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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

ERIC BLOMQUIST, individually  
and on behalf of all others similarly  
situated, and JUN DAM,  
individually,

Plaintiffs,

v.

PERKINS COIE, LLP, a Washington  
limited liability partnership;  
PERKINS COIE CALIFORNIA,  
P.C., a California corporation;  
PERKINS COIE U.S., P.C.; and  
LOWELL NESS, individually,

Defendants.

Case No: 2:20-cv-00464-SAB

CLASS ACTION

DECLARATION OF DENNIS  
MCGLOTHIN IN SUPPORT OF  
PLAINTIFF’S MOTION FOR AWARD  
OF ATTORNEYS’ FEES,  
REIMBURSEMENT OF EXPENSES,  
AND SERVICE AWARDS FOR CLASS  
REPRESENTATIVE

**DATE: May 21, 2024**  
**TIME: 1:30 p.m.**  
**JUDGE: Stanley A. Bastian**  
**COURTROOM: By ZOOM Video**

**With Oral Argument**

Chief Judge Stanley A. Bastian

Complaint Filed: December 16, 2020

I, DENNIS MCGLOTHIN, declare under penalty of perjury in and for the  
United States of America that the following statements are true and correct, based  
on my personal knowledge and information:

1           1.     I am a managing member and 50% owner of the Western Washington  
2 Law Group, PLLC (“WWLG”). I am also a counsel of record for the Plaintiff in  
3 this action.

4           2.     I make this declaration based on my own personal knowledge and it  
5 supports Plaintiff’s Motion for an Award of Attorneys’ Fees, Reimbursement of  
6 Expenses, and a Service Award for the Class Representative.

7           3.     I prepared the initial draft of the Plaintiff’s Complaint in this matter  
8 with the assistance of Timothy Blood and Thomas O’Reardon at the firm Blood  
9 Hurst & O’Reardon LLP. WWLG and I pursued this litigation on a contingent  
10 basis with no guarantee of recovery. WWLG and I, along with the other co-counsel  
11 of record, incurred 100% of the risk in pursuing the litigation. My firm advanced  
12 expenses with the understanding that we would be paid a fee only if successful.  
13 WWLG advanced costs and undertook the risk it would not be reimbursed for those  
14 costs from Plaintiff.

15           4.     I received my bachelor’s degree from the University of Florida in  
16 1983 and qualified for two majors. One in real estate and one in economics. I  
17 graduated in 3 years with High Honors. I went to law school at the University of  
18 Florida College of Law in the Fall of 1984 and graduated with a J.D. with honors  
19 in 1987. After graduation in 1987, I immediately practiced for the largest law firm  
20 in Fort Lauderdale Florida handling complex real estate transactions and complex  
21 real property issues. I then went into private practice.

22           5.     I sold my firm in Fort Lauderdale, Florida and relocated to Settle  
23 Washington in 1997. I began working for Smith, Smart, Hancock, Tabler, and  
24 Schwensen in 1998. I handled real estate litigation including the Port of Seattle’s  
25 acquisition through eminent domain of Terminal 18, which was then a Superfund  
site. I acquired and relocated businesses and the amounts in controversy were  
hundreds of millions of dollars.

1           6.     In 2000 I began working as an attorney at Jameson, Babbitt, Stites,  
2 and Lombard. I was mentored by Henry Jameson and Bruce Babbitt. I handled  
3 complex commercial, real estate and construction matters including the  
4 construction defect claims for Safeco field on behalf of the architects NBBJ.

5           7.     In 2002 I became a member of Barokas, Martin and Tomlinson where  
6 I continued in commercial, real estate and construction litigation and also expanded  
7 into employment litigation and personal injury litigation. I was counsel and  
8 received a multimillion settlement for a child who was kicked by a horse, and I  
9 received a \$1 Million Judgment after a trial for intentional violations of the Family  
10 Medical Leave Act. I was inducted into the Association of Trial Lawyers of  
11 America and was invited to become a member of its multi-million-dollar forum.

12           8.     I started my own practice in 2004. That firm was formed under the  
13 name McGlothlin Myhre, and then the Olympic Law Group, PLLP. WWLG was  
14 formed in 2014 and is owned by me and one of the attorneys from the Olympic  
15 Law Group.

16           9.     I am admitted to practice in all state courts in Florida and Washington.  
17 I have handled trials pro hac vice in Massachusetts, Michigan, Idaho, Arizona, and  
18 California. I am admitted to practice in the United States Supreme Court, the Ninth  
19 Circuit Court of Appeals, The Western District of Washington, the Eastern District  
20 of Washington, the Southern District of Florida, and the Middle District of  
21 Washington. I am admitted to practice in the bankruptcy courts for all those U.S.  
22 District Courts.

23           10.    I have argued multiple cases before the Washington Supreme Court  
24 and over one hundred cases before the Washington Court of Appeals. I have  
25 argued cases in the Ninth Circuit, filed for certiorari in the United States Supreme  
Court twice, and have argued cases in all five District Courts of Appeal in Florida  
and have filed documents for review in the Florida State Supreme Court.

1 11. I was also an adjunct professor at Seattle University College of Law  
2 for 10 years.

3 12. I was assisted in this action by Robert Cadranell. Mr. Cadranell is also  
4 a managing member and the other owner of WWLG. He is licensed to practice in  
5 Washington and focuses his practice on civil litigation and appeals in  
6 Washington's state and federal courts. I met Mr. Cadranell while I was an active  
7 adjunct professor at the Seattle University College of Law. After he graduated, he  
8 was admitted to practice law in Washington in 2010. I initially hired Mr. Cadranell  
9 in January 2010 as a contract attorney. He was then employed as a full-time  
10 attorney with the Olympic Law Group, PLLP.

11 13. In 2014, Mr. Cadranell and I formed WWLG. He emphasized  
12 bankruptcy and appellate law in his practice. He is admitted to practice in all the  
13 Washington state courts, the U.S. District Court for the Western District of  
14 Washington, the U.S. District Court for the Eastern District of Washington, and  
15 the U.S. Bankruptcy Courts for those U.S. Districts.

16 14. Our firm also utilizes the services of its Legal Intern Shiki Izuka. Mr.  
17 Izuka graduated from Seattle University College of Law in 2023. He is admitted  
18 to practice in Washington state courts as a Rule 9 Legal Intern. I am his mentor.  
19 He has handled one civil commercial litigation matter to completion and prevailed  
20 on summary judgment. He is also admitted to practice as a legal intern in the U.S.  
21 District Court for the Western District of Washington. He is assisting me in civil  
22 litigation matters both at trial and on appeal in the state and federal courts of  
23 Washington.

24 15. Our firm also utilizes non-lawyer assistants to perform services that  
25 are both legal and clerical in nature. One example is My Hue Nguyen. Ms. Nguyen  
was employed with the Olympic Law Group, PLLC and worked under my  
direction for 7 years. She resigned from the Olympic Law Group to become a

1 respiratory therapist at the Seattle Cancer Care Alliance. She and I developed a  
2 system to docket deadlines that is proprietary in nature. WWLG continues to  
3 employ her as a vendor to perform docketing for WWLG in its cases. Her services  
4 are limited to docketing that would otherwise be the responsibility for each  
5 attorney to docket. As such, her services are legal in nature and not clerical or  
6 ministerial. She works under my supervision.

7 16. Mr. Izuka, MS/ Nguyen, and all our non-lawyer assistants perform  
8 services under by direction and supervision.

9 17. For purposes of this Declaration, I have already exercised billing  
10 discretion and am only including time Mr. Izuka or a non-lawyer assistant provided  
11 that was legal in nature. I have excluded any time that is clerical in nature. Legal  
12 in nature means performing a legal task I would otherwise have to perform as an  
13 attorney if it were not for them performing that task. It includes docketing,  
14 confirming hearings, and communication with counsel and the court.

15 18. WWLG has devoted the time and resources of its attorneys, legal  
16 intern, and non-lawyer assistants to ensure the vigorous prosecution of the claims  
17 brought on behalf of the class in this litigation. I was the attorney from WWLG  
18 primarily tasked with prosecuting this litigation. This litigation includes the  
19 Trustee's motion for contempt for alleged violations of the 11 U.S.C. §362  
20 automatic stay and the related Adversary Proceeding for an injunction prohibiting  
21 the class from pursuing litigation in this Court.<sup>1</sup> This included appealing to this  
22 court the bankruptcy court's orders on relief from stay and the preliminary  
23 injunction issued in the Adversary Proceeding.

24  
25 <sup>1</sup> "Adversary Proceeding" refers to the Chapter 7 Trustee's adversary proceeding captioned *Waldron v. Dam*, Adversary Proceeding No. 21-80053 (E.D. Wash. Bankr.), which sought to enjoin litigation of this Action in its entirety. The "Appeals" refer to Plaintiff's appeals of the bankruptcy court's automatic stay and injunction orders to this Court. See Case Nos. 22-cv-00291 and 22-cv-00040.

1           19. Throughout this litigation, I worked closely with Timothy Blood to  
2 manage litigation tasks to efficiently delegate work and avoid duplication or other  
3 inefficiencies. For purposes of this Declaration, I have already exercised billing  
4 discretion and have excluded any time that was spent which duplicates time that  
5 was spent by Mr. Blood and his firm.

6           20. I assisted with research and drafting various pleadings, motions,  
7 declarations, and other papers filed in this Action, the bankruptcy core  
8 proceedings, and the related Adversary Proceeding, including the class action  
9 complaint, Plaintiff's opposition to Defendant's motion to compel arbitration,  
10 Plaintiff's motion to dismiss for lack of subject matter jurisdiction and opposition  
11 to the Trustee's motion for injunctive relief filed in the Trustee's Adversary  
12 Proceeding (including presenting oral argument), and Plaintiff's response and  
13 objection to the Trustee's motion to modify the preliminary injunction. I also  
14 assisted in research and drafting briefs for the two appeals that were filed in this  
15 Court. Finally, I fully participated in discovery strategy, spoke with experts, and  
16 attended and participated in mediation before the Honorable Benjamin P. Hursh.

17           21. I believe the time expended by Western Washington Law Group,  
18 PLLC in this litigation that is sought to be awarded in this Action is both reasonable  
19 and was necessary considering the amount of work required to litigate this Action  
20 since its inception, including the core bankruptcy proceedings and related  
21 Adversary Proceeding and the two Appeals filed in this Court. There has been no  
22 unreasonable duplication of services for which my firm now seeks compensation.  
23 In situations where more than one attorney's or other timekeeper's time is being  
24 sought in this Declaration for the same service, the participation of each attorney  
25 and timekeeper was reasonable because of the complexity of the issues involved  
and the time constraints that existed at the time. Tasks were delegated  
appropriately among attorneys and staff according to their complexity.

1           22. The following information regarding my firm’s time and out-of-  
2 pocket expenses is taken from time and expense records prepared and maintained  
3 by the firm in the ordinary course of business. The time records were prepared  
4 daily or shortly thereafter by each attorney or paralegal working on the litigation.  
5 The expense records are prepared from receipts, expense vouchers, check records  
6 and other documents, and are an accurate record of the expenses. The entries were  
7 made at or near the time the event occurred, and the timekeepers job duties required  
8 them to make those entries. Those entries must be accurate for WWLG’s business  
9 purposes, such as billing clients and making fee requests. The entries are required  
10 to be accurate for the firm to avoid an ethical violation for charging or attempting  
11 to charge an unreasonable fee.

12           23. I reviewed the printouts and reviewed the backup documentation  
13 where necessary. The purpose of these reviews was to confirm the accuracy of the  
14 entries on the printouts as well as to exercise the billing discretion described in this  
15 Declaration. They were reviewed for me to assert reasonable time and expenses  
16 committed to the litigation and to exclude duplicative or unproductive time as well  
17 as clerical or ministerial task that are not proper to include in a fee declaration.

18           24. Only time and expenses incurred to the benefit of the Class have been  
19 included in the time presented and costs submitted. Meetings were held to  
20 efficiently delegate work, monitor work, and to avoid duplication or other  
21 inefficiencies.

22           25. The schedule below provides a summary of the hours expended by  
23 the only individuals who worked on this case at my firm, including both Robert  
24 Cadranell and me, Dennis McGlothlin (both managing members and co-owners of  
25 WWLG). The schedule includes the entries made by Mr. Izuka and Ms. Nguyen.  
The entries for the other non-lawyer assistants who provided services that were  
legal in nature are reflected as a singular group named “Adm.” With that

1 explanation, the schedule show who worked on the case (or Adm.), hourly billing  
2 rates, the number of hours expended, and the resulting lodestar for each timekeeper  
3 (or Adm. as a group).

4 26. The lodestar calculation below is based on the firm's current billing  
5 rates at the firm's customary hourly rates charged to our fee-paying clients.  
6 WWLG sets rates annually and those rates are based on the rates charged by similar  
7 attorneys and legal professionals who practice in Washington. The rates take into  
8 account the difference in rates based on geographical area within Washington and  
9 are blended to achieve an overall reasonable Washington state rate. We gather this  
10 information from surveys and the review of other fee applications. We set the  
11 billing rates for our firms to be consistent with the prevailing market rates in the  
12 private sector for attorneys and staff of comparable skill, qualifications, and  
13 experience. Further, based on my more than 36 years' of experience, the rates I and  
14 other timekeepers at WWLG have charged in this action are reasonable and  
15 customary for the Washington market, including the Eastern District of  
16 Washington. The legal authority cited in the concurrently filed attorneys' fee  
17 motion and the declaration of Timothy G. Blood in support of final approval  
18 demonstrate that based on the years of experience of each of my firm's employees,  
19 the hourly rates are reasonable.

20 27. My hourly rate of \$610 per hour is in line with comparable hourly  
21 rates charged by other law firms that handle complex litigation of this kind in the  
22 U.S. District Court for the Eastern District of Washington. My hourly rate and the  
23 hourly rates of other attorneys and staff at WWLG have been approved by  
24 numerous courts, including the Spokane County Superior Court, the U.S. District  
25 Court for the Western District of Washington, the U.S. Bankruptcy Court for the  
Western District of Washington, the King County Superior Court, the Snohomish  
County Superior Court, the Piere County Superior Court, and the Lincoln County



1 Superior Court.

2 28. The total number of hours spent on this litigation by WWLG  
3 timekeepers as of April 9, 2024, was 505.15 hours. The total lodestar for this time  
4 is \$251,464.25.

5 Timekeeper	6 Year Admitted to Practice	7 Hours	8 Rate	9 Lodestar
10 Dennis McGlothin (Principal)	11 1988 (FL) 12 1998 (WA)	13 353.10	14 \$610/hr.	15 \$215,391.00
16 Robert Cadranel (Principal)	17 2009 (WA)	18 55.4	19 \$480/hr.	20 \$26,592.00
21 Shiki Izuka (APR 9 Intern)	22 2023	23 15.47	24 \$200/hr.	25 \$3,094.00
My Nguyen	N/A	11.95	\$100/hr.	\$1,195.00
Adm.	N/A	69.23	\$75/hr.	\$5,192.25
Totals		505.15		\$251,464.25

29. My firm's lodestar figures are based upon the firm's billing rates, which rates do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

30. As detailed below, my firm has incurred a total of \$1,520.67 in unreimbursed expenses in connection with the prosecution of this litigation from inception through April 9, 2024. The expenses incurred in this litigation are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate record of the expenses incurred.

31. The costs and expenses for which reimbursement is sought are reasonable in amount and were necessary for the effective and efficient litigation

1 of the case. All of the expenses are of a type that, in my view, would normally be  
 2 charged to a fee-paying client in the private legal marketplace. My firm has  
 3 received reimbursement for similar costs and expenses in numerous cases.

4 32. My firm's out-of-pocket litigation expenses in the amount of  
 5 \$1,520.67 are summarized below:

Expense Category	Total
Complaint and Two Appeal Filing Fees to US Dist. Ct. E.D. WA.	\$802.00
Westlaw Research	\$3.21
Filing Fee to U.S. Bankr. Ct. E.D. WA.	\$298.00
Westlaw Research	\$387.46
Copy of Transcript in U.S. Bank. Ct. E.D. WA.	\$30.00
<b>TOTAL</b>	<b>\$1,520.67</b>

13 33. The following is additional information regarding these expenses:

14 Westlaw Research: The amounts reflected in the table above are the  
 15 actual costs WWLG paid Thomson Reuters for Westlaw® legal research, and  
 16 Westlaw® is used to obtain access to legal research, factual databases, and for cite-  
 17 checking of briefs. The expense amount detailed herein represents the out-of-  
 18 pocket costs incurred by WWLG in connection with use of these services in  
 19 connection with this litigation. My firm has a flat-rate contract with Thomas  
 20 Reuters for use of its services. When my firm utilizes Westlaw® services, a billing  
 21 code is entered for the specific case being researched. At the end of each billing  
 22 period in which a service is used, WWLG's costs for such services are allocated to  
 23 specific cases based on the percentage of use in connection with that specific case  
 24 in the billing period. As a result of the flat fee we negotiated with Thomson West,  
 25 we do not charge the "market rate" for *a la carte* use of online legal research

1 services, which some law firms charge their clients. We also do not otherwise  
2 mark-up Thomson West's bills, as some firms do.

3 Filing Fees to U.S. Dist. Ct. E.D. WA.: WWLG advanced the costs  
4 to file the original complaint in this action that commenced these proceedings.  
5 This charge represents the filing fee charged by this Court. Plaintiffs appealed two  
6 U.S. Bankruptcy Court decision to this Court. For each appeal there was a \$200  
7 fee paid to this Court.

8 Filing Fees Paid to U.S. Bankr. Ct. E.D. WA.: WWLG paid a filing  
9 fee to the U.S. Bankruptcy Court for the Eastern District of Washington to litigate  
10 the bankruptcy issues against the Chapter 7 Trustee.

11 I declare under penalty of perjury under the laws of the United States of  
12 America that the foregoing statements in this Declaration are true and correct.

13 Signed at Bellevue, WA on April 9, 2024.

14 /s/ Dennis J. McGlothin

15 Dennis McGlothin (WSBA No. 28177)  
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