

**UNITED STATES DISTRICT COURT
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.

CLASS ACTION

DECLARATION OF MIKE STEPHENS

Mike Stephens, declares as follows, pursuant to 28 U.S.C. § 1746:

1. My name is Mike Stephens, and I am employed by Trane Technologies (f/k/a Ingersoll-Rand Corporation), the parent company of Trane US Inc. (“Trane”). I have worked at Trane for over fourteen years. I am currently the Warranty Administration Leader for Residential HVAC at Trane. As Warranty Administration Leader, I oversee the warranty process for Trane’s Residential HVAC department. I have held this position since November 2014. Before that, I held two titles concurrent since at about mid-2011: Manager of Technical Support and Services and

Manager of Standard Trane Warranty Company. As both Manager of Technical Support and Services and Manager of Standard Trane Warranty Company, I was involved in the warranty support process for Trane. Before working with Trane, I owned a HVAC service company for a number of years. As a result, I am knowledgeable regarding HVAC servicing and repair issues.

2. I have reviewed the objection to the Motion for Final Approval filed by Scott Clough [Dkt. No. 12]. In his letter, Mr. Clough makes the following statement regarding his unit with serial number 14195NRG4F:

Objection #1 regarding Serial Number 14195NRG4F: This serial number is listed in the Settlement. The notice indicates that repair costs may be reimbursed for TXV replacements or for additive injections. My unit required service due to a clogged TXV (referred to as the piston in the service ticket). The technician was able to clear it out without replacing the TXV and there is no mention of using an additive. If an unapproved rust inhibitor caused the unit to be clogged, it is my position that the repair costs should be reimbursed regardless of the method used to repair it or if the TXV was replaced. I am including the service ticket for reference.

3. The thermostatic expansion valve (“TXV”) component of an HVAC system is a very common source of service calls, and issues with a TXV are in no way unique to presence of the unapproved rust inhibitor known as Ryconox in the compressor in certain of Trane units that are the subject of this class action lawsuit.

4. The technician’s note attached to Mr. Clough’s objection shows that the customer stated that the system was running, but not blowing cool air. The technician then stated that the “[o]nly diagnosed problems was the piston (metering device) in air handler had caught a piece of something in it and when put in heat mode blew whatever the piston had stopped up in it out.”

5. Because the TXV was cleared by a technician without adding MJX or similar additive, it suggests that the source of Mr. Clough's unit's issue was not the presence of Ryconox in the compressor.

6. If Ryconox had been the cause of Mr. Clough's complaint related to his unit, Ryconox would be deposited on the needle valve deep inside the TXV, making it very difficult for a technician to clean or remove. It would have most likely required the injection of MJ-X or a similar additive to dissolve the Ryconox.

7. Based on the information available, it is more than likely that debris entered the refrigerant piping system as a result of poor installation practices, and the technician was able to remove it by cycling between heat and cool mode, which as the technician stated, "blew whatever the piston had stopped up in it out."


8. Mr. Clough's objection also references a second unit with serial number 14204L2H4F. That second unit is not part of the settlement class because all class units involved an Emerson-sourced "scroll" compressor. Before the replacement of the compressor, Mr. Clough's second unit had a reciprocating compressor sourced by Trane, not Emerson. As a result, the class settlement would not apply to Mr. Clough's second unit.

9. The reason I say this is this unit does Not have a Scroll compressor in it but instead has a Reciprocating compressor that was built by Trane.

10. The facts stated in this Declaration are within my personal knowledge and are true and correct.

I declare under penalty of perjury that the foregoing statements are true and correct.

Executed on this 22 day of July, 2020.


Mike Stephens