

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

LOUISE LIVINGSTON,
MELISSA RAINEY, DAVID
SMITH, RAYMOND
SABBATINE, PETER GOLDIS,
and BILL COLBERT, on behalf of
themselves and all others similarly
situated,

Plaintiffs,

v.

TRANE U.S. INC.,

Defendant.

Civ. A. No. 2:17-cv-06480-ES-MAH

The Honorable Esther Salas, U.S.D.J.

The Honorable Michael A. Hammer,
U.S.M.J.

Return Date: August 12, 2020
(pursuant to Order, Dkt. No. 104)

CLASS ACTION

**DECLARATION OF JAMES C. SHAH IN SUPPORT OF PLAINTIFFS'
MOTION FOR AWARD OF ATTORNEYS' FEES AND EXPENSES AND
PLAINTIFFS' INCENTIVE AWARDS**

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Counsel for Plaintiffs and the Settlement Class

I, James C. Shah, declare as follows:

1. I am a partner at the law firm of Shepherd, Finkelman, Miller & Shah, LLP (“SFMS” or the “Firm”). I am admitted to practice in California, Pennsylvania, New Jersey, New York and Wisconsin, as well as in multiple federal district and circuit courts. SFMS was appointed Co-Lead Counsel in the above-captioned litigation (the “Litigation”). I submit this declaration in support of Plaintiffs’ Motion for Award of Attorneys’ Fees and Expenses and Plaintiffs’ Incentive Awards 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. SFMS is a national law firm specializing in complex litigation, including class actions. SFMS maintains offices in California, Connecticut, Florida, New Jersey, New York and Pennsylvania. A copy of the Firm’s resume was previously filed with the Court at ECF No. 93-19.

4. SFMS has a history of vigorously representing the interests of its clients in all matters, including class action litigation. Indeed, SFMS has recently tried, as lead or co-lead, three class action cases in the past several years, including trials in the Northern District of California (*Bowerman, et al. v. Field Asset Services, LLC*, Case No. C13-00057 WHO (N.D. Ca. 2017)), as well as the District of Massachusetts (*Healthcare Strategies, Inc., et al. v. ING Life Insurance and Annuity*

Company, Case No. 3:11-cv-00282 (WGY) (D. Conn. 2013) (a Connecticut case that was tried in the District of Massachusetts)), and the District of Colorado (*CGC Holding Company, LLC, et al. v. Sandy Hutchens, et al.*, Civil Action No. 11-cv-01012-RBJ (D. Col. 2017)).

5. SFMS has actively participated in all aspects of the Litigation for three years, including, but not limited to: (1) case investigation; (2) drafting of the Complaint and Amended Complaint; (3) formal discovery; (4) legal research; (5) drafting of motions and briefs; (6) Court appearances; (7) participating in Litigation strategy decisions; (8) participating in settlement negotiations; and (9) participating in the notice and claims administration process. Thus, I am fully familiar with the proceedings. If called upon, I am competent to testify that the following facts are true and correct to the best of my knowledge, information, and belief.

6. During this Litigation, the Firm kept contemporaneous time records, and all professional staff members bill in standard six-minute increments. The schedule attached as Exhibit A is a summary derived from our daily time records and reflects the amount of time spent by the partners, attorneys, and other professional support staff of the Firm who were involved in this action. This total excludes certain time that has been reduced or eliminated based on the exercise of my billing judgment. I have removed from this schedule any work performed by lawyers or paralegals who spent less than five hours in this Litigation. This schedule

was prepared from contemporaneous, daily time records regularly prepared and maintained by the Firm.

7. As reflected in Exhibit A, from the inception of this Litigation through May 31, 2020, my firm devoted a total of 407.70 billable hours of work on this case. Based upon hourly rates, the total lodestar value of the Firm's billable time is \$256,218.00. My Firm has not been reimbursed for this time. Based on my experience and our track record overseeing the notice and claims process as vigorously as the underlying Litigation, SFMS expects to spend substantial additional time during the approval process, any possible appeals, and to ensure that Defendant and the Settlement Administrator fairly process and pay all relief as required under the Settlement.

8. My Firm's rates as reflected in Exhibit A are within the range of market rates charged by attorneys of equivalent experience, skill, and expertise. SFMS sets its rates based on an analysis of rates charged by our peers and approved by courts throughout the country. Our rates have been routinely approved by state and federal courts throughout the country, including successful consumer class cases in which SMFS has served as lead class counsel. *See, e.g., In re: Caterpillar, Inc. C13 and C15 Engine Products Liability Litigation*, MDL No. 2540 (D.N.J.) (Dkt. 54); *Q+Food v. Mitsubishi Fuso Truck of America, Inc.* (D.N.J.), 3:14-cv-06046 (Dkt. 70); *Henderson v. Volvo Cars of North America, LLC*, 2013 WL 1192479 (D.N.J.

Mar. 22, 2013); *Trewin v. Church and Dwight, Inc.*, Case No. 3:12-cv-01475-MAS-DEA (D.N.J. 2015) (Dkt. 68); *In re: Ford Motor Co. Spark Plug and 3-Valve Engine Products Liability Litigation*, Case No. 1:12-md-02316-BYP (N.D. Oh. 2016) (Dkt. 122); *Rodman v. Safeway Inc.*, 2018 U.S. Dist. LEXIS 143867, at *16 (N.D. Cal. Aug. 22, 2018); *Corson v. Toyota Motor Sales U.S.A., Inc.*, Case No 1:12-cv-8499-JGB (C.D. Cal. 2016) (Dkt. 107); *Allison Gay v. Tom's of Maine, Inc.*, Case No. 0:14-cv-60604-KMM (S.D. Fl. 2016) (Dkt. 43); *Golden Star, Inc. v. Mass Mut. Life Ins. Co.*, Case No. 3:11-30235-MGM (D. Mass. 2015) (Dkt. 55); and *Butler National Corp. v. The Union Central Life Ins. Co.*, Case No. 1-1:12-cv-00177-SJD-KLL (S.D. Oh. 2014) (Dkt. 55).

9. As detailed in Exhibit B, SFMS has incurred a total of \$23,933.13 in unreimbursed expenses in connection with the prosecution of this Litigation through May 31, 2020. The expenses include routine cost categories such as filing and service fees, expert fees, mediation fees, travel expenses for hearings, copying costs and legal research fees.

I declare pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Dated: June 4, 2020

By: /s/ James C. Shah
James C. Shah