

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re California Gasoline Spot Market Antitrust Litigation

No. 3:20-cv-03131-JSC (N.D. Cal. Apr. 30, 2025) · No. 3:20-cv-03131-JSC · Decided April 30, 2025

SUMMARY

The United States District Court for the Northern District of California granted the plaintiffs’ renewed motion for service awards in a class action settlement. The court awarded Fricke-Parks Press, Inc., Bogard Construction, Inc., and Ritual Coffee Roasters, Inc. \$5,000 each based on their documented time, effort, and risks as class representatives.

CASE DETAILS

COURT	United States District Court for the Northern District of California
JURISDICTION	United States District Court for the Northern District of California
DECIDED	April 30, 2025
DOCKET	3:20-cv-03131-JSC
DISPOSITION	other
PROCEDURAL POSTURE	Following final approval of a class action settlement and denial of the representative plaintiffs' initial request for service awards, the plaintiffs filed an unopposed renewed motion for service awards.
STANDARD OF REVIEW	The decision to approve an incentive award is committed to the court's discretion; the court evaluates whether the requested award is reasonable based on the representative's service and related factors.
PRECEDENTIAL VALUE	Unknown

TOPICS

- class actions
- attorney fees
- commercial litigation
- remedies

PRACTICE AREAS

- class actions
- commercial litigation
- attorney fees
- remedies

QUESTIONS PRESENTED

1. Whether the settlement class representatives had submitted sufficient evidence of the quantity and quality of their representative service to justify incentive awards.

2. Whether \$5,000 incentive awards for each of the three settlement class representatives were reasonable and consistent with adequate class representation.

HOLDINGS

1. A class representative must justify an incentive award with evidence demonstrating the quality and extent of the representative service, and the court must evaluate each award individually.
2. The requested \$5,000 incentive award for each of the three settlement class representatives was reasonable and did not undermine the adequacy of the class representatives.

KEY QUOTATIONS

“Incentive awards “are intended to compensate class representatives for work done on behalf of the class, to make up for financial or reputation risk undertaken in bringing the action, and, sometimes to recognize their willingness to act as a private attorney general.”” (at 2)

“A class representative must justify an incentive award through “evidence demonstrating the quality of plaintiff’s representative service,” such as “substantial efforts taken as class representative to justify the discrepancy between [his] award and those of the unnamed plaintiffs.”” (at 2)

FACTUAL BACKGROUND

The three settlement class representatives—Fricke-Parks Press, Inc., Bogard Construction, Inc., and Ritual Coffee Roasters, Inc.—sought \$5,000 incentive awards each. They asserted that they assumed reputational and financial risks by publicly associating their businesses with litigation against major participants in the California gasoline market and spent substantial time responding to discovery, sitting for depositions, and coordinating with counsel over nearly five years. Declarations established that the representatives spent between approximately 20 and 59 hours participating in the litigation.

PROCEDURAL HISTORY

On March 14, 2025, the court granted final approval of the class action settlement and granted in part and denied in part the plaintiffs' motion for attorneys' fees, costs, and service awards. The court denied service awards because the plaintiffs had not submitted evidence establishing the quantity or quality of the settlement class representatives' service. After the court entered final judgment on March 24, 2025, the plaintiffs submitted declarations supporting their renewed motion. The court granted the renewed motion and awarded each of the three settlement class representatives \$5,000.

DISPOSITION

other

CASES CITED

- Staton v. Boeing Co., 327 F.3d 938, 977 (9th Cir. 2003)
- Rodriguez v. W. Publ’g Corp., 563 F.3d 948, 958-59 (9th Cir. 2009)

- In re Mego Fin. Corp. Sec. Litig., 213 F.3d 454, 463 (9th Cir. 2000)
- Covillo v. Specialtys Café, No. C-11-00594-DMR, 2014 WL 954516, at *8 (N.D. Cal. Mar. 6, 2014)
- Van Vranken v. Atl. Richfield Co., 901 F. Supp. 294, 299 (N.D. Cal. 1995)
- Alberto v. GMRI, Inc., 252 F.R.D. 652, 669 (E.D. Cal. 2008)
- Radcliffe v. Experian Info. Sols. Inc., 715 F.3d 1157, 1163 (9th Cir. 2013)

OPINION

In re California Gasoline Spot Market Antitrust Litigation

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 IN RE CALIFORNIA GASOLINE SPOT Case No. 3:20-cv-03131-JSC

8 MARKET ANTITRUST LITIGATION

ORDER RE: PLAINTIFFS' RENEWED

9 MOTION FOR SERVICE AWARDS

10 Re: Dkt. No. 635 11 12 13 On March 14, 2025, the Court granted Plaintiffs' motion for final
approval of the class 14 action settlement and granted in part and denied in part Plaintiffs' motion
for attorneys' fees, 15 costs, and service awards for the representative Plaintiffs. (Dkt. No. 631.1)
As relevant here, the 16 Court denied Plaintiffs' request for service awards because Plaintiffs
failed to justify the requested 17 awards with any evidence demonstrating the quantity or quality
of the Settlement Class 18 Representatives' service. (Id. at 18.) Plaintiffs' unopposed motion for
leave to file a renewed 19 motion for service awards and renewed motion for service awards is
now pending before the 20 Court. (Dkt. No. 635.) Having considered the motion and the relevant
legal authority, the Court 21 concludes that oral argument is unnecessary, see Civ. L.R. 7-1(b), and
GRANTS the motion.²

22 DISCUSSION

23 In evaluating a request for a service award (also referred to as an "incentive award") in 24 class
action settlement approvals, courts consider "the actions the plaintiff has taken to protect the 25 1
Record citations are to material in the Electronic Case File ("ECF"); pinpoint citations are to the
26 ECF-generated page numbers at the top of the documents. 27 2 Although the Court entered
final judgment on March 24, 2025, the Court retained jurisdiction 1 interests of the class, the
degree to which the class has benefitted from those actions ... [and] the 2 amount of time and effort
the plaintiff expended in pursuing the litigation." *Staton v. Boeing Co.*, 3 327 F.3d 938, 977 (9th
Cir. 2003). Incentive awards "are intended to compensate class 4 representatives for work done on
behalf of the class, to make up for financial or reputation risk 5 undertaken in bringing the action,
and, sometimes to recognize their willingness to act as a private 6 attorney general." *Rodriguez v.*
W. Publ'g Corp., 563 F.3d 948, 958-59 (9th Cir. 2009). The 7 decision to approve an incentive

award is a matter within the court's discretion. In *re Mego Fin. 8 Corp. Sec. Litig.*, 213 F.3d 454, 463 (9th Cir. 2000). 9 In determining whether an incentive award is reasonable, courts generally consider: 10 (1) the risk to the class representative in commencing a suit, both financial and otherwise; (2) the notoriety and personal difficulties 11 encountered by the class representative; (3) the amount of time and effort spent by the class representative; (4) the duration of the 12 litigation; and (5) the personal benefit (or lack thereof) enjoyed by the class representative as a result of the litigation. 13 *Covillo v. Specialtys Café*, No. C-11-00594-DMR, 2014 WL 954516, at *8 (N.D. Cal. Mar. 6, 14 2014) (quoting *Van Vranken v. Atl. Richfield Co.*, 901 F. Supp. 294, 299 (N.D. Cal. 1995)). A 15 class representative must justify an incentive award through "evidence demonstrating the quality 16 of plaintiff's representative service," such as "substantial efforts taken as class representative to 17 justify the discrepancy between [his] award and those of the unnamed plaintiffs." *Alberto v. 18 GMRI, Inc.*, 252 F.R.D. 652, 669 (E.D. Cal. 2008). Further, district courts must evaluate each 19 incentive award individually. See *Staton*, 327 F.3d at 977. 20 Plaintiffs seek incentive awards of \$5,000 each for the three Settlement Class 21 Representatives: Fricke-Parks Press, Inc., Bogard Construction, Inc., and Ritual Coffee Roasters, 22 Inc. Plaintiffs contend the awards are warranted because they (1) assumed reputational and 23 financial risk by publicly associating their businesses with litigation challenging major players in 24 the California gasoline market; and (2) spent dozens of hours over nearly five years responding to 25 discovery, sitting for depositions, and coordinating with counsel through class certification and 26 ultimately a successful mediation. The Settlement Class Representatives have now submitted 27 declarations in support of the request attesting they spent between 20-59 hours on the litigation. 1 (Dkt. No. 635-1, Fricke-Parks Decl. at ¶ 5-7 (attesting to over 16 hours reviewing and compiling 2 ¶ documents, a half-day deposition, and over 20 phone conferences with counsel); Dkt. No. 635-2, 3 ¶ Bogard Decl. at § 7 (attesting to "no less than 50 hours over the course of the litigation"); Dkt. No. 4 ¶ 635-3, Ritual Decl. at J 10 ("In total, Ritual spent approximately fifty-nine hours participating in 5 ¶ this litigation.")). 6 Given the above, the Court is satisfied the Settlement Class Representatives' individual 7 contributions to this case warrant an incentive award. Further, the requested \$5,000 incentive 8 ¶ award is reasonable and does not "undermine the adequacy of the class representatives." *Radcliffe 9 v. Experian Info. Sols. Inc.*, 715 F.3d 1157, 1163 (9th Cir. 2013). Accordingly, the Court 10 ¶ GRANTS Plaintiff's motion and awards the three Settlement Class Representatives Fricke-Parks 11 Press, Inc., Bogard Construction, Inc., and Ritual Coffee Roasters, \$5,000 each. 12 This Order disposes of Docket No. 635. 13 IT IS SO ORDERED. 14 ¶ Dated: April 30, 2025 ¶¶ fiJed States District Judge ff 18 19 20 21 22 23 24 25 26 27 28