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Case No. 8:11-cv-01733-FMO
Charles S. Fax (*pro hac vice*)
Liesel J. Schopler (*pro hac vice*)
**RIFKIN WEINER LIVINGSTON
LLC**
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Bethesda, Maryland 20814
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

STEVE CHAMBERS, *et al.*, in their
individual capacities and on behalf of
all others similarly situated,

Plaintiffs,

v.

WHIRLPOOL CORPORATION, *et al.*,

Defendants.

Case No. 8:11-cv-01733-FMO (JCGx)

**DECLARATION OF CHARLES S.
FAX IN SUPPORT OF
PLAINTIFFS' MOTION FOR
AWARD OF ATTORNEYS' FEES
AND UNREIMBURSED CONSTS**

The Honorable Fernando M. Olguin

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I, Charles S. Fax, declare as follows:

1. I am Of Counsel to the law firm of Rifkin Weiner Livingston LLC, and Co-Lead counsel for Plaintiffs in this action, with my main office located in Bethesda, Maryland. My legal background and experience, and the legal background and experience of the other attorneys in my law firm who have worked on this case, are set forth in the declaration I previously submitted in support of Plaintiffs’ first Motion for an Award of Attorneys’ Fees (ECF No. 218-4), the contents of which are incorporated herein by reference. I submit this declaration in support of Plaintiffs’ Renewed Motion for an Award of Attorneys’ Fees and Unreimbursed Expenses in connection with services rendered in this Action.

2. I have personal knowledge of the facts set forth in this Declaration, and if called as a witness I would testify competently thereto.

3. In connection with the Court’s October 11, 2016 Order awarding fees and expenses (ECF No. 351), the Court examined my firm’s detailed billing records, and in its Order found reasonable my firm’s total hours of 13,129.85 and our lodestar of \$3,977,832.73 of March 31, 2016. The Court also approved my firm’s hourly billing rates (which were not set forth at then current rates, but rather, at the firm’s historic rates over the course of the litigation).

4. In the almost five years since the Court’s Order, my firm has increased our billing rates consistent with rates in the legal market generally. At our current billing rates, my firm’s previously approved lodestar is now \$6,022,855.25. The chart below shows each timekeeper’s former hourly rate as of March 31, 2016, approved by the Court, as well as each timekeeper’s current rate:

<u>Name</u>	<u>2016 Hourly Billable Rate</u>	<u>2021 Hourly Billable Rate</u>
Alan Rifkin	825	925
Charles Fax	645	825
Scott Livingston	720	825

<u>Name</u>	<u>2016 Hourly Billable Rate</u>	<u>2021 Hourly Billable Rate</u>
Liesel Schopler	475	545
Reuben Wolfson	275	325*
Thaddeus Akum	125	125*
Ernest Liberati	165	165*
Paul Butler	175	175*

* Timekeeper’s hourly rate when he left the firm’s employ.

5. As the vast bulk of work done by my law firm is charged to clients on an hourly basis, we have not had occasion to submit our hourly rates for approval to a court during the past few years. However, our clients whom we bill on an hourly basis routinely pay our current rates, which are consistent with, if not lower than, the rates charged by comparable law firms in the regional and nationwide markets we serve.

6. My firm also continued to spend time working on this case subsequent to March 31, 2016, which was the end date of the lodestar previously submitted to the court. That post-submission time includes additional time spent at the district court level on achieving final approval of the settlement (including responding to objections), corresponding with class members, handling notice and claims administration issues, and time spent at the appellate level, including Whirlpool’s appeal of the fee award and the objectors’ appeals seeking to overturn approval of the settlement and the fee award.

7. My firm’s post-submission time (*i.e.* time since the March 31, 2016 submission) totals 1,927.57 hours, and our post-submission lodestar at current rates is \$976,999.25. This covers the period March 31, 2016 to May 31, 2021. The hours, rates and lodestar of the timekeepers who performed post-submission work are as follows:

<u>Name</u>	<u>Billable Hours</u>	<u>Current Hourly Rate</u>	<u>Lodestar</u>
Alan Rifkin	36.30	925	33,577.50

<u>Name</u>	<u>Billable Hours</u>	<u>Current Hourly Rates</u>	<u>Lodestar</u>
Charles Fax	528.57	825	436,070.25
Liesel Schopler	726.70	545	396,051.50
Paul Butler	<u>636.00</u>	175	<u>111,300.00</u>
	1,927.57		976,999.25

8. My firm's total current lodestar, including previously approved lodestar at current rates and our post-submission time at current rates, is \$6,999,854.50.

9. My firm also incurred additional unreimbursed out-of-pocket expenses of \$19,126.47 subsequent to March 31, 2016. These expenses, which are described in attachment hereto, are reflected on the books and records of my firm, and were not included in the expenses previously approved and awarded by the Court.

I declare under penalty of perjury that the foregoing statements are true and correct.

Executed on this 15th day of June 2021 in New York, New York.

Charles S. Fax

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#11084
RIFKIN WEINER LIVINGSTON, LLC

225 Duke of Gloucester Street
 Annapolis, MD 21401
 410-269-5066

#16

Kitchen Aid - Class Action

June 15, 2021

In Reference To: **Kitchen Aid**
FOR INFORMATIONAL PURPOSES ONLY
 Invoice # 56333

FOR THE PERIOD APRIL 1, 2016 THROUGH MAY 31, 2021
 Disbursements and Expenses:

Other Expenses (4/22/16; Extra Space Storage; monthly dishwasher storage; C. Fax).	60.00
Legal Research (Pacer, Jan. 1 to Mar. 31, 2016)	7.40
Legal Research (LexisNexis, March, 2016)	94.84
Client Advances (cumulative 5/31/15 to 4/30/16; US Legal Support Inc.)	1,530.00
Other Expenses (5/3/16; Kansas dishwasher storage; C. Fax).	140.00
Legal Research (LexisNexis for April).	69.11
Other Expenses (5/23/16; Maryland dishwasher storage; C. Fax).	65.00
Client-Related Materials (6/3/16; dishwasher storage, Kansas; C. Fax).	140.00
Client-Related Materials (6/29/16; dishwasher storage, Maryland; C. Fax).	65.00
Client-Related Meals (6/30/16; breakfast for deposition; S. Livingston).	50.24
Postage (June 2016).	43.30
Legal Research - LexisNexis for the month of June, 2016.	15.87
Legal Research - PACER for the period of April 1 to June 30, 2016.	274.50
Other Expenses (7/6/16; monthly storage, Kansas; C. Fax).	158.00
Other Expenses (7/6/16; dishwasher storage - Kansas, August; C. Fax).	158.00
Transportation: Airfare (7/21/16; flight to LA for hearing; C. Fax).	344.45
Postage (July 2016).	30.40
Other Expenses (8/8/16; monthly storage, Kansas; C. Fax).	158.00
Other Expenses (8/17/16; monthly storage, Maryland; C. Fax).	65.00
Legal Research (LexisNexis for July, 2016).	471.66
Transportation (8/23/16; Uber; LA hearing; C. Fax).	33.45
Client-Related Meals (8/23/16; dinner with LA co-counsel; C. Fax).	196.37
Transportation (8/24/16; Uber; LA hearing; multiple trips; C. Fax).	27.43
Transportation (8/25/16; Uber; LA hearings; multiple trips; C. Fax).	56.53
Client-Related Meals (8/25/16; LAX; C. Fax).	55.00
Parking (8/26/16; Dulles Airport; C. Fax).	95.00
Other Expenses (8/31/16; dishwasher storage - Kansas, September; C. Fax).	158.00
Transportation (9/07/16, to/from United States District Court for the District of Columbia for initial scheduling conference, L. Schopler)	37.80

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Parking (9/07/16, United States District Court for the District of Columbia for initial scheduling conference, L. Schopler)	25.00
Legal Research (LexisNexis for August, 2016).	
Other Expenses (9/27/16; dishwasher storage - Kansas, October; C. Fax).	104.38
Other Expenses (9/28/16; dishwasher storage - Maryland, October; C. Fax).	158.00
Legal Research (Pacer - 7/1/2016 through 9/30/2016).	65.00
Postage (October 2016).	504.60
Postage (November 2016).	1.35
Client-Related Materials (12/6/16; dishwasher storage - Kansas; C. Fax).	1.86
LexisNexis for December, 2016.	158.00
LexisNexis for December, 2016.	205.67
PACER for October 1 through December 31, 2016.	17.24
Client Advances: Nevins & Associates; PR Newswire press release.	45.10
Other Expenses (2/16/17; dishwasher storage, Maryland; C. Fax).	449.00
Other Expenses (2/28/17; dishwasher storage, Kansas; C. Fax).	65.00
Legal Research (LexisNexis for March, 2017).	158.00
Legal Research (PACER for Jan. 1 through March 31, 2017).	122.01
Other Expenses (4/3/17; storage of dishwashers, Maryland; CSF).	15.80
Other Expenses (4/3/17; storage of dishwashers, Kansas; CSF).	65.00
Other Expenses (4/17/17; storage of dishwashers, Maryland; CSF).	158.00
Postage (April 2017).	65.00
Other Expenses (5/1/17; dishwasher storage (Kansas); C. Fax).	1.38
Other Expenses (5/23/17; dishwasher storage (Maryland); C. Fax).	158.00
Other Expenses (5/31/17; dishwasher storage (Kansas); C. Fax).	65.00
Other Expenses (6/29/17; dishwasher storage (Kansas); C. Fax).	158.00
Other Expenses (6/30/17; dishwasher storage (Maryland); C. Fax).	170.00
Legal Research (PACER, April 1 through June 30, 2017).	70.00
Client-Related Materials (7/20/17; dishwasher storage, Maryland; C. Fax).	4.20
Client-Related Materials (9/17/17; dishwasher storage, MD; C. Fax).	70.00
Other Expenses (9/30/17; dishwasher storage, Kansas; C. Fax).	70.00
Client-Related Materials (10/22/17; dishwasher storage (MD); C. Fax).	170.00
Legal Research (PACER, July 1 to Sept. 30, 2017).	70.00
Client-Related Materials (10/27/17; dishwasher storage, Kansas; C. Fax).	3.60
Client-Related Meals (11/20/17; Lilit Café; working lunch; C. Fax).	170.00
Other Expenses (11/27/17; dishwasher storage, Maryland; C. Fax).	17.48
Legal Research (LexisNexis for October, 2017).	70.00
Other Expenses (11/29/17; dishwasher storage, Kansas; C. Fax).	151.54
Legal Research, LexisNexis for November, 2017	170.00
Other Expenses (12/21/17; dishwasher storage, Maryland; C. Fax).	82.02
Other Expenses (12/28/17; dishwasher storage, Kansas; C. Fax).	70.00
PACER (Oct. 1, 2017 through Dec. 31, 2017).	170.00
Legal Research, LexisNexis for December, 2017	103.80
Other Expenses (1/30/18; dishwasher storage, MD; C. Fax).	53.60
Legal research - LexisNexis for the month of January, 2018.	70.00
Tolls (2/23/18; travel to/from Philadelphia; C. Fax).	10.80
Online Research: LexisNexis (2/28/18)	24.00
Other Expenses (3/24/18; dishwasher storage, Maryland; C. Fax).	0.85
Other Expenses (4/29/18; Extra Space Storage; dishwasher storage, MD; C. Fax).	75.00
Other Expenses (4/30/18; Public Storage; dishwasher storage, KS; C. Fax).	75.00
	170.00

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Other Expenses (6/1/18; Public Storage; dishwasher storage, KS; C. Fax).	170.00
Other Expenses (6/6/18; Extra Space Storage; dishwasher storage, MD; C. Fax).	75.00
Other Expenses (6/14/18; Extra Space Storage; dishwasher storage, MD; C. Fax).	76.00
Other Expenses (6/17/18; Extra Space Storage; dishwasher storage, MD; C. Fax).	170.00
Other Expenses (6/27/18; Public Storage; dishwasher storage, KS; C. Fax).	181.00
Other Expenses (7/27/18; Public Storage; dishwasher storage, Kansas; C. Fax).	181.00
Other Expenses (9/1/18; dishwasher storage, Maryland; C. Fax).	53.00
Other Expenses (9/1/18; dishwasher storage, Kansas; C. Fax).	181.00
Other Expenses (9/27/18; Extra Space Storage; dishwasher storage, Maryland; C. Fax).	75.00
Other Expenses (9/27/18; My Public Storage; dishwasher storage, Kansas; C. Fax).	181.00
Other Expenses (10/31/18; dishwasher storage, Kansas; C. Fax).	181.00
Other Expenses (11/1/18; dishwasher storage, Maryland; C. Fax).	75.00
Other Expenses (11/26/18; dishwasher storage, Kansas; C. Fax).	181.00
Other Expenses (11/30/18; dishwasher storage, Maryland; C. Fax).	75.00
Legal Research (PACER during the period from October 1 through December 31, 2018).	21.40
Client Advances (BIA; Data Hosting; 02/12/2019)	80.00
Other Expenses (2/16/19; dishwasher storage, MD; C. Fax).	80.00
Other Expenses (2/28/19; dishwasher storage, KS; C. Fax).	181.00
Other Expenses (3/25/19; dishwasher storage, MD; C. Fax).	80.00
Other Expenses (3/29/19; dishwasher storage, KS; C. Fax)	181.00
Other Expenses (4/17/19; dishwasher storage, Maryland; C. Fax).	80.00
Postage (April 2019).	1.00
Other Expenses (4/30/19; dishwasher storage, Kansas; C. Fax).	181.00
Legal research (PACER for the period April 1 through June 30, 2019).	24.30
Other Expense (7/29/19; dishwasher storage, Kansas; C. Fax).	196.00
Other Expense (7/29/19; dishwasher storage, Maryland; C. Fax).	80.00
Other Expense (8/30/19; dishwasher storage, Kansas; C. Fax).	196.00
Other Expense (8/30/19; dishwasher storage, Maryland; C. Fax).	180.00
Online research; PACER (07/01/19 - 09/30/19).	25.70
Transportation: Airfare (11/11/19; round-trip airfare to/from LAX for C. Fax and L. Schopler; C. Fax).	659.92
Other Expenses (11/22/19; dishwasher storage, Maryland; C. Fax).	85.00
Other Expenses (12/6/19; dishwasher storage, KS; C. Fax).	198.00
Other Expenses (12/20/19; dishwasher storage, MD; C. Fax).	85.00
Other Expenses (1/9/20; dishwasher storage, KS; C. Fax).	233.60
Other Expenses (1/19/20; dishwasher storage, MD; C. Fax).	85.00
Other Expenses (1/19/20; dishwasher storage, KS; C. Fax).	196.00
Lodging (1/22/20; Beverly Hilton; accommodations for L. Schopler and C. Fax).	890.07
Client-Related Meals (1/22/20; dinner re prep for oral argument; C. Fax).	192.69
Client-Related Meals (1/22/20; Beverly Hilton; appetizers; C. Fax).	125.12
Transportation (1/22/20, travel BWI Airport for flight to LA for oral argument before Fourth Circuit, LS)	14.50
Transportation: Airfare (1/22/20, Southwest WiFi, LS)	8.00
Client Related Meals (1/22/20; dinner with co-counsel in LA before oral argument before the Fourth Circuit, LS)	192.69
Client-Related Meals (1/23/20; dinner, airport; C. Fax).	100.21
Transportation (1/23/20, travel from BWI Airport after trip to LA for oral argument before Fourth Circuit, LS)	14.50
Parking and Tolls 1/23/20, BWI Airport for flight to/from LA, LS)	44.00
Parking (1/24/20; airport; C. Fax).	44.00
Other Expenses (2/22/20; dishwasher storage, Kansas; C. Fax).	196.00

Kitchen Aid - Class Action

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Other Expenses (2/22/20; dishwasher storage, Maryland; C. Fax).	85.00
Online Research: Lexis/Nexis (03/01/20 - 03/31/20)	3.60
Other Expenses (3/17/20; dishwasher storage, Maryland; C. Fax).	85.00
Other Expenses (3/28/20; dishwasher storage, Kansas; C. Fax).	196.00
Online Research: Pacer (01/01/20 - 03/31/20)	7.00
Other Expenses (4/23/20; dishwasher storage, MD; C. Fax).	85.00
Other Expenses (4/23/20; dishwasher storage, KS; C. Fax).	196.00
Other Expenses (5/18/20; dishwasher storage, MD; C. Fax).	85.00
Other Expenses (5/24/20; dishwasher storage, KS; C. Fax).	196.00
Other Expenses (6/14/20; dishwasher storage, MD; C. Fax).	85.00
Other Expenses (6/29/20; dishwasher storage, KS; C. Fax).	224.00
Other Expenses (7/26/20; dishwasher storage, KS; C. Fax).	224.00
Other Expenses (7/26/20; dishwasher storage, MD; C. Fax).	85.00
Other Expenses (8/30/20; dishwasher storage, KS; C. Fax).	224.00
Other Expenses (8/30/20; dishwasher storage, MD; C. Fax).	85.00
Other Expenses (10/30/20; dishwasher storage, MD; C. Fax).	84.00
Other Expenses (10/30/20; dishwasher storage, KS; C. Fax).	224.00
Other Expenses (11/01/20; dishwasher storage, MD; C. Fax).	95.00
Other Expenses (11/20/20; TNT Moving and Hauling; removal and hauling of dishwashers, MD; C. Fax).	300.00
Online Research: Lexis/Nexis (12/01/20 - 12/31/20).	188.54
BIA:Invoice No. 025273	84.00
Total Disbursements and Expenses	<u>\$19,126.47</u>

RIFKIN WEINER LIVINGSTON, LLC
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EIN: 52-1908812