

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DANA SCHWARTZ, *on behalf of herself and
all others similarly situated,*

Plaintiff,

No. 1:18-CV-00328-KWR-SCY

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, STATE FARM
FIRE AND CASUALTY COMPANY, AND
STATE FARM GENERAL INSURANCE
COMPANY,

Defendants.

**PLAINTIFF'S SUPPLEMENTAL MOTION FOR AWARD OF
ATTORNEY'S FEES, COSTS, AND INCENTIVE AWARD**

Plaintiff Dana Schwartz, by and through undersigned counsel, respectfully submits this Supplemental Motion to clarify the scope of relief sought in Plaintiff's Unopposed Motion for Award of Attorney's Fees, Costs, and Incentive Fee (Doc. 170), filed May 22, 2026, in light of the Court's Memorandum Opinion and Order dated July 16, 2026 (Doc. 180).

1. In its July 16, 2026 Order, the Court observed that the class notice described the fee request using the phrase "up to \$4,250,000," and found that this language, together with the failure to make the fee motion itself available to class members prior to the objection deadline, rendered the notice insufficient under Federal Rule of Civil Procedure 23(h)(1). *See* Doc. 180 at 29. Plaintiff files this Supplemental Motion to make clear that, while the Settlement Agreement provides that State Farm shall pay attorneys' fees, costs, and expenses "in an amount approved by the Court, but not to exceed \$4,250,000," *see* Doc. 170 at 7, Class Counsel's intent in filing the original motion was to seek the full amount of \$4,250,000 — not a lesser or indeterminate sum.

The "up to" phrasing reflected the contractual ceiling set forth in the Settlement Agreement, not any intent to request a reduced or discretionary amount. Plaintiff therefore respectfully requests that the Court approve an award of attorneys' fees, costs, and expenses in the full amount of \$4,250,000.00.

2. In addition, Plaintiff's original motion sought approval of a \$25,000 incentive award for named Plaintiff Dana Schwartz in recognition of her service as class representative throughout this litigation. *See* Doc. 170 at 13-14. This Supplemental Motion reaffirms and clarifies that Plaintiff seeks approval of the full \$25,000.00 incentive award for Ms. Schwartz.

3. Pursuant to the Court's July 16, 2026 Order, Plaintiff will direct notice of both this Supplemental Motion and the original motion (Doc. 170) to the settlement class in a reasonable manner consistent with this Court's Order (Doc. 180) and Rule 23(h)(1), and will afford class members no fewer than twenty-one (21) days to review and object before requesting a ruling from the Court. Plaintiff will promptly notify the Court upon completion of the supplemental notice process.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I further hereby certify that on July 16, 2026, I filed the foregoing electronically through the CM/ECF File System, which caused all parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

/s/ Paul M. Dominguez

Paul M. Dominguez