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17 *Attorneys for Objectors*

18 UNITED STATES DISTRICT COURT
19 CENTRAL DISTRICT OF CALIFORNIA

20 LISA KIM, individually on behalf of
herself and all others similarly situated,
21 Plaintiff,

22 v.

23 TINDER, INC., a Delaware Corporation;
MATCH GROUP, LLC, a Delaware
24 limited liability company; MATCH
GROUP, INC., a Delaware corporation;
25 and DOES 1 through 10, inclusive, and
26 each of them,

27 Defendants.

Case No. 2:18-CV-03093 JFW (AS)

**NOTICE OF MOTION AND
OBJECTORS' MOTION FOR
ATTORNEYS' FEES AND
EXPENSES**

Date: January 10, 2022
Time: 1:30 p.m.
Place: Courtroom 7A
Hon. John F. Walter

1 **NOTICE OF MOTION AND OBJECTORS’ MOTION**
2 **FOR ATTORNEYS’ FEES AND COSTS**

3 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

4 PLEASE TAKE NOTICE that at 1:30 p.m. on January 10, 2022, or as soon
5 thereafter as this matter can be heard, in Courtroom 7A of this Court, located at 350
6 West 1st Street, Los Angeles, CA 90012, Allan Candelore, Rich Allison, and Steve
7 Frye (“Objectors”) will, and hereby do, move this Court for an award of \$1,560,000
8 in attorneys’ fees—an amount equal to 30% of the common fund created by
9 Objectors’ counsel’s efforts on behalf of the class over the last six years—and
10 \$15,602.58 in expenses reasonably incurred in those efforts.

11 Objectors are entitled to the requested fees and expenses because their
12 counsel’s “specific services benefitted the fund” and “tended to create, increase,
13 protect [and] preserve the fund.” *Class Plaintiffs v. Jaffe & Schlesinger, P.A.*, 19
14 F.3d 1306, 1308 (9th Cir. 1994) (citation omitted). First, the \$5.2 million settlement
15 fund created by the revised settlement between plaintiff Lisa Kim and Defendants
16 Tinder, Inc., Match Group, LLC, and Match Group, Inc. (collectively “Tinder”)
17 exists *entirely* because Allison and Frye pursued a successful Ninth Circuit appeal
18 from this Court’s order granting final approval to the original settlement between
19 Kim and Tinder, which would have required Tinder to pay less than \$45,000 to the
20 class, as the Ninth Circuit noted. *Kim v. Allison*, 8 F.4th 1170, 1179 (9th Cir. 2021).

21 Second, Tinder’s eagerness to enter into a settlement in this litigation was a
22 direct result of the work undertaken by Objectors’ counsel in Candelore’s state court
23 lawsuit, which resulted in a published Court of Appeal decision rejecting Tinder’s
24 primary defense of its age-discriminatory pricing policy for TinderPlus, *Candelore*
25 *v. Tinder, Inc.*, 19 Cal.App.5th 1138, 1142 (2018). As the Ninth Circuit emphasized
26 in rejecting the original settlement’s approval, the *Candelore* opinion substantially
27 increased the settlement value of the class claims alleged by Kim in this lawsuit.

1 *Kim*, 8 F.4th at 1179.

2 Third, Objectors’ counsel successfully prevented Tinder from using its
3 settlement of a different class action lawsuit arising under different California laws
4 than the laws at issue here to extinguish the claims of a substantial number of
5 members of the proposed settlement class.

6 For all of these reasons, the equitable principles governing common fund fees
7 awards require an award of fees and reasonable expenses to Objectors’ counsel. An
8 award equal to 30% of the common fund falls squarely within the range of awards
9 made in similar cases, *see, e.g., Laffitte v. Robert Half Int’l, Inc.*, 1 Cal.5th 480, 504
10 (2016) (approving one-third common fund fees award), and in fact represents a
11 negative multiplier on the lodestar value of the work performed by Objectors’
12 counsel on behalf of the class. The declarations submitted herewith also demonstrate
13 that the expenses for which reimbursement is sought were reasonably and actually
14 incurred as part of counsel’s efforts to protect the class. The fees and expenses
15 requested are therefore reasonable and appropriate.

16 This motion is based on this Notice of Motion and Objectors’ Motion for
17 Attorneys’ Fees and Costs; the accompanying Memorandum of Points and
18 Authorities, Declarations of Kimberly A. Kralowec, Michael Rubin, and Alfred G.
19 Rava, and Proposed Order; any other papers that may be filed in connection with the
20 Motion; the Court’s complete files and records of this action; and such other
21 argument or evidence as may be presented at or before the time of hearing.

22 This motion is made following the conference of counsel pursuant to L.R. 7-
23 3, which took place on November 16, 2021.

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DATED: November 29, 2021

Respectfully submitted,

By: /s/P. Casey Pitts

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