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9 *Attorneys for Plaintiff and Class Counsel*

11 **SUPERIOR COURT OF CALIFORNIA**

12 **COUNTY OF SAN DIEGO**

13 ROSEMARIE RIVALI, on behalf of herself and  
all others similarly situated,

14 Plaintiff,

15 v.

16 SHUTTERFLY, LLC, a Delaware limited liability  
17 company, and DOES 1- 50, inclusive,

18 Defendants.

Case No. 37-2023-00019221-CU-BT-NC

[E-FILE]

**CLASS ACTION**

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

Date: February 9, 2024

Time: 1:30 p.m.

Judge: Cynthia A. Freeland

Dept: N-27

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego

**11/07/2023** at 04:21:00 PM

Clerk of the Superior Court  
By Veronica Navarro, Deputy Clerk

1 TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

2 On August 25, 2023, the Honorable Cynthia A. Freeland granted preliminary approval of the class  
3 action Settlement Agreement<sup>1</sup> in this matter, and, in an October 12, 2023 Order,<sup>2</sup> set a Final Fairness  
4 Hearing to be held on February 9, 2024, at 1:30 p.m. At the Final Fairness Hearing, or as soon thereafter  
5 as counsel can be heard in Department N-27 of the above-entitled Court, Plaintiff will, and hereby does,  
6 move for an Order Awarding Attorneys' Fees, Costs, and Incentive Award.

7 Class Counsel requests an award of \$2,400,000.00 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 \$12,500 to Plaintiff, Rosemarie Rivali, as  
10 agreed to by Defendant, in recognition of her risk in commencing this case and her efforts in litigating and  
11 participating in this Action.

12 Therefore, Plaintiff, on behalf of herself and the Class, submits this unopposed Motion based upon  
13 the Memorandum of Points and Authorities in Support of Plaintiff's Unopposed Motion for Attorneys'  
14 Fees, Costs, and Incentive Award filed herewith, the concurrently filed Declaration of Todd D. Carpenter,  
15 the records and files in this Action, and such arguments as may be presented at the hearing on this Motion.

16 Dated: November 7, 2023

**LYNCH CARPENTER, LLP**

17 By: /s/Todd D. Carpenter

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27 <sup>1</sup> All capitalized terms, unless otherwise defined, have the same definition as those terms in the Settlement  
Agreement and Release (See ROA No. 12, Ex. 1)

28 <sup>2</sup> See ROA No. 23.