

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GREG MCMAHON and ADAM
GOLDBERG,

Plaintiffs,

v.

GENERAC POWER SYSTEMS, INC.,

Defendant.

Civil Action No. 2:21-cv-05660

**DECLARATION OF JOSEPH G. SAUDER IN SUPPORT OF PLAINTIFFS’
MOTION FOR ATTORNEYS’ FEES, COSTS, AND SERVICE AWARDS**

I, Joseph G. Sauder, under penalty of perjury, declare as follows:

1. I am a member in good standing of the bar of the Commonwealth of Pennsylvania and the State of New Jersey, and I am counsel for Plaintiffs and the Settlement Class. I respectfully submit this declaration in further support of Plaintiffs’ Unopposed Motion for Attorneys’ Fees, Costs, and Service Awards. The following is based on my personal knowledge, and if called upon to do so, I could and would competently testify to the statements set forth below.

2. I am a partner at the law firm of Sauder Schelkopf LLC in Berwyn, Pennsylvania. Our firm is located in Berwyn, Pennsylvania and represents generally plaintiffs in consumer fraud class actions, product liability, civil rights, and other complex class action litigation in Pennsylvania, New Jersey, and across the United States.

3. Sauder Schelkopf is a national boutique class action and personal injury law firm located in Berwyn, Pennsylvania. Our firm was named in the Litigation Departments of the Year, an award that honors the best litigation practice in a small or mid-sized firm in Pennsylvania, by

The Legal Intelligencer in 2022. In addition, the 2023 edition of U.S. News & World Report, Best Lawyers® recognized our firm as a Best Law Firm, as nominated by our peers based on our experience, service, success, and performance.

4. I started my legal career as a prosecutor in the Philadelphia District Attorney's Office where, from 1998 to 2003, I successfully tried hundreds of criminal cases to verdict. *LawDragon* recognized me in its list of the *500 Leading Plaintiff Consumer Lawyers* for 2023. The publication notes "these are the lawyers who stand on the front line in individual lawsuits and class actions seeking justice. They relish their role of underdog, taking on the toughest cases" *Lawdragon* also recognized me as one of its *500 Leading Civil Rights & Plaintiff Employment Lawyers* for 2023, noting, "These lawyers aid victims of discrimination, survivors of abuse and advocates for employees' rights in accessing the power of their voices within the justice system." *The National Law Journal* named me to the *2023 Plaintiffs' Lawyers Trailblazers*. I was one of only 51 plaintiff attorneys nationwide and the only Pennsylvania attorney selected to the elite list. *The American Lawyer* named me to its 2021 *Northeast Trailblazers*. The honor recognizes 60 lawyers who are "truly agents of change." It "recognizes professionals in the Northeast who have moved the needle in the legal industry." *The Legal Intelligencer* named me in its 2020 Pennsylvania Trailblazers list recognizing 31 lawyers who "have taken extra measures to contribute to positive outcomes . . . and who are truly agents of change." *The Legal* highlights my innovative work on advocacy as class counsel in large institutional sex abuse cover-ups, women's, and children's rights.

5. Since 2011, I have been selected as a Pennsylvania *SuperLawyer*, a distinction held by the top 5% of attorneys in Pennsylvania, as chosen by their peers and through the independent research of Law & Politics.

6. I have an extensive background in litigation on behalf of consumers, and I am currently serving or have served as lead or co-lead counsel in many class actions in federal courts across the country, including consumer protection cases similar to this one, including the following:

- *Jackson v. Viking Group, Inc.*, No. 8:18-cv-02356-PJM, ECF No. 46 (D. Md.) (class action settlement valued between \$30.45 million and \$50.75 million that provided a free replacement program to replace the allegedly defective sprinklers with non-defective sprinklers, and a claims program to reimburse those who experienced non-fire activations);
- *Bromley v. SXSW LLC*, No. 1:20-cv-439-LY (W.D. Tex.) (class action settlement related to ticket purchases for festival canceled by COVID-19 pandemic);
- *Cole v. NIBCO, Inc.*, No. 13-7871, ECF No. 227 (D.N.J.) (\$43.5 million settlement related to allegedly defective plumbing products);
- *In re Checking Account Overdraft Litig.*, MDL No. 2036 (S.D. Fla.) (\$55 million class action settlement with US Bank and \$14.5 million class action settlement with Comerica);
- *Traxler v. PPG Indus., Inc.*, No. 1:15-cv-00912-DAP (N.D. Ohio) (\$6.5 million class action settlement on behalf of homeowners who purchased and used defective deck resurfacer); and
- *Klug v. Watts Regulator Co.*, No. 8:15-cv-61 (D. Neb.) and *Ponzo v. Watts Regulator Co.*, No. 8:16-200 (D. Neb.) (achieved \$14 million joint settlement related to defective toilet connectors and water heater connectors).

7. In addition, Sauder Schelkopf attorneys have been appointed to leadership positions in numerous class action cases throughout the United States, including:

- *In re: Hyundai and Kia Engine Litig.*, 8:17-cv-02208-JLS-JDE (C.D. Cal.) (appointed co-lead counsel in class action against Hyundai and Kia and negotiated a class settlement valued at approximately \$892 million related to alleged engine defect);
- *In re: Subaru Battery Drain Prod. Liab. Litig.*, No. 1:20-cv-03095-JHR-MJS (D.N.J.) (class action settlement related to allegedly defective vehicle batteries);
- *Zhao v. Volkswagen Group of Am., Inc.*, No. 2:21-cv-11251 (D.N.J.) (class action settlement related to allegedly defective vehicle water pumps);
- *In re: General Motors Air Conditioning Marketing and Sales Pracs. Litig.*, No. 18-md-02818 (E.D. Mich.) (class action related to allegedly defective vehicle air conditioning systems);
- *Salcedo v. Subaru of America, Inc.*, No. 1:17-cv-08173(JHR)(AMD) (D.N.J.) (appointed as lead counsel in class action against Subaru and negotiated a class settlement related to an alleged engine defect);
- *Bang v. BMW of North America, LLC*, No. 2:15-cv-69450(MCA)(LDW) (D.N.J.) (appointed as co-lead counsel in class action against BMW and negotiated a class settlement related to an alleged oil consumption defect);
- *Yaeger v. Subaru of America, Inc.*, No. 1:14-cv-04490(JBS) (KMW) (D.N.J.) (appointed as co-lead counsel in class action against Subaru and negotiated a class settlement related to an alleged oil consumption defect);
- *Davitt v. Honda North America, Inc.*, No. 2:13-cv-00381-MCA-JBC (D.N.J.) (appointed lead counsel in class action against Honda and negotiated a class settlement related to alleged door lock actuator defect);

- *Fath v. American Honda Motor Co.*, No. 18-cv-01549-WMW (D. Minn.) (appointed lead counsel in class action against Honda and negotiated a class settlement related to an alleged oil dilution defect); and
- *Tolmasoff v General Motors, LLC*, No. 2:16-cv-11747 (E.D. Mich.) (class action settlement related to GM vehicles with overstated fuel economy).

8. This experience enabled my firm to undertake this matter and to successfully combat the resources of Defendant and its capable and experienced counsel.

LODESTAR

9. As of August 9, 2023, my firm has spent over 795 hours working on this case, for a total lodestar amount of \$594,885.00

Name	Role	Rate	Hours	Lodestar
Joseph Sauder	Partner	\$875	449.90	\$393,662.50
Matthew Schelkopf	Partner	\$825	83.0	\$68,475.00
Joseph Kenney	Partner	\$625	146.9	\$91,812.50
Lori Kier	Of Counsel (former)	\$625	39.6	\$24,750.00
Alice Elmer	Associate (former)	\$350	1.5	\$525.00
Sonjay Singh	Associate	\$300	29.50	\$8,850.00
Juliette Mogenson	Law Clerk	\$150	29.80	\$4,470.00
Maria DiGeorge	Law Clerk (former)	\$150	12.3	\$1,845.00
Archita Rutkowski	Paralegal	\$150	3.1	\$465.00
Paula Lyons	Paralegal (former)	\$300	0.1	\$30.00

10. The hourly rates of Sauder Schelkopf attorneys ranged from \$300 per hour for associate work, to \$875 per hour for partner work.

11. 10. Due to the amount of privileged information contained in the hourly billing records, those detailed records are not attached here, but they will be provided *in camera* for the Court's review.

12. The work performed in this case was reasonable and necessary to the prosecution and settlement of this case. Class Counsel conducted a significant factual investigation during the prosecution of this action. Because of their comprehensive evaluation of the facts and law, Class Counsel was able to settle this case for a very substantial sum and provide significant benefits to Settlement Class Members. Class Counsel provided Settlement Class Members with substantive and certain relief much sooner than if litigation of this matter had continued.

13. As settlement administration is ongoing, and based on my experience in previous consumer protection class actions, the lodestar figures reported herein will meaningfully increase by the time the settlement is completely and finally administered.

EXPENSES

14. This litigation required Class Counsel to advance costs. Where corporate defendants and their attorneys are well funded, as was true here and in most national consumer protection cases, this type of litigation can prove to be expensive and risky. Because the risk of advancing costs in this type of litigation is significant, doing so is often cost prohibitive to many attorneys.

15. As of August 9, 2023, my firm has expended costs of \$11,942.12. These expenses are reflected in the books and records of my firm. These books and records are prepared from expense vouchers and check records and are an accurate record of the expenses incurred. All of the expenses incurred were reasonable and necessary to the prosecution of this case.

16. 18. Specifically, the costs incurred include: \$6,440.65 for mediation related expenses, \$5,000 in consulting expenses, \$402.00 for the filing fee, \$92.09 for service of the complaint, and \$7.38 for postage and mailing fees.

17. On behalf of Plaintiffs, I respectfully request that the Court award the requested attorneys' fees and costs.

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

Dated: August 11, 2023

/s/ Joseph G. Sauder