

**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 DAVID KAUFMAN  
IN SUPPORT OF THE PARTIES' JOINT MOTION FOR FINAL  
APPROVAL AND ENTRY OF FINAL ORDER AND JUDGMENT**

I, David Kaufman, declare as follows:

1. I am a Senior Director for Heffler Claims Group ("Heffler"). Our business address is 1515 Market Street, Suite 1700, Philadelphia, PA 19102. Our main telephone number is (215) 665-8870. I am over twenty-one years of age and am authorized to make this Declaration on behalf of Heffler and myself. This

Declaration is based upon my personal knowledge as well as information provided to me by my associates and staff.

2. After Heffler submitted a competitive bid, counsel for plaintiffs Louise Livingston, Melissa Rainey, David Smith, Raymond Sabbatine, Peter Goldis, and Bill Colbert (“Plaintiffs”) and counsel for defendant, Trane U.S. Inc. (“Trane”) (collectively with the Plaintiffs, the “Parties”), selected Heffler to serve as the Settlement Administrator for their class-wide Settlement Agreement dated February 21, 2020 (the “Settlement Agreement,” ECF No. 93-4). All capitalized terms used herein are defined in the Settlement Agreement.

3. Heffler has administered and will continue to administer the notice program as detailed in the Settlement Agreement, (ECF No. 93-4, at § V), and according to the schedule set forth in the Court’s April 13, 2020 Order Granting Preliminary Approval, (ECF No. 104, at ¶ 14.)

4. The settlement website ([www.airconditionersettlement.com](http://www.airconditionersettlement.com)) was activated and went live on April 19, 2020. The homepage of the website sets forth all important dates and options for the class members. The homepage also includes a search bar that allows users to enter their outdoor unit serial number to determine if their unit is part of the class—i.e., a search of Exhibit I to the Settlement Agreement. The website also includes an online Claim Form and printable version of the Claim Form. The website further includes relevant documentation concerning

the settlement, including the Settlement Agreement and its exhibits, Full Notice, Mailed Notice, Plaintiffs' Preliminary Approval Brief, and the Court's Preliminary Approval Order.

5. On May 28, 2020, Heffler initiated the notice program according to the Settlement Agreement (ECF No. 93-4, at § V).

6. Heffler received Trane's warranty and registration records for Class Air Conditioners and Heat Pumps. Using these records, Heffler located a total of 245,717 unique mailing addresses associated with the Settlement Class Air Conditioner serial numbers. Heffler also determined, with Trane's assistance, that approximately 42,269 of the Settlement Class Air Conditioners are reflected in Trane's records as having been injected with an Additive prior to September 30, 2018. Of these 42,269, Trane's records included address information for 31,304.

	<b>MJ-X Warranty Data</b>
<b>Record Count</b>	42,269
<b>No User Data</b>	9,215
<b>Duplicate w/Source</b>	1,720
<b>Unactionable Address</b>	30
<b>Total Mailing</b>	31,304

7. On May 28, 2020, Heffler, therefore, mailed 245,717 Mailed Notices and Claim Forms via first class mail to the addressee or "current resident."

- a. Of those notices, 31,304 informed the addressees that their units are eligible for the Enhanced Compressor Warranty benefit and that they need not submit a claim for this benefit, but that they may submit a

claim for out-of-pocket reimbursements for qualifying repairs. (*See* ECF No. 95-1.)

- b. The other 214,413 Mailed Notices indicated that the recipient could claim the Enhanced Compressor Warranty Coverage by submitting a Claim Form and documentation showing a qualifying Additive injection in addition to submitting a claim for qualifying out-of-pocket reimbursements.

8. On May 28, 2020, Heffler initiated the digital media notice campaign. This campaign will include over 70,000,000 million impressions through social media (Facebook and Instagram), Google AdWords, and other digital media channels (e.g., banner advertisements), which will run until July 6, 2020. This program includes internet advertisements for the settlement on the trade website ACHR News.

9. On May 28, 2020, Heffler issued a Press Release on PR Newswire, on behalf of Chimicles Schwartz Kriner & Donaldson-Smith LLP and Shepherd Finkelman Miller & Shah LLP, announcing the Settlement and providing key details for Settlement Class Members.

10. Heffler also acquired a print advertisement in the June 1, 2020 edition of the trade magazine: ACHR News Magazine.

11. Pursuant the Settlement Agreement, Heffler will administer the claims process, including receiving and neutrally evaluating all claims submitted.

12. Heffler estimates our total fees and cost for notice and claims administration to be approximately \$470,000.

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

Dated: June 4, 2020

*s/ David Kaufman*  
David Kaufman