

1 Pursuant to California Rules of Court, Rule 2.551, Plaintiffs hereby apply to this Court
2 for leave to submit for *in camera* review and to file under seal their attorneys' detailed time
3 records in support of their concurrently filed Revised Motion for Preliminary Approval of
4 Class Action Settlement ("Revised Motion for Preliminary Approval"). The detailed time
5 records are Exhibits "H" (class claims) and "I" (individual claims) to the concurrently filed
6 Declaration of Donn S. Taketa in support of the Revised Motion for Preliminary Approval
7 ("Taketa Declaration").

8 This Application is based on the accompanying memorandum of points and authorities
9 and the concurrently filed Taketa Declaration.

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11 **Memorandum of Points And Authorities**

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13 ***I. Facts***

14 Plaintiffs are requesting that the Court approve an award of attorneys' fees of 25% of
15 the settlement amount. Under this Court's July 22, 2009 order, Plaintiffs are to provide billing
16 information to assist the court in determining whether to approve the attorneys' fees
17 requested. This order provides in part:

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Attorneys fees: The Court will not approve the amount of
19 attorneys' fees until final approval hearing. The Court cannot
20 award attorneys fees without reviewing information about
21 counsel's hourly rate and the time spent on the case. ... The Court
22 will require counsel to provide sufficient information for a lodestar
23 analysis, and recommends that counsel provide contemporaneous
24 time records and task-based summaries. Given the interaction
between the individual and class claims, the Court will require
counsel to provide records of the hours spent on the individual
claims as well as the class claims ...

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In accordance with this order, Plaintiffs have prepared a summary of their attorneys'
26 billing records, which is publicly filed as Exhibit "G" to the Taketa Declaration. This
27 summary lists total hours worked and amount billed by each attorney, and separates out work
28

1 performed on the class claims and on the individual claims.

2 Also in accordance with this order, Plaintiffs have prepared detailed contemporaneous
3 billing records kept by Plaintiffs' attorneys relating to the class claims (*Taketa Decl.*, Exhibit
4 "H") and to the individual claims (*Taketa Decl.*, Exhibit "T"). Because these detailed billing
5 records contain privileged information, Plaintiffs have not filed them, but have lodged them
6 with the Court, and request the Court's authorization to deem them filed under seal.

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8 ***2. Sealing is appropriate to preserve attorney-client and attorney work product privileges***

9 In order to preserve associated privileges and work product protection, the Court may
10 order *in camera* review of fee information. *Federal Sav. & Loan Ins. Corp. v. Ferm* (9th Cir.
11 1990) 909 F.2d 372, 374; *see also Educational Credit Management Corp v. Central*
12 *Equipment Co.* (E.D. Ky. 2007) 477 F.Supp.2d 788, 794 (ordering billing statements of
13 counsel to be "filed under seal for in camera review."); *In re Aetna Inc.* (E.D. Pa. Jan. 4, 2001)
14 No. 07-CV-1281, 2001 WL 20928, *15 (awarding thirty percent of class action settlement for
15 attorneys' fees and checking this amount against the lodestar as revealed by billing records
16 "filed under seal").

17 Here, it would be appropriate to seal these detailed billing records because they contain
18 detailed descriptions of communications with clients that are protected by the attorney-client
19 privilege as well as detailed descriptions of work performed by attorneys in this case that
20 constitute confidential attorney work product information. *Taketa Decl.*, ¶ 21.

21 Here, moreover, there is no question of waiver of this privilege. Plaintiffs are not
22 seeking fees based on the detailed billing records, but on a percentage of the common fund.
23 The purpose of submitting the detailed records is simply to allow the Court to confirm that the
24 amount sought is reasonable under a lodestar analysis.


25 Finally, sealing these detailing billing records will not prejudice Defendant because, as
26 the Court's July 22, 2009 order noted, Plaintiffs' prior Motion for Preliminary Approval was
27 unopposed.

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For these reasons, Plaintiffs respectfully request that the Court grant this application by deeming Exhibits "H" and "I" to the Taketa Declaration, which have been lodged with the Court, to be deemed filed under seal.

DATED: November 13, 2009

Respectfully submitted,
SULLIVAN TAKETA LLP

By 
Donn S. Taketa
Attorneys for Plaintiffs
Lorena Gómez and Anielka Rodríguez

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3 **PROOF OF SERVICE**

4 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES.

5 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and
6 not a party to the within action; my business address is 31351 Via Colinas, Suite 205, Westlake
7 Village, California 91362.

8 On November 13, 2009, I caused the foregoing document(s) described as **PLAINTIFFS'**
9 **APPLICATION TO FILE UNDER SEAL EXHIBITS H & I TO DECLARATION OF**
10 **DONN S. TAKETA** to be served on the interested parties in this action by placing a true copy
11 thereof enclosed in a sealed envelope addressed as follows:

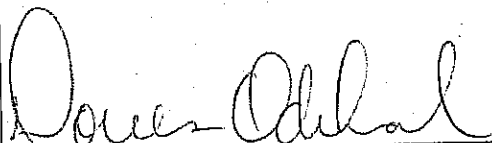
12 Daniel H. Handman, Esq.
13 Curiale Hirschfeld & Kraemer, LLP
14 The Water Garden
15 2425 Olympic Boulevard, Suite 550, East Tower
16 Santa Monica, California 90404
17 Facsimile: (310) 255-0986

18 *Attorneys for Defendants*

- 19 BY MAIL AS FOLLOWS: I caused such envelope to be deposited in the mail at
20 Westlake Village, California. The envelope was mailed with postage thereon fully
21 prepaid. I am "readily familiar" with the Firm's practice of collecting and processing
22 correspondence for mailing with the United States Postal Service. It is deposited with
23 the U.S. Postal Service on the same day in the ordinary course of business.
- 24 BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the
25 offices of the addressee(s).
- 26 BY OVERNIGHT COURIER: I caused the above-referenced document to be delivered
27 to CALIFORNIA OVERNIGHT for delivery to the above address.
- 28 BY FACSIMILE MACHINE: I am "readily familiar" with the Firm's practice of
collecting and processing correspondence which is sent via facsimile. It is transmitted to
the recipient on the 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 November 13, 2009, at Westlake Village, California.

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24 
25 Doreen Odehmal