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8 Co-Lead Counsel for Plaintiffs
9 and the Certified Plaintiff Class

10 SUPERIOR COURT FOR THE STATE OF CALIFORNIA

11 COUNTY OF SAN FRANCISCO

12 JOEL I. ROOS and TOM SANTOS, on
13 behalf of themselves and all others similarly
14 situated,

15 Plaintiffs,

16 v.

17 HONEYWELL INTERNATIONAL, INC.
18 and DOES 1-100, inclusive,

19 Defendants.

20 Case No. CGC-04-436205

21 **DECLARATION OF CHRISTINE CRAIG
22 IN SUPPORT OF PLAINTIFFS' MOTION
23 FOR FINAL APPROVAL OF CLASS
24 ACTION SETTLEMENT**

25 Date: May 2, 2014

26 Time: 9:00 a.m.

27 Dept: 304

28 Judge: Hon. Curtis E.A. Karnow

1 I am a shareholder at Shaheen & Gordon, PA and an attorney licensed to practice law in the State of Vermont, *pro hac vice*. I am an attorney of record for named Plaintiff Alfred Wright and settlement class representative ("Plaintiffs"). My firm is Co-Lead Counsel for the Vermont Class along with the law firm of Abbey Spanier at 212 East 39th Street, New York, NY. I make this declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement.

2 On or about November 10, 2004, Plaintiff Wright filed a Complaint against Defendant Honeywell International, Inc. ("Defendant" or "Honeywell") for violations of the Vermont Consumer Fraud Act, 9 VSA 451 *et seq.* on behalf of himself and others similarly situated.

3 Plaintiffs filed a First Amended Complaint, on or about December 2004.

1 4. Defendant removed the action to the District of Vermont by Notice dated January
2 4, 2005, purporting to assert jurisdiction under the provisions of 28 U.S.C. § 1331 and 28 U.S.C. §
3 1338(a).

4 5. This case and the *Wright* case were transferred to the Judicial Panel on
5 Multidistrict Litigation in the United States District Court for the Northern District of California
6 by Conditional Transfer Order Dated May 3, 2005.

7 6. Plaintiff Wright submitted his Notice of Opposition to Conditional Transfer Order
8 on June 28, 2005, and by order dated August 24, 2005, the United States District Court for the
9 Northern District of California remanded this case, the *Wright* case and 3 other cases to their
10 respective state courts.

11 7. Throughout this litigation, I worked together in a joint effort with counsel for other
12 states, including New York and California, with similar, and in some cases identical claims
13 against Honeywell in the pursuit of discovery.

14 8. On or about December 22, 2005, the California and Vermont plaintiffs and
15 Honeywell stipulated that discovery conducted in one case shall be deemed to have been
16 conducted and may be used in both cases.

17 9. In the course of this effort, the parties engaged jointly in preliminary informal
18 discovery related to the allegations in both the Vermont and California complaints.

19 10. The parties also engaged in extensive formal discovery related to the allegations in
20 both the Vermont and California complaints.

21 11. The litigation was highly contentious and extensive law and motion practice ensued
22 throughout.

23 12. Plaintiff Wright filed a Motion for Class Certification with accompanying
24 Memorandum on July 14, 2006.

25 13. Defendant filed a response to Plaintiff Wright's Motion for Class Certification on
26 September 13, 2006. Further briefing was submitted by Plaintiff and Defendant on October 4,
27 2006 and November 7, 2006, respectively. Plaintiff submitted an additional brief on December 1,
28 2006.

1 14. Also on September 13, 2006, Honeywell filed a Motion for Summary Judgment
2 claiming that 1) Plaintiff cannot show injury because he does not know the exact price he paid for
3 the Honeywell Round Thermostats (HRT) he purchased, and that 2) Plaintiff's claims are
4 untimely. Plaintiff Wright submitted his Opposition to Defendant's Motion for Summary
5 Judgment on October 27, 2006, and Honeywell submitted a Reply on November 17, 2006.

6 15. Once the briefing was complete, arguments on both the Motion for Class
7 Certification and Summary Judgment were heard by the Orange County Superior Court for the
8 State of Vermont on October 8, 2007.

9 16. On May 15, 2008, the Orange County Superior Court for the State of Vermont
10 denied Plaintiff's Motion for Class Certification and denied Honeywell's Motion for Summary
11 Judgment.

12 17. Plaintiffs appealed the denial of class certification to the Supreme Court of
13 Vermont.

14 18. On December 10, 2009, the Vermont Supreme Court reversed the lower court's
15 denial of class certification.

16 19. On August 3, 2011, the Honorable Harold Eaton certified the following class:

17 All Vermont consumers (as defined in 9 V.S. A. 2451a (a)) residing in the State of
18 Vermont who indirectly purchased a Round Thermostat from Honeywell, for their
19 own use and not for resale, during the period between June 30, 1986 and October
20 31, 2011. The class includes consumers who purchased a new home directly from
21 the builder so long as they are still the owner of the home. Excluded from the class
22 are governmental entities, Defendant and subsidiaries and affiliates of Defendant.

23 20. In his August 3, 2011 order Judge Eaton also named Shaheen & Gordon and
24 Abbey Spanier co-lead counsel and approved the notice to the class, which was completed by
25 January 31, 2012, and only seven class members chose to be excluded from the lawsuit.

26 21. The parties engaged in arm's-length settlement negotiations throughout the history
27 of this litigation including informal settlement discussions via telephone conferences, emails, and
28

1 meetings between counsel, and two formal settlement conferences with a private mediators in
2 2010 and 2013.

3 22. On July 9, 2013, after nearly nine years of litigation, the parties attended a
4 settlement conference before Honorable Judge John E. Munter and through the use of this
5 process, the parties' were eventually able to come to an agreement on July 17, 2013.

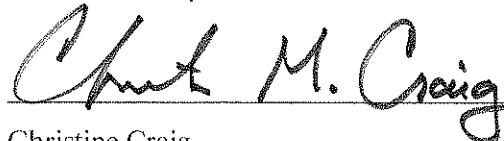
6 23. The terms of the parties' agreement are memorialized in the Settlement Agreement
7 dated November 9, 2013.

8 24. The Settlement with Honeywell encompasses both this case and the *Wright* case.
9 The Orange County Superior Court for the State of Vermont granted preliminary approval of the
10 Settlement on December 23, 2013, with supplemental orders issued on February 18, 2014,
11 pertaining to additional dates, deadlines and notice forms for the notice of Settlement program.

12 25. A hearing before the Orange County Superior Court for the State of Vermont on
13 final approval of the Settlement is set for May 16, 2014.

14
15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct.

17
18 Executed this 21st day of March, 2014, at Dover, New Hampshire.

19
20 
21 Christine Craig