

Jonathan D. Selbin
**LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP**
250 Hudson Street, 8th Floor
New York, NY 10013
Telephone: (212) 355-9500
jselbin@lchb.com

STEVE CHAMBERS, *et al.*, all of
whom sue in their individual capacities
and for all others similarly situated,

Plaintiff,

vs.

WHIRLPOOL CORPORATION, *et al.*,

Defendants.

Case No: 8:11-cv-01733-FMO-MLG

**DECLARATION OF JONATHAN
D. SELBIN IN SUPPORT OF
PLAINTIFFS' RENEWED
MOTION FOR AWARD OF
ATTORNEYS' FEES AND
EXPENSES**

The Honorable Fernando M. Olguin

I, Jonathan D. Selbin, declare as follows:

1. I am a partner at the law firm of Lieff, Cabraser, Heimann & Bernstein, LLP in New York, NY. I submit this declaration in support of Plaintiffs' Renewed Motion for an Award of Attorneys' Fees and Expenses.

2. I have personal knowledge of the facts set forth in this declaration and if called as a witness 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 2,622.1 and lodestar of \$1,056,689.50 as of April 4, 2016. The Court also approved my firm's hourly billing rates.

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. Attached as **Exhibit A** is a chart reflecting each biller's former hourly rate

approved by the Court and current rate. Personnel who are no longer with the firm are billed at the rate applicable when they left the firm. At current rates, my firm's previously-approved lodestar is \$1,188,122.50.

5. LCHB's rates have been approved by courts throughout the United States. A sample of courts that approved LCHB's standard billing rates and attorneys' fees as reasonable are:

a. *Hosp. Authority of Metro. Gov't of Nashville and Davidson County, Tennessee v. Momenta Pharms., Inc.*, No. 15-01100, Dkt. 520 (M.D. Tenn. May 29, 2020) (on cross-check);

b. *In re Navistar MaxxForce Engines Mkt., Sales Prac. & Prods. Liab. Litig.*, No. 14-13018 (N.D. Ill.) (lodestar-based fee including Mr. Selbin's and Mr. Kaufman's rates approved in 2020);

c. *In re Whirlpool Corp. Front-Loading Washer Prods. Liab. Litig.*, No. 08-65000, 2016 WL 5338012, at *25 (N.D. Ohio Sept. 23, 2016) (lodestar-based fee including Mr. Selbin's rates approved); and,

d. *In re Sears, Roebuck & Co. Front-Loading Washer Prods. Liab. Litig.*, No. 06-70232, Dkt. 598 (N.D. Ill. Sept. 13, 2016) (expressly approving Mr. Selbin's 2016 billing rate of \$800 per hour), *reversed and remanded on other grounds*, 867 F.3d 791 (7th Cir. 2017).

6. LCHB's billing rates have also been recently approved in this District, including in *Lusnak v. Bank of America, N.A.*, No. 14-01855, Dkt. 130 (Aug. 10, 2020).

7. Since April 4, 2016, my firm has continued to spend time working on this case for the benefit of class members. That post-submission time includes (1) work both in this Court and in the U.S. District Court for the Eastern District of Tennessee responding to objections, obtaining discovery from objectors, and securing final approval; (2) assisting class members in the claims process; (3)

drafting portions of Plaintiffs' brief on appeal; and (4) assisting in preparation for oral argument.

8. At my direction, my firm's post-submission time was reviewed line-by-line, and time was removed in the exercise of billing discretion. In addition, the post-submission time does not include any biller who billed fewer than 10 hours to the case during the relevant period.

9. After these adjustments, my firm's post-submission time, for the period April 5, 2016 to June 8, 2021, totals 215.5 hours, and our post-submission lodestar at current rates is \$122,406. Attached as **Exhibit B** are charts showing each biller's rate and time.

10. My firm's total current lodestar, including previously approved lodestar at current rates and our post-submission time at current rates is **\$1,310,528.50**.

11. Since April 5, 2016, my firm has also incurred additional unreimbursed out-of-pocket expenses of **\$19,545.74**. My firm maintains records regarding costs expended on each case in the ordinary course of business, records prepared from credit card statements, receipts, and check records. These expenses are categorized in **Exhibit C**.

I declare under penalty of perjury that the foregoing facts are true and correct, and that this declaration was executed on June 14, 2021 in Amagansett, New York.

/s/ Jonathan D. Selbin
Jonathan D. Selbin

EXHIBIT A

Updated Billing Rates for Previously-Approved Time

Name	Position/Title	Previously Approved Rate	Current Rate
Kristen Law Sagafi	Former Partner	\$625	\$625
Nicole D. Sugnet	Former Partner	\$485 (partner) \$435 (associate)	\$510 (partner) \$435 (associate)
Aya Winston	Staff Attorney	\$375	\$415
Christopher Jordan	Former Contract Attorney	\$375	\$415
Christen Lawler	Former Contract Attorney	\$375	\$490
Eduardo Santacana	Former Associate	\$350	\$350

EXHIBIT B

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

From 04/05/16

To 06/08/21

Matter Number: 3565-0001

PARTNER

NAME	HOURS	RATE	TOTAL
JONATHAN SELBIN	27.90	950.00	26,505.00
ANDREW KAUFMAN	25.20	560.00	14,112.00
NICOLE DIANE SUGNET	100.60	510.00	51,306.00
	<u>153.70</u>		<u>91,923.00</u>

ASSOCIATE

NAME	HOURS	RATE	TOTAL
ANDREW KAUFMAN	50.30	510.00	25,653.00
ABBYE KLAMANN	11.50	420.00	4,830.00
	<u>61.80</u>		<u>30,483.00</u>

MATTER TOTALS 215.50 122,406.00

EXHIBIT C

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

Report created on 06/08/2021 10:40:16 AM

From = 04/05/16 To Present

DISHWASHER FIRES - General Matter

Matter Number: 3565-0001

Soft Costs Incurred

	<u>Amount</u>
In-House Copies	\$6.20
Print	\$584.20
Telephone	\$241.04
Total Soft Costs:	\$831.44

Hard Costs Incurred

	<u>Amount</u>
Computer Research	\$1,881.02
Deposition/Transcripts	\$6,606.20
Experts/Consultants	\$1,460.25
Federal Express/Messenger	\$22.95
Filing Fees	\$230.00
Mediation Expenses	\$2,725.00
Outside Copy Service	\$2,229.80
Travel	\$3,559.08
Total Hard Costs:	\$18,714.30

Total Matter Costs: \$19,545.74