

1 Case No. 8:11-cv-01733-FMO-AN

2 Jeffrey M. Cohon (CSBN 131431)
3 Howard Pollak (CSBN 147077)
4 **COHON & POLLAK, LLP**
5 10250 Constellation Boulevard, Suite 2320
6 Los Angeles, California 90067
7 Telephone: (310) 231-4470
8 Facsimile: (310) 231-4610
9 jcohon@cohonpollak.com

8 Charles S. Fax (*pro hac vice*)
9 Liesel J. Schopler (*pro hac vice*)
10 **RIFKIN WEINER LIVINGSTON LLC**
11 7979 Old Georgetown Road, Suite 400
12 Bethesda, Maryland 20814
13 Telephone: (301) 951-0150
14 Telecopier: (301) 951-6535
15 cfax@rwlls.com
16 lschopler@rwlls.com

15 David H. Weinstein (CSBN 43167)
16 Robert Kitchenoff (*pro hac vice*)
17 **WEINSTEIN KITCHENOFF &**
18 **ASHER LLC**
19 100 South Broad St., Suite 705
20 Philadelphia, Pennsylvania 19110-1061
21 Telephone: (215) 545-7200
22 Telecopier: (215) 545-6535
23 weinstein@wka-law.com
24 kitchenoff@wka-law.com

Steven A. Schwartz (*pro hac vice*)
Timothy N. Mathews (*pro hac vice*)
CHIMICLES & TIKELLIS LLP
361 West Lancaster Avenue
Haverford, Pennsylvania 19041
Telephone: (610) 642-8500
Telecopier: (610) 649-3633
sas@chimicles.com
tnm@chimicles.com

Nicole Sugnet (CSBN 246255)
LEIFF CABRASER HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, California 94111-3339
Telephone: (415) 956-1000
Telecopier: (415) 956-1008
klaw@lchb.com
nsugnet@lchb.com

Attorneys for Plaintiffs

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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

STEVE CHAMBERS, *et al.*, on behalf
of themselves and all others similarly
situated,

Plaintiffs,

Case No. 8:11-cv-01733-FMO-AN

v.

WHIRLPOOL CORPORATION, *et al.*,

Defendants.

**DECLARATION OF CHARLES S. FAX IN SUPPORT
OF PLAINTIFFS’ MOTION FOR AWARD OF ATTORNEYS’ FEES**

I, Charles S. Fax, declare as follows:

I. Introduction

1. I am co-lead counsel for Plaintiffs in this case, and a senior litigation partner in the Maryland law firm of Rifkin Weiner Livingston LLC (“RWL”) (f/k/a Rifkin, Weiner, Livingston, Levitan & Silver, LLC). RWL has offices in Annapolis, Baltimore, Bethesda and Upper Marlboro, Maryland. I am resident in the Bethesda, Maryland office.

2. I submit this Declaration in support of Plaintiffs’ Motion for Award of Attorneys’ Fees in this case. All of the facts set forth herein are based on my first-hand knowledge acquired in my role as co-lead counsel for Plaintiffs, except the background information on my colleagues at RWL, for which I have relied on information they have given me.

II. Key RWL Personnel in This Case

A. Charles S. Fax

3. I have been a practicing civil litigator for 42 years, concentrating in commercial, constitutional, civil rights, securities, government contracts and

1 procurement, real estate, insurance coverage, environmental and employment
2 disputes and litigation. A print-out of reported decisions, which represents a
3 fraction of the work I have done in my years of practice, is attached hereto as

4 **Exhibit 1.**

5 4. I am a member of the state and federal bars of Maryland, New York
6 and the District of Columbia, numerous federal appellate courts, the U.S. Court of
7 Federal Claims and the U.S. Supreme Court. Throughout my career I have been
8 admitted *pro hac vice* in federal and state courts throughout the country. I was
9 specially admitted to practice in the United States District Court for the Central
10 District of California in this case. I have never been disciplined by any state or
11 federal bar.

12 5. My experience in class action litigation includes: Securities claims
13 (*see, e.g., In re PMA Capital Corp. Sec. Litig.*, 2005 U.S. Dist. LEXIS 15696 (E.D.
14 Pa. July 27, 2005), *In re Jiffy Lube Sec. Litig.*, 772 F. Supp. 890 (D. Md. 1991));
15 lead paint claims (*Ashton v. Pierce*, 541 F. Supp. 635 (D.D.C. 1982)); human rights
16 claims (*Simon, et al. v. Republic of Hungary, et al.*, 812 F.3d 127 (D.C. Cir. 2016))
17 (as co-lead counsel, I co-represent a putative class of thousands of native-
18 Hungarian survivors of the World War II Holocaust in a suit for reparations against
19 Hungary); consumer products claims (*Mouzon, et al. v. Radiancy, Inc.*, D.D.C.,
20 Case No. 1:15-cv-01142); and civil rights claims. In that regard, for seven years
21 (the last three as lead counsel), I represented the Governor of the Commonwealth of
22 Puerto Rico and the administrator of the Puerto Rico prison system in defending
23 against a prisoners' rights class action alleging the prison system's wholesale
24 unconstitutionality in violation of the Eighth Amendment (*Morales Feliciano v.*
25 *Rosello Gonzalez*, 124 F. Supp. 2d 774 (D. P.R. 2000); *Feliciano v. Gonzalez*, 13 F.
26 Supp. 2d 151 (D. P.R. 1998)). In a separate (unreported) federal action, I
27 represented the Director of the Commonwealth of Puerto Rico Psychiatric Hospitals
28 in successfully petitioning the court for the lifting of sanctions and removal from

1 receivership of a public psychiatric hospital, as well as dismissal of the class action
2 that had been brought against it. I also represented the Commonwealth of Puerto
3 Rico *in parens patriae*, in two related suits against putative classes of apple growers
4 in New York and Virginia alleging discrimination against Puerto Rican laborers in
5 violation of federal labor laws (*Rios v. Marshall*, 100 F.R.D. 395 (S.D.N.Y. 1983),
6 *Puerto Rico ex rel. Quiros v. Alfred L. Snapp & Son, Inc.*, 469 F. Supp. 928 (W.D.
7 Va. 1979).

8 6. I have a great deal of experience in highly-publicized cases, including
9 several of the cases mentioned above. Also, I brought the first lawsuit ever against
10 the Office of the President of the United States alleging sex discrimination under
11 Title VII, which resulted in an agreement by the White House (after a change in
12 administrations) to “voluntarily” subject itself to the statute’s requirements.
13 *Schmalzreid v. Jordan*, 578 F. 2d 443 (D.C. Cir. 1978) (Table); see generally,
14 <https://www.fordlibrarymuseum.gov/library/document/0204/1512029.pdf>. Further,
15 I represented the defendant in the largest alleged tax shelter securities fraud ever to
16 have occurred as of that time, the civil result of which was a negotiated settlement
17 with plaintiffs (that they later recanted and appealed unsuccessfully). *See Weil v.*
18 *Markowitz*, 829 F. 2d 166 (D.C. Cir. 1987)

19 7. I am the co-author of two widely used texts on civil discovery (my co-
20 authors are United States District Judge Paul W. Grimm and Paul Mark Sandler,
21 Esq.). First published in 2005, the third edition of our text DISCOVERY PROBLEMS
22 AND THEIR SOLUTIONS (565 pp.), which covers the federal discovery rules, was
23 released by ABA Publishing in April, 2013; we are currently drafting the fourth
24 edition of that text, to address the 2015 amendments, and it is scheduled for release
25 in 2017. DISCOVERY PROBLEMS AND SOLUTIONS (468 pp.), which covers the
26 Maryland rules of discovery, was published in 2008 by MICPEL Publishing.

27 8. Our federal discovery text has been cited with approval in numerous
28 reported decisions. *See Rybas v. Riverview Hotel Corp.*, 2015 U.S. Dist. LEXIS

1 176294 (D. Md. Jan. 15, 2015); *Johnson v. Ford Motor Co.*, 309 F.R.D. 226 (S.D.
2 W. Va. 2015); *Apple, Inc. v. Samsung Elecs. Co.*, 306 F.R.D. 234 (N.D. Cal. 2015);
3 *Sky Angel U.S. LLC v. Discovery Communs., LLC*, 28 F. Supp. 3d (D. Md. 2014);
4 United States ex rel. *Birckhead Elec., Inc. v. Ancel*, 2014 U.S. Dist LEXIS 176535
5 (D. Md. Dec. 23, 2014); *Elat v. Ngoubene*, 2013 U.S. Dist. LEXIS 116275 (D. Md.
6 2013); *Charter Oak Fire Ins. Co. v. Am. Capital, Ltd.*, 2013 U.S. Dist. LEXIS
7 180504 (D. Md. 2013); *Adams v. Sharfstein*, 2012 U.S. Dist. LEXIS 100366 (D.
8 Md. 2012); *Mezu v. Morgan State Univ.*, 269 F.R.D. 565 (D. Md. 2010); *Covad*
9 *Communs. V. Revonet, Inc.*, 258 F.R.D. 17 (D.D.C. 2009); *St. Annes Dev. Co., LLC*
10 *v. Trabich*, 2009 U.S. Dist. LEXIS 10257 (D. Md. Feb. 9, 2009); *Victor Stanley,*
11 *Inc. v. Creative Pipe, Inc.* 250 F.R.D. 251 (D. Md. 2008); *Roberson v. Bair*, 242
12 F.R.D. 130 (D.D.C. 2007); and *Miller v. Holtzmann*, 2007 U.S. Dist. LEXIS 2987
13 (D.D.C. Jan. 17, 2007).

14 9. In addition to practicing law full-time, since 2010 I have served as an
15 Adjunct Professor of Law at the University of Baltimore School of Law. I teach
16 “Discovery Practice and Procedure,” a 3-credit advanced seminar based on the
17 federal and state texts that I have co-authored.

18 10. In addition to numerous other professional articles that I have written
19 and published, since 2008 I have written a regular column for the quarterly
20 magazine *Litigation News*, published in hard-copy and online (available at
21 <http://apps.americanbar.org/litigation/litigationnews/>). My column, titled “Civil
22 Procedure Update,” discusses emerging issues in federal civil procedure.

23 11. I have been rated a “Super Lawyer” in the District of Columbia and in
24 Maryland since 2009, and I have been “AV” rated by Martindale-Hubbell since
25 1995. My biography has been listed in WHO’S WHO IN AMERICA and WHO’S WHO
26 IN AMERICAN LAW for many years.

27 12. My management experience is extensive. I was Managing Partner,
28 Executive Committee member and Chairman of the Litigation Department of two

1 law firms where I practiced for some years, and a member of the Executive
2 Committee and co-Chairman of the Litigation Department at a third law firm where
3 I practiced for many years. As a lay volunteer, I served for three years as National
4 Campaign Chairman of the Jewish National Fund (JNF), raising between \$50
5 million and \$60 million annually in the U.S. for public projects in the State of
6 Israel. I currently serve on the Board of the JNF Boruchin Fund, which annually
7 awards to qualified grantees, in a competitive process, the income from a \$100
8 million dollar charitable fund.

9 13. In our prosecution of this lawsuit, four colleagues at RWL have
10 provided principal assistance to me: Partner (and former Associate) Liesel
11 Schopler, Legal Assistant Ernest Liberati (who retired in July 2015, and was
12 succeeded by Paul Butler), and associate Reuben Wolfson, with additional
13 participation by other attorneys as necessary.

14 B. Liesel Schopler

15 14. Liesel Schopler obtained her undergraduate degree, and her
16 commission as an Ensign in the United States Navy, from the United States Naval
17 Academy in 1999, where she maintained a 3.5 GPA and stood in the top 14% of her
18 class. She was then stationed at Pensacola Naval Air Station as a flight student.
19 She later served aboard the aircraft carrier U.S.S. Enterprise as Joint Force Air
20 Control Coordinator, and then at the Naval Station Norfolk JAG Office in Norfolk,
21 Virginia, where she was a command investigator. Liesel completed her naval
22 career as Office-in-Charge of the Orange Grove Airfield, where she was
23 responsible for operation of the entire airfield and commanded a workforce of
24 thirty-six naval personnel. Liesel, then a Lieutenant, resigned her Navy
25 commission in September, 2003.

26 15. Liesel then enrolled in a dual graduate program at the Catholic
27 University of America, where in 2007 she earned both a J.D. *cum laude* and an
28 M.A. in Psychology, *summa cum laude*. In law school she maintained a 3.4 GPA

1 and graduated in the top 18% of her class. She also served as a staff member on the
2 Journal of Contemporary Health Law and Policy. Her GPA as a Psychology
3 graduate student was 4.0.

4 16. While in law school and for a short period thereafter, Liesel worked in
5 various legal support capacities at Pepper Hamilton LLP and Pillsbury Winthrop
6 Shaw Pittman LLP in Washington, D.C. Liesel then joined RWL, employed under
7 my direct supervision as an entry-level associate researching and drafting legal
8 memoranda, pleadings and motions in various civil actions in which I was attorney
9 of record.

10 17. In March 2008, Liesel accepted a position at the Washington, D.C.
11 office of Morgan, Lewis & Bockius LLP, where she counseled clients on a variety
12 of nuclear regulatory issues including license renewal, new plant licensing,
13 enforcement and investigations, regulatory compliance and the licensing of a high-
14 level nuclear waste repository.

15 18. A year later I persuaded Liesel to return to RWL, where she has been
16 employed ever since, first as an associate, and then as a partner, analyzing and
17 researching legal issues, drafting legal memoranda, complaints, motion papers and
18 briefs, conducting discovery and counseling clients. Among other work, Liesel has
19 had major responsibilities in our ongoing class action against the government of
20 Hungary, *Simon, et al. v. Republic of Hungary, et al., supra*, in which I am co-lead
21 counsel.

22 C. Reuben Wolfson

23 19. Reuben Wolfson earned his B.A. at the University of Michigan in
24 2006, with an overall GPA of 3.48. He then worked as a National Security and
25 International Policy Intern at the Center for American Progress in Washington,
26 D.C., before gravitating to the field of law, where he worked as a paralegal at Bois,
27 Schiller & Flexner in Washington, D.C., and as a judicial intern for the Hon. Peter
28 Messitte, United States District Judge, United States District Court for the District

1 of Maryland. Reuben attended the University of Miami School of Law, where he
2 served as Symposium Editor for the University of Miami International and
3 Comparative Law Review, and received his J.D. *cum laude* in May 2012.

4 20. I hired Reuben thereafter to work at our firm as a contract associate
5 assigned full-time to document review for this case, where he performed in an
6 exemplary manner. On the basis of his excellent work, Reuben was offered, and
7 accepted, a full-time position as an associate in our employment law group, where
8 he now works.

9 D. Ernest Liberati

10 21. Ernest Liberati earned his B.S. in Aeronautical Engineering at New
11 York University in 1971. He then joined the United States Air Force, where he
12 studied at the Defense Language Institute in Monterey, California, and in El Paso,
13 Texas, earning certificates in Vietnamese (1972), Advanced Vietnamese (1976) and
14 Thai (1979). During his Air Force Career, Ernie conducted intelligence operations
15 in Southeast Asia, Japan, Hawaii and in Maryland at the National Security Agency,
16 managing technical units of as many as 80 persons. Honorably discharged in 1997,
17 Mr. Liberati worked for General Dynamics Advanced Information Systems until
18 October 2002. While there he provided consulting services on numerous
19 telecommunications topics and authored reports on telecommunications
20 infrastructure, services and technologies.

21 22. Ernie then returned to school and earned an A.S. in Computer
22 Information Systems and an A.A.S. in Paralegal Studies. He worked as an intern
23 for the Circuit Court for Anne Arundel County, Maryland, and two local law firms
24 before I recruited him to RWL as a litigation paralegal in 2006, where he worked
25 under my direct supervision throughout his employment until his retirement in July
26 2015. Ernie had substantial responsibilities in this case for communications with
27 putative class members, Internet research on combusting dishwashers; maintenance
28 of class member data, document review, organization and maintenance of litigation

1 and research files, maintenance of dishwashers and dishwasher parts, and liaison
2 with our experts.

3 E. Paul Butler

4 23. Upon Ernie Liberati's retirement, Paul Butler succeeded him as the
5 legal assistant assigned to this case, and assumed his scope of responsibilities. Paul
6 earned his B.S. from James Madison University in 1981, and his J.D. from George
7 Mason University School of Law in 1990. While at law school, and for a period of
8 time thereafter, Paul worked as a paralegal in the Washington, D.C. office of Squire
9 Sanders & Dempsey. Between 1991 and 2003, he worked as an associate at a
10 succession of local law firms.

11 24. In 2003, Paul decided to change careers, and became an English and
12 American Literature teacher, teaching at several parochial schools in the region,
13 culminating in his work at Georgetown Preparatory School, where is coached and
14 taught A.P. U.S. Government and Politics between 2005 and 2011. In 2012 Paul
15 returned to the legal profession as a legal assistant, working in several law firms
16 until I recruited him to join RWL in July 2015, where he has worked since then.

17 **III. Highlights of Work Performed by RWL in This Case**

18 25. Steve Chambers was an outside website consultant to my law partner
19 Scott Livingston. In the autumn of 2010, Steve approached Scott complaining that
20 his KitchenAid dishwasher had caught on fire, and that he knew that others had
21 experienced the same problem. Scott referred Steve to me.

22 26. What follows is a narrative of the work that I, and the professionals
23 working with me and under my supervision at RWL, performed in this lawsuit
24 (including work done in conjunction with co-counsel), which forms the basis for
25 RWL's portion of Plaintiffs' Request for Award of Attorneys' Fees and Costs. My
26 narrative is supported by **Exhibit 2** to this Declaration, consisting of the timesheets
27 year by year (filed under seal, and served on Defendants). Next week I will move
28 for leave to file in the public docket a summary of those timesheets, which will

1 identify eight categories of work associated with this case;¹ each professional at
2 RWL who performed services related to the litigation; a summary, year by year, of
3 the amount of time spent by each professional performing one or more categories of
4 work times the hourly rate for that professional for that year; the yearly totals; and
5 the cumulative total.

6 27. At the commencement of the representation, Steve Chambers, in a
7 series of discussions with me and Liesel, described the fire that had erupted in his
8 KitchenAid dishwasher; the analysis that led to the finding that the dishwasher
9 circuit board had overheated and combusted; Steve's contemporaneous Internet
10 searched and the development of his website, www.KitchenAidFire.com, that
11 quickly gathered hundreds of postings and exposed the nationwide magnitude of
12 the combusting Whirlpool dishwasher problem; his efforts to communicate with
13 Whirlpool and Sears to alert them to his findings; Whirlpool's and Sears' refusal to
14 communicate with him and their denials that any problem existed; and Steve's
15 reluctant conclusion, based on Whirlpool's and Sears' intransigence, that he needed
16 legal counsel to help him address his concerns that consumers were at risk.

17 28. Thereafter, with the participation of Liesel and Ernie, I undertook a
18 factual and legal analysis of Steve's problem, including extensive Internet searches
19 conducted by all three of us and case law research done by Liesel and me, in an
20 effort to identify the legal and factual contours of the potential claim by Steve and
21 his wife Lynn Van der Veer,; the potential for one or more consumer class actions
22 in state or federal court; and possible venues.

23 29. On the basis of our analysis, and after consultation with RWL's
24 managing partner, Alan Rifkin, we agreed to accept the representation and advance

25
26 ¹ The categories are: (1) investigation/case evaluation; (2) discovery preparation
27 and execution; (3) legal research, pleadings, stipulations, motions and briefs; (4)
28 court appearances and preparation; (5) mediation/settlement negotiations; (6)
retention of/working with expert; (7) communications with clients and consumers;
and (8) case management and legal strategy.

1 its costs, with fees and costs to be awarded by the Court if we were successful.
2 Contemporaneously, I met with Weinstein, Kitchenoff & Asher in Philadelphia
3 (lawyers with whom I had previously worked on a potential anti-trust case, and was
4 then, and still am, co-counseling with in the Hungarian Holocaust class action
5 mentioned above) to ascertain their interest in serving as co-counsel in the matter.

6 30. As our analysis of the potential for litigation continued, we considered
7 bring the action (or actions) in a number of jurisdictions, eventually concluding,
8 based on our research, that a single class action in federal court in Los Angeles was
9 optimal. I then engaged counsel in Los Angeles, the well-respected litigation law
10 firm of Cohon & Pollak, as co-counsel in our effort.

11 31. Contemporaneously, Liesel, Ernie and I, in collaboration with Steve
12 Chambers, developed criteria for the selection of named plaintiffs and engaged in
13 the intensive and time-consuming process of identifying and screening potential
14 candidates from among those consumers who had contacted Steve and expressed an
15 interest in participating in the case, or otherwise appeared to be appropriate class
16 representatives. Throughout, Liesel was conducting extensive research and analysis
17 of our claims. Simultaneously, she and I commenced the drafting of a complaint
18 and began identifying and considering evidentiary issues that would likely surface
19 during the suit.

20 32. The complaint went through numerous drafts as we continued
21 expanding its breadth and identifying additional suitable named plaintiffs. Our
22 expanded pool of Plaintiffs' counsel was brought into the research, drafting and
23 collaboration process. Also, at my direction, and with the participation of Scott
24 Livingston, Liesel prepared an FOIA Request for submission to one or more federal
25 agencies seeking documents pertinent to Plaintiffs' claims.

26 33. In early March 2011, Ernie, through his ongoing Internet research,
27 discovered the "Fahy case," in which a combusting Whirlpool-manufactured
28 dishwasher had caused a house in Queens, New York, to burn down, killing several

1 of its occupants. Ernie spoke to the Clerk's Office in the Supreme Court for
2 Queens County, New York, and was told that an extensive hard-copy file, including
3 numerous deposition transcripts (including, it turns out, the deposition of
4 Whirlpool's in-house expert), was readily accessible. On an unrelated business trip
5 to New York City, I went to the Queens County Courthouse, located the Fahy files
6 with the assistance of the Clerk, reviewed them and ordered copies of pertinent
7 materials, including deposition transcripts. Thereafter, Liesel reviewed, organized
8 and summarized all of the pertinent material.

9 34. While research and drafting of the complaint continued, I undertook
10 (with the assistance of Liesel and Ernie) the process of identification and retention
11 of a suitable expert. After identifying Jerry Ferguson as a candidate, Liesel and I
12 drove to North Carolina, met with Jerry and returned that day. After further
13 consultations with co-counsel, I retained Jerry as our consulting expert, and, after
14 consultation with Alan Rifkin, prepared a retainer agreement and a proposed
15 budget. We simultaneously began the process of providing Jerry with documents,
16 data, photographs, circuit boards (that we had been in the process of collecting from
17 potential named plaintiffs) and several dishwashers, for him to undertake his
18 independent investigation and analysis.

19 35. Throughout this time (May/June 2011), I was in constant
20 communication via email, memoranda and telephone calls, with co-counsel in
21 Philadelphia and Los Angeles. Re-drafting and expansion of the complaint
22 continued throughout the summer, and the FOIA request was finalized. Letters
23 were drafted to Whirlpool and Sears to advise them of the consumer complaints.
24 Those letters were finalized and sent to Whirlpool and Sears in late October, 2011,
25 in accordance with the notification provisions of the Magnuson-Moss Act and the
26 California Consumer Protection Act.

27 36. With the participation of co-counsel, final edits were made by Liesel,
28 Ernie and me to the Complaint during early November 2011, and it was finalized

1 and filed on or about November 9, 2011. Contemporaneously, the three of us were
2 in close contact with all named Plaintiffs by telephone and via memoranda.

3 37. Upon filing the suit, I placed a call to the Office of General Counsel of
4 Whirlpool, to alert Whirlpool and offer to send a courtesy copy of the Complaint.
5 Media throughout the country quickly picked up the story and started contacting
6 me. After consultation with my colleagues I decided to cooperate with the media in
7 an effort to publicize the claim so as to gain the attention and participation of
8 additional consumers who had experienced Whirlpool dishwasher failures caused
9 by combusting circuit boards. The effort bore success quickly, s calls started to
10 come in from affected consumers in various locales throughout the country who
11 had seen the story on TV or the Internet, or heard it reported on the radio.

12 38. During the same period of time (end of November/December 2011), I
13 was engaged in extensive communications with co-counsel, named plaintiffs and
14 members of the expanding putative class, as well as preparation and coordination of
15 filing of motions for *pro hac* admission in the newly filed case in Los Angeles and
16 our motion for appointment of interim class counsel. Media attention kept
17 increasing, and I fielded those communications and participated in several
18 interviews. During this time I spent several hours evaluating additional claims that
19 might be filed in a separate action against Whirlpool in California, but concluded
20 that the claims could be dovetailed into our ongoing litigation.²

21 39. At the beginning of December, Liesel and I began preparing an
22 amended complaint to incorporate additional information that we had obtained
23 since filing the original Complaint, and correct certain portions of the Complaint.
24 The Amended Complaint was filed on or about December 13, 2011. At this time
25 we also started screening additional potential named plaintiffs and, with Ernie

26 _____
27 ² My time sheets reflect approximately 1 hour billed to this work, a reasonable
28 amount of time in light of the conclusion reached, which applied directly to this
action.

1 Liberati's participation, addressing numerous issues regarding gathering and
2 preservation of evidence from named Plaintiffs and class members. I was also in
3 constant communication with named Plaintiffs, co-counsel and our consulting
4 expert Jerry Ferguson. In January and February 2012 I was also communicating
5 with lead counsel for Defendants, Michael Williams, and his colleagues regarding
6 various matters including proposed stipulations and Defendants' anticipated motion
7 to dismiss. Legal research on California precedents, including the recent *Tietsworth*
8 case in Northern California, continued.

9 40. Defendants filed their motion to dismiss on or about February 16,
10 2012, and my co-counsel and I conferred at length in that regard. I discussed with
11 defense counsel a timetable for our response, and we commenced researching the
12 various issues in the motion. In that regard, I traveled to Philadelphia to meet with
13 co-counsel Robert Kitchenoff, and we conducted several conference calls with co-
14 counsel in Los Angeles to discuss the motion and divide assignments. During this
15 period I was also engaged in communications with the Consumer Product Safety
16 Commission. Liesel continued her extensive research in preparation for our
17 opposition to the motion to dismiss. During this period Ernie and I also met with
18 our consulting expert Jerry Ferguson in North Carolina regarding his continuing
19 investigation and analysis. Ernie and I both continued fielding inquiries from
20 potential class members. I worked with defense counsel on a proposed Case
21 Management Order and convened several lengthy conference calls with co-counsel
22 to discuss its contents, followed in each instance by multiple exchanges of emails
23 concerning same.

24 41. In early March, 2012, I turned to a review of Liesel's draft opposition
25 to the motion to dismiss, as well as various issues identified by her that warranted
26 further analysis and consideration by the group. That led to a decision by the group
27 to prepare and file a Second Amended Complaint, which we finalized and filed on
28 or about March 23, 2012. In connection with that work, in addition to working with

1 co-counsel in Philadelphia and Los Angeles, Liesel and I worked closely with Steve
2 Schwartz and Tim Mathews of Chimicles & Tikellis LLP in Haverford,
3 Pennsylvania, whose client, W. David Beal, had experienced the same Whirlpool
4 dishwasher failure and who, we agreed, would join the suit as a named Plaintiff
5 represented by Steve and Tim (who, ultimately, would become co-lead counsel with
6 me). Through Ernie, I also maintained ongoing communications with potential
7 class members who had contacted Steve Chambers, Jeff Cohon or our firm. I also
8 engaged in numerous discussions with Alan Rifkin and our software consultant
9 concerning web hosting services. At the end of March, Liesel, Ernie and I worked
10 with class members on Declarations detailing their experiences with their
11 Whirlpool-manufactured dishwashers.

12 42. In early April 2012, I engaged in ongoing communications (including
13 correspondence, telephone calls, memoranda and emails) with Plaintiffs, class
14 members, co-counsel, defense counsel, the media, the CPSC, and our software
15 consultant. Numerous such communications with defense counsel were preparatory
16 to a “meet and confer,” for which Liesel and I flew to Denver, as did our Los
17 Angeles counsel, to meet with defense counsel at their offices. Thereafter
18 communications continued as above.

19 43. In mid-May 2012, Defendants filed their Motion to Dismiss the
20 Second Amended Complaint, which necessitated considerable analysis and research
21 by Liesel under my direction and with my involvement. I also coordinated efforts
22 by co-counsel (having divided the research and writing assignments) through
23 memoranda, emails and conference calls. In late May and early June I met with
24 Liesel and Ernie in numerous lengthy sessions to finalize and file Plaintiffs’
25 Opposition to Defendants’ Motion to Dismiss the Second Amended Complaint,
26 integrating and finalizing the work-product of co-counsel that contributed to the
27 effort. I then engaged in a series of communications with defense counsel
28 concerning a proposed Joint Rule 26(f) statement to be submitted to the Court in

1 conjunction with the parties' first scheduling conference. Discussions continued
2 and an agreement was reached on a joint document that was duly filed. In mid-July
3 I flew to Los Angeles for that court appearance, at which Jeff Cohon accompanied
4 me.

5 44. Upon my return to the East Coast I convened a meeting of co-counsel
6 in Philadelphia, which I followed with a detailed memorandum setting forth the
7 decisions made at that meeting. Among other tasks, we undertook to prepare a
8 Third Amended Complaint, to include, inter alia, the claim of Plaintiff Jackie
9 Steffes, represented by her counsel, San Francisco attorneys Kristen Law Sagafi,
10 Nicole Reynolds and their law firm Lieff Cabraser Heimann & Bernstein, LLP,
11 who joined us as the final members of our team. At this point we were also
12 discussing internally a number of discovery issues, in regard to which we met in
13 Haverford, Pennsylvania, at the offices of Chimicles & Tikellis. During the
14 summer, all co-counsel participated in drafting proposed discovery requests to be
15 propounded on Defendants, with Chimicles & Tikellis taking the most significant
16 role, even as Liesel was guiding development of the Third Amended Complaint. I
17 also supervised the preparation of Plaintiffs' Rule 26(a)(1)(A) disclosures.

18 45. In August the parties propounded discovery requests on each other. I
19 spent a considerable amount of time thereafter, as did Liesel and Ernie, explaining
20 the process to our clients and working with them on their draft responses. I
21 reviewed Defendants' Rule 26(a)(1)(A) disclosures at the same time. Steve
22 Chambers' responses were the first ones due, and I worked with him closely on
23 those. The process of completing, refining and finalizing the other Plaintiffs'
24 responses to Defendants' discovery requests continued at my direction, with the
25 participation of Liesel and Ernie, through the better part of October 2012. Among
26 other responsibilities, at this time (and throughout the litigation) Ernie was in
27 charge of gathering all documents and materials from the Plaintiffs; transmitting
28 them to our vendor who converted them to electronically searchable form; directing

1 the vendor's efforts in that regard; and serving on defense counsel the disks that
2 were assembled by our vendor containing Plaintiffs' discovery documents. At the
3 same time, Liesel and I were working on the Third Amended Complaint, in
4 conjunction with input from co-counsel. Liesel, Ernie and I finalized and filed the
5 Third Amended Complaint in mid-October.

6 46. During this period of time I continued communications on a variety of
7 issues with co-counsel, defense counsel, Plaintiffs, and potential new class
8 members. Liesel prepared legal memoranda on a number of pertinent issues. Ernie
9 continued working with the Plaintiffs on their discovery responses, as well as a
10 privilege log. November and December were also occupied (by Liesel, Ernie and
11 me) with a considerable number of issues concerning discovery and the adequacy
12 thereof. Defendants filed their Motion to Dismiss the Third Amended Complaint,
13 which necessitated a considerable amount of work on the part of Liesel and me,
14 coordinating the work of co-counsel as well. In late December 2012, I spent time
15 reviewing the adequacy of Defendants' discovery responses and communicating
16 with co-counsel via memorandum, email and telephone re same. The product of
17 that effort was a letter from me to defense counsel at the end of the month, followed
18 by a conference call, delineating perceived deficiencies in Defendants' discovery
19 responses.

20 47. In January 2013, I spent a good deal of time reviewing ESI and
21 continuing communications with our third-party web hosting services, our
22 consulting expert, Plaintiffs, class members, my in-house team, co-counsel and
23 defense counsel on a variety of issues, including discovery, document review,
24 privilege issues including inadvertent disclosure of privileged information, over-all
25 scheduling and briefing schedule. Work continued on the opposition to the Motion
26 to Dismiss the Third Amended Complaint, with drafting and editing input on the
27 part of all counsel. Defense counsel and I worked on a deposition schedule for the
28 named Plaintiffs. In late January, Rob Kitchenoff joined me to prepare Steve

1 Chambers and Lynn Van der Veer for their lead-off depositions. Liesel, Ernie and I
2 finalized and filed Plaintiffs' opposition to the Motion to Dismiss on January 31,
3 2013, whereupon Liesel, under my direction, commenced initial preparation of
4 materials in advance of anticipated oral argument.

5 48. In February 2013, I continued my supervisory work on ongoing
6 discovery issues, including document production (in which Liesel and Ernie were
7 heavily involved) and deposition scheduling; drafted a motion for scheduling order
8 and stipulation; conferred with defense counsel regarding a proposed scheduling
9 conference; and, with defense counsel, finalized and filed the join motion and
10 proposed order. Rob Kitchenoff and I met with Steve Chambers in advance of his
11 deposition, and I defended it. I did the same for Lynn Van der Veer. At the outset
12 of March, Defendants filed additional discovery requests and we turned to those.
13 During March and April, I was consumed with discovery (including paper
14 discovery and depositions) and, to a lesser extent, negotiations with defense counsel
15 over an amended case management order and communications with potential class
16 members who had recently experienced overheating events with their Whirlpool-
17 manufactured dishwashers. Liesel spent a considerable amount of time during this
18 period preparing extensive outlines for use in witness preparation for the
19 depositions. On April 10, I prepared for, and on April 11, I appear in, court in Lost
20 Angeles at a scheduling conference before Judge Olguin, to whom the case had
21 been reassigned.

22 49. During the remainder of April 2013 and in May 2013, I engaged in
23 preliminary settlement discussions with defense counsel; with Liesel's assistance
24 prepared for oral argument on the motion to dismiss (the hearing on which was
25 cancelled at the last moment by Judge Olguin); communicated with our consulting
26 expert; met with our consulting expert, defense counsel and Defendants' consulting
27 expert in North Carolina (together with co-counsel Howard Pollak from Los
28 Angeles), so that Defendants could inspect the units that our expert had examined;

1 negotiated a stipulation with defense counsel; communicated with defense counsel,
2 co-counsel, class members and Plaintiffs; supervised the drafting of the Fourth
3 Amended Complaint with Liesel's extensive participation and considerable input
4 from co-counsel; met with our expert in North Carolina again; schedule a "meet and
5 confer" with opposing counsel; and planned a further deposition schedule.

6 50. In June 2013, I managed the process of responding to, and participated
7 in the drafting of our opposition to, Defendants' Motion to Dismiss the Fourth
8 Amended Complaint (Liesel had primary research and drafting responsibility, with
9 participation by all Plaintiffs' counsel); prepared Plaintiffs for their depositions and
10 defended their depositions around the country. My supervisory chores on the
11 opposition to the Motion to Dismiss, with Liesel's substantial drafting and that of
12 our co-counsel, continued through the early part of July, when our opposition was
13 filed. Contemporaneously, I prepared additional Plaintiffs for their depositions,
14 defended them in various locales throughout the United States, and engaged in the
15 process of reviewing selected documents culled from Whirlpool's document
16 production. My communications with defense counsel on a variety of issues
17 continued. Liesel spent the remainder of July preparing declarations for class
18 members and working on the anticipated oral argument on the motion to dismiss.

19 51. At the very end of July 2013, I was advised of a recent fire in Findlay,
20 Ohio (where Whirlpool's dishwasher manufacturing facility is located), that
21 consumed an entire home, and that was being attributed to a combusted Whirlpool-
22 manufactured dishwasher. I communicated extensively with the homeowners and
23 then traveled to Findlay to meet with them and observe an inspection of their
24 destroyed house (I alerted defense counsel in advance, and one of them also
25 appeared). Contemporaneously, and through the remainder of the summer and into
26 September, I worked on scheduling further depositions; conducted legal research;
27 negotiated with defense counsel regarding language for a joint request to the Court;
28 discussed mediation with defense counsel; traveled to Boston to prepare a Plaintiff

1 for his deposition and defend it; communicated at length with all of the Plaintiffs
2 regarding the status of the litigation; communicated with our consulting expert;
3 defended depositions in New Jersey and Virginia; retained an economist as a
4 consultant; and reviewed the comprehensive critique, prepared by Liesel, of
5 Defendants' Reply in further support of the Motion to Dismiss.

6 52. By mid-September the parties were seriously engaged in preparation
7 for mediation, and I was plaintiffs' point person on that. Yet, depositions continued
8 in October in Georgia and Chicago: I prepared both witnesses and defended both
9 depositions (over the course of the litigation I defended thirteen depositions around
10 the country and participated in two more, one defended by Tim Mathews and the
11 other by Jeff Cohon; Liesel Schopler defended one deposition, and Nicole Reynolds
12 Sugnet defended two. During that period I was also in close touch with our
13 consulting expert in North Carolina, including telephone and email communications
14 and another trip to North Carolina; I reviewed numerous documents; worked with
15 Liesel on Plaintiffs' mediation statement in conjunction with Tim Mathews, who
16 drafted the extensive technical section based on his firm's close analysis of the
17 documents produced by Whirlpool; organized photographic exhibits and charts for
18 the mediation statement; and, with input from co-counsel, finalized and filed the
19 mediation statement as well as an ex parte letter to the mediator. Liesel conducted
20 further research regarding issues raised in Defendants' reply memorandum.

21 53. During this period of time, Ernie also prepared an internal
22 memorandum analyzing the four defective control platforms at issue, culling
23 information and documents provided by the Defendants, Plaintiffs, putative class
24 members and Jerry Ferguson, our consulting expert in North Carolina.

25 54. In early November 2013, I worked on my oral presentation for the
26 mediation; communicated extensively with co-counsel; and traveled to Boston and
27 participated in the two-day mediation. Liesel continued with her legal analysis of a
28 variety of issues pertinent to the claims and defenses, and provided support for my

1 preparation for the mediation. Ernie continued with his assignments.

2 55. Following the mediation, I had two or three discussions with the
3 “Today Show” in New York (the producer contacted me – I did not initiate the
4 contact); multiple communications with the mediator and defense counsel;
5 preparation for a third day of mediation in Boston; a third day of mediation;
6 multiple, extensive communications with the Plaintiffs; and multiple
7 communications with co-counsel. In December, I conducted legal research on
8 several discrete issues and wrote a lengthy memorandum on same that I circulated
9 to co-counsel; engaged in further communications with Plaintiffs; communicated
10 with our expert in North Carolina; worked on a memorandum that I sent to defense
11 counsel; communicated extensively with defense counsel; and conferred with the
12 mediator. Liesel conducted legal research on a number of issues that had been
13 identified as a result of the mediation. Ernie continued with his assignments.

14 56. In January 2014, I communicated extensively with one potential class
15 member who had suffered catastrophic damages; communicated with new
16 claimants identified by Ernie; reviewed legal rulings; communicated with the
17 media; communicated with defense counsel at length; communicated with Eric
18 Green (our mediator) concerning the next mediation session; worked on a
19 stipulation for a third amended scheduling order, and finalized and filed same; and
20 communicated with Plaintiffs and with co-counsel at length.

21 57. The next mediation session was held in Boston on March 20, 2014. In
22 February, leading up to that session, I engaged in numerous communications with
23 Steve Chambers and co-counsel regarding pending issues; communications with
24 opposing counsel re further scheduling of depositions, and extensive preparation for
25 the mediation, which was to address the issue of attorneys’ fees, and for which only
26 partial fees are being sought in this motion. Following that mediation session,
27 which did not resolve the case, in late March and early April, 2014, I engaged in
28 numerous communications with defense counsel and co-counsel to consider and

1 plan discovery going forward. I also prepared a draft report to the Court which I
2 then submitted to defense counsel. I reported back to the Plaintiffs, and addressed a
3 number of outstanding discovery issues with some of them. During this time,
4 Liesel Schopler was engaged in a variety of legal research projects related to
5 discovery issues that had arisen in the case, including preparation of a motion to
6 compel.

7 58. At the same time, my co-counsel and I considered the retention of an
8 electrical engineering expert in Wichita, Kansas, James Martin, to augment the
9 work done by our consulting expert, Jerry Ferguson. I traveled to Wichita to meet
10 with Mr. Martin, and continuing an ongoing course of communications with
11 Plaintiffs, co-counsel and opposing counsel on pending issues. Liesel continued
12 researching a variety of issues pertinent to the case.

13 59. As noted above, three Plaintiffs' depositions remained to be taken. In
14 late April, I traveled to New York to prepare one of the Plaintiffs and defend her at
15 her deposition. I also began the lengthy process, with co-counsel Tim Mathews, of
16 preparing to take depositions of Defendants' Rule 30(b)(6) witnesses in Michigan,
17 on behalf of Plaintiffs. Our preparation included detailed review and re-
18 organization of many hundreds, if not thousands, of documents produced by
19 Defendants, including many technical documents, spread-sheets and the like. Most
20 of our preparation was done at the offices of Chimicles & Tikellis in suburban
21 Philadelphia over a period of several sessions. Reuben Wolfson, who had joined
22 our office to participate in document review and organization, was instrumental in
23 this tedious and time-consuming effort.

24 60. In May, I defended the deposition of one of the Plaintiffs in Buffalo,
25 New York; continued preparation for our offensive depositions; traveled to
26 Michigan to commence those depositions, and did so, in several trips. In late May I
27 traveled to New Jersey to examine, with defense counsel, the dishwasher of one of
28 the Plaintiffs. In early June I prepared for another offensive deposition with the

1 assistance of Reuben Wolfson; consulted at length with our experts; communicated
2 with defense counsel and co-counsel; addressed a host of pending discovery issues;
3 and traveled to Austin, Texas, to participate in the deposition of a Sears employee.
4 In the mid- and late-June I communicated with a reporter in Fresno, California,
5 regarding a dishwasher fire that had just occurred there; continued my extensive
6 communications with co-counsel and clients regarding pending issues; arranged for
7 the deposition of a non-party witness in Pennsylvania who had experienced a
8 dishwasher fire, met with him (together with Tim Mathews), prepared him for his
9 deposition, and defended his deposition; and traveled to St. Louis to represent the
10 final Plaintiff in her deposition.

11 61. July 2014 was consumed with continued work on discovery issues,
12 ongoing communications with Plaintiffs, and consultations with our electrical
13 engineering expert in Wichita, Kansas, Jim Martin, leading up to a meeting among
14 the parties and their respective experts at Mr. Martin's office in Wichita. The
15 purpose of that meeting was a joint inspection of dishwasher circuit boards and
16 other parts that Mr. Martin had examined. In August I continued working with Mr.
17 Martin, providing information to him as he requested it, as well as additional
18 materials. I also communicated with co-counsel and opposing counsel. I began
19 communicating with an additional electrical engineering expert whom we were
20 retaining, Dr. Michael Pecht at the University of Maryland. In September I met
21 with Dr. Pecht in Maryland and in Philadelphia; reviewed draft expert reports;
22 addressed discovery issues; traveled to Wichita to meet with Mr. Martin, where we
23 consulted on his draft report; consulted with our economics expert on his expert
24 report; and issued Plaintiffs' expert reports and disclosures to defense counsel.
25 During this period of time, Liesel undertook an analysis of the similarities and
26 differences in plaintiffs' depositions, in anticipation of Defendants' opposition to
27 Plaintiffs' upcoming motion for class certification.

28 62. The autumn and winter of 2014-15 were taken up with

1 communications with class members, co-counsel, opposing counsel, our experts,
2 various third-party discovery issues, additional discovery relating to several
3 plaintiffs; review of insurance claims, analysis of the front-loading washing
4 machine case being tried in Cleveland by the defense counsel in our case; an all-
5 hands meeting at the University of Maryland between our expert and Defendants'
6 expert, at which counsel for both sides were present (the purpose being Defendants'
7 inspection of materials at Dr. Pecht's laboratory); and work on a proposed motion
8 challenging certain confidentiality designations of documents produced in
9 discovery by Defendants. Liesel, in January and February, 2015, was engaged in a
10 variety of discovery-related tasks, and during January, had multiple
11 communications with insurance companies, and issued them subpoenas duces
12 tecum, in an effort to obtain their files related to dishwasher claims.

13 63. In late February, 2015, Mike Williams, lead counsel for Whirlpool, re-
14 engaged on the subject of possible settlement. In late February and early March I
15 discussed the matter at length with co-counsel, Plaintiffs, defense counsel and our
16 mediator, Mr. Green. Meanwhile, I prepared for a scheduled oral argument on
17 Plaintiffs' challenge to the confidentiality designations of certain of Defendants'
18 documents produced in discovery. In mid-March I began work, together with
19 Liesel Schopler, on a supplemental mediation statement to bring Mr. Green current
20 with the developments in the case since the prior mediation. That work lasted
21 through mid-April, when the parties exchanged their statements, and we began our
22 analysis of Whirlpool's statement, with a view toward submitting a reply.

23 64. After submission of our reply to Whirlpool's mediation statement, I
24 began preparation for the mediation, which occurred in early May in Boston, at Mr.
25 Green's offices. Settlement negotiations were successful, and thereafter we (1)
26 engaged with defense counsel in preparation of the detailed settlement agreement;
27 and (2) turned to preparation of a joint motion to the Court for preliminary approval
28 of the settlement. That work continued through the summer and into the autumn.

1 In late October 2015, I prepared for the hearing scheduled before Judge Olguin to
2 consider the parties' proposed settlement. The hearing was held on October 25,
3 2015. Thereafter I reported back to my managing partner, Alan Rifkin, and to the
4 Plaintiffs. The remaining time, through the present, has been consumed with a
5 myriad of details regarding execution of the settlement agreement; multiple
6 communications with Plaintiffs, co-counsel and defense counsel; work on our
7 petition for attorneys' fees (the vast bulk of which are not reflected in the attached
8 time sheets and are not being claimed for purposes of this Motion); and
9 consideration of objections to the proposed settlement by class members.

10 65. As is evident from the summary narrative above, the summary of time
11 spent attached as Exh. 2, and our detailed time records filed under seal as Exh. 3,
12 Liesel Schopler, from the outset, played an instrumental role in the prosecution of
13 this case. Throughout the entirety of the litigation, she had primary responsibility
14 for researching, identifying, analyzing and briefing the myriad of complicated legal
15 issues arising from this complex action on behalf of eighteen plaintiffs domiciled in
16 eleven states bringing suit under a multitude of state laws that differed from state to
17 state in their scope, language, application and exceptions.

18 66. Liesel also played the most significant role in identifying potential
19 Plaintiffs and maintaining excellent client relations with them throughout the
20 duration of the litigation. She and Ernie had primary responsibility for debriefing
21 the clients to obtain information necessary to answer the voluminous discovery
22 request propounded by Defendants, and she took responsibility for drafting the
23 discovery responses, which then had to be vetted repeatedly with the clients.

24 67. Having trained and supervised scores of associates and younger
25 partners throughout my career, I can say without hesitation that Liesel performed in
26 this case at the highest level I have ever seen for someone at her level of
27 experience.

28 68. Ernie Liberati (followed towards the end by Paul Butler) had principal

1 control over our internal data base (including the pleadings files; all
2 correspondence; all discoverable materials and documents provided by Plaintiffs;
3 all dishwasher hardware shipped at his direction from a given Plaintiff to our firm
4 or to our experts; and voluminous documents culled from the many productions
5 made by Defendants (the data base for those documents was maintained by co-lead
6 counsel in Haverford, Pennsylvania, but Ernie had independent access to it). While
7 Ernie developed comprehensive indices for all of the documents and materials
8 under his control, his military training in and facility with multiple Far-Eastern
9 dialects enable him to retain enormous amounts of information in his head, and thus
10 he could usually locate quickly any document or item that we needed, without
11 recourse to his index. His technical background also aided him in understanding
12 various technical issues in the case and facilitating their explication.

13 69. Ernie also had principal responsibility for dealing with the hundreds of
14 consumers who contacted us throughout the duration of this litigation: He
15 developed a questionnaire that he issued to each of them, and then recorded the
16 information in his data base; he maintained telephone contact with those who
17 required it, and was kept quite busy throughout the litigation fielding questions by
18 phone and Internet regarding various aspects of the suit.

19 70. Finally, Ernie performed the traditional tasks of a paralegal,
20 summarizing depositions, key documents produced by Whirlpool and many other
21 documents pertinent to the litigation, and proofing, cite-checking, formatting,
22 finalizing and filing the pleadings, motions, oppositions, stipulations and other
23 papers filed throughout this litigation. He, too, functioned at an extremely high
24 level throughout the course of this representation. Ernie's retirement was a loss to
25 the team, but since then, Paul Butler has ably performed the same functions in
26 Ernie's stead.

27 71. As noted toward the outset of this Declaration, Reuben Wolfson was
28 hired to review and summarize thousands of documents produced by Whirlpool,

1 and his activities in this case were confined to that scope of work. While working
2 directly out of our office, he was supervised by co-lead counsel in Haverford (who
3 had chief responsibility for maintaining the Whirlpool data base and analyzing and
4 evaluating the documents). Reuben did an exceptional job in that regard, and on
5 the basis of his work, was invited to join the firm as a full-time associate.

6 72. The time summary (Exh. 2 hereto), as well as the detailed time reports
7 (Exh. 3 hereto, filed under seal) reflects time spent by Alan Rifkin, RWL's
8 managing partner, principally engaged in consultations with me, as necessary,
9 regarding financial, tactical and strategic issues that presented throughout the
10 litigation. Much of his time has been written off. Scott Livingston was involved
11 throughout in client liaison with Steve Chambers and Lynn Van der Veer, and later
12 in discussions concerning public relations designed to identify additional
13 consumers who had experienced combusting Whirlpool-manufactured dishwashers.
14 He also conferred with me on issues concerning mediation strategy and calculation
15 of damages. Finally, paralegal Thaddeus Akum organized filed and digested
16 depositions.

17 73. The time summary (Exh. 2 hereto) is based on the detailed time
18 records that are filed under seal as Exh. 3, and is current through the end of April,
19 2016. The hourly rates reflected year to year were the standard rates charged by
20 each professional at RWL during that year, and in the case of 2016, reflect our
21 current hourly rates. Most of RWL's legal work is performed on an hourly basis,
22 and the rates reflected in the summary and on the detailed time records were
23 charged to, and paid by, the vast majority of RWL's clients during the years in
24 question. RWL's lodestar through April 2016, taking the yearly rates charged by
25 the various professionals times the number of hours of work performed by each
26 professional during that year, amounts to \$3,977,832.73. Expenses advanced
27 (which are delineated in Exh. 3 hereto filed under seal) through March 2016
28 amount to \$362,763.16.

1 74. Throughout the prosecution of this case, we endeavored to prevent the
2 duplication of work and avoid inefficiencies that might otherwise have resulted
3 from multiple firms working on the case. To that end, I was very careful in making
4 assignments, relying on each lawyer for work within his or her particular sphere of
5 concentration. In the event, I believe that we managed the matter as efficiently as
6 possible under the circumstances. One indication of that is that only four lawyers
7 (two partners – me and Tim Mathews – Tony Geyelin (who is Of Counsel to the
8 Chimicles firm) and then-associate Liesel Schopler) and one paralegal, Ernie
9 Liberati, accounted for over 60% of the collective hours and lodestar of Class
10 Counsel.

11 Further, Delarant saith naught.

12 I declare, under penalty of perjury, in accordance with 28 U.S.C. § 1746, that
13 the foregoing is true and correct.

14 Executed on May 6, 2016.

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/s/ Charles S. Fax
Charles S. Fax

EXHIBIT 1 TO FAX DECLARATION



User Name: CHARLES FAX

Date and Time: 06 May 2016 11:12 a.m. EDT

Job Number: 32210359

Results List (includes up to 250)

1. Results List for: "Charles S. Fax"

Client/Matter: Chambers v. Whirlpool

Terms: "Charles S. Fax"

Search Type: Natural Language

Narrowed by:

Content Type
Cases

Narrowed by
-None-



Results for: "Charles S. Fax"

Cases

1. ▲ [Stephenson v. Deutsche Bank AG, 282 F. Supp. 2d 1032](#)

Overview: Plaintiffs' allegations that defendants engaged in market manipulation and made misleading statements and omissions in violation of Rule 10b-5(b) were sufficient to establish a violation of the rule, but the controlling persons were insufficient.

Jurisdiction
U.S. Federal

Court
Minnesota
District Court

Date
2003-09-08

... Jamison , Fruth Jamison & Elsass , Mpls, MN. **Charles S Fax** , Shapiro Sher Guinot & Sandler, Baltimore, MD. Richard ...
... Esq., Fruth, Jamison & Elsass, P.A. , Minneapolis, MN, **Charles S. Fax** , Esq., Richard A. Kirby, Esq., Shapiro Sher Guinot & Sandler, ...

2. ▲ [Austin v. Paramount Parks, Inc., 195 F.3d 715](#)

Overview: Private company might be liable for civil rights violations if its policy or custom caused them, but not under respondeat superior theory; it was not liable for acts of special police officers solely supervised by sheriff.

Jurisdiction
U.S. Federal

Court
4th Circuit
Court of
Appeals

Date
1999-11-01

... BOOTHE, L.L.P. , Richmond, Virginia , for Appellant. **Charles S. Fax** , SHAPIRO & OLANDER , Baltimore, Maryland ; ...

3. ▲ [Paul v. Howard Univ., 754 A.2d 297](#)

Overview: Plaintiff failed to demonstrate that there was an issue of material fact as to any of her claims, and court affirmed summary judgment for defendants in plaintiff's claims for breach of contract, and intentional infliction of emotional distress.

Jurisdiction
Dist. of
Columbia

Court
Court of
Appeals

Date
2000-05-25

... L. Bell for appellant. Timothy F. McCormack , with whom **Charles S. Fax** , Dana M.S. Wilson , and Norma C. Leftwich were ...

4.  [United States ex rel. Yesudian v. Howard Univ., 153 F.3d 731](#)

Overview: An employee handbook that distinguished between temporary and permanent employees providing the latter could be discharged only after specific preconditions were met created a factual question for the jury as to the existence of a contract.

... argued the cause and filed the briefs for appellees/cross-appellants. **Charles S. Fax** entered an appearance. Before: WALD , ...

Jurisdiction
U.S. Federal
Court
DC Circuit
Court of Appeals
Date
1998-09-01

5.  [Victor Stanley, Inc. v. Creative Pipe, Inc., 250 F.R.D. 251](#)

Overview: Any attorney-client privilege or work-product protection that defendants asserted in electronic documents that were inadvertently disclosed to plaintiff was waived because defendants did not take reasonable precautions to prevent the disclosure of privileged information where they abandoned their request for a court-approved non-waiver agreement.

... e.g., Discovery Guideline 9.c.; Paul W. Grimm , **Charles S. Fax** , & Paul Mark Sandler, Discovery Problems and Their Solutions, ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
2008-05-29

6.  [United States v. Maryland Sand, Gravel & Stone Co., 1994 U.S. Dist. LEXIS 14035](#)

Overview: Generators were arrangers under CERCLA liable for response costs because they knew that the broker must dispose of the toxic waste by-product of their operations, and the generators due process or equal protection rights were not violated.

... SE, Elkton, MD. For SCHERING PLOUGH CORPORATION , counter-defendant: **Charles S. Fax** , Shapiro and Olander , Baltimore, Md. For A AND ...
... Rockville , Md. For SCHERING PLOUGH CORPORATION , cross-claimant: **Charles S. Fax** , Shapiro and Olander , Baltimore, Md. For A AND ...
... Elkton , MD. For SCHERING PLOUGH CORPORATION , defendant: **Charles S. Fax** , Shapiro and Olander , Baltimore, Md. Stanley M. ...
... SE, Elkton, MD. For SCHERING PLOUGH CORPORATION , cross-defendant: **Charles S. Fax** , Shapiro and Olander , Baltimore, Md. For A AND ...
... Baltimore, Md. For SCHERING PLOUGH CORPORATION , third-party plaintiff: **Charles S. Fax** , Shapiro and Olander , Baltimore, Md. For A AND ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
1994-08-12

7.  [Feliciano v. Gonzalez, 13 F. Supp. 2d 151](#)

Overview: Correctional officials were liable to prisoners for having provided inadequate medical care and mental health care services.

... PR. For PEDRO ROSSELLO-GONZALEZ, ENRIQUE VAZQUEZ-QUINTANA, Dr., JOHNNY COLON, defendants: **Charles S. Fax** , Shapiro & Olander, P.A. , Baltimore, MD. For PEDRO ...

... Rio Grande, PR. For OTTO RIEFKOHL , consolidated defendant: **Charles S. Fax** , Shapiro & Olander, P.A. , Baltimore, MD. For ...

Jurisdiction
U.S. Federal

Court
Puerto Rico
District Court

Date
1998-05-15

8.  [Doe v. Odenton Volunteer Fire Co., 2009 U.S. Dist. LEXIS 97882](#)

... 25, 2009 Joyce E. Smithey , Partner 331.70 (8.45) 323.25 **Charles S. Fax** , Partner 1.20 1.20 Ellen B. Flynn, Partner 18.00 18.00 Lance ...

... Joyce E. Smithey , Partner \$ 290 433.50 \$ 125,715.00 **Charles S. Fax** , Partner \$ 400 2.90 \$ 1,160.00 Ellen B. Flynn, Partner ...

... 25, 2009 Joyce E. Smithey , 433.50 (101.80) 331.70 Partner **Charles S. Fax** , Partner 2.90 (1.70) 1.20 Ellen B. Flynn, Partner 18.00 18.00 ...

... Joyce E. Smithey , Partner \$ 290 323.25 \$ 93,742.50 **Charles S. Fax** , Partner \$ 400 1.20 \$ 480 Ellen B. Flynn, Partner ...

Jurisdiction
U.S. Federal

Court
Maryland
District Court

Date
2009-10-20

9.  [Gordon v. Gouline, 81 F.3d 235](#)

Overview: Debtors were bound by their settlement offer in a Chapter 7 bankruptcy proceeding. The trustee accepted the offer within the required 10-day time period and acceptance was not "conditional" because it required the approval of the bankruptcy court.

... Letter from Kathleen G. Smith to **Charles S. Fax** (Oct. 5, 1994), reprinted in J.A. 23. Based ...

... offer had expired and could not be enforced. Letter from **Charles S. Fax** to Kathleen G. Smith (Oct. 7, 1994), reprinted in ...

... district court, which enforced the settlement offer. Affirmed. **Charles S. Fax** argued the cause and filed the briefs for appellants. Irving ...

Jurisdiction
U.S. Federal

Court
DC Circuit
Court of
Appeals

Date
1996-04-19

10.  [Mezu v. Morgan State Univ., 269 F.R.D. 565](#)

Overview: Employer improperly asserted Md. Code Ann., State Gov't § 10-616(i), as a "privilege," claiming that document requests were for confidential employee records; § 10-616(i) did not provide a privilege that warranted refusal to produce documents under Fed. R. Civ. P. 26(b)(1), as it did not bar discovery of otherwise-discoverable documents.

... (2d ed. 1994); see Paul W. Grimm , **Charles S. Fax** , & Paul Mark Sandler, Discovery Problems and their Solutions ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
2010-10-22

11.  [NATIONAL ASSN. OF REGULATORY UTIL. COMMRS. v. FCC, 880 F.2d 422](#)

Overview: The FCC impermissibly preempted state regulation of inside wiring where it did not negate a valid federal policy. The Communications Act imposed jurisdictional limits on the power of the FCC giving it authority of necessary measures toward that goal.

... National Ass'n of Regulatory Utility Commissioners in No. 86-1678. **Charles S. Fax** entered an appearance for Petitioners National Ass'n of State Utility ...

Jurisdiction
U.S. Federal
Court
DC Circuit
Court of
Appeals
Date
1989-07-07

12.  [Rios v. Marshall, 530 F. Supp. 351](#)

Overview: Court granted limited immunity to defendant fruit growers from plaintiff migrant workers' antitrust claims based on discriminatory wage rates because Wagner-Peyser Act authorized the Department of Labor to regulate rates.

... Asst. U.S. Atty., New York , N.Y., **Charles S. Fax** , Chapman, Duff & Paul, Washington, D.C., Joseph Kevin McKay ...

Jurisdiction
U.S. Federal
Court
New York
Southern
District Court
Date
1981-11-23

13.  [Shoemaker v. Smith, 353 Md. 143](#)

Overview: Deputy sheriffs were not entitled under collateral order doctrine to immediate review of the trial court's denial of their motion for summary judgment where adjudication was not conclusive because certain issues needed to be determined by a jury.

... summary judgment raising defense of qualified immunity. ARGUED BY **Charles S. Fax** (Andrew J. Toland, Dana M.S. Wilson , Shapiro and ...

Jurisdiction
Maryland
Court
Court of
Appeals
Date
1999-03-10

14.  [Vogel v. Independence Federal Sav. Bank, 728 F. Supp. 1210](#)

Overview: Employer was not entitled to summary judgment on family of employee's complaint alleging damages from the termination of the employee's health insurance because the employee's family established a prima facie case for an ERISA violation.

... Life Insurance Company: Bryan D. Bolton , Esq. and **Charles S. Fax** , Esq., Shapiro & Olander , Baltimore, Maryland

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
1990-01-03

15.  [Weil v. Markowitz, 829 F.2d 166](#)

... was on the brief for Appellants. **Charles S. Fax** for Appellees, Austin J. Doyle, Jr., and Harry A. Suissa ...

Jurisdiction
U.S. Federal
Court
DC Circuit
Court of
Appeals
Date
1987-09-22

16.  [Robinson v. Geo Licensing Co., 173 F. Supp. 2d 419](#)

Overview: Investor was permitted to file amended complaint. Amended complaint sufficiently alleged breach of contract action against defendants. Investor's complaint was not collusive since he had legitimate claims against defendants.

... 2001, Rignal W. Baldwin, Jr. was substituted for **Charles S. Fax** and Dana M.S. Wilson as Geophone's counsel. On ...
... complaint granted. For JAMES G. ROBINSON, plaintiff (98-CV-4168): **Charles S. Fax** , Shapiro Sher and Guinot , Baltimore, MD USA ...
... MD USA . For GEOPHONE COMPANY, L.L.C., defendant (99-CV-1956): **Charles S. Fax** , Dana M.S. Wilson , Shapiro Sher and Guinot ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
2001-11-14

17.  [In re Microsoft Corp. Antitrust Litig., 2007 U.S. Dist. LEXIS 103267](#)

... Washington, DC. For Eastman Kodak Company (1:00-md-01332-JFM), Interested Party: **Charles S Fax**, **Charles S Fax**, Rifkin Livingston Levitan and Silver LLC , ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
2007-02-09

18.  [Seneschal v. AM Broadband, LLC, 2010 U.S. Dist. LEXIS 92999](#)

... MD. For AM Broadband, LLC, Michael Wilson, Defendants: **Charles S Fax** , LEAD ATTORNEY, Rifkin Livingston Levitan and Silver, Bethesda, MD. ...
... LLP, Bowie, MD. For AM Broadband, LLC, Counter Claimant: **Charles S Fax** , LEAD ATTORNEY, Rifkin Livingston Levitan and Silver, Bethesda ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
2010-09-08

19.  [American Paper Institute v. Train, 543 F.2d 328](#)

Overview: Regulations establishing effluent limitations guidelines promulgated by the Environmental Protection Agency were upheld as valid because they were not arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.

... Charles Fabrikant , David R. Berz and **Charles S. Fax** , were on the brief for Petitioners. Bruce Diamond, Attorney, ...

Jurisdiction
U.S. Federal
Court
DC Circuit
Court of
Appeals
Date
1976-08-06

20.  [Ashton v. Pierce, 541 F. Supp. 635](#)

Overview: A class of public housing residents successfully challenged Department of Housing and Urban Development regulations under the Lead Based Paint Poisoning Prevention Act as insufficient in not requiring elimination of nondefective lead-based paint.

... local housing authorities with revised lead-based paint elimination requirements. **Charles S. Fax** , Cheryl C. Burke , Lynda Troutman O'Sullivan , ...

Jurisdiction
U.S. Federal
Court
DC District
Court
Date
1982-06-22

21.  [Ashton v. Pierce, 580 F. Supp. 440](#)

... U.S. Dist. LEXIS 19770 February 3, 1984 **Charles S. Fax** , Esquire, Cheryl C. Burke , Esquire, Lynda Troutman ...

Jurisdiction
U.S. Federal
Court
DC District
Court
Date
1984-02-03

22. ▲ [Covad Communs. Co. v. Revonet, Inc., 258 F.R.D. 17](#)

Overview: In a contract case, a marketing company's motion to compel discovery was granted because, inter alia, a communication company's objections to the questions on the grounds that they requested, in whole or in part, information that it was ascertainable from records in the possession of the marketing company was not a sanctioned response.

Jurisdiction
U.S. Federal

Court
DC District
Court

Date
2009-05-29

... a waiver." Id.; see also Paul W. Grimm, **Charles S. Fax** & Paul Mark Sandler, Discovery Problems and Their Solutions ...

23. ● [Davis v. DiPino, 337 Md. 642](#)

Overview: Appellate court's sua sponte dismissal of a civil rights complaint for failure to state a claim upon which relief could be granted was improper where an arrestee would be prejudiced and precluded from amending his complaint against public officers.

Jurisdiction
Maryland

Court
Court of
Appeals

Date
1995-03-13

... Jr. , Atty. Gen., all on brief), Baltimore, for respondents. **Charles S. Fax** , Gregory M. Miller , Dana M.S. Wilson , ...

24. ▲ [Defenders of Wildlife v. Andrus, 428 F. Supp. 167](#)

... U.S. Fish and Wildlife Service. Paul A. Lenzini , **Charles S. Fax** , Washington, District of Columbia , for International Association of ...

Jurisdiction
U.S. Federal

Court
DC District
Court

Date
1977-03-11

25. ✦ [Ferris, Baker, Watts v. Stephenson \(in Re Mjk Clearing\), 286 B.R. 109](#)

Overview: Under a Securities Investor Protection Act of 1970 liquidation, where the creditor had posted cash collateral with the debtor broker-dealer in exchange for loaned securities, the debtor's commingled cash was not subject to a constructive trust.

Jurisdiction
U.S. Federal

Court
Minnesota
Bankruptcy
Court

Date
2002-11-22

... on the parties Motions for Summary Judgment. Thomas E. Jamison, **Charles S. Fax** and Richard A. Kirby appeared for the plaintiff. Stephen M. ...

26.  [Fund for Animals v. Frizzell, 530 F.2d 982](#)

Overview: A preliminary injunction against limited sport hunting of migratory waterfowl was not justified because there was no showing of irreparable harm or that the harvest of excessive numbers of the waterfowl would irretrievably damage the species.

... Department of Justice, also entered an appearance for Federal Appellees. **Charles S. Fax** , with whom Paul A. Lenzini was on the ...

Jurisdiction
U.S. Federal
Court
DC Circuit
Court of Appeals
Date
1975-12-24

27.  [Medical Mut. Liab. Soc'y v. B. Dixon Evander & Assocs., 339 Md. 41](#)

Overview: An insurance agency could not recover for wrongful interference with business relationships where an insurance company had lawfully severed its relationship with the agency and notified the agency's customers of the termination.

... COSTS. ARGUED BY David M. Funk **Charles S. Fax** , Bryan D. Bolton , Shapiro and Olander, all on ...

Jurisdiction
Maryland
Court
Court of Appeals
Date
1995-06-28

28.  [Puerto Rico ex rel. Quiros v. Alfred L. Snapp & Sons, Inc., 632 F.2d 365](#)

Overview: Puerto Rico had a quasi-sovereign interest in alleging labor law violations, and the interest was sufficiently important to permit parens patriae standing.

... A. Lenzini , Washington, D. C. (Luis Guinot , **Charles S. Fax** , Lynda R. Troutman, Washington, D. C. , on brief) ...

Jurisdiction
U.S. Federal
Court
4th Circuit
Court of Appeals
Date
1980-10-09

29.  [Rios v. Marshall, 100 F.R.D. 395](#)

Overview: Common questions regarding the existence of and motivation for an alleged conspiracy to replace migrant farmworkers with temporary foreign workers predominated over any questions particular to each farmworker in certifying a class action.

... Sp. Asst. U.S. Atty., New York, New York, **Charles S. Fax** , Chapman, Duff & Paul, Washington, District of Columbia, Joseph ...

Jurisdiction
U.S. Federal
Court
New York
Southern District Court
Date
1983-12-12

30. ▲ [Roberson v. Bair, 242 F.R.D. 130](#)

Overview: An employee's claims of identified mental disorders because of the employers actions, to be supported by expert testimony, placed her mental condition in controversy and gave the employer the right to challenge that claim, and justified granting the employer's request for independent mental examinations of the employee under Fed. R. Civ. P. 35(a).

Jurisdiction
U.S. Federal

Court
DC District
Court

Date
2007-05-10

... provides the report 1 See Paul W. Grimm, **Charles S. Fax** & Paul Mark Sandler, Discovery Problems and Their Solutions ...

31. ▲ [Fischer v. Magyar Allamvasutak Zrt, 777 F.3d 847](#)

Overview: Claims for takings of property brought by Holocaust survivors and heirs of Holocaust victims against the Hungarian national railway and national bank were properly dismissed without prejudice under 28 U.S.C.S. §1605(a)(3) because the survivors and heirs did not exhaust available Hungarian remedies should not be excused from doing so.

Jurisdiction
U.S. Federal

Court
7th Circuit
Court of
Appeals

Date
2015-01-23

... United States to depose a Hungarian war criminal. See **Charles S. Fax** , "A Tale of Discovery under the Hague Convention," American ...

32. ▲ [Bourexis v. Carroll County Narcotics Task Force, 96 Md. App. 459](#)

Overview: An attorney who alleged that a narcotics task force's policy not to negotiate plea agreements with his clients harmed his occupational opportunities, without specific instances of wrongful conduct, did not state a claim of categorical discrimination.

Jurisdiction
Maryland

Court
Court of
Special
Appeals

Date
1993-06-03

... Columbia, for appellees, Heisler and Carroll County Narcotics Task Force. **Charles S. Fax** (B. Darren Burns and Shapiro and Olander, on ...

33. ✚ [Carr v. Rose, 701 A.2d 1065](#)

Overview: Claims against original tenants were not barred by res judicata and collateral estoppel because lease liabilities were not assumed by consolidated law firm, thus original law firm was not in privity with estate of member of consolidated law firm.

Jurisdiction
Dist. of
Columbia

Court
Court of
Appeals

Date
1997-10-09

... and appellee Riordan. Niccol N. Donzella , with whom **Charles S. Fax** was on the brief, for appellees Guinot, Lenzini, Greene and ...

34.  [Christian v. Cecil County, 817 F. Supp. 1279](#)

Overview: Former county employees allegedly terminated without due process produced sufficient evidence to create a genuine issue of fact as to whether they were terminated for personal reasons rather than due to a legitimate governmental reorganization; the executive nature of the decision to remove them precluded absolute immunity for commissioners.

... Esq., of Elkton , Maryland , for Plaintiffs. **Charles S. Fax** , Esq., and Kathy L. McCalip , Esq., of Baltimore, ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
1993-03-29

35.  [Dunnville v. McCormick & Co., 21 F. Supp. 2d 527](#)

Overview: The corporation was entitled to summary judgment after it established as a matter of law that there was no genuine issue of material fact regarding tortious interference with contract, promissory estoppel, and quantum meruit.

... and JUDGMENT ENTERED in favor of the defendants. **Charles S. Fax** , Esquire, and Barron L. Stroud, Jr. , Esquire, Baltimore, ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
1998-09-29

36.  [GO Computer, Inc. v. Microsoft Corp., 437 F. Supp. 2d 497](#)

Overview: In multi-district litigation, a computer corporation's antitrust claims against a competitor were dismissed as untimely under the four-year statute of limitations in 15 U.S.C.S. § 15b; the claims accrued, at the latest, when the FTC entered a consent decree in separate litigation that barred the same antitrust conduct by defendant.

... Washington, DC. For Eastman Kodak Company, Interested Party: **Charles S. Fax** , Rifkin Livingston Levitan and Silver, Greenbelt , ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
2006-06-29

37.  [Howe Inv. Ltd. v. Perez y Cia. de P.R., Inc., 96 F. Supp. 2d 106](#)

Overview: Where information that was purportedly disclosed to corporation's attorney was general and vague, it was insufficient to warrant disqualification for the existence of a relationship between attorney and the opposing party.

... of Jane Becker Whitaker, PSC, San Juan, PR, for defendant. **Charles S. Fax** , Shapiro & Olander, P.A. , Baltimore, MD , ...

Jurisdiction
U.S. Federal
Court
Puerto Rico
District Court
Date
2000-05-25

38. ▲ [In re Jiffy Lube Sec. Litig., 772 F. Supp. 258](#)

Overview: Plaintiffs' claims against defendant alleging misstatements and misrepresentations in annual and quarterly financial reports and SEC filings included facts and particularity required to withstand motion to dismiss.

... Esquire, Washington, D.C. , counsel for W. James Hindman. **Charles S. Fax** , Esquire, Baltimore, Maryland , and Stephen W. Greiner ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
1991-08-13

39. ▲ [In re PMA Capital Corp. Sec. Litig., 2005 U.S. Dist. LEXIS 15696](#)

Overview: Section 10(b) of Securities Exchange Act of 1934, 15 U.S.C.S. § 78j(b), claim failed, as claim did not pass "market check" test; when company announced it was increasing reserves, stock price went up; claim that defendants misrepresented way they set loss reserves and adequacy of reserves, thereby harming shareholders, survived motion to dismiss.

... For FERRIS , BAKER, WATTS, INC. , Defendant: **CHARLES S. FAX** , SHAPIRO SHER & GUINOT , BALTIMORE, MD; DANA S. ...

Jurisdiction
U.S. Federal
Court
Pennsylvania
Eastern
District Court
Date
2005-07-27

40. Ⓐ [Johnson v. Ford Motor Co., 309 F.R.D. 226](#)

... subject matter."); and Paul W. Grimm, **Charles S. Fax** , & Paul Mark Sandler, Discovery Problems and Their Solutions ...

Jurisdiction
U.S. Federal
Court
West Virginia
Southern
District Court
Date
2015-08-28

41. ● [Novell, Inc. v. Microsoft Corp. \(In re Microsoft Corp. Antitrust Litig.\), 699 F. Supp. 2d 730](#)

Overview: In an antitrust suit brought by a software company against a computer corporation, the computer corporation's summary judgment motion was granted as, although the software company established genuine issues of material fact with regard to its Sherman Act, 15 U.S.C.S. § 2 claim, it had assigned its ownership interests and no longer owned the claim.

... Washington, DC. For Eastman Kodak Company, Interested Party: **Charles S Fax** , Rifkin Livingston Levitan and Silver, Greenbelt , MD. ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
2010-03-30

42. ▲ [Post v. St. Paul Travelers Ins. Co., 691 F.3d 500](#)

Overview: Insurance bad faith claim under 42 Pa. Cons. Stat. § 8371 failed because a sanctions exclusion in insurance policy provided insurer a reasonable basis for declining to provide a defense to insured, and there was nothing in the record indicating that insurer's purported mishandling of insured's claim was motivated by a dishonest purpose or ill will.

... (Argued) , Bochetto & Lentz , Philadelphia, PA; **Charles S. Fax** , Esquire , Rifkin, Livingston, Levitan & Silver, Bethesda, MD ...

Jurisdiction
U.S. Federal

Court
3rd Circuit
Court of
Appeals

Date
2012-07-31

43. ● [Puerto Rico ex rel. Quiros v. Alfred L. Snapp & Son, Inc., 469 F. Supp. 928](#)

... Robert C. Watson , Fairfax , Va., **Charles S. Fax** , Washington, D.C., for plaintiff.
Thomas J. Bacas , Charles, ...

Jurisdiction
U.S. Federal

Court
Virginia
Western
District Court

Date
1979-04-19

44. ▲ [Puerto Rico ex rel. Quiros v. Bramkamp, 654 F.2d 212](#)

Overview: Commonwealth had standing as parens patriae to litigate action for discrimination in hiring of farm workers by apple growers, as it had interest in the outcome, which affected its whole populace, and it was best situated to act for that interest.

... Lenzini , Washington, D. C. (Luis Guinot, Jr. , **Charles S. Fax** , and Lynda Troutman O'Sullivan , Washington, D. C. and ...

Jurisdiction
U.S. Federal

Court
2nd Circuit
Court of
Appeals

Date
1981-07-28

45. Ⓐ [Sky Angel U.S., LLC v. Discovery Communs., LLC, 28 F. Supp. 3d 465](#)

... See, e.g ., Discovery Guideline, 10.d; Paul W. Grimm, **Charles S. Fax** , & Paul Mark Sandler, Discovery Problems and Their Solutions ...

Jurisdiction
U.S. Federal

Court
Maryland
District Court

Date
2014-06-30

46.  [United States ex rel. Birckhead Elec., Inc. v. James W. Ancel, Inc., 2014 U.S. Dist. LEXIS 176535](#)

... than an outright objection. See Paul W. Grimm, **Charles S. Fax** , & Paul Mark Sandler, Discovery Problems and their Solutions ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
2014-12-23

47.  [Wilkinson v. Legal Servs. Corp., 80 F.3d 535](#)

Overview: Acceptance by the inspector general of the Legal Services Corporation (LSC) of compensation and raises estopped him from challenging the constitutionality of the LSC board's authority to discharge him.

... cause for appellant Legal Services Corporation , with whom **Charles S. Fax** was on the briefs. Reuben B. Robertson, III argued ...

Jurisdiction
U.S. Federal
Court
DC Circuit
Court of
Appeals
Date
1996-04-09

48.  [Bienville v. United States, 14 Cl. Ct. 440](#)

... 1987 ASBCA LEXIS 817 (A.S.B.C.A., May 7, 1987) **Charles S. Fax** , Washington, District of Columbia., Attorney of Record, for Plaintiffs. John ...

Jurisdiction
U.S. Federal
Court
Court of
Claims
Date
1988-03-10

49.  [Brunswick v. Hyatt, 91 Md. App. 555](#)

Overview: Governmental immunity attached where a city operated a public pool because the activity was for the general good of the public and was operated pursuant to specific legislative authority.

... APPELLANT. COSTS TO BE PAID BY APPELLEE. **Charles S. Fax** , argued (Kathy L. McCalip , and Shapiro and Olander, ...

Jurisdiction
Maryland
Court
Court of
Special
Appeals
Date
1992-04-30

50. [A Charter Oak Fire Ins. Co. v. Am. Capital, Ltd., 2013 U.S. Dist. LEXIS 180504](#)

... See, e.g. , Discovery Guideline, 10.d; Paul W. Grimm, **Charles S. Fax** , & Paul Mark Sandler, Discovery Problems and Their Solutions ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
2013-12-24

51. [+ Elat v. Ngoubene, 2013 U.S. Dist. LEXIS 116275](#)

... e.g., Discovery Guideline 10.d.; Paul W. Grimm , **Charles S. Fax** , & Paul Mark Sandler, Discovery Problems and Their Solutions, ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
2013-08-16

52. [+ In re Jiffy Lube Sec. Litig., 772 F. Supp. 890](#)

Overview: In a securities fraud case, the court specified that the pro tanto method of setoff was to be used in apportioning damages between settling and non-settling defendants because it was the most equitable to all parties.

... Maryland , counsel for the defendant Ernst & Young. **Charles S. Fax** , Esq., Baltimore, Maryland , counsel for the defendant ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
1991-09-13

53. [A In re Jiffy Lube Sec. Litigation, 130 F.R.D. 42](#)

Overview: There was no present need to "focus" the issues or otherwise modify the allegations in the complaint, and under principles of notice pleading, it was sufficient that the non-settling member knew the essential nature of the allegations against it.

... Maryland , counsel for the Defendant Ernst & Young. **Charles S. Fax** , Esq., Baltimore, Maryland , counsel for the Defendant Shearson ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
1990-03-16

54. **1** [In re Kahn, 328 Md. 698](#)

... for Atty. Grievance Com'n of Maryland , for petitioner. **Charles S. Fax** , Baltimore, for respondent. Murphy , C.J., and ...

Jurisdiction
Maryland

Court
Court of Appeals

Date
1992-12-16

55. **1** [Johnson v. E.C. Ernst, Inc., 618 F. Supp. 156](#)

Overview: Shareholders alleged that a proxy statement contained false and misleading statements and violated the Securities and Exchange Act of 1934. Because it was unclear whether the statements in question were material, summary judgment was denied.

... New York , New York . Philadelphia Bourse: **Charles S. Fax** , Porter, Wright, Morris & Arthur , Washington, District of ...

Jurisdiction
U.S. Federal

Court
DC District Court

Date
1985-08-15

56. **1** [Leroux v. Nynex Worldwide Servs. Group, 677 So. 2d 956](#)

... Boggs, Villareal & Banker , Tampa, cocounsel for Appellees. **Charles S. Fax** and Robert C. Sanders of Shapiro and ...

Jurisdiction
Florida

Court
2nd District Court of Appeal

Date
1996-07-31

57. **▲** [Litty v. Becker, 104 Md. App. 370](#)

Overview: Costs as sanctions under Md. Rule 1-341 could first be sought after judgment had been entered and appealed and the appeal had been concluded.

... COSTS TO BE PAID BY APPELLEE. ARGUED BY **Charles S. Fax** (Dana M.S. Wilson and Shapiro and Olander, ...

Jurisdiction
Maryland

Court
Court of Special Appeals

Date
1995-04-04

58.  [Md. Port Admin. v. Premier Auto. Servs. \(In re Premier Auto. Servs.\)](#), 343 B.R. 501

Overview: Bankruptcy court had no authority to compel the Maryland Port Administration (MPA) to enter into a new lease on state-owned land after a debtor's lease expired prepetition and the debtor failed to prove discrimination under 11 U.S.C.S. § 525 because the refusal to approve a sublease was based on MPA's interest in maintaining creditworthy tenants.

Jurisdiction
U.S. Federal

Court
Maryland
Bankruptcy
Court

Date
2006-06-08

... State of Maryland , dated October 3, 2005, to **Charles S. Fax** , Esquire, counsel to Premier: As you know, I met with ...

59.  [Medical Mut. Liab. Ins. Soc'y v. B. Dixon Evander & Assocs.](#), 331 Md. 301

Overview: Because there had never been final judgment in agency's action against society for defamation and tortious interference with business relationships, it was inappropriate for either court or court of appeals to consider the merits of appeal.

Jurisdiction
Maryland

Court
Court of
Appeals

Date
1993-07-26

... BE EQUALLY DIVIDED . David M. Funk , **Charles S. Fax** and Bryan D. Bolton , Shapiro and Olander, and ...

60.  [Miller v. Holzmman](#), 2007 U.S. Dist. LEXIS 2987

Overview: In a qui tam action alleging that several contractors had engaged in bid rigging, a magistrate recommended that contractors' motions to dismiss suit as sanction for Government's loss or destruction of evidence be denied; whether Government's conduct warranted harsh sanction of dismissal could not be decided until court heard trial testimony.

Jurisdiction
U.S. Federal

Court
DC District
Court

Date
2007-01-17

... extremely useful chart of those sanctions, see Paul W. Grimm, **Charles S. Fax** and Paul Mark Sandler, Discovery Problems And Their Solutions ...

61.  [Morales Feliciano v. Rosello Gonzalez](#), 124 F. Supp. 2d 774

Overview: Puerto Rican administrator of corrections was found in contempt of court for failure to comply with court orders regarding admission cells. A fine of \$ 10,000,000 was imposed.

Jurisdiction
U.S. Federal

Court
Puerto Rico
District Court

Date
2000-12-20

... San Juan, PR. For OTTO RIEFKOHL , consolidated defendant: **Charles S. Fax** , Shapiro, Sher & Guinot , Baltimore, MD. ...

62. **1** [Naph-Sol Refining Co. v. Cities Service Oil Co., 495 F. Supp. 882](#)

Overview: The oil company could not defeat summary judgment on the refinery's claim that it had been overcharged for petroleum products where the oil company had exceeded the maximum allowable price based on the class of purchaser assigned to the refinery.

... John C. Jones , Grand Rapids, Mich. , **Charles S. Fax** , Washington, D. C., of counsel. Barbara Allen Babcock , ...

Jurisdiction
U.S. Federal
Court
Michigan
Western
District Court
Date
1980-05-28

63. **1** [Naph-Sol Refining Co. v. Cities Service Oil Co., 506 F. Supp. 77](#)

... John C. Jones , Grand Rapids, Michigan , **Charles S. Fax** , Washington, D. C., of counsel. Barbara Allen Babcock , ...

Jurisdiction
U.S. Federal
Court
Michigan
Western
District Court
Date
1980-05-28

64. **1** [Nilson v. Historic Inns Group, 903 F. Supp. 905](#)

Overview: In an action by an employee that alleged that the employer violated the Pregnancy Discrimination Act, employer's motion for summary judgment was denied because there were material facts in dispute regarding the employee's performance of her job.

... Junghans, Snyder & Bernstein , Baltimore, MD. Attorney(s) for defendant: **Charles S. Fax** , Shapiro & Olander , Baltimore, MD. ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
1995-11-01

65. **A** [People v. Rivera, 76 Misc. 2d 414](#)

... (Norman E. Frowley and **Charles S. Fax** of counsel), for respondent. Concur -- ...

Jurisdiction
New York
Court
Appellate Term
1st Judicial
Department
Date
1973-11-30

66. [A People v. Williams, 34 N.Y.2d 657](#)

... Brower for appellant. Mario Merola, District Attorney (**Charles S. Fax** of counsel), for respondent. Chief Judge ...

Jurisdiction
New York

Court
Court of Appeals

Date
1974-03-29

67. [Phillips v. Selig, 157 F. Supp. 2d 419](#)

Overview: Suit by law firm against the major league baseball commissioner, alleging tortious interference with the firms' contract with the umpires association, was not preempted by the Labor Management Relations Act.

... WHITE AND WILLIAMS, PHILA, PA USA . **CHARLES S. FAX** , LARRY S. GIBSON , SHAPIRO SHER ...

Jurisdiction
U.S. Federal

Court
Pennsylvania Eastern District Court

Date
2001-03-28

68. [A Post v. St. Paul Travelers Ins. Co., 593 F. Supp. 2d 766](#)

Overview: Professional liability insurer breached its contractual duty to provide defense. Letters that insured attorney received, informing him that a former client intended to file malpractice suit and had joined in sanction proceeding, were sufficient to trigger duty to defend. Sanction proceeding might have collateral estoppel effect on malpractice suit.

... legal malpractice claim. For BENJAMIN A. POST, ESQUIRE, Plaintiff: **CHARLES S. FAX** , LEAD ATTORNEY, RIFKLIN, LIVINGSTON, LEVITAN & SILVER , ...

Jurisdiction
U.S. Federal

Court
Pennsylvania Eastern District Court

Date
2009-01-07

69. [Phillips v. St. Paul Travelers, Ins. Co., 609 F. Supp. 2d 382](#)

... 2009 , Decided For BENJAMIN A. POST, ESQUIRE, Plaintiff: **CHARLES S. FAX** , LEAD ATTORNEY, RIFKLIN, LIVINGSTON, LEVITAN & SILVER , ...

Jurisdiction
U.S. Federal

Court
Pennsylvania Eastern District Court

Date
2009-03-31

70.  [Post v. St. Paul Travelers Ins. Co., 629 F. Supp. 2d 477](#)

Overview: The insured's motion for reconsideration of the claim for bad faith refusal to provide coverage was denied; not only had the insured provided no evidence that the insurance company actually denied coverage for the malpractice claim, but there was evidence that the insurance company agreed to pay for matters connected to the defense of that claim.

... reconsideration was denied. For BENJAMIN A. POST, ESQUIRE, Plaintiff: **CHARLES S. FAX** , LEAD ATTORNEY, RIFKLIN, LIVINGSTON, LEVITAN & SILVER , ...

Jurisdiction
U.S. Federal

Court
Pennsylvania
Eastern
District Court

Date
2009-05-21

71.  [Post v. St. Paul Travelers Ins. Co., 644 F. Supp. 2d 597](#)

Overview: Insurer's motion in limine to preclude evidence of insured's payment of fees and expenses in two legal actions was denied because it improperly failed to represent insured, so it had to deal with fees and judgments of lawyers who represented him; court would hear evidence and decide whether actions were inextricably intertwined with covered claims.

... motion in limine. For BENJAMIN A. POST, ESQUIRE, Plaintiff: **CHARLES S. FAX** , LEAD ATTORNEY, RIFKLIN, LIVINGSTON, LEVITAN & SILVER , ...

Jurisdiction
U.S. Federal

Court
Pennsylvania
Eastern
District Court

Date
2009-07-21

72.  [Post v. St. Paul Travelers Ins. Co., 752 F. Supp. 2d 499](#)

Overview: Where insurer's refusal to defend hospital's former attorney against sanctions petition filed by claimants in medical malpractice action constituted breach of contract, coverage under a professional liability policy for work related to sanctions petition began when the petition was filed because hospital was involved in petition from the beginning.

... the claimant's attorney. For BENJAMIN A. POST, ESQUIRE, Plaintiff: **CHARLES S. FAX** , LEAD ATTORNEY, RIFKLIN, LIVINGSTON, LEVITAN & SILVER , ...

Jurisdiction
U.S. Federal

Court
Pennsylvania
Eastern
District Court

Date
2010-06-15

73. **A** [Racine v. Cecil County, 843 F. Supp. 53](#)

Overview: In a suit under 42 U.S.C.S. § 1983 and Maryland law challenging the elimination of an employee's job, the motion to dismiss by a county, its county commissioners, and its administrative officers was granted because the claims were barred by the doctrine of absolute legislative immunity. An examination of legislative motivations was precluded.

... Whelan , Elkton , Maryland , for plaintiff. **Charles S. Fax** and Shapiro & Olander , Baltimore, Maryland , ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
1994-02-01

74. **A** [Saint Annes Dev. Co., LLC v. Trabich, 2009 U.S. Dist. LEXIS 10257](#)

... cite the treatise by Judge Paul W. Grimm , **Charles S. Fax** , and Paul Mark Sandler, Discovery Problems and their Solutions ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
2009-02-09

75. **i** [Waters v. Jos. A. Bank Clothiers, 1995 U.S. Dist. LEXIS 7358](#)

Overview: A provision in a former executive's employment contract regarding the acquisition of equity in the company was not triggered by a provision in subsequent executives' employment contracts about being offered shares of stock as deferred compensation.

... and Derry), Chevy Chase, MD. Attorney(s) for Defendant or Respondent: **Charles S. Fax** , Dana M.S. Wilson , (Shapiro and Olander), Baltimore, MD. ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
1995-05-24

76. **+** [Adams v. Sharfstein, 2012 U.S. Dist. LEXIS 100366](#)

Overview: The plaintiff's daughter was not a party to the case, she did not appear to be a witness, and she was not the plaintiff's counsel. Accordingly, as to her request that she not be required to attend her deposition without her daughter present, the plaintiff's motion for a protective order under Fed. R. Civ. P. 26(c) was denied.

... for trial. See Paul W. Grimm , **Charles S. Fax** & Paul Mark Sandler, Discovery Problems & Their Solutions ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
2012-07-19

77. **1** [De Simone v. VSL Pharms., Inc., 2015 U.S. Dist. LEXIS 128209](#)

... VA. For Sigma-Tau Pharmaceuticals, Inc., Defendant, ThirdParty Plaintiff, Counter Claimant: **Charles S Fax** , LEAD ATTORNEY, Rifkin Livingston Levitan and Silver LLC , ...

Jurisdiction
U.S. Federal
Court
Maryland
District Court
Date
2015-09-23

78. **A** [Hamilton v. Prudential Ins. Co. of Am., 1994 U.S. App. LEXIS 3158](#)

Overview: The decedent's wife did not receive business trip or service-related accidental death insurance benefits when her husband was killed in a car accident on his way to work. His commute was not a business trip and he was not on any special errand.

... Rockville , Maryland , for Appellant. On Brief: **Charles S. Fax** , Bryan D. Bolton , SHAPIRO & OLANDER , ...

Jurisdiction
U.S. Federal
Court
4th Circuit
Court of
Appeals
Date
1994-02-22

79. **A** [Howe Inv., Ltd. v. Perez & Cia. de P.R., Inc., 2000 U.S. Dist. LEXIS 5765](#)

Overview: Attorney who assisted a corporation in a business transaction was disqualified from becoming the leading counsel in a suit later brought against the corporation.

... Benny F. Cerezo , Rio Piedras, PR. For defendant: **Charles S. Fax** , Shapiro & Olander, P.A. , Baltimore, MD. For ...

Jurisdiction
U.S. Federal
Court
Puerto Rico
District Court
Date
2000-03-01

80. **A** [Johnson v. Ford Motor Co., 2016 U.S. Dist. LEXIS 44267](#)

... communication, and the document's general subject matter."); Paul W. Grimm, **Charles S. Fax** , & Paul Mark Sandler, Discovery Problems and Their Solutions ...

Jurisdiction
U.S. Federal
Court
West Virginia
Southern
District Court
Date
2016-03-28

81.  [Post v. St. Paul Travelers Ins. Co., 629 F. Supp. 2d 477](#)

... (E.D. Pa., 2009) For BENJAMIN A. POST, ESQUIRE, Plaintiff: **CHARLES S. FAX** , LEAD ATTORNEY, RIFKLIN, LIVINGSTON, LEVITAN & SILVER , ...

Jurisdiction
U.S. Federal
Court
Pennsylvania
Eastern
District Court
Date
2009-05-21

82.  [Scotto v. MAFCO Worldwide Corp., 208 F.3d 210](#)

... PIPER & MARBURY, L.L.P. , Baltimore, Maryland ; **Charles S. Fax** , Baltimore, Maryland ; Michael B. Green, Towson , ...

Jurisdiction
U.S. Federal
Court
4th Circuit
Court of
Appeals
Date
2000-03-01

83.  [Simon v. Republic of Hung., 812 F.3d 127](#)

Overview: Where plaintiffs, Jewish survivors of Hungarian Holocaust, brought causes of action against Republic of Hungary and Hungarian state-owned railway arising from defendants' participation in, and perpetration of, Holocaust, 1947 Peace Treaty between Allied Powers and Hungary posed no bar to plaintiffs' lawsuit because Treaty was not exclusive remedy.

... the cause for appellants. With him on the briefs were **Charles S. Fax** , Liesel Schopler, L. Marc Zell , and David H. ...

Jurisdiction
U.S. Federal
Court
DC Circuit
Court of
Appeals
Date
2016-01-29

84.  [Wallace Int'l de P.R. v. NLRB, 1998 U.S. App. LEXIS 12673](#)

Overview: The NLRB's determination that employers fired an employee because of his union activities was supported by substantial evidence where the employers did not offer evidence that showed that the employee was fired simply for cause.

... Lopez with whom Ariadna Alvarez , McConnell Valdes, **Charles S. Fax** and Shapiro & Olander were on brief for ...

Jurisdiction
U.S. Federal
Court
1st Circuit
Court of
Appeals
Date
1998-06-10

85. [➤ Williams v. Private Entity Joint Ins. Fund, 1994 Del. Ch. LEXIS 146](#)

Overview: Even assuming that the Public and Private Employers Workers' Compensation Group Self-Insurance Model Act governed the reserve requirements for two statutory insurance funds, they failed to keep adequate reserves, and were ordered liquidated.

... LIGUORI , Rehoboth Beach , Delaware ; **Charles S. Fax** , Esquire and Robert C. Sanders , Esquire, of ...

Jurisdiction
Delaware

Court
Chancery
Court

Date
1994-08-18

86. [➤ Williams v. Private Entity Joint Ins. Fund, 1994 Del. Ch. LEXIS 233](#)

Overview: A town was not entitled to reconsideration of a court's decision to liquidate two unincorporated joint insurance funds on the ground that the Insurance Commissioner was required under a model statute to levy an assessment against members of the Public Fund because the General Assembly had not purported to adopt the model act.

... LIGUORI , Rehoboth Beach , Delaware ; **Charles S. Fax** , Esquire and Robert C. Sanders , Esquire, of ...

Jurisdiction
Delaware

Court
Chancery
Court

Date
1994-10-20