diego, California 92101  
Telephone: (619) 762-1900  
5 Facsimile: (619) 756-6991

6 *Attorneys for Plaintiff and the Settlement Class*

7  
8 **SUPERIOR COURT OF CALIFORNIA**  
9 **COUNTY OF SAN DIEGO**  
10

11 MIGUEL OLMEDO, and SIOBHAN  
12 MORROW, on behalf of themselves and all  
13 others similarly situated,

14 Plaintiffs,

15 v.

16 PVH RETAIL STORES, LLC, a Delaware  
Limited Liability Company, and DOES 1-20,

17 Defendants.  
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Case No: 37-2019-00003250-CU-MC-CTL

**[E-FILE]**

**CLASS ACTION**

**NOTICE OF UNOPPOSED MOTION AND  
MOTION FOR ATTORNEYS' FEES, COSTS,  
AND INCENTIVE AWARD**

Date: February 7, 2020

Time: 10:30 a.m.

Dept.: C-68

1 **TO THE HON. RICHARD S. WHITNEY, JUDGE OF THE SAN DIEGO SUPERIOR COURT:**

2 On October 8, 2019, this Court granted preliminary approval of the class action settlement  
3 agreement in this matter and set a Final Fairness Hearing to be held on February 7, 2019 at 10:30 a.m. At  
4 the Final Fairness Hearing, or as soon thereafter as counsel can be heard in Department C-68 of the above-  
5 entitled Court, Plaintiff will and hereby does move for an Order Awarding Attorneys' Fees, Costs, and  
6 Incentive Award.

7 Class Counsel requests an award of \$650,000.00 in attorneys' fees and costs to be approved by  
8 this Court. Importantly, the requested fees and costs will be paid out separately and apart from any benefits  
9 paid to the Class. Plaintiff also requests an incentive award of \$5,000 total (\$2,500 each) each to Plaintiffs,  
10 MIGUEL OLMEDO, and SIOBHAN MORROW, as agreed to by Defendant, in recognition of their risk  
11 in commencing this case and her efforts in litigating this case.

12 Therefore, Plaintiffs, on behalf of themselves and the Class, submit this motion based upon the  
13 memorandum of points and authorities in support of the motion filed herewith, the concurrently filed  
14 declaration of Todd D. Carpenter, and the records and files in this action, and such arguments as may be  
15 presented at the hearing on this motion.

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18 Date: January 17, 2020

Respectfully submitted,

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21 /s/ Todd D. Carpenter  
Todd D. Carpenter

22 **CARLSON LYNCH LLP**  
Todd D. Carpenter (CA 234464)  
23 Scott G. Braden (CA 305051)  
1350 Columbia Street, Suite 603  
24 San Diego, California 92101  
Telephone: (619) 762-1900  
25 Facsimile: (619) 756-6991  
tcarpenter@carlsonlynch.com  
26 sbraden@carlsonlynch.com

27 *Attorneys for Plaintiff and the Settlement Class*

<b>SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF SAN DIEGO [E-FILE]</b>	COURT USE ONLY
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Todd D. Carpenter (CA 234464) Tel: (619) 762-1900 Scott G. Braden (CA 305051) CARLSON LYNCH LLP 1350 Columbia Street, Suite 603 San Diego, CA 92101	
SHORT CASE TITLE Olmedo, et al. v. PVH Retail Stores, LLC, et al.	JUDGE: RICHARD S. WHITNEY DEPT: 68
ATTORNEYS FOR Plaintiffs Miguel Olmedo and Siobhan Morrow	Case No. 37-2019-00003250-CU-MC-CTL

### PROOF OF SERVICE

I, the undersigned, say: I am over 18 years of age, employed in the County of San Diego, California, in which the within-mentioned service occurred; and that I am not a party to the subject cause. My business address is 1350 Columbia Street, Suite 603, San Diego, California 92101.

On January 17, 2020, I caused the following document(s) to be served:

- **NOTICE OF UNOPPOSED MOTION AND MOTION FOR ATTORNEYS' FEES, COSTS, AND INCENTIVE AWARD**
- **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S UNOPPOSED MOTION FOR ATTORNEYS' FEES, COSTS, AND INCENTIVE AWARD**
- **DECLARATION OF TODD D. CARPENTER IN SUPPORT OF PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS AND INCENTIVE AWARDS**
- **[PROPOSED] ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR ATTORNEYS' FEES, COSTS, AND INCENTIVE AWARD**

to each addressee named herein and addressed as follows:

Lary Alan Rappaport PROSKAUER 2029 Century Park East, Suite 2400 Los Angeles, CA 90067-3010 <a href="mailto:lrappaport@proskauer.com">lrappaport@proskauer.com</a>  Lawrence Weinstein PROSKAUER 2029 Century Park East, Suite 2400 Los Angeles, CA 90067-3010 <a href="mailto:LWeinstein@proskauer.com">LWeinstein@proskauer.com</a>	<i>Attorney for Defendant  PVH Retail Stores, LLC</i>
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- ( ) BY MAIL. I am familiar with this firm's practice of collection and processing correspondence for mailing with the United States Postal Service, and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business pursuant to Code of Civil Procedure §1013a.

- ( ) BY FAX. I faxed a copy of the document(s) to the person at the fax number(s) listed in the addressee(s). The telephone number of the sending party facsimile machine was 619.756.6991. The transmission was reported as complete and without error. No error was reported by the fax machine that I used.
- ( ) BY PERSONAL SERVICE. Class Action Research hand-delivered said document(s) to the addressee(s) designated pursuant to Code of Civil Procedure §1011.
- ( X ) BY ELECTRONIC MAIL TRANSMISSION: A PDF format copy of such document(s) was sent by via e-mail or electronic mail transmission via email to each such person at the e-mail address listed above. The transmission was reported as complete and without error.
- ( ) BY OVERNIGHT MAIL. I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery with Federal Express this same day in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 17, 2020.

\_\_\_\_\_/s/\_\_\_\_\_  
Scott G. Braden