

Robert S. Kitchenoff (*pro hac vice*)
WEINSTEIN KITCHENOFF & ASHER LLC
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Attorneys for Plaintiffs

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 ROBERT S.
KITCHENOFF IN SUPPORT OF
PLAINTIFFS' RENEWED
MOTION FOR AWARD OF
ATTORNEYS' FEES AND
EXPENSES**

The Honorable Fernando M. Olguin

I, Robert S. Kitchenoff, declare as follows:

1. I am a partner at the law firm of Weinstein Kitchenoff & Asher LLC, located in Bala Cynwyd, PA. I submit this declaration in support of Plaintiffs' Renewed Motion for an Award of attorneys' fees and 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 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 1,218.30 and our lodestar of \$618,272.00 as of March 31, 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. At

our current billing rates, my firm’s previously approved lodestar is now \$852,994.50. Table A is a chart reflecting each biller’s former hourly rate approved by the Court and current rate.

Name	Position/Title	Previously Approved Hourly Rate	Current Hourly Rate
David H. Weinstein	Senior Counsel	\$800.00	\$985.00
Robert S. Kitchenoff	Managing Partner	\$725.00	\$890.00
Mindee J. Reuben	Partner	\$650.00	\$750.00
Andrea Wilson	Associate	\$575.00	\$700.00
Jeremy Spiegel	Associate	\$550.00	\$700.00
Leila Ely	Associate	\$390.00	\$500.00
Harvey Eckart	Associate	\$425.00	\$590.00
Christine Quarembo	Paralegal	\$200.00	\$200.00

5. My firm’s hourly rates, including our current hourly rates, have been approved by numerous courts. See e.g., *In re LIBOR-Based Financial Instruments Antitrust Litigation*, MDL No. 2262, Case 1:11-md-02262-NRB (ECF 3246) (S.D.N.Y. Dec. 16, 2020)

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 55.10 hours, and our post-submission lodestar at current rates is \$49,039.00. This covers the period March 31, 2016 to January 8, 2021. Exhibit A, attached hereto, reflects the hours, rates, and lodestar of the billers who performed post-submission work.

8. My firm's total current lodestar, including previously approved lodestar at current rates and our post-submission time at current rates, is \$902,033.50.

9. My firm also incurred additional unreimbursed out-of-pocket expenses of 321.95 subsequent to March 31, 2016. These expenses, which are described in Exhibit B, hereto, are reflected on the books and records of my firm, have not been reimbursed, and were not included in the \$508,292.67 in 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 Wynnewood, PA.

/s/ Robert S. Kitchenoff

Exhibit A

LODESTAR SUMMARY - March 31, 2016 to present.

Name	Position/Title	Hours	Current Hourly Rate	Lodestar
Robert S. Kitchenoff	Member	55.10	\$890.00	\$49,039.00

Exhibit B

EXPENSE SUMMARY – March 31, 2016 to present

Category	Amount
Travel	\$124.00
Photocopy	\$188.40
Research	\$9.55
Total	\$321.95