

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE - NASHVILLE DIVISION**

CHRISTOPHER GANN, LEANDRE BISHOP,  
KEVIN BURKE, ELISA CABEBE, ISRAEL  
CHIA, KRISTA COSTA, HILLARY DICK,  
JURA GERALD, SEIJI SILER-HYATTE,  
JEANINE INGRASSIA, ARNIKA IRELAND,  
MONTELL JONES, MICHAEL KANZLER,  
ALEXANDRA MCCULLOUGH, TERESE  
MIRANDA, AUTUMN PIERCE, ROBERT H.  
WEINBERG, LASHANDRIKA WILLIAMS,  
AND LAURA WINDOM, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

NISSAN NORTH AMERICA, INC., a  
California corporation,

Defendant.

Case No. 3:18-cv-00966

**CLASS ACTION**

DECLARATION OF KEVIN H. SHARP IN  
SUPPORT OF PLAINTIFFS' MOTION FOR  
AN AWARD OF ATTORNEYS' FEES,  
REIMBURSEMENT OF EXPENSES AND  
SERVICE AWARDS FOR CLASS  
REPRESENTATIVES

District Judge Eli Richardson  
Courtroom 874  
Magistrate Judge Alistair E. Newbern  
Courtroom 774

**JURY TRIAL DEMANDED**

I, Kevin H. Sharp, declare as follows:

1. I am a partner with the firm of Sanford Heisler Sharp LLP. I am one of the attorneys representing plaintiffs in the above-entitled action (the “Litigation”). I am submitting this declaration in support of plaintiffs’ motion for an award of attorneys’ fees and reimbursement of expenses and in connection with services rendered by my firm in the Litigation. I have personal knowledge of the matters set forth herein and if called upon can competently testify thereto.

2. Attached as Exhibit A is a firm biography for Sanford Heisler Sharp LLP.

3. My firm assisted in the prosecution of this action by conducting legal and factual research relating to the drafting and filing of the complaint that was filed on September 25, 2019 in the Middle District of Tennessee and captioned *Gann v. Nissan North America, Inc.*, Case No. 3:18-cv-00966, editing briefs, assisting in planning and strategy, attending motion hearings and status conferences, and fielding and forwarding outreach from potential class members regarding settlement inquiries. From the inception of my firm’s involvement, attorneys at my firm have aggressively prosecuted this case and vigorously represented the best interests of plaintiffs and the Class.

4. The following information regarding my firm’s time and out-of-pocket expenses is taken from time and expense records prepared and maintained by the firm in the ordinary course of business. The time records were prepared daily or shortly thereafter by each attorney or paralegal working who incurred the time. The expense records were prepared from receipts, expense vouchers, check records and other documents, and are an accurate record of the expenses incurred by my firm. The listed expenses are of the type ordinarily billed to our clients. I reviewed the time and expense records and reviewed the backup documentation where

necessary. The purpose of these reviews was to confirm the accuracy of the records as well as the reasonableness of the time and expenses committed to the Litigation.

5. The chart below provides a summary of the hours expended by timekeepers from my firm who performed work in this Litigation. The schedule includes the name and title of each person who worked on the case, hourly billing rates, and the number of hours expended through January 23, 2020.

6. The hourly rates are the firm's current billing rates at the firm's customary hourly rates charged in all class action cases and to our fee-paying clients. These rates have been accepted as reasonable by state and federal courts in other class action litigations.

7. The total number of hours spent on this Litigation by my firm is **49.2 Hours**. The total lodestar is **\$26,989.50**. The hourly rates shown below are the usual and customary rates charged for each individual in all of our cases. A breakdown of the lodestar is as follows:

<b>NAME</b>	<b>HOURS</b>	<b>RATE</b>	<b>LODESTAR</b>
Kevin H. Sharp	15.2	\$1,000.00/hr	\$15,200.00
Ross Brooks	2.20	\$850.00/hr	\$1,870.00
Jonathan Tepe	3.10	\$475.00/hr	\$1,472.50
Shaun Rosenthal	0.50	\$400.00/hr	\$200.00
Anderson Riddick (Legal Assistant)	23.10	\$295.00/hr	\$6,814.50
Pavel Velkovsky (Legal Assistant)	3.60	\$275.00/hr	\$990.00
Amber Krupp (Legal Assistant)	1.50	\$295.00/hr	\$442.50
<b>TOTAL</b>	<b>49.2</b>	<b>-</b>	<b>\$26,989.50</b>

8. My firm incurred a total of \$400 in out-of-pocket expenses in connection with the prosecution of this Litigation. They are broken down as follows:

EXPENSE CATEGORY	TOTAL
Filing/Court Fees	\$400
<b>TOTAL</b>	<b>\$ 400</b>

9. My firm was engaged as co-lead and local counsel by Barnow and Associates, P.C. in representing plaintiffs/class representatives Christopher Gann, Leandre Bishop, Autumn Pierce and Jura Gerald. I can attest that throughout the course of this Litigation, these plaintiffs at all times acted in the best interests of the class and readily sought to contribute to the Litigation to the best of their ability. Plaintiffs provided valuable information to my firm that was necessary for drafting the initial complaint and amended complaints, including documents and information regarding their vehicles and their experiences with the CVT transmission defect. All plaintiffs were willing to produce their vehicles for inspection and testing by Nissan and were willing to sit for depositions and testify at trial. Plaintiffs also took the time to review certain court filings and the settlement agreement. Without these plaintiffs, who stepped forward to represent other Nissan owners, there would have been no class settlement.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 24th day of January, 2020, at Nashville, Tennessee.



KEVIN H. SHARP

# EXHIBIT A

## **Kevin H. Sharp; Sanford Heisler Sharp, LLP**

Sanford Heisler Sharp maintains offices in Washington, DC, New York City, San Francisco, San Diego, Nashville and Baltimore. The following summarizes the educational and background information for attorneys who represent Sanford Heisler Sharp in the Nissan North America, Inc. Product Liability Litigation (“Nissan Litigation”):

**Kevin H. Sharp** graduated from Christian Brothers College in 1990 and from Vanderbilt University School of Law in 1993. Mr. Sharp is a former member of the United States Navy, a former attorney with the Congressional Office of Compliance, a former member of the federal judiciary, a member of the Tennessee State Bar, and the Managing Partner of Sanford Heisler Sharp’s Nashville office. Mr. Sharp will be the attorney primarily responsible for conducting Sanford Heisler Sharp’s efforts in the Nissan Litigation. Mr. Sharp has ample experience in complex litigation - under the leadership of Mr. Sharp, Sanford Heisler Sharp has filed cases against Equifax on behalf of 96 plaintiffs from 44 different states and the District of Columbia. He has also led the firm’s efforts in filing suit against opioid manufacturers, distributors and pharmacy benefit managers on behalf of over 30 counties and independent cities from the state of Virginia.

Mr. Sharp has over twenty-five years of experience litigating and/or ruling on complex civil litigation cases, *qui tam* and whistleblower matters, products liability claims, malpractice cases, class action matters, ERISA claims, and civil rights and criminal matters. As the former Chief Judge of the United States District Court for the Middle District of Tennessee, he presided over more than 4,000 civil and criminal cases. Mr. Sharp was nominated to the bench in 2010 by President Barack Obama and unanimously confirmed by the United States Senate in May 2011. He received his commission on May 3, 2011. During his tenure, he presided over several high-profile cases, including: *Young v. Giles County Board of Ed.* (granting an injunction against school officials who prevented a student from wearing a t-shirt supporting gay rights); *Rodriguez v. Providence Community Corrections, Inc.* (halting the practice of a private probation company, in violation of the Fourteenth Amendment, seeking to jail probationers when the only violation alleged was nonpayment of court costs and fines); *Marshall v. ESPN, Inc., et al.* (a case garnering national attention addressing the right of publicity by college athletes).

While on the bench, Mr. Sharp conducted 75 trials and 60 contested evidentiary hearings concerning complex, multi-party commercial litigation, a variety of class action matters, intellectual property disputes, criminal prosecutions, and law enforcement’s use of excessive force. Furthermore, during his time on the federal bench, Mr. Sharp handled over thirty class/collective or putative class/collective action cases:

1. *Cheatham, et al., v. The R.C.A. Rubber Company of America, et al.*, Case No. 1:11-cv-00006 (M.D. Tenn.)
2. *Jones, et al., v. JRN, Inc., et al.*, Case No. 1:15-cv-00108 (M.D. Tenn.)
3. *Gallaher v. Victory Automotive Group, Inc.*, Case No. 2:15-cv-00044 (M.D. Tenn.)
4. *Abadeer, et al., v. Tyson Foods, Inc.*, Case No. 3:09-cv-00125 (M.D. Tenn.)
5. *Thompson, et al., v. United Benefits of America, LLC, et al.*, Case No. 3:09-cv-00603 (M.D. Tenn.)
6. *Spurlock, et al., v. Fox, et al.*, Case No. 3:09-cv-00756 (M.D. Tenn.)
7. *Bearden, et al., v. Honeywell International Inc.*, Case No. 3:09-cv-01035 (M.D. Tenn.)

8. *Rogers v. HCA Health Services of Tennessee, Inc., et al.*, Case No. 3:09-cv-01173 (M.D. Tenn.)
9. *Tartt, et al., v. Wilson County, Tennessee*, Case No. 3:09-cv-01179 (M.D. Tenn.)
10. *Szarf v. High Tech Communications, Inc., et al.*, Case No. 3:10-cv-00203 (M.D. Tenn.)
11. *Mata-Cuellar v. Tennessee Department of Safety, et al.*, Case No. 3:10-cv-00619 (M.D. Tenn.)
12. *McBride v. HTI Memorial Hospital Corporation, et al.*, Case No. 3:10-cv-00620 (M.D. Tenn.)
13. *Coats, et al., v. Nashville Limo Bus, LLC, et al.*, Case No. 3:10-cv-00759 (M.D. Tenn.)
14. *Christy v. Hopfed Bancorp, Inc.*, Case No. 3:10-cv-00874 (M.D. Tenn.)
15. *Harter v. Avery Scott, L.L.C.*, Case No. 3:10-cv-00968 (M.D. Tenn.)
16. *Miller v. Jackson, Tennessee Hospital Co, LLC*, Case No. 3:10-cv-01078 (M.D. Tenn.)
17. *Parr v. Hico Concrete, Inc.*, Case No. 3:10-cv-01091 (M.D. Tenn.)
18. *Brown v. Cash Technologies of America, Corp., et al.*, Case No. 3:11-cv-00146 (M.D. Tenn.)
19. *Bell v. Providence Community Corrections, Inc., et al.*, Case No. 3:11-cv-00203 (M.D. Tenn.)
20. *Schuh v. HCA Holdings, Inc., et al.*, Case No. 3:11-cv-01033 (M.D. Tenn.)
21. *Roberts v. Bank of America, N.A., et al.*, Case No. 3:12-cv-00236 (M.D. Tenn.)
22. *Thompson v. Direct General Consumer Products, Inc., et al.*, Case No. 3:12-cv-01093 (M.D. Tenn.)
23. *Romo v. Rio Bravo, Inc., et al.*, Case No. 3:13-cv-00375 (M.D. Tenn.)
24. *Santiago, et al., v. Standard Candy Company, Inc.*, Case No. 3:13-cv-00426 (M.D. Tenn.)
25. *Holt v. CNR Foods, LLC*, Case No. 3:13-cv-00438 (M.D. Tenn.)
26. *Morton v. Vanderbilt*, Case No. 3:13-cv-01012 (M.D. Tenn.)
27. *Lykins, et al., v. First Acceptance Corporation, et al.*, Case No. 3:13-cv-01374 (M.D. Tenn.)
28. *Tabor v. Audio Visual Services Group, Inc.*, Case No. 3:14-cv-00961 (M.D. Tenn.)
29. *Thomas v. Acopia, LLC*, Case No. 3:14-cv-00974 (M.D. Tenn.)
30. *Newby v. Tennessee Department of Correction, et al.*, Case No. 3:14-cv-01750 (M.D. Tenn.)
31. *Freeman v. E'lan, LLC, et al.*, Case No. 3:14-cv-02289 (M.D. Tenn.)
32. *Jenkins, et al., v. Provision Living, LLC, et al.*, Case No. 3:15-cv-00535 (M.D. Tenn.)
33. *Lee v. Pizzaworks, LLC, et al.*, Case No. 3:15-cv-00570 (M.D. Tenn.)

Mr. Sharp is admitted to practice in the United States District Court for the Western, Middle, and Eastern Districts of Tennessee; the United States District Court for the Northern District of Ohio; the United States District Court for the Eastern District of Wisconsin; the United States District Court for the Eastern District of Michigan; the United States Court of Appeals for the Sixth Circuit; and, the Supreme Court of the United States.

He is also a current member of the Nashville Bar Association, Tennessee Bar Association, Federal Bar Association, American Bar Association, and National Employment Lawyers Association; sustaining life fellow of the American Bar Foundation; fellow of the Napier-Looby Bar Foundation (a creation of the Napier-Looby Bar Association, a bar association dedicated to the advancement and development of African-American attorneys), and Nashville Bar

Association; former board member of the Tennessee Supreme Court Lawyers' Fund for Client Protection, and Tennessee Board of Professional Responsibility Disciplinary Hearing Panel. He has also as served as Special Disciplinary Counsel to the Tennessee Supreme Court. Most recently, he was voted by his peers as one of the Nashville Business Journal's 2019 Best of the Bar.

Given his extensive experience as a judge and litigator, Mr. Sharp is well-positioned to anticipate the expectations of the Court and help guide the plaintiffs' litigation team in a cooperative and efficient manner – easing the Court's supervisory burden – and to navigate the novel areas of law that the Nissan Litigation may require.

**Sanford Heisler Sharp, LLP** is a national public interest law firm that specializes in complex high stakes class action litigation on behalf of aggrieved plaintiffs. Since opening its doors in 2004, Sanford Heisler Sharp has successfully prosecuted thousands of cases and recovered more than one billion dollars for individual clients, states, and the United States government. Sanford Heisler Sharp's reputation for success is matched by its reputation for professionalism and its ability to zealously advocate without sacrificing the core tenets of professional courtesy and respect.

Sanford Heisler Sharp has considerable experience litigating complex and class action cases. The following is a non-exhaustive list of such cases:

- ❖ *Amy Velez, et al., v. Novartis Pharmaceuticals Corp.*, Case No. 1:04-cv-09194 (S.D.N.Y.) (served as lead counsel in a class action that resulted in \$253 million verdict on behalf of nearly 7,000 female employees—the largest Title VII verdict in United States history);
- ❖ *Stanley, et al., v. Cracker Barrel Old*, Case No. 4:01-cv-00326 (N.D. Ga.) (served as lead counsel in class action that settled for \$8.7 million);
- ❖ *In Re: Vioxx Products Liability Litigation.*, Case No. 2:05-cv-01657 (E.D. La.) (participated in resolution of multibillion dollar consumer fraud action);
- ❖ *Lopes v. Novartis Corporation, et al.*, Case No. 1:06-cv-02268 (S.D.N.Y.) (resolved class and collective action for \$99 million);
- ❖ *Bellifemine, et al., v. Sanofi-Aventis U.S. LLC*, Case No. 1:07-cv-02207 (S.D.N.Y.) (resolved class action for \$24 million);
- ❖ *U.S. ex rel. Kelly v. Amgen Corporation*, Case No. 1:08-cv-04157 (E.D.N.Y.) (acted as lead counsel and participated in global settlement of claims for \$762 million);
- ❖ *U.S. ex rel. Cox v. Smith & Nephew*, Case No. 2:08-cv-02832 (W.D. Tenn.) (recovered \$11.3 million);
- ❖ *Luque, et al., v. AT&T Corp., et al.*, Case No. 3:09-cv-05885 (N.D. Cal.) (resolved class action for \$28 million);
- ❖ *U.S. ex rel. Gale v. Omnicare, Inc.*, Case No. 1:10-cv-00127 (N.D. Ohio) (recovered \$120 million);

- ❖ *U.S. ex rel. Simmons v. Meridian Surgical Partners, LLC*, Case No. 3:11-cv-00439 (M.D. Tenn.) (settled for \$5.1 million);
- ❖ *Da Silva Moore v Publicis Groupe, et al.*, Case No. 1:11-cv-01279 (S.D.N.Y.) (settled class action for \$3 million);
- ❖ *Tian, et al., v. Ma Laboratories, Inc., et al.*, Case No. 1:11-cv-195373 (Cal. Sup. Ct.) (resolved class action for \$2.85 million);
- ❖ *U.S. ex rel. Cox, et al., v. Medtronic, Inc.*, Case No. 0:12-cv-02562 (D. Minn.) (recovered \$23.5 million);
- ❖ *Yu v. Energy Plus Holdings LLC, et al.*, Case No. 2:12-cv-02627 (D.N.J.) (resolved consumer fraud action for \$11 million);
- ❖ *U.S. ex rel. Sherwin v. Office Depot, Inc.*, Case No. 2:12-cv-09952 (C.D. Cal.) (settled for \$68 million);
- ❖ *Wellens, et al., v. Daiichi Sankyo, Inc.*, Case No. 3:13-cv-00581 (N.D. Cal.) (settled class action and collective action for \$8.2 million);
- ❖ *U.S. ex rel. Gipson, et al., v. Pathway Genomics Corporation*, Case No. 3:14-cv-01919 (S.D. Cal.) (settled for \$4.1 million);
- ❖ *Windley v. Starion Energy, Inc., et al.*, Case No. 1:14-cv-09053 (S.D.N.Y.) (resolved consumer fraud action for \$2.58 million);
- ❖ *Orr, et al., v. Novartis Corporation and Alcon Laboratories, Inc.*, Case No. 1:15-cv-01980 (S.D.N.Y.) (settled class action for \$8 million);
- ❖ *Ha, et al., v. Google, Inc. and Urpan Technologies, Inc.*, Case No. 1:16-cv-290847 (Cal. Sup. Ct.) (resolved class action for \$5.5 million);
- ❖ *Pan, et al., v. Qualcomm Incorporated, et al.*, Case No. 3:16-cv-01885 (S.D. Cal.) (resolved class action for \$19.5 million);
- ❖ *Fletscher, et al., v. Overland Solution, Inc.*, Case No. 1:17-cv-852058 (S.D. Cal.) (resolved wage & hour class action for \$2.4 million);
- ❖ *Campbell, et al., v. Norton Rose Fulbright, et al.*, Case No. 1:16-cv-06832 (S.D. N.Y.) (resolved class action for \$3.1 million);
- ❖ *Barrett, et al., v. Forest Laboratories, Inc., et al.*, Case No. 1:12-cv-01885 (S.D. N.Y.) (resolved class action for \$4 million);

A more comprehensive list of the cases Sanford Heisler Sharp has successfully resolved is available at [www.sanfordheisler.com/case](http://www.sanfordheisler.com/case).