

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Nico Cruz Sanchez, individually and on behalf of other members of
the general public similarly situated v. Mohawk Industries, et al.

Sanchez v. Mohawk Industries · No. 1:20-cv-1510 JLT EPG · Decided September 8, 2025

SUMMARY

The United States District Court for the Eastern District of California directed class counsel to file supplemental evidence itemizing actual litigation expenses incurred in the class action. The court explained that anticipated costs would not be awarded and ordered the supplemental filing by September 15, 2025.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 8, 2025
DOCKET	1:20-cv-1510 JLT EPG
DISPOSITION	other
PROCEDURAL POSTURE	In connection with the Court's review of requested payments from a class-action settlement fund, class counsel reported litigation expenses and sought reimbursement. The Court directed class counsel to submit supplemental evidence itemizing actual costs incurred.
PRECEDENTIAL VALUE	unpublished

TOPICS

class actions costs civil procedure

PRACTICE AREAS

civil procedure class actions costs

QUESTIONS PRESENTED

- Whether the Court may award anticipated litigation expenses from a class-action settlement fund or must limit any award to actual expenses incurred.

2. Whether class counsel must provide an itemized evidentiary submission so the Court can determine whether requested litigation expenses are fair, reasonable, and adequate.

HOLDINGS

1. The Court will not award anticipated litigation costs; any award must be based on actual litigation expenses incurred.
2. Class counsel must file supplemental evidence, including an itemization of costs incurred, so the Court can evaluate whether the requested litigation-expense payment is fair, reasonable, and adequate.

KEY QUOTATIONS

“However, the Court will not award costs for anticipated costs, but rather actual litigation expenses that were incurred.” (at 1)

“Such information is necessary for the Court to determine whether the requested litigation expenses are fair, reasonable, and adequate in reviewing the requested payments from the Settlement fund.” (at 1)

FACTUAL BACKGROUND

Class counsel reported litigation costs of \$21,597.01 and indicated that the figure included costs incurred to date and costs anticipated through final approval. Counsel also represented that a more detailed itemization of costs was immediately available. The Court required that information to determine whether payments from the settlement fund for litigation expenses were fair, reasonable, and adequate.

PROCEDURAL HISTORY

The action was pending in the Eastern District of California following removal. During review of class counsel's requested litigation expenses in connection with a settlement, counsel reported \$21,597.01 in costs, including costs anticipated through final approval. The Court declined to award anticipated expenses and ordered supplemental evidence regarding costs actually incurred.

DISPOSITION

other

CASES CITED

- *Ontiveros v. Zamora*, 303 F.R.D. 356, 375 (E.D. Cal. 2014)

OPINION

Nico Cruz Sanchez, individually and on behalf of other members of the general public similarly situated v. Mohawk Industries, et al.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 NICO CRUZ SANCHEZ, individually and on) Case No.: 1:20-cv-1510 JLT EPG behalf of
other members of the general public) 12 similarly situated,) ORDER DIRECTING PLAINTIFF
TO FILE

) SUPPLEMENTAL EVIDENCE REGARDING

13 Plaintiff,) THE LITIGATION EXPENSES INCURRED BY

) CLASS COUNSEL

14 v.)) 15 MOHAWK INDUSTRIES, et al.,)) 16 Defendants.)) 17 18 Class Counsel report
litigation costs in the amount of \$21,597.01 in this action. (Doc. 82-1 at 19 8.) Graham B.
LippSmith reports that he identified “the costs Class Counsel incurred to date and that 20 they
anticipate incurring through final approval.” (Doc. 82-1 at 8, ¶ 20.) However, the Court will not 21
award costs for anticipated costs, but rather actual litigation expenses that were incurred. See 28
22 U.S.C. § 1920; Fed. R. Civ. Pro. 54; see also *Ontiveros v. Zamora*, 303 F.R.D. 356, 375 (E.D.
Cal. 23 2014) (indicating that payments from the common fund for litigation expenses are
intended to be a 24 “reimbursement”). Nevertheless, Mr. LippSmith also indicates that “Class
Counsel has a more detailed 25 itemization of the costs that Class Counsel can make immediately
available for the Court’s review.” 26 (Doc. 82-1 at 8, ¶ 21.) Such information is necessary for the
Court to determine whether the requested 27 litigation expenses are fair, reasonable, and adequate
in reviewing the requested payments from the 28 Settlement fund. 1 Accordingly, the Court
ORDERS: Class Counsel SHALL file supplementary evidence 2 || regarding their litigation
expenses, including an itemization the costs incurred, no later than 3 || September 15, 2025. 4 5 IS
SO ORDERED. 6 Dated: _ September 8, 2025 Charis [Tourn

7 TED STATES DISTRICT JUDGE

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