

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

IN RE: WHIRLPOOL CORP.
FRONT-LOADING WASHER PRODUCTS
LIABILITY LITIGATION

Case No. 08-wp-65000

Judge: Christopher A. Boyko

Magistrate Judge: William H. Baughman, Jr.

Special Master: David R. Cohen

**MOTION FOR AN AWARD OF ATTORNEYS' FEES AND COSTS AND FOR
CLASS REPRESENTATIVE SERVICE AWARDS**

Class counsel move, pursuant to this Court's Order Granting Preliminary Approval of Class Action Settlement, Dkt. 551 at 15-16, for an award of \$14.75 million in attorneys' fees and costs, comprised of \$6,723,432.66 in attorneys' fees and \$8,026,567.34 in costs, and for class representative service awards.

As part of the Settlement in this case, Defendants Whirlpool Corporation ("Whirlpool") and Sears, Roebuck and Co. ("Sears") agreed to pay \$14,750,000 in attorneys' fees and costs, to be paid in addition to, not out of the benefits to the Class.¹ In the Settlement, Class counsel agreed to seek, and Defendants agreed not to oppose, an award of fees and costs of \$14,750,000. The Settlement Agreement and the Class Notice estimated that the fees request would be \$7,450,000 and the costs request would be \$7,300,000. The actual costs incurred by Class counsel were higher than \$7,300,000, and

¹ The Settlement Agreement is attached as Exhibit A to the Joint Motion for Preliminary Approval of Class Action Settlement, for Certification of Settlement Class, and for Approval of Notice Plan and Form of Class Notice. Dkt. 545-2. Unless otherwise noted, all capitalized terms in this Motion carry the same meaning as set forth in the Settlement Agreement

so Class counsel seek the agreed-upon total amount allocated between fees and costs to reflect the higher costs.

Defendants also agreed to pay service awards of \$4,000 for the 29 Class Representatives who responded to written discovery and were deposed or had their Class Washer inspected by a defense expert, and \$1,000 service awards to seven Class Representatives who were not deposed or inspected. Like the fees and costs, any service awards will be paid by Whirlpool and will not reduce the benefits to the Class.

As explained in the attached Memorandum and the Declaration of Jonathan D. Selbin, the requested fees and costs are reasonable and represent a steep discount on Class counsel's actual investment in this matter, and the service awards are fair and reasonable in light of the Class Representatives' contributions to the litigation.

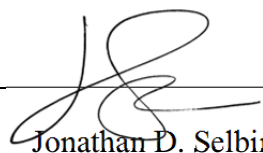
Accordingly, Class counsel request that the Court:

1. award \$14.75 million in attorneys' fees and costs;
2. Authorize Lead Class Counsel to allocate the fees and costs among all class counsel as provided for by the Settlement;
3. award \$4,000 service awards to Class Representatives as identified in Exhibit D to the Selbin Declaration.
4. award \$1,000 service awards to Class Representatives as identified in Exhibit D to the Selbin Declaration.

Respectfully submitted,

Dated: July 11, 2016

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By:  _____
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CERTIFICATE OF SERVICE

I hereby certify that, on July 11, 2016 service of this document was accomplished pursuant to the Court's electronic filing procedures by filing this document through the ECF system.



Jason L. Lichtman