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9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION**  
11

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

14 Plaintiff,

15 vs.

17 WHIRLPOOL CORPORATION, *et al.*,

18 Defendants.  
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Case No: 8:11-cv-01733-FMO-MLG

**DECLARATION OF JEFFREY M.  
COHON IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
AWARD OF ATTORNEYS' FEES  
AND UNREIMBUSED COSTS**

The Honorable Fernando M. Olguin

1 I, Jeffrey M. Cohon, declare as follows:

2 1. I am a partner at the law firm of Cohon & Pollak, LLP in Los Angeles,  
3 California and admitted to practice in the Central District Court of California. I am  
4 one of the attorneys of record for the Plaintiffs in the above-captioned action  
5 (“Action”). I submit this declaration in support of Plaintiffs’ Renewed Motion For  
6 Attorneys’ Fees And Payment Of Unreimbursed Litigation Expenses. I have personal  
7 knowledge of the facts set forth in this declaration, and if called as a witness can and  
8 would testify competently thereto.

9 2. Cohon & Pollak, LLP is a California law firm that has been in existence  
10 for over eighteen years. Cohon & Pollak has handled high profile cases across the  
11 entire spectrum of disputes: trial and appellate, regulatory and administrative,  
12 arbitration and alternative dispute resolution, in the U.S and around the world. Cohon  
13 & Pollak has considerable experience handling class action matters including the  
14 following:

15 ▪ *Marcos Escobar v. Pacific Broadband Technical Services, Inc., et al.*,  
16 Los Angeles Superior Court Case No. BC351731;

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18 ▪ *Alfredo Guerrero v. Bad Boys Bail Bonds, Inc., et al.* United States  
19 District Court for the Central District of California, Case No. CV 04-6644  
20 RSWL (PJWx);

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22 ▪ *Ralph D. Mills, et al. v. Bad Boys Bail Bonds, Inc., et al.* United States  
23 District Court for the Central District of California, Case No. CV 04-5626  
24 RSWL (PJWx);

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26 ▪ *Rosa Salcedo v. Dynamic Nursing Services, Inc., et al.*, Los Angeles  
27 Superior Court Case No. BC 488516;

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- 1       ▪       *Jessica Mendoza v. Clifford Jeffrey Stanley., et al.* Superior Court of the  
2       State of California, County of Santa Clara, Case No. 111CV203657;  
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- 4       ▪       *Maria Garcia v. Dynamic Nursing Services, Inc., et al.,* Los Angeles  
5       Superior Court Case No. BC 509760;  
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- 7       ▪       *Richard Donath v. Bruce S. Gillis, M.D. an individual, on behalf of and*  
8       *as Trustee of the Bruce S. Gillis MD MPH Inc. Pension Trust and The Bruce S.*  
9       *Gillis MD, MPH Inc. Pension Trust, a Trust formed in the State of California,*  
10       Los Angeles Superior Court Case No. BC 494351;  
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- 12       ▪       *Gonzalez v. Godfathers, et al.,* Los Angeles Superior Court Case No.  
13       BC445308;  
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- 15       ▪       *Erica Sullivan v. Farmdale Hospitality Services, Inc., et al.,* Los Angeles  
16       Superior Court Case No. BC 445307;  
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- 18       ▪       *Stacy Salazar v. Rouge Gentlemen’s Club, et al.,* Los Angeles Superior  
19       Court Case No. BC445244;  
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- 21       ▪       *Erica Sullivan v. Star Strip aka 7180 Sunset Blvd., et al.,* Los Angeles  
22       Superior Court Case No. BC 445243;  
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- 24       ▪       *Stacy Salazar v. VIP Showgirls aka Victory Entertainment, Inc., et al.,*  
25       Los Angeles Superior Court Case No. BC 445154;  
26
- 27       ▪       *Erica Sullivan v. Crazy Girls, et al.,* Los Angeles Superior Court Case  
28       No. BC 445228;

1           ▪       *Stacy Salazar v. Seventh Veil, et al.*, Los Angeles Superior Court Case  
2 No. BC 445331;

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4           ▪       *Tracy Dawn Trauth, et al. v. Spearmint Rhino Companies, et al.*, United  
5 States District Court for the Central District of California (Eastern Division),  
6 Case No. EDCV09-1316 VAP (DTBx) [Objectors];

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8           ▪       *Billy Anderson, et al. v. Selectivend, Inc., et al.*, Los Angeles Superior  
9 Court Case No. BC 267262;

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11           3.       My partner, Howard Pollak, graduated from Loyola Law School in 1989.  
12 He holds an undergraduate degree in General Chemistry from the University of  
13 California, Los Angeles. Prior to law school, he was employed as a Laboratory  
14 Chemist for a chemical company. He was employed in the legal department of the  
15 South Coast Air Quality Management District and the Environmental Section of the  
16 California Attorney General’s Office. He is admitted to practice in the State of  
17 California, the Courts of Appeals for the Ninth and Tenth Circuits and the United  
18 States District Courts in the Central and Southern Districts of California

19           4.       Howard has been a civil litigation attorney for over 30 years and a partner  
20 in the law firm of Cohon & Pollak, LLP for over 17 years. Howard has substantial  
21 experience in handling litigation matters in both state and Federal courts. With his  
22 background in Chemistry, he has a keen understanding of the technical, scientific and  
23 mathematical aspects of the practice of law.

24           5.       I graduated Loyola Law School in 1987. I hold an undergraduate degree  
25 from the University of Michigan, Ann Arbor. I am admitted to practice in the State  
26 of California, the Courts of Appeals for the Ninth and Tenth Circuits and the United  
27 States District Courts in the Central, Northern and Southern Districts of California. I  
28 am bilingual and handles national and cross-border litigation.

1           6. I have been a civil litigation attorney for over 34 years. My principal area  
2 of practice is in commercial litigation. I have represented multinational enterprises,  
3 small businesses, executives, and individuals in a broad range of litigation matters. I  
4 started practicing law with a civil litigation defense firm in downtown Los Angeles  
5 and later formed a law firm with offices in Los Angeles and Ventura Counties. In the  
6 last 34 years, I have handled hundreds of matters in the state and federal courts. I  
7 have tried over 200 arbitrations, 100 administrative hearings and 40 trials. I have  
8 regularly served as an arbitrator and as a mediator as panelist for the Los Angeles  
9 Superior Court. My practice has also involved a heavy load of appellate work. In  
10 addition to dozens of unpublished decisions, some of my appellate achievements  
11 include several published appellate decisions, among them:

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- *Yang v. DTS Financial Services, Inc.* 570 F.Supp.2d 1257 (S.D.Cal. 2008);
- *In Re Hai Lecong*, 679 Fed.Appx. 526 (9<sup>th</sup> Cir BAP 2017);
- *Kerner v. Superior Court of Los Angeles County*, (2012) 206 Cal.App.4<sup>th</sup> 84;
- *Cadle v. World Wide Hospitality Furniture, Inc.* (2006) 144 Cal.App.4<sup>th</sup> 504;
- *Sessions Payroll Management, Inc. v. Noble Construction Co.* (2000) 84 Cal.App.4<sup>th</sup> 671;
- *People ex rel. Department of Corporations vs. Speedee Oil Change Systems* (1999) 20 Cal.4<sup>th</sup> 1135;

- 1           ▪ *Milwaukee Electric Tool Corporation vs. Superior Court* (1993) 15  
2           Cal.App.4th 547;
- 3
- 4           ▪ *Bay Cities Paving and Grading, Inc. vs. Lawyers' Mutual Ins. Co.* (1993)  
5           5 Cal.4th 854 (as *amicus curiae*).
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7           7.       In November of 2011, Mr. Cohon was contacted by co-counsel Chuck  
8 Fax who inquired whether Cohon & Pollak, LLP would be interested in participating  
9 in this action involving Whirlpool Corporation dishwashers that have caught fire.  
10 After extensive consultation with Mr. Fax and research with regard to the advisability  
11 of filing this action in the United States District Court for the Central District of  
12 California, Cohon & Pollak agreed to be local and active litigation counsel in this  
13 matter. As local and active litigation counsel, Cohon & Pollak was responsible for  
14 assuring that all pleadings that were filed complied with all local pleading rules,  
15 preparing and serving courtesy copies on the Court, advising all counsel in the case  
16 on strategy, and active participating in discovery and motion practice.

17           8.       Cohon & Pollak actively participated in the preparation of and strategy  
18 with regard to pleadings and amended pleadings in this matter, preparation, review  
19 and analysis of discovery propounded on Defendants, and the advisability, timing and  
20 appropriateness of settlement.

21           9.       I regularly communicated with other counsel for the Plaintiff on  
22 practices of the court assigned to the matter, and strategy with regard to the  
23 prosecution of the matter. I participated in the preparation of the Complaint and each  
24 of the Amended Complaints. As local counsel, I received inquiries from putative  
25 class members interested in participating in the litigation. I assisted in assuring  
26 compliance with the local rules, including Rule 7-3 and attended each of the court  
27 hearings in person and an in-person Rule 7-3 meeting with opposing counsel in  
28 Denver, Colorado. I participated in the preparation of the Plaintiffs' Oppositions to

1 each of the Defendants' Rule 12(b)(6) motions. I prepared for and attended the  
2 scheduling conference in this matter. I assisted in drafting discovery propounded on  
3 Defendants. I also attended and participated in the preparation for and the taking of  
4 depositions of individual Plaintiffs. Furthermore, I was actively involved with  
5 coordinating the preparation of the report of Plaintiffs' damages expert, Peter  
6 Salomon. Likewise, I participated in the appellate proceedings before the Ninth  
7 Circuit Court of Appeals, including participating editing appellate briefs and  
8 participating in strategy sessions to discuss Plaintiffs' appellate positions and  
9 argument and preparation or appellate oral argument.

10 10. Howard and I participated in the review of documents and coding of  
11 portions of the 124,000 documents, totaling in excess of 323,000 pages the produced  
12 by Whirlpool in this matter. Howard attended Defendants' inspection of various  
13 dishwashers that had suffered fires that were in the possession of North Carolina-  
14 based Plaintiff's expert, Jerry Ferguson. Howard participated in the preparation of  
15 the amended Complaints. Howard participated in the preparation of the timeline of  
16 major communications between Defendants and the CPSC, ESA and UL. Howard  
17 attended the deposition of Plaintiff George Bliss. Howard was also actively involved  
18 in the preparation for and attendance at the three days of mediation that took place in  
19 Boston, Massachusetts in an attempt to settle this matter.

20 11. During this litigation, Cohon & Pollak kept contemporaneous time and  
21 expense records. In support of Plaintiffs' original motion for an award of attorneys'  
22 fees and costs in May, 2016, Cohon & Pollak applied for an award of attorneys' fees  
23 based upon a lodestar of 897.75 hours for legal services through March 31, 2016.  
24 [Dkt. No. 218-3.] In August, 2016, the Court approved an award of attorneys' fees to  
25 Cohon & Pollak for its services through March 31, 2016 based upon its stated lodestar  
26 submission of 897.75 hours at the firm's 2016 hourly rates. [Dkt. No. 296.]

27 12. Since March 31, 2016, Cohon & Pollak has devoted an additional 192.45  
28 hours, which represents Cohon & Pollak's legal services for the five-year period from

1 March 31, 2016 through March 26, 2021. The updated lodestar schedule is attached  
2 as Exhibit 1 to this Declaration and is a summary derived from our daily time records  
3 which indicates the amount of time spent by the partners and attorneys at Cohon &  
4 Pollak from the inception of this lawsuit through March 26, 2021. Exhibit 1 reflects  
5 the work performed by Cohon & Pollak in concert with co-counsel in this Action, and  
6 the lodestar calculation is based on Cohon & Pollak's billing rates that were in effect  
7 in 2016 as well as the firm's most current billing rates from inception of the case  
8 through March 26, 2021, as well as the status of the billing person (partner or  
9 associate) and number of years admitted to the bar.

10 13. The **total number of hours** expended on this litigation by Cohon &  
11 Pollak from inception through March 26, 2021 on the work described above is  
12 1,090.20 hours. The total lodestar expended on this litigation by Cohon & Pollak,  
13 from inception through March 26, 2021 is \$789,698.25.

14 14. Cohon & Pollak's lodestar figures in Exhibit 1 are based on the firm's  
15 current billing rates. Expense items were billed separately, and therefore, such  
16 charges were not included in or duplicative of Cohon & Pollak's billing rates.

17 15. The hourly rates for the partners and associates are the same as the usual  
18 and customary hourly rates most recently charged for their services in similar complex  
19 class action litigation matters.

20 16. In three of the cases mentioned above (Crazy Girls, Star Strip and  
21 Seventh Veil), the court presiding over the class action cases entered an order  
22 approving our firm's rate of \$600 per hour for partners and a rate of \$500 per hour for  
23 associates at our law firm. Arbitrators have approved similar and higher hourly rates  
24 in connection with confidential arbitration proceedings.

25 17. Over the years and continuing through the present, individual and  
26 corporate, non-contingent hourly-paying clients of Cohon & Pollak have paid fees  
27 based on the same regular hourly rates as set forth in Exhibit 1.

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1           18.           As of today, Cohon & Pollak has no unreimbursed expenses.

2           I declare under penalty of perjury under the laws of the State of California that  
3 the foregoing is true and correct and that this Declaration was executed on June 15,  
4 2021 at Los Angeles, California.

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/s/ Jeffrey M. Cohon  
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Jeffrey M. Cohon

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Chambers v. Whirlpool  
Time Report

FIRM NAME: Cohon & Pollak, LLP  
PERIOD: Inception through March 26, 2021

**TIME ENTRIES FROM THE INCEPTION (2011) THROUGH MARCH 31, 2016**

Name	Status/Number of Years Admitted	2016 Hourly Rate	Total Hours This Period	2016 Lodestar at 2016 Rates	Current Rates	2016 Lodestar at Current Rates
Jeffrey M. Cohon	P/28	\$450.00	550.20	\$247,590.00	\$725.00	\$398,895.00
Howard A. Pollak	P/25	\$450.00	338.30	\$152,235.00	\$725.00	\$245,267.50
Henry Nicholls	A/29	\$450.00	4.50	\$2,025.00	\$650.00	\$2,925.00
Kristina Keller	A/23	\$450.00	4.75	\$2,137.50	\$650.00	\$3,087.50
Totals			897.75	\$403,987.50	897.75	\$650,175.00

**POST-SUBMISSION TIME ENTRIES FOR THE FIVE YEAR PERIOD MARCH 31, 2016 THROUGH MARCH 26, 2021**

Name	Status/Number of Years Admitted	Hourly Rate	Total Hours This Period	Lodestar This Period
Jeffrey M. Cohon	P/33	\$725.00	180.7	\$131,007.5
Howard A. Pollak	P/30	\$725.00	11.75	\$8,518.75
Totals			192.45	\$139,523.25

**TOTAL LODESTAR THROUGH MARCH 31, 2016 (AT APPROVED 2016 RATES) = \$403,987.50**

**TOTAL LODESTAR THROUGH MARCH 31, 2016 (AT CURRENT RATES) = \$650,175.00**

**TOTAL LODESTAR THROUGH MARCH 26, 2021 (AT CURRENT RATES) = \$789,698.25**