

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

JESSE YOAKUM, *et al.*, )  
*on behalf of themselves and all others* )  
*similarly situated,* )

Plaintiffs, )

v. )

Case No. 4:19-cv-00718-BP

GENUINE PARTS COMPANY, *et al.*, )

Defendants. )

**APPLICATION FOR SERVICE AWARDS FOR CLASS REPRESENTATIVES AND  
FOR AWARD OF ATTORNEYS' FEES AND EXPENSES  
RELATED TO CLASS SETTLEMENT**

COME NOW PLAINTIFFS, by and through Class Counsel, and with the non-opposition of Defendants, and for their Application for Service Awards for Class Representatives and for an Award of Attorneys' Fees and Expenses Related to Class Settlement ("Application"), state as follows:

1. Plaintiffs/Class Representatives in this Action reached an Amended Class Settlement Agreement with the Defendants ("Class Settlement Agreement") which provides relief to Class Members who purchased NAPA *Quality* Tractor Hydraulic & Transmission Fluid, Warren 303 Tractor Fluid, Carquest 303 Tractor Hydraulic Fluid, Coastal 303 Tractor Fluid, and/or Lubriguard Tractor Hydraulic and Transmission Oil (collectively referred to as "Warren THF Products") during the Class Period. The Warren THF Products were manufactured by Defendant Warren Oil and sold at NAPA Stores, either franchised or owned by Defendant Genuine Parts Company, as well as at other retailers.

2. On July 26, 2022, the Court entered a Preliminary Approval Order regarding the

Class Settlement Agreement. (Doc. # 229).

3. The Class Settlement Agreement provides compensation payments to Settlement Class Members through a Class Settlement Fund of \$10,850,000.00 to be used to pay (a) claims of Qualified Settlement Class Members, (b) all settlement administration and notice costs, (c) all service awards to Class Representatives as Ordered by the Court, and (d) Class Counsel's attorneys' fees and expenses.

4. The Class Settlement Fund will provide each Qualified Settlement Class Member with an award that will be determined based on (a) the units of Warren THF Products purchased by each such Settlement Class Member during the Class Period; and, (b) the costs of any repairs, parts, and specific equipment damage or losses that the Settlement Class Member contends resulted from, in whole or in part, the use of the Warren THF Products during the Class Period.

5. In addition to the awards to Settlement Class Members, Defendants agreed in the Class Settlement Agreement to pay out of the Class Settlement Fund, if approved by the Court, a service award to each Class Representative in an amount ranging from \$3,000.00 to \$7,500.00 depending on the depth of the representative's required participation, as specifically set forth on the attached Exhibit A. As shown in the supporting suggestions, the requested service award for each Class Representative is appropriate.

6. In the Class Settlement Agreement, Defendants also agreed to pay out of the Class Settlement Fund up to \$250,000.00 for Class Counsel's Court-awarded litigation expenses and up to \$3,530,330.00 for Class Counsel's Court-awarded attorneys' fees. Such a fee award represents an approximate 33% contingency fee on the Class Settlement Fund and less than a 3 multiplier of Class Counsel's lodestar. Class Counsel respectfully submits the amount agreed to and sought by

this Application is fair and reasonable given the complexity of the issues and the meaningful nature of relief obtained through this Class Settlement.

7. Class Counsel thus seeks reimbursement of Plaintiffs' reasonable litigation costs of \$133,729.79 and for Class Counsel reasonable attorneys' fees in the amount \$3,530,330.00. As set forth in the attached Exhibit B, the expenses have been incurred as part of the litigation which resulted in the Class Settlement Agreement. The attorneys' fees are appropriate based both on a percentage of the fund analysis as well as the lodestar for Class Counsel's time.

8. In further support of this Application, Plaintiffs submit their Suggestions in Support.

WHEREFORE, Plaintiffs pray for an order of this Court approving (a) service awards ranging from \$3,000 to \$7,500 to each of the 26 Class Representatives as set forth on Exhibit A hereto; and (b) Class Counsel's expenses of \$133,729.79 and attorneys' fees of \$3,530,330.00.

Date: February 6, 2023

Respectfully Submitted,

HORN AYLWARD & BANDY, LLC

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**CLASS COUNSEL**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document was filed electronically with the United States District Court for the Western District of Missouri, with notice of case activity to be generated and sent electronically by the Clerk of the Court to all designated persons this 6<sup>th</sup> day of February 2023.

/s/ Bryan T. White

**EXHIBIT A**

**LIST OF CLASS REPRESENTATIVES  
AND PROPOSED INCENTIVE AWARDS**

<b><u>Name</u></b>	<b><u>State(s) of Purchase</u></b>	<b><u>Proposed Service Award Amount</u></b>
Jesse Yoakum	Missouri/Kansas	\$7,500
Raymond Rushley	Missouri	\$7,500
Robert Brandes	Missouri	\$5,000
Tyler Clenin	Missouri	\$5,000
Mike Defries	Missouri	\$5,000
Paul DeShon	Missouri	\$5,000
Wendel Adams	Arkansas	\$3,000
Tim Nicholson	Arkansas	\$3,000
Larry Lempka	Colorado	\$3,000
George Duren	Florida	\$3,000
Ellen Allicks	Illinois	\$3,000
John Cook	Illinois	\$3,000
John Brown	Minnesota	\$3,000
Brett Creger	Minnesota/North Dakota	\$3,000
Dennis McDonald	Mississippi	\$3,000
David Harris	Ohio	\$3,000
Mark Schau	Pennsylvania	\$3,000
George Kirven	South Carolina	\$3,000
David Nichols	South Carolina	\$3,000
Wil Dobson	Tennessee	\$3,000
William James	Tennessee	\$3,000
Reginald Morris	Texas	\$3,000
Robert Thiry	Texas	\$3,000
Terry Vaughn	Texas	\$3,000
Chris Kirk	Virginia	\$3,000
Earnest Jenkins	West Virginia	\$3,000

**Exhibit B**

**Expert Expenses:**

Werner Dahm	\$30,825.00
Tom Glenn	\$29,100.00
Ward Economics	\$1,350.00

Sub-Total: \$61,275.00

**Document Management/Database Services – Paid to Vendor:**

Sub-Total: \$39,460.00

**General Expenses – Filing Fees, Service Fees, FOIA Payments, Mediations Fees, Etc.**

Sub-Total: \$5,893.80

**Depositions: Transcripts, Video, Travel, Hotel, Expenses:**

Sub-Total: \$27,100.99

**TOTAL: \$133,729.79**