

**This decision was reviewed by West editorial staff
and not assigned editorial enhancements.**

United States District Court,
N.D. California,
San Francisco/Oakland Division.
Margaret Benay CURTIS-BAUER, on behalf of herself
and all others similarly situated, Plaintiff,
v.
MORGAN STANLEY & CO., INCORPORATED, f/k/a
Morgan Stanley DW, Inc., Defendant.
No. C 06-3903 TEH.

Oct. 22, 2008.

Kelly M. Dermody, Heather H. Wong, Lieff, Cabraser,
Heimann & Bernstein, LLP, San Francisco, CA, James M.
Finberg, Eve H. Cervantez, Altshuler Berzon LLP, San
Francisco, CA, Adam T. Klein, Piper Hoffman, Justin
Swartz, Outten & Golden LLP, New York, NY, for the
Plaintiff.

***[PROPOSED] ORDER GRANTING APPLICATION
OF PLAINTIFF FOR APPROVAL OF SERVICE
PAYMENT***

THELTON E. HENDERSON, District Judge.

*1 The parties to this class action lawsuit alleging race discrimination against Defendant Morgan Stanley & Co., Inc. ("Morgan Stanley") settled the action and entered into a proposed Settlement Agreement that provides for comprehensive injunctive and monetary relief for the Class. (See Settlement Agreement, Docket No. 159.) Plaintiff applied to this Court for preliminary approval of the Settlement Agreement and the terms thereof. On February 7, 2008, this Court granted preliminary approval to the Settlement Agreement.

The Preliminary Approval Order directed that notice of the Settlement Agreement, its terms, and the applicable procedures and schedules be provided to the proposed Class (including specific notice about the amount of attorneys fees and costs requested) and set a final Fairness

Hearing for June 16, 2008, to determine whether the Settlement Agreement should be granted final approval, pursuant to Federal Rule of Civil Procedure 23(e), as "fair, adequate and reasonable." Proposed Class members were given an opportunity to comment on the settlement, including the payment of the service award. After Notice was sent, no objections were made to the payment to the Class representative service award. (Docket Entry No. 161 at 19-20.)

The Preliminary Approval Order directed Class Counsel to file a petition seeking the service payment to the Class Representative. (Docket Entry No. 158 at 24.) Class Counsel filed an Application requesting that the Court approve the service award to the Class Representative in the amount of \$25,000.

NOW, THEREFORE, IT IS HEREBY ORDERED, upon consideration of the Settlement Agreement; Plaintiff's Application and supporting declarations, and the proceedings in this action to date, that the Application for approval of the service award in the amount of \$25,000 is GRANTED.

The Court awards \$25,000 to be paid to Ms. Curtis-Bauer for the time and effort she devoted to representing the Class in this case. This amounts was negotiated by the parties and agreed to by Defendant under the terms of the Settlement Agreement. There is no evidence that Ms. Curtis-Bauer failed to evaluate the settlement, sacrificed the interests of the absent Class members to her own, or accepted an unfair settlement on behalf of the Class. Instead, she has been an engaged class representative since joining the case, has vigorously represented the Class' interests pursuant to her fiduciary duties to the Class she seeks to represent, and has taken risks in her own career by stepping forward as a class representative here. Accordingly, a service award of \$25,000 to compensate Ms. Curtis-Bauer for the time and effort she devoted to representing the Class in this case is fair and reasonable. *Staton v. Boeing*, 327 F.3d 938, 977 (9th Cir.2003).

This Court awards \$25,000 to Ms. Curtis-Bauer for her time and efforts on behalf of the Class.

IT IS SO ORDERED.