

**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

**PLAINTIFFS' REPLY BRIEF IN SUPPORT OF
MOTION FOR AWARD OF ATTORNEYS' FEES AND EXPENSES
AND PLAINTIFFS' INCENTIVE AWARDS**

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Counsel for Plaintiffs and the Settlement Class

Plaintiffs Louise Livingston, Melissa Rainey, David Smith, Raymond Sabbatine, Peter Goldis, and Bill Colbert (collectively “Plaintiffs”) respectfully submit this reply brief in further support of their Motion for Award of Attorneys’ Fees and Expenses and Plaintiffs’ Incentive Awards (ECF No. 107).

No Settlement Class Member has objected to Class Counsel’s request for an award of \$1,800,000 for attorneys’ fees and reimbursement of expenses, which amount Trane has agreed to pay separate and apart from all other relief afforded by the Settlement. (*See* Settlement Agreement, ECF No. 93-4, at ¶ 88.)

Similarly, no Settlement Class Member has objected to Plaintiffs’ request for incentive awards of \$5,000 to each of the named Plaintiffs for their efforts in securing the benefits of the Settlement for all Class Members, which amount Trane has also agreed to pay separate and apart from all other relief afforded by the Settlement. (*See id.*, at ¶ 90.)

The fact that no Settlement Class Member has objected to these requests weighs in favor of a finding that they are fair and reasonable and well-justified by the effort of Class Counsel and Plaintiffs’ and the excellent results achieved on behalf of the Settlement Class.¹

¹ As stated in the Mailed Notice, Publication Notice, and the Full Notice, Plaintiffs Motion for Award of Attorneys’ Fees and Expenses and Plaintiffs’ Incentive Awards and all accompanying filings were posted on the Settlement Website on the day they were filed. (ECF No. 107; July 24, 2020 Supplemental Decl. of David Kaufman filed in support of the Joint Motion for Final Approval, at ¶ 3.)

Plaintiffs, therefore, respectfully request that the Court grant their motion for an award, consistent with the Settlement, of \$1,800,000 in attorneys' fees and expenses, and incentive awards of \$5,000 to each Plaintiff for his or her service and diligence in litigating this case. (*See* Proposed Order, ECF No. 107-1.)

DATED: July 24, 2020

Respectfully submitted,

s/ Timothy N. Mathews

Timothy N. Mathews

Zachary P. Beatty (*pro hac vice*)

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CERTIFICATE OF SERVICE

I, Timothy N. Mathews, certify that on this 24th day July 2020, I caused the foregoing *Plaintiffs' Reply Brief in Support of Motion for Award of Attorneys' Fees and Expenses and Plaintiffs' Incentive Awards* to be filed using the Court's CM/ECF system, thereby causing it to be served upon all registered ECF users in this case.

s/ Timothy N. Mathews
Attorney for Plaintiffs