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15 Attorneys for Plaintiff
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17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**

19 JULIO C. DIAZ, individually and on
20 behalf of others similarly situated,

21 Plaintiff,

22 vs.

23 UNITED PARCEL SERVICE, INC.,

24 Defendant.

Case No. EDCV 09-02279 VBF (DTBx)

CLASS ACTION

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
AWARD OF ATTORNEY'S FEES,
COSTS AND CLASS
REPRESENTATIVE
ENHANCEMENT PAYMENT**

Date: April 25, 2011

Time: 1:30 p.m.

Ctrl: 9

25 Please take notice that on April 25, 2011, at 1:30 p.m. or as soon thereafter
26 as counsel may be heard, in Courtroom 9 of the United States Courthouse, located
27 at 312 N. Spring Street, Los Angeles, California, plaintiff Julio C. Diaz
28 ("Plaintiff") will and hereby does move the Court for an order awarding attorney's

1 fees, costs and an enhancement payment in connection with final approval of the
2 class action settlement ("Settlement") reached with defendant United Parcel
3 Service, Inc., which was preliminarily approved by the Court on September 27,
4 2010. Specifically, Plaintiff moves for an order:

5 1. Awarding Plaintiff's counsel attorney's fees in the amount of \$625,000
6 to be allocated as follows: \$437,500 payable to Spiro Moss LLP and \$187,500
7 payable to the Law Office of Shaun Setareh;

8 2. Awarding Plaintiff's counsel costs in the amount of \$13,560.32 to be
9 allocated as follows: \$12,612.41 payable to Spiro Moss LLP and \$947.91 payable
10 to the Law Office of Shaun Setareh; and

11 3. Awarding Plaintiff an enhancement payment in the amount of
12 \$10,000.

13 Plaintiff's motion is made on the grounds that the provisions in the
14 Settlement authorizing awards of attorney's fees and costs to Plaintiff and an
15 enhancement payment to Plaintiff are fair and reasonable under Rule 23(e) of the
16 Federal Rules of Civil Procedure and the amount of fees and costs requested by
17 Plaintiff's counsel are reasonable under Rule 23(h) of the Federal Rules of Civil
18 Procedure. Plaintiff's motion is based on this Notice; the Memorandum of Points
19 and Authorities and Declarations of Gregory N. Karasik and Shaun Setareh
20 submitted herewith; all other pleadings and papers on file in this action; and any
21 oral argument or other matter that may be considered by the Court.

22
23 March 25, 2011

SPIRO MOSS LLP

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25 By: /s/ Gregory N. Karasik
26 Gregory N. Karasik
27 Attorneys for Plaintiff
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