UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

SUZANNE ALFONSO, STEVEN SLATER, JOSHUA ADKINS and ROBERT DUQUETTE, individually and on behalf of those similarly situated, *Plaintiffs*,	)	3:21-CV-01644 (SVN)
v.	)	October 28, 2026
FEDEX GROUND PACKAGE SYSTEM, INC., *Defendant*.	)	

ORDER ON MOTION FOR ATTORNEYS' FEES

Sarala V. Nagala, United States District Judge.

The Court previously approved the class action settlement in this action brought under the Connecticut Minimum Wage Act on behalf of non-exempt employees at certain Connecticut FedEx facilities. The Court must now decide the amount of compensation to award Plaintiffs' counsel—the law firm Hayber, McKenna & Dinsmore, LLC ("Class Counsel" or "HMD")—for their role in obtaining a settlement of class claims. The settlement provides a $9,500,000.00 settlement fund for more than 49,000 class members. As compensation for their efforts, Class Counsel request attorneys' fees in the amount of $3,166,350.00 (one-third of Settlement Fund), reimbursement of $79,485.09 in litigation expenses, $151,000.00 in settlement administration expenses, and $12,500.00 in service awards for each of the four Class Representatives.

For the reasons that follow, Plaintiffs' motion is granted in full.

I. BACKGROUND

Plaintiffs allege that Defendant violated Connecticut labor laws by requiring Plaintiffs and the class to be clocked out during mandatory security screenings and time spent walking from security screening areas to time clocks. *See generally* Ruling on Pls.' Motion to Preclude Expert

Testimony and Mot. for Class Cert., ECF No. 87 at 1. Plaintiffs alleged that this time undergoing security screening and walking to time clocks is compensable work time and, by not paying Plaintiffs for this time, Defendants impermissibly retained millions of dollars in wages.

This case was removed from state court in 2021. Over the next five years, Plaintiffs' counsel engaged in extensive litigation including taking fifteen depositions and defending several others, ECF No. 141-1 at 8, 10; moving to preclude expert reports and for class certification, *id.* at 11; preparing summary judgment briefing (and oral argument) on cross-motions, *id.* at 12, and three mediations, *id.* at 8, 13. These efforts, totaling 1,121.2 billable hours by Class Counsel, *id.* at 19, resulted in a settlement under which Defendant agreed to contribute $9.5 million to a common settlement fund, to be distributed to class members after accounting for fees and costs, administrative expenses, and class representative service awards. The Court granted preliminary approval to this settlement on April 1, 2026. ECF 135. The Court held a fairness hearing on August 27, 2026, *see* Minute Entry, ECF No. 143, and has finally approved the settlement, *see* Order, ECF No. 146. The Court now considers Plaintiffs' motion for approval of its request for attorneys' fees and costs and service awards to the named Plaintiffs.

II. LEGAL STANDARD

In Rule 23 class actions, the "attorneys whose efforts created the fund are entitled to a reasonable fee—set by the court—to be taken from the fund." *Goldberger v. Integrated Res., Inc.*, 209 F.3d 43, 47 (2d Cir. 2000). The reasonableness of a fee is evaluated based on consideration of the six *Goldberger* factors: "(1) counsel's time and labor; (2) the litigation's magnitude and complexity; (3) the risk of the litigation; (4) the quality of representation; (5) the requested fee in relation to the settlement; and (6) public policy considerations." *McDaniel v. Cnty. of Schenectady*, 595 F.3d 411, 423 (2d Cir. 2010) (citing *Goldberger*, 209 F.3d at 50). In deciding

an appropriate fee, the Court must "act as a fiduciary who must serve as a guardian of the rights of absent class members." *Id.* at 419 (quoting *City of Detroit v. Grinnell Corp.* ("*Grinnell II*"), 560 F.2d 1093, 1099 (2d Cir. 1977) *abrogated on other grounds by Goldberger*, 209 F.3d at 43).

The Second Circuit has approved the use of two methods to calculate attorneys' fees: the "lodestar" method and the "percentage of the fund" method. *See id.* at 417–19. "Under the lodestar method, the district court multiplies the reasonable hours billed by a reasonable hourly rate to create a presumptively reasonable fee." *McGreevy v. Life Alert Emergency Response, Inc.*, 258 F. Supp. 3d 380, 384 (S.D.N.Y. 2017) (citing *Goldberger*, 209 F.3d at 47; *McDaniel*, 595 F.3d at 423). "Under the percentage of the fund method," which is the trend in this Circuit, "class counsel is awarded a reasonable percentage of the total value of the settlement fund created for the class." *Id.*

As the Second Circuit recognized in *McDaniel*, neither method is perfect. *McDaniel*, 595 F.3d at 418–19. The "lodestar method creates 'a disincentive to early settlements, tempts lawyers to run up their hours, and compels district courts to engage in a gimlet-eyed review of the line-item fee audits.'" *In re Colgate-Palmolive Co. ERISA Litig.*, 36 F. Supp. 3d 344, 348 (S.D.N.Y. 2014) (quoting *Wal–Mart Stores, Inc. v. VISA U.S.A. Inc.*, 396 F.3d 96, 121 (2d Cir. 2005)). The percentage method, on the other hand, "directly aligns the interests of the class and its counsel and provides a powerful incentive for the efficient prosecution and early resolution of litigation," *Wal–Mart Stores, Inc.*, 396 F.3d at 121 (quoting *In re Lloyd's Am. Tr. Fund Litig.*, No. 96 Civ. 1262 RWS, 2002 WL 31663577, at *25 (S.D.N.Y. Nov. 26, 2002)), but risks "encouraging counsel to settle a case prematurely once their opportunity costs begin to rise," *McDaniel*, 595 F.3d at 419. In the end, fee awards "should be based on scrutiny of the unique circumstances of each case, and

a 'jealous regard to the rights of those who are interested in the fund.'" *Id.* at 426 (quoting *Goldberger*, 209 F.3d at 53).

III. ATTORNEYS' FEES

The Court first finds that Class Counsel's request for one-third of the fund ($3,166,350) is a reasonable award for this case and awards attorneys' fees in that amount.

The Court adopts the three-step approach set forth in *Colgate-Palmolive* to evaluate the requested percentage of fund attorneys' fees in this case. 36 F. Supp. 3d at 348; *accord In re Foreign Exch. Benchmark Rates Antitrust Litig.*, No. 13 Civ. 7789 (LGS), 2018 WL 5839691 (S.D.N.Y. Nov. 8, 2018), *aff'd sub nom. Kornell v. Haverhill Ret. Sys.*, 790 F. App'x 296 (2d Cir. 2019) (summary order). The first step is to determine a baseline reasonable fee by reference to other common fund settlements of a similar size, complexity, and subject matter. *Colgate-Palmolive*, 36 F. Supp. 3d at 348. This step involves consideration of three of the *Goldberger* factors: (1) the requested fee in relation to the settlement, (2) the magnitude and complexity of the case, and (3) the policy consideration of avoiding a windfall to class counsel. *Id.* The second step is to make any necessary adjustments to the baseline fee considering the *Goldberger* factors of litigation risk, quality of representation, and other public policy concerns. *Id.* at 351. The third step is to apply the lodestar method as a cross-check, which addresses the final *Goldberger* factor of the time and labor expended by counsel. *Id.* at 353.

A. Comparison to Court-Approved Fees in Other Common Fund Settlements

In using the percentage of the fund approach, the critical *Goldberger* factor is the size of the requested fee in relation to the size of the settlement fund, using a baseline reasonable percentage fee. *See Colgate-Palmolive*, 36 F. Supp. 3d at 348. This ensures that the fee awarded to counsel is baseline reasonable in relation to the size, complexity, and subject matter by comparing to fees awarded in similar cases. As the court in *Colgate-Palmolive* explained,

"[h]istorical data of fees awarded in common fund cases provides an unbiased and useful reference for comparing fees cases of similar magnitude . . . ." *Colgate-Palmolive*, 36 F. Supp. 3d at 349. In this case, Class Counsel seeks 33% ($3,166,350.00) of the total settlement of $9,500,000.

Based on the same historical data as used by the court in *Colgate-Palmolive*, the Court here finds that awarding a one-third award for attorneys' fees is consistent with wage and hour class action settlements of a similar size and complexity. For "high-risk" employment cases, the percentage of the recovery awarded for fees was 35.1%, whereas low-risk cases awarded 26.2% of the total fund. Theodore Eisenberg & Geoffrey P. Miller, *Attorney Fees and Expenses in Class Action Settlements: 1993–2008*, 7 J. Empirical Legal Stud. 248, 265 (2010). Although the median percentage of attorneys' fees awarded in cases with a total recovery between $8.7 and 14.3 million was 25% (with a standard-deviation of 8.1), employment cases saw the highest fee award percentage of all case types. *Id.*; *see also* Theodore Eisenberg & Geoffrey P. Miller, *Attorney Fees and Expenses in Class Action Settlements: 2009–2013*, 92 N.Y.U. L. Rev. 937, 951–52 (2017) (finding the mean fee percentage for all class action settlements in the Second Circuit during the time period studied was 28%, and the median was 30%; among federal Fair Labor Standards Act cases nationwide, the mean fee percentage during the time period studied was 30% and the median 33%).

Here, Class Counsel has requested 33% of the total fund. While at the high end of the standard deviation from the historical data published in 2010, counsel's request is well within the range of fees awarded in employment cases of a similar complexity. As Class Counsel explains, this case warrants an award at the high end because it raised novel legal issues—creating a high risk of non-payment—and required Class Counsel to diligently litigate the case at every stage. ECF No. 144 at 1.

Awarding a one-third attorneys' fees out of the common fund is also "consistent with the norms of class litigation in this circuit" and Class Counsel have cited several in-circuit wage and hour settlements supporting their requested fee. *Keifer v. Moran Foods, Inc.*, No. 12-CV-756 (WGY), 2014 WL 3882504, *8 (D. Conn. Aug. 05, 2024) (citations omitted); *see also McMahon v. Olivier Cheng Catering and Events, LLC*, No. 08-CV-8713 (PGG), 2010 WL 2399328, *7 (S.D.N.Y. Mar. 03, 2010) (awarding 33% of a $400,000 settlement fund); *Prasker v. Asia Five Eight, LLC*, No. 08-CV-5811 (MGC), 2010 WL 476009, *6 (S.D.N.Y. Jan. 06, 2010) (awarding 33% of a $1,050,000 settlement fund); *Reyes v. Buddha–Bar NYC*, No. 08C-V-2494 (DF), 2009 WL 5841177, *4 (S.D.N.Y. May 28, 2009) (awarding 33% of a $710,000 settlement fund); *see also* ECF No. 141-1 at 16–18 (collecting cases awarding 33% of the settlement fund as attorneys' fees).

B. Consideration of Risk, Result, and Policy Considerations

The next step of the analysis is to consider three additional *Goldberger* factors: the risk of the litigation, the quality of the representation, and any remaining policy considerations. All three factors point in favor of awarding a one-third fee award.

1. Risk of Litigation

Risk is assessed "as of when the case is filed." *Goldberger*, 209 F.3d at 55. Assuming significant risks warrants a substantial fee because "[n]o one expects a lawyer whose compensation is contingent upon his success to charge, when successful, as little as he would charge a client who in advance had agreed to pay for his services, regardless of success." *City of Detroit v. Grinnell Corp.* ("*Grinnell I*"), 495 F.2d 448, 470 (2d Cir. 1974), *abrogated by Goldberger*, 209 F.3d 43 (2d Cir. 2000).

The risk undertaken by Class Counsel exceeded the ordinary risk inherent in contingency-fee litigation. Class Counsel advanced novel claims under Connecticut wage law, without

precedential support for its interpretation of the law as requiring payment for time spent in security screening and for walking time. *See* ECF No. 144 at 18. Indeed, this issue was certified by the Second Circuit Court of Appeals to the Connecticut Supreme Court because it was a novel issue of state law. *See Del Rio v. Amazon.com*, No. 23-1337, 2026 LW 2469999, at *1 (2d Cir. Aug. 24, 2026) (summary order) (recognizing that the Connecticut Supreme Court answered the certified questions regarding whether time spent in mandatory security screenings was compensable under the CMWA and whether a *de minimis* exception should apply). Counsel advanced nearly $80,000 in costs and spent more than 1000 hours litigating the case—without any certainty as to the result. ECF No. 141-1 at 26. This increased legal uncertainty distinguishes the case from the average contingency-fee matter, where the law may be more established, and supports a fee award at or above the median of comparable class actions.

2. Quality of Representation

The quality of Class Counsel's representation also supports awarding counsel 33% of the fund.

As Class Counsel points out, Attorneys Hayber and Durkin are experienced advocates, and several courts have acknowledged HMD's expertise in class action litigation. *Aros v. United Rentals, Inc.*, No. 10-CV-73 (JCH), 2012 WL 3060470, at *6 (D. Conn. July 26, 2012) (stating that the Hayber Law Firm have "prosecuted and favorably settled many employment law class actions, including wage and hour class actions"); *Soloniewicz v. Sugar Factory, LLC*, No. X07-CV-19-6118245-S, 2024 WL 243349, at *6 (Conn. Super. Ct. Jan. 18, 2024) (Hayber, McKenna & Dinsmore "possesses significant experience and demonstrated competency in class actions"). The quality of the representation is also attested to by the significant recovery in the settlement. *Sukhnandan v. Royal Health Care of Long Island LLC*, No. 12-CV-4216 (RLE), 2014 WL 3778173, at *12 (S.D.N.Y. July 31, 2014) (noting that the recovery obtained is among the factors

to be considered when analyzing the quality of the representation). Class members will receive nearly 75% of owed backpay, and all class members will receive the payment to which they are entitled, without any funds returning to Defendant. ECF 141-1 at 26; Pls.' Supp. Br., ECF No. 144 at 20.

Class Counsel's experience and significant recovery indicate that Class Counsel provided a high quality of representation that supports a one-third fee award.

3. Public Policy Considerations

Public policy considerations also support awarding counsel a reasonable fee of 33%. Wage laws protect workers' right to earned compensation, and private enforcement plays an important role in ensuring compliance. An adequate fee award encourages attorneys to undertake these cases, including those presenting substantial legal risks. *See Goldberger*, 209 F.3d at 51 (noting the "commendable sentiment in favor of providing lawyers with sufficient incentive to bring common fund cases that serve the public interest"); *Beckman v. KeyBank, N.A.*, 293 F.R.D. 467, 477 (S.D.N.Y. 2013) (recognizing that state wage and hour statutes are "remedial statutes, the purposes of which are served by adequately compensating attorneys who protect wage and hour rights"). These considerations support a one-third attorneys' fee award.

C. Lodestar Cross–Check

The last *Goldberger* factor to consider is the time and labor expended by counsel. The Court evaluates this factor by calculating the lodestar as a cross-check to the reasonableness of the percentage fee—which necessarily involves reviewing Class Counsel's time and labor expended. For the reasons discussed below, the Court finds that the fee that Class Counsel seeks is reasonable, despite that the lodestar multiplier is relatively high.

The lodestar is "based upon the number of hours reasonably expended by counsel on the litigation multiplied by a reasonable hourly rate." *Reiter v. MTA New York City Transit Auth.*, 457

F.3d 224, 232 (2d Cir. 2006) (citing *Blanchard v. Bergeron*, 489 U.S. 87, 94 (1989)). "Once that computation is made, the district court may adjust the multiplier based on other factors such as the risk of the litigation or the performance of the attorneys." *Colgate-Palmolive*, 36 F. Supp. 3d at 348.

"Because the lodestar is being used merely as a cross-check, it is unnecessary for the Court to delve into each hour of work that was performed by counsel to ascertain whether the number of hours reportedly expended was reasonable." *In re IPO Sec. Litig.*, 671 F. Supp. 2d 467, 506 (S.D.N.Y. 2009) (citing *Goldberger*, 209 F.3d at 50). Thus, the Court accepts Class Counsel's declaration concerning the number of hours worked. HMD worked approximately 1,121 hours. ECF No. 141-1 at 19. This time accounts for fifteen depositions, *id.* at 10, briefing of numerous motions, *id.* at 7–13, reviewing discovery, and negotiating the settlement, *id*. at 13–14. Given the complexity of the work involved, and the fact that it occurred over a five-year period, the Court finds that these hours are reasonable.

The Court calculates the lodestar figure based on Class Counsel's proposed fee structure, as the Court finds this structure reasonable. "The lodestar figure should be based on market rates 'in line with those [rates] prevailing in the community for similar services by lawyers of reasonably comparable skill, experience, and reputation.'" *Reiter*, 457 F.3d at 232 (alteration in original) (quoting *Blum v. Stenson*, 465 U.S. 886, 895 n.11 (1984)). "[T]he burden is on the fee applicant to produce satisfactory evidence—in addition to the attorney's own affidavits—that the requested rates are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience and reputation." *Blum*, 465 U.S. at 895 n.11; *see also Townsend v. Benjamin Enterprises, Inc.*, 679 F.3d 41, 45 (2d Cir. 2012) (affirming district court's analysis of the reasonable market rate for similar attorneys in the district).

Class Counsel have included affidavits from employment attorneys "in this District describing local prevailing rates, as is often customary when petitioning for attorneys' fees." *Strauch v. Computer Scis. Corp.*, No. 3:14-cv-956 (JBA), 2020 WL 4289955, at *5 (D. Conn. July 27, 2020) (collecting cases); Aff. of William G. Madsen, ECF No. 141-5 at 2–3; Aff. of Atty. Marc Mercier, ECF No. 141-5 at 4–5; Aff. of Nicole M. Rothgeb, ECF No. 141-5 at 6–9. The Court notes that these affidavits are dated (and appear to vouch in part for attorneys who are not counsel in this case). But, on the whole, the affidavits instruct that attorney rates charged here are reasonable in Connecticut given the experience of the attorneys, primarily Attorneys Durkin ($325–$425 per hour) and Hayber ($500–$600 per hour) who performed the vast majority of the work in this case. *See* ECF No. 141-1 at 20–21. Similarly, cases in this district suggest that the rates for paralegals are also reasonable. *See, e.g. Rzasa v. BJ's Rest., Inc.*, No. 23-CV-140 (JBA), 2023 WL 3860457, *4 (D. Conn. June 07, 2023) (approving attorney and paralegal rates of the Hayber Law Firm). Class Counsel have thus provided sufficient evidence as to why their rates are reasonable and should apply in calculating the lodestar.

Based on the rates and hours provided by counsel, the lodestar here equals $398,692.00 in attorney fees. ECF No. 141-1 at 21. With the 33% fee award requested ($3,166,350.00), the multiplier would be 7.94. "Typically, courts use multipliers of 2 to 6 times the lodestar." *Solis v. OrthoNet LLC*, No. 19-CV-4678 (VSB), 2021 WL 2678651, at *4 (S.D.N.Y. June 30, 2021) (quoting *Asare v. Change Grp. of N.Y., Inc.*, No. 12 CIV. 3371 (CM), 2013 WL 6144764, at *18 (S.D.N.Y. Nov. 18, 2013)). Yet, "[c]ourts regularly award lodestar multipliers of up to eight times the lodestar, and in some cases, even higher multipliers." *Beckman,* 293 F.R.D. at 481 (collecting cases); *see also Vizcaino v. Microsoft Corp.,* 290 F.3d 1043, 1052–54 (9th Cir. 2002) (listing class action settlements where multiplier ranged up to 19.6 times the lodestar); *Stop & Shop*

Supermarket Co. v. Smithkline Beecham Corp., No. Civ. A. 03-4578, 2005 WL 1213926 at *18 (E.D. Pa. May 19, 2005) (approving a 15.6 multiplier, where not one class member objected to the motion). While this multiplier is near the higher end of the range of multipliers that courts have allowed, Class Counsel took on high-than-usual risk to achieve a favorable result, and so should not be penalized for achieving a substantial settlement efficiently. *See Fields v. Kijakazi*, 24 F.4th 845 (2d Cir. 2022) ("[Counsel's] ability and expertise allowed it to accomplish in just 25.8 hours what other lawyers might reasonably have taken twice as much time to do. And the relatively high de facto hourly rate of $1,556.98 must be viewed in this context. It would be foolish to punish a firm for its efficiency and thereby encourage inefficiency."). Moreover, lead Plaintiff Alfonso agreed to a 33% fee in her fee agreement with Class Counsel. *See* Fee Agmt., ECF No. 141-2 at 19. These same factors support a finding that the one-third award to Class Counsel would not be an "unwarranted windful" but instead is reasonable compensation (in line with similar settlements) for their time, effort, and skill in bringing about a successful result for the class. *Goldberger*, 209 F.3d at 49-50; *Marcoux v. Comm'r of Soc. Sec.*, No. 18-CV-1641 (OTW), 2023 WL 3568626, at *1 n.1 (S.D.N.Y. May 19, 2023) (defining a windfall as an "unanticipated benefit, usually in the form of a profit and not caused by the recipient"). The Court therefore finds that the multiplier is reasonable in this case.

Thus, considering all the *Goldberger* factors and the lodestar cross-check, an attorney fees award at 33% of the total fund is reasonable for this case.

IV. LITIGATION EXPENSES AND SETTLEMENT ADMINISTRATION EXPENSES

Class Counsel's request for litigation expenses in the amount of $79,485.09 and settlement administration expenses in the amount of $151,000.00 are approved. The Court has reviewed these expenses and finds that they are reasonable and appropriate given the nature of this action.

V. SERVICE AWARDS

Further, Plaintiffs' request for class representative service awards in the amount of $12,500.00 each to Named Plaintiff (Suzanne Alfonso, Steven Slater, Joshua Adkins, and Robert Duquette), for $50,000 total is approved. The Court finds these awards to be justified under the facts of this case and consistent with applicable legal authorities.

VI. CONCLUSION

For the reasons described herein, Plaintiffs' motion for attorneys' fees and costs, administrative expenses, and class representative awards, ECF No. 141, is GRANTED.

The Court awards attorneys' fees in the amount of $3,166,350.00 (one-third of the $9,500,000.00 Settlement Fund), reimbursement of $79,485.09 in litigation expenses, $151,000.00 in settlement administration expenses, and $12,500.00 service awards for each of the four Class Representatives.

SO ORDERED at Hartford, Connecticut, this 28th day of October, 2026.

/s/ Sarala V. Nagala
SARALA V. NAGALA
UNITED STATES DISTRICT JUDGE