

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

IN RE: PACKAGED SEAFOOD
PRODUCTS ANTITRUST LITIGATION

Case No. 15-MD-2670 DMS

**SUPPLEMENTAL DECLARATION OF
JEANNE C. FINEGAN, APR
CONCERNING SETTLEMENT CLASS
MEMBER NOTIFICATION**

This Document Relates To:

All Commercial Food Preparer Plaintiff
Actions

I, JEANNE C. FINEGAN declare as follows:

INTRODUCTION

1. I am Managing Director and Head of Kroll Notice Media Solutions (“Kroll Media”) an affiliate company of Kroll Settlement Administration (“Kroll”) f/k/a Heffler Claims Group LLC. This Declaration is based upon my personal knowledge as well as information provided to me by my associates and staff, including information reasonably relied upon in the fields of advertising media and communications.

2. Pursuant to the Settlement Agreement filed with the Court, Kroll has been engaged by the parties to this litigation to develop and implement a proposed legal notice and claims administration program as part of the Parties’ proposed class action settlement.

3. Accordingly, my team and I have crafted a highly-targeted Notice Plan,¹ which employs best-in-class tools and technology to reach approximately 85% of Settlement Class Members (“SCMs”), i.e., Restaurant Owners and Foodservice Managers, nationwide, on average 4 times, through direct notice and publication media notice through print, e-newsletters, online display, search and social impressions with cross-device targeting on desktop, tablet and mobile, a press release, a settlement website and a toll-free number.

4. The purpose of this declaration is to provide the Court with an update concerning necessary adjustments to the Notice Program in response to the impact COVID-19 has had on the restaurant and food service industry.

5. This Declaration also describes my experience in designing and implementing notices and notice programs, as well as my credentials to opine on the overall adequacy of the proposed notice effort. This Declaration will also describe the proposed notice program and address why this comprehensive proposed program is consistent with other best practicable court-approved notice programs and the requirements of Fed. Civ. P. 23(c)(2)(B) and the Federal Judicial Center (“FJC”) guidelines² for Best Practicable Due Process notice.

¹ Unless otherwise indicated, all capitalized terms herein shall have the same meaning as those defined in the Settlement Agreement.

² FED. JUD. CTR., *Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide* (2010), available at <https://www.fjc.gov/sites/default/files/2012/NotCheck.pdf>.

QUALIFICATIONS

6. I have more than 30 years of relevant communications and advertising experience. I am a member of the Board of Directors for the Alliance for Audited Media (“AAM”). I am the only notice expert accredited in Public Relations (APR) by the Universal Accreditation Board, a program administered by the Public Relations Society of America. Further, I have provided testimony before Congress on issues of notice. I have lectured, published and been cited extensively on various aspects of legal noticing, product recall, and crisis communications, and I have served the Consumer Product Safety Commission (“CPSC”) as an expert to determine ways in which the CPSC can increase the effectiveness of its product recall campaigns. More recently, I have been extensively involved as a contributing author for “*Guidelines and Best Practices Implementing 2018 Amendments to Rule 23 Class Action Settlement Provisions*” published by Duke University School of Law.³

7. I have served as an expert with day-to-day operational responsibilities and direct responsibilities for the design and implementation of hundreds of class action notice programs, some of which are the largest and most complex programs

³ This publication is available online at:
<https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1003&context=bolch>.

ever implemented in both the United States and Canada. My work includes a wide range of class actions and regulatory and consumer matters, the subject matters of which have included product liability, construction defect, antitrust, asbestos, medical, pharmaceutical, human rights, civil rights, telecommunications, media, environmental, securities, banking, insurance and bankruptcy.

8. Additionally, I have been at the forefront of modern notice, including plain language as noted in a RAND study,⁴ and importantly, I was the first Notice Expert to integrate digital media and social media into court approved legal notice programs. My recent work includes:

- *Yahoo! Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752 (N.D. Cal. 2020).
- *In re: The Bank of New York Mellon ADR FX Litigation*, No. 16-CV-00212-JPO-JLC (S.D.N.Y. 2019)
- *Simerlein et al., v. Toyota Motor Corporation*, No. 3:17-cv-01091-VAB (D. Conn. 2019).
- *Fitzhenry- Russell et al. v. Keurig Dr. Pepper Inc.*, No. 17-cv-00564-NC (N.D. Cal. 2019).
- *Pettit et al., v. Procter & Gamble Co.*, No. 15-cv-02150-RS (N.D. Cal. 2019).
- *In re: The Bank of New York Mellon ADR FX Litigation*, 16-CV-00212-JPO-JLC (S.D.N.Y. 2019).
- *Chapman v. Tristar Products*, No. 1:16-cv-1114, JSG (N.D. Ohio 2018)
- *Cook et. al., v. Rockwell International Corp. and the Dow Chemical Co.*,

⁴ See Deborah R. Hensler et al., CLASS ACTION DILEMMAS, PURSUING PUBLIC GOALS FOR PRIVATE GAIN, RAND (2000).

No. 90-cv-00181- KKK (D. Colo. 2017).

- *Warner v. Toyota Motor Sales, U.S.A. Inc.*, No 2:15-cv-02171-FMO FFMx (C.D. Cal. 2017).

9. As further reference, in evaluating the adequacy and effectiveness of my notice programs, courts have repeatedly recognized my work as an expert. For example, in:

- (a) *Simerlein et al., v. Toyota Motor Corporation*, No. 3:17-cv-01091-VAB (D. Conn. 2019). In the Ruling and Order on Motion for Preliminarily Approval, dated January 14, 2019, p. 30, the Honorable Victor Bolden stated:

“In finding that notice is sufficient to meet both the requirements of Rule 23(c) and due process, the Court has reviewed and appreciated the high-quality submission of proposed Settlement Notice Administrator Jeanne C. Finegan. See Declaration of Jeanne C. Finegan, APR, Ex. G to Agrmt., ECF No. 85-8.”

- (b) *Carter v. Forjas Taurus S.S., Taurus International Manufacturing, Inc.*, No. 1:13-CV-24583 PAS (S.D. Fla. 2016). In her Final Order and Judgment Granting Plaintiffs’ Motion for Final Approval of Class Action Settlement, the Honorable Patricia Seitz stated:

“The Court considered the extensive experience of Jeanne C. Finegan and the notice program she developed. ...There is no national firearms registry and Taurus sale records do not provide names and addresses of the ultimate purchasers... Thus the form and method used for notifying Class Members of the terms of the Settlement was the best notice practicable. ...The court-approved notice plan used peer-accepted national research to identify the optimal traditional, online, mobile and social media platforms to reach the Settlement Class Members.”

Additionally, in the January 20, 2016, *Carter v. Forjas Taurus S.S., Taurus International Manufacturing, Inc.*, No. 1:13-CV-24583 PAS (S.D. Fla. 2016), transcript of Class Notice Hearing, p. 5, Judge Seitz, noted:

“I would like to compliment Ms. Finegan and her company because I was

quite impressed with the scope and the effort of communicating with the Class.”

10. Additionally, I have published extensively on various aspects of legal noticing, including the following publications and articles:

- (a) Tweet Chat: Contributing Panelist *#Law360SocialChat*, A live Tweet workshop concerning the benefits and pitfalls of social media, Lexttalk.com, November 7, 2019.
- (b) Author, “Top Class Settlement Admin Factors to Consider in 2020,” Law360, New York, (October 31, 2019, 5:44 PM ET).
- (c) Co-Author, Digital Ad Fraud, Impact on Class Action Settlements, SlideShare, October 2018. <https://bit.ly/2SHqB5D>.
- (d) Author, “Creating a Class Notice Program that Satisfies Due Process,” Law360.com, New York (February 13, 2018, 12:58 PM ET).
- (e) Author, “3 Considerations for Class Action Notice Brand Safety,” Law360.com, New York (October 2, 2017, 12:24 PM ET).
- (f) Author, “What Would Class Action Reform Mean for Notice?” Law360.com, New York, (April 13, 2017, 11:50 AM ET).
- (g) Author, “Bots Can Silently Steal your Due Process Notice,” Wisconsin Law Journal, April 2017.
- (h) Author, “*Don’t Turn a Blind Eye to Bots*. Ad Fraud and Bots are a Reality of the Digital Environment,” LinkedIn article, March 6, 2017.
- (i) Co-Author, “Modern Notice Requirements Through the Lens of Eisen and Mullane” – *Bloomberg BNA Class Action Litigation Report*, 17 CLASS 1077 (October 14, 2016).
- (j) Author, “Think All Internet Impressions are the Same? Think Again,” Law360.com, New York (March 16, 2016).
- (k) Author, “Why Class Members Should See An Online Ad More Than Once,” Law360.com, New York (December 3, 2015).

- (l) Author, 'Being 'Media-Relevant' — What It Means and Why It Matters,” Law360.com, New York (September 11, 2013, 2:50 PM ET).
- (m) Co-Author, “New Media Creates New Expectations for Bankruptcy Notice Programs,” ABI Journal, Vol. XXX, No 9, November 2011.
- (n) Quoted Expert, “Effective Class Action Notice Promotes Access to Justice: Insight from a New U.S. Federal Judicial Center Checklist,” Canadian Supreme Court Law Review, (2011), 53 S.C.L.R. (2d).
- (o) Co-Author, with Hon. Dickran Tevrizian, “Expert Opinion: It’s More Than Just a Report...Why Qualified Legal Experts Are Needed to Navigate the Changing Media Landscape,” BNA Class Action Litigation Report, 12 CLASS 464, May 27, 2011.
- (p) Co-Author, with Hon. Dickran Tevrizian, “Your Insight: It’s More Than Just a Report...Why Qualified Legal Experts Are Needed to Navigate the Changing Media Landscape, TXLR, Vol. 26, No. 21, May 26, 2011.
- (q) Author, Five Key Considerations for a Successful International Notice Program, BNA Class Action Litigation Report, April 9, 2010, Vol. 11, No. 7 p. 343.
- (r) Quoted: Technology Trends Pose Novel Notification Issues for Class Litigators, BNA Electronic Commerce and Law Report, 15, ECLR 109, January 27, 2010. Author, Legal Notice: R U ready 2 adapt? BNA Class Action Litigation Report, Vol. 10, No. 14, July 24, 2009, pp. 702-703.
- (s) Author, On Demand Media Could Change the Future of Best Practicable Notice, BNA Class Action Litigation Report, Vol. 9, No. 7, April 11, 2008, pp. 307-310.
- (t) Quoted in, Warranty Conference: Globalization of Warranty and Legal Aspects of Extended Warranty, Warranty Week, February 28, 2007, available at www.warrantyweek.com/archive/ww20070228.html.
- (u) Co-Author, Approaches to Notice in State Court Class Actions, For The Defense, Vol. 45, No. 11, November, 2003.
- (v) Author, The Web Offers Near, Real-Time Cost Efficient Notice, American Bankruptcy Institute Journal, Vol. XXII, No. 5, 2003.
- (w) Author, Determining Adequate Notice in Rule 23 Actions, For The

Defense, Vol. 44, No. 9, September, 2002.

- (x) Co-Author, The Electronic Nature of Legal Noticing, American Bankruptcy Institute Journal, Vol. XXI, No. 3, April 2002.
- (y) Author, Three Important Mantras for CEO's and Risk Managers in 2002, International Risk Management Institute, irmi.com/, January 2002.
- (z) Co-Author, Used the Bat Signal Lately, The National Law Journal, Special Litigation Section, February 19, 2001.
- (aa) Author, How Much is Enough Notice, Dispute Resolution Alert, Vol. 1, No. 6, March 2001.
- (bb) Author, High-Profile Product Recalls Need More Than the Bat Signal, International Risk Management Institute, irmi.com/, July 2001.
- (cc) Author, The Great Debate - How Much is Enough Legal Notice? American Bar Association -- Class Actions and Derivatives Suits Newsletter, Winter 1999.
- (dd) Author, What are the best practicable methods to give notice? Georgetown University Law Center Mass Tort Litigation Institute, CLE White Paper: Dispelling the communications myth -- A notice disseminated is a notice communicated, November 1, 2001.

11. In addition, I have lectured or presented extensively on various aspects of legal noticing. A sample list includes the following:

- (a) Webinar Rule 23 Changes: Are You Ready for the Digital Wild, Wild West?" CLE broadcast October 23, 2018.
- (b) American Bar Association Faculty Panelist, 4th Annual Western Regional CLE Class Actions: "Big Brother, Information Privacy, and Class Actions: How Big Data and Social Media are Changing the Class Action Landscape," San Francisco, CA, June 2017.
- (c) Miami Law Class Action & Complex Litigation Forum, Faculty Panelist, "Settlement and Resolution of Class Actions." Miami, FL, December 2, 2016.

- (d) The Knowledge Group, Faculty Panelist, “Class Action Settlements: Hot Topics 2016 and Beyond,” Live Webcast, www.theknowledgegroup.org/, October 2016.
- (e) American Bar Association National Symposium, Faculty Panelist, “Ethical Considerations in Settling Class Actions,” New Orleans, LA, March 2016.
- (f) SF Banking Attorney Association, Speaker, “How a Class Action Notice can Make or Break your Client’s Settlement,” San Francisco, CA, May 2015.
- (g) Perrin Class Action Conference, Faculty Panelist, “Being Media Relevant, What it Means and Why It Matters – The Social Media Evolution: Trends Challenges and Opportunities,” Chicago, IL, May 2015
- (h) Bridgeport Continuing Ed. Faculty Panelist, “Media Relevant in the Class Notice Context,” April 2014.
- (i) CASD 5th Annual Speaker, “The Impact of Social Media on Class Action Notice.” Consumer Attorneys of San Diego Class Action Symposium, San Diego, California, September 2012.
- (j) Law Seminars International, Speaker, “Class Action Notice: Rules and Statutes Governing FRCP (b)(3) Best Practicable... What constitutes a best practicable notice? What practitioners and courts should expect in the new era of online and social media,” Chicago, IL, October 2011.
- (k) CLE International, Faculty Panelist, Building a Workable Settlement Structure, CLE International, San Francisco, California, May 2011.
- (l) Consumer Attorneys of San Diego (CASD), Faculty Panelist, “21st Century Class Notice and Outreach,” 2nd Annual Class Action Symposium CASD Symposium, San Diego, California, October 2010.
- (m) Consumer Attorneys of San Diego (CASD), Faculty Panelist, “The Future of Notice,” 2nd Annual Class Action Symposium CASD Symposium, San Diego, California, October 2009.
- (n) American Bar Association, Speaker, 2008 Annual Meeting, “Practical Advice for Class Action Settlements: The Future of Notice in the United States and Internationally – Meeting the Best Practicable Standard.”
- (o) American Bar Association, Section of Business Law Business and Corporate Litigation Committee – Class and Derivative Actions Subcommittee, New York, NY, August 2008.

- (p) Faculty Panelist, Women Lawyers Association of Los Angeles (WLALA) CLE Presentation, “The Anatomy of a Class Action.” Los Angeles, CA, February 2008.
- (q) Faculty Panelist, Practicing Law Institute (PLI) CLE Presentation, 11th Annual Consumer Financial Services Litigation. Presentation: Class Action Settlement Structures, “Evolving Notice Standards in the Internet Age.” New York/Boston (simulcast) March 2006; Chicago, April 2006; and San Francisco, May 2006.
- (r) Expert Panelist, U.S. Consumer Product Safety Commission. I was the only legal notice expert invited to participate as an expert to the Consumer Product Safety Commission to discuss ways in which the CPSC could enhance and measure the recall process. As an expert panelist, I discussed how the CPSC could better motivate consumers to take action on recalls and how companies could scientifically measure and defend their outreach efforts. Bethesda, MD, September 2003.
- (s) Expert Speaker, American Bar Association. Presentation: “How to Bullet-Proof Notice Programs and What Communication Barriers Present Due Process Concerns in Legal Notice,” ABA Litigation Section Committee on Class Actions & Derivative Suits, Chicago, August 6, 2001.

12. A comprehensive description of my credentials and experience that qualify me to provide expert opinions on the adequacy of class action notice programs is attached as **Exhibit 1**. Kroll’s curriculum vitae is attached as **Exhibit 2**.

COVID: MARKET FACTORS AFFECTING OUTREACH

13. I filed a previous declaration on September 30, 2019, prior to the world’s being turned upside-down by COVID-19. The restaurant industry has been enormously impacted by the pandemic, resulting in closures and cutbacks. According to a December 2020 report from the National Restaurant Association, approximately 17%, or 110,000 U.S. restaurants, have been closed permanently or

long-term due to COVID-19⁵ and an additional 10% may face closure during 2021.⁶

14. Further, the pandemic forced the near-total shutdown of school buildings during 2020.⁷ Families dependent on school nutrition also had to weather dramatic COVID safety protocols including grab-and-go prepackaged meals or food from KIOSKS. Across the country, school cafeterias have been emptied by the Covid-19 pandemic and meal-service staff have upended their operations entirely. More than 80% of schools now offer food via drive-through pick up, and over half offer walk-up services, according to a recent School Nutrition Association survey.⁸

NOTICE PROGRAM SUMMARY DURING COVID

15. As described in my first declaration, notice will be accomplished through direct mail and email and necessarily buttressed by and expanded by a supplemental media effort. This outreach includes trade magazines, e-newsletters, online media and a press release. The expanded supplemental effort casts a *wider* net through the strategic use of social and digital media in order to capture potential SCMs that may not be actively focusing on, or have halted, food service business operations at this time.

⁵ See: <https://restaurant.org/news/pressroom/press-releases/restaurant-industry-in-free-fall-10000-close-in>

⁶ See: <https://www.qsrmagazine.com/finance/10000-more-restaurants-have-closed-three-months>

⁷ <https://www.edweek.org/leadership/map-coronavirus-and-school-closures-in-2019-2020/2020/03>

⁸ https://schoolnutrition.org/uploadedFiles/11COVID-19/3_Webinar_Series_and_Other_Resources/COVID-19-Impact-on-School-Nutrition-Programs-Part2.pdf

SETTLEMENT CLASS

16. We understand that the Settlement Class includes: All persons and entities in 27 named states including Arizona, Arkansas, California, Florida, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, West Virginia, Wisconsin and D.C., that indirectly purchased packaged tuna products produced in packages of 40 ounces or more that were manufactured by any Defendant (or any current or former subsidiary or any Affiliate thereof) and that were purchased directly from DOT Foods, Sysco, US Foods, Sam's Club, Wal-Mart, or Costco (other than inter-company purchases among these distributors) from June 2011 through December 2016 (the "Class Period").

NOTICE PROGRAM

17. The Notice Program includes the following components:
- Direct notice to all known SCMs via U.S. First Class Mail;
 - Print publication once in two trade publications targeted to reach SCMs;
 - E-Newsletter display banner ad notice in specifically targeted e-newsletters selected to reach SCMs;
 - Online display banner advertising specifically targeted to reach SCMs;
 - Keyword Search targeting SCMs;
 - Social media through Facebook, Instagram and Twitter;
 - A press release across PR Newswire's US1 Newslines with targeting to industry influencers;

- A dedicated informational website will be established on which the notices and other important Court documents will be posted, along with answers to frequently asked questions and updates on the status of the case; and
- A toll-free information line will be established by which SCMs can call 24/7 for more information about the Settlement, including, but not limited to, requesting copies of the Long Form Notice or Claim Form when available.

DIRECT NOTICE

18. While the primary method for outreach in this matter will be through direct mail, due to COVID-related business closures described in paragraph 3 above, our original projection that direct mail will reach 55% of Settlement Class Members must be modified. As a conservative measure, we are making a reasonable assumption, based on industry research, that at least 17% of the addresses may be undeliverable due to business closure. Further, data from the Quick Service Restaurant Magazine (“QSR”) indicates that an additional 10% of restaurants may close in 2021. Therefore, we now estimate that the direct mail effort will reach 28% of Settlement Class Members. If the results of the direct mail outreach exceed these projections, the overall projected target audience reach will increase accordingly. The final results of this effort will be reported to the Court upon the conclusion of the outreach effort.

19. As reported in my previous Declaration, Kroll anticipates receiving additional contact information from some of the six relevant intermediaries: DOT

Foods, Sysco, US Foods, Sam's Club, Walmart, or Costco (together, the "Intermediaries"). However, specific transaction purchase data is not yet available from all Intermediaries. Therefore, postcard notice of the Settlement will be sent out to all SCMs where Kroll is provided a mailing or email address. We anticipate that this will reach approximately 28% of the class as noted above.

20. Postcards are noted for effectively capturing attention and presenting important content quickly. Studies by the U.S. Postal Service ("USPS") and the Data & Marketing Association report that postcards provide several key benefits: 1) recipients can quick scan information without having to open the mail; 2) the smaller size of the postcard makes it stand out among other forms of mail; 3) a longer lasting recall and emotional effect⁹; and 4) nearly 51% of recipients say they find postcards useful.¹⁰

21. The postcard notice will be mailed to persons or entities identified in the Intermediary's records whether the data includes transaction information of purchases of Packaged Tuna Products (i.e., those products 40 ounces or larger).

22. The postcard notice will describe the Settlement in plain easy to read language, and provide SCMs with summary details of their rights and the deadlines

⁹ <https://www.uspsdelivers.com/why-direct-mail-is-more-memorable/>

¹⁰ See Smallbizgenius.net/by-the-numbers/direct-mail-statistics/#gref

by which to respond to maintain those rights. The notice will also direct them to the Settlement Website where they can keep updated on the progress of the Settlement, obtain important information, and register to receive more information on the Settlement, future settlements, and the claim process which will occur at a later date once it is determined what transactional data can be obtained from the six Intermediaries.

23. Once it is determined that the claim process is appropriate to begin, SCMs will be notified as to whether they need to submit documentation or if their transactional data has already been secured. Attached as **Exhibit A** is the postcard notice advising SCMs of their rights and deadlines to object or opt out of the Settlement.

24. Kroll intends to first update all address information by running addresses through the National Change of Address database maintained by the U.S. Postal Service. This database is a compilation of all address changes of which the U.S. Postal Service is notified and is kept for four years. This will allow Kroll to update addresses to the most current address known by the U.S. Postal service before sending notice.

25. Additionally, if mail is returned as undeliverable with no further forwarding address, Kroll will run these records through an advanced address locator database to obtain additional contact information and remail notice. Likewise, if

mail is returned with a forwarding address, Kroll will remail the notice to the newly provided address.

SUPPLEMENTAL PUBLICATION AND INTERNET NOTICE

26. In order to buttress the direct mail outreach, we are proposing a robust supplemental media program that includes print, e-newsletters, online display and an expanded social media effort.

27. **Target Audience Media Use Snapshot.** In formulating our media selections, we are reliant on nationally syndicated data, including: 2020 comScore/GfK Mediamark Research and Intelligence + Fusion, Telmar, Standard Rates and Data, and industry specific sources including the National Restaurant Association.

28. Analysis of media use across this target audience reveals that approximately 96% of this target has been online in the last 30-days. Over 50% have watched online videos and they are 26% more likely than the average adult to watch a television program online. Further, over 75% of this target has used Facebook in the last 30-days. Combined, these media use characteristics make digital notice, through email, online display, and social media a particularly appropriate approach to supplement notice.

29. **Online Notice Banner Advertising.** Here, Kroll intends to employ cutting edge technology and data to target potential Settlement Class Members. The

foundation for our analysis is derived from *comScore/GfK Mediamark Research and Intelligence+Fusion* (“MRI”) software. As the name suggests, this media research technology allows us to fuse data and accurately report to the Court the percentage of the target audience that will be reached by the notice component and how many times the target audience had the opportunity to see the message.

30. Accordingly, we will target people by using the Fusion definition to profile SCMs and create a highly specific and appropriate target audience of: Restaurant owners and food service managers. This includes an over inclusive total population of more than 2.1 million people.

31. To squarely focus on this target, we are applying a programmatic approach to digital advertising. “Programmatic” refers to a computerized approach to buying ads online, which uses an algorithm to show a specific ad to a specific visitor in a specific context, where SCMs are visiting. These ads are device-agnostic and will appear across desktop, laptop, tablet, or mobile device.

32. Importantly, because we are able to measure and buy impressions specifically to this target audience, we limit waste. For this matter, the campaign is estimated to deliver over 32 million, highly targeted impressions across digital and social media. To accomplish this, we plan to deploy a multifaceted approach.

33. Kroll will use a Custom Whitelist of over 100 contextually relevant restaurant and food service industry websites. Among others, the whitelist of

websites will include *Restaurant Business*, *Total Food Service*, *Food Management*, *Foodservice Director*, *Nation's Restaurant News*, *Deli Market News*, *School Nutrition*, and the *Association for Healthcare Foodservice*.

34. Using state-of-the-art research, buying and measurement tactics, our approach keeps of control of quality and optimization because we do not depend on third-party networks to implement the media campaign. We use our own Demand Side Platform¹¹ (“DSP”), we have *direct* access to publisher inventory and we have *direct* control over the campaign optimization. This allows us to optimize impressions that demonstrate the highest engagement and website traffic. Through this highly efficient tactic, we can focus squarely on reaching the prototypical individual SCM, rather than allocating excessive resources or impressions to determine which particular websites would be most appropriate based on a demographic profile. In turn we can effectively buy fewer, highly targeted human, viewable impressions that are strategically designed to notify and drive SCMs to the dedicated website, where SCMs can find detailed information about the Settlement and their rights and obligations.

35. The online ads will provide information for visitors to self-identify as

¹¹ A DSP is software used by advertisers to buy display, mobile, search and video ads directly from a marketplace on which publishers list advertising inventory. These platforms allow for the management of advertising across many real-time bidding networks, as opposed to just one *e.g.*, Google Ads. DSP's are independent of individual networks. Using our own DSP allows Kroll to optimize to the best performing websites and ad units.

potential SCMs, where they may “click” on the banner and then link directly to the Settlement website for more information regarding the Settlement and important deadlines and documents, including downloadable copies of the full Notice and Claim Form, and where they may submit a Claim Form. We also will retarget users who visit the Settlement Website with additional notice reminders to take action *i.e.*, visiting the website.

36. **Search.** Kroll will employ keyword search on Google Ads. When identified target phrases and keywords are used in a user’s search on Google’s search engine, links will appear on the search result pages. Representative key terms will include, but are not limited to seafood settlement, tuna class action, foodservice jobs, restaurant owner, foodservice director, among others.

37. **Facebook, Instagram, and Twitter.** The notice program will also include the social media platforms Facebook, Instagram and Twitter. We will apply the outreach on social media in layers. The first will be targeting people on Facebook and Instagram who have liked or followed foodservice group or pages including School Nutrition Association, Food Management, Total Food Service, Association of Nutrition and Foodservice Professionals, National Restaurant Association, and the Society for Hospitality and Foodservice Management. On Twitter, we will target people who follow handles such as @WeRRestaurants, @foodedge, @fsdeditor, @foodmanagement and similar.

38. More specifically, we intend to expand our targeting on both Facebook and Instagram reaching those who are the ‘page owners’ of restaurant pages or who list their job title as Restaurant Owner, Restaurant Manager, Foodservice Manager, Foodservice Director, or similar.

- People who are 'page owners' of restaurant pages: 2,290,000 people
- People with job title 'Restaurant Owner': 139,000 people
- People with job title 'Food and Restaurant': 4,136,33 people
- People with job title 'Restaurant Manager': 64,193 people

39. **Validated Human Impressions.** Ad verification metrics reveal campaign effectiveness. Kroll Optimizes media based on verification metrics. This helps to improve SCMs’ “opportunity to see” the campaign creative. Legal Notice advertising is intended to create awareness and provide due process for consumers to exercise their rights if they so choose. Keeping with the highest standards in the advertising industry, we have evolved from traditional ad effectiveness practice of defining campaign exposure by bulk ads served, to one that determines exposure by a human audience that had the opportunity to see the ads. We call it the qhCPM

(“Quality Human CPM”). This means we do not have to buy as many impressions to provide high reach and frequency levels, which conserves resources.

PRINT TRADE PUBLICATIONS

40. Notice will be published in two trade publications¹² targeted to further reach this specific group of CFP SCMs.

41. *School Nutrition* publishes 11 times per year and has a circulation of 54,000. The summary notice will be published once as a half-page, black and white ad.

42. *Nation’s Restaurant News* publishes 12 times per year and has a circulation of 60,000. The summary notice will be published once as a half-page, black and white ad.

TRADE E-NEWSLETTERS

43. Notice will be published in five¹³ trade e-newsletters targeted to further reach this specific group of CFP SCMs. These include *Food Service Director Update*, *Food Management Today*, *Restaurant Business’s RB Daily*, *SN Express* and *Nation’s Restaurant News*.

44. These e-newsletters were chosen as they are commonly read by the

¹² *Foodservice Director*, previously proposed in my last declaration is no longer publishing, due to COVID.

¹³ *Restaurant News* was added to further buoy the outreach effort.

CFP Class.

45. *Foodservice Director Update* (“*FSD Update*”) serves the foodservice market and reports on issues impacting foodservice professionals. *FSD Update* has a circulation of 33,000 and is circulated 3 times a week.

46. *Food Management Today* (“*FM Today*”) provides ideas for foodservice directors and managers through coverage of industry issues. *FM Today* has a circulation of 32,000. This e-newsletter is circulated five times a week.

47. Further, we will publish in *Restaurant Business’s RB Daily*, which is edited for executives of commercial foodservice who have responsibility for operating decisions. *RB Daily* has a circulation of 100,000 and is circulated five times a week.

48. Additionally, notice will be published in *School Nutrition Express* (“*SN Express*”) which reaches school foodservice professionals and covers industry issues, trends, and food. It has a circulation of 40,000. *SN Express* is a weekly publication.

49. *Nation’s Restaurant News a.m* (“*NRM a.m*”) covers the news of the foodservice industry and features in-depth analysis of what it means for restaurant operators and executives. *NRM a.m* has a circulation of 95,000 and is circulated five times a week.

PRESS RELEASE

50. A press release will be distributed over PR Newswire's US1 Newslines with additional outreach targeting over 182 influencers and bloggers who cover the food industry. PR Newswire delivers to thousands of print and broadcast newsrooms nationwide, as well as websites, databases and online services including featured placement in news sections of leading portals.

MEDIA MONITORING

51. HF Media intends to monitor various media channels for subsequent news articles and various social mentions as a result of the press release efforts. A complete report on the results will be filed with the Court upon completion of the notice program.

DIGITAL AD FRAUD MITIGATION AND VALIDATED HUMAN IMPRESSIONS

52. To mitigate digital ad fraud, or non-human viewership of the digital campaign and to validate impression delivery, Kroll engages validation technology, from among others: Integral Ad Science ("IAS"), comScore's Content Activation, Grapeshot and DoubleVerify. These layers of validation and verification help to ensure that our ads are being targeted to real websites where actual (human) Settlement Class Members are likely to visit, rather than serving ads to websites and

fraudsters attempting to fraudulently earn advertising revenue from the campaign.¹⁴

53. To this end, online ads will be tagged with specific codes which will validate the impressions, plus further analysis will be provided by our independent Cybersecurity Expert¹⁵. As an added step, ad logs will be monitored for fraudulent anomalies such as ads being called to data centers, uncommon browser sizes, and outdated browser versions as well as other parameters that indicate non-human traffic. In addition, through these efforts, we will identify which websites are generating validated human click-throughs to the Settlement website and in turn, we are able to optimize impressions to those sites. Any online impressions identified as invalid will be culled from the final reach calculation reported to the Court.

OFFICIAL SETTLEMENT WEBSITE

54. A dedicated settlement website, www.PackagedSeafoodAntitrustCFPClass.com, will be established and maintained by Kroll. The Settlement website will serve as a “landing page for the banner advertising,” where SCMs may get information about the Settlement and register for future Settlement information and claims process.

¹⁴ See: You Probably Don’t Think Digital Ad Fraud Doesn’t Affect You. Think Again. https://innovation.media/magazines/how_digital_ad_fraud_affects_everyone

¹⁵ Dr. Augustine Fou. A Brief History of Ad Fraud. <https://www.linkedin.com/pulse/brief-history-digital-ad-fraud-dr-augustine-fou-ad-fraud-historian>

55. Additionally, SCMs will also be able to obtain from the Settlement website information about the class action, SCM rights, the Long Form Notice (Attached as **Exhibit B**), Summary Notice, and related information, including the Settlement Agreement, Court Orders, and Plaintiff's Motion for Approval of Fees, Expenses, and Class Representative Payments once it has been filed with the Court.

56. The website will be available 24 hours a day and 7 days a week. It will be optimized for visitors using mobile devices and is also designed to maximize search engine optimization. It will be updated with current information and status of the action as appropriate with direction from Counsel or the Court.

REGISTRATION AND FUTURE CLAIM PROCESS

57. As noted, the Settlement Website will be set up with a portal to allow SCMs to register to receive updated information on the Settlement and be notified about the Claims Process. It will also allow for SCMs to provide their current contact information. As there has been much movement in the restaurant industry due to the pandemic and remote work operations, the collection of current contact information will help facilitate future claim forms going to current addresses. While the process of registration is optional and claim forms will be sent to all addresses received from the Intermediaries, in Kroll's experience a registration process is an effective way to collect current contact information and keep SCMs engaged in the Settlement's progress. Having SCMs register to receive future information about

the claims process will also allow Class Counsel time to work with the Intermediaries to obtain further transactional data and lessen the documentation production requirements in the claims process for many SCMs.

58. When the appropriate time comes to initiate the claims process, it is Kroll's recommendation that notice of the claim process be sent to SCMs in the form of a second postcard (attached as **Exhibit C**) with a tear off for those who will need to submit proof of purchase. All SCMs identified in the Intermediaries' transactional data will be sent direct notice. The postcard will identify the purchase values received in the Intermediaries' records, if any, and allow those SCMs who have purchase values they agree with to do nothing and still receive payment. These SCMs will also have the option to provide proof of purchase if they do not agree with the Intermediaries' records. Finally, the postcard will note if no data was received from an Intermediaries and allow Settlement Class Members to submit proof of purchase information on their own so they can participate in the Settlement. These SCMs will need to provide transactional documentation of their purchases to substantiate their claim.

59. Once all transactional data and documentation has been received, Kroll will review all documentation to determine the eligible purchase values for each claimant.

60. Should documentation not be complete, Kroll will conduct an audit of

the records from the Intermediaries to see if there is sufficient information which would allow payment. If a claimant was not in the data and did not provide any documentation, their claim will be rejected for failure to fill out the claim form and provide information.

61. Kroll will calculate individual payments based on the Plan of Allocation which distributes *pro rata* based on the SCM's volume of purchases divided by the total of all purchase volume of commerce claimed. This *pro rata* percentage will then be multiplied by the available Settlement Funds to determine the actual payout to each claimant. The Settlement Funds used for payment to SCMs will be determined once the Court has approved any attorney fees and expenses, class representative payments, and administration fees and expenses, which will all be deducted from the total settlement funds ("Gross Settlement Fund" or "GSF") to determine the remaining funds for payment to the Class ("Net Settlement Funds" or "NSF"). Once those necessary payments are determined, they will be deducted from the GSF and the NSF will be determined.

62. Upon conclusion of the claim process and implementation of the Plan of Allocation, Kroll will report the claim findings back to the Court for approval. Once the Court has approved the valid claims, Kroll will distribute the appropriate payment of funds.

63. Should any funds remain unclaimed after the initial distribution of the

NSF, Kroll can review to see if it is feasible for a second distribution take place to those who cashed their first check or send funds to a *cy pres* recipient approved by the Court.

TOLL FREE INFORMATION LINE

64. Additionally, Kroll will establish and maintain a 24-hour toll-free Interactive Voice Response (“IVR”) telephone line, where callers may obtain information about the class action. Kroll will also have available live operator support to answer questions during normal business hours. These operators will be trained to answer questions on the settlement and help people with any questions on filing a claim.

DEDICATED POST OFFICE BOX

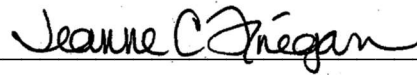
65. Kroll will secure and monitor a dedicated post office box for all mail and written communications from SCMs. Mail will be scanned and uploaded into Kroll’s dedicated database for this Settlement so that it can be tracked. All written correspondence will be monitored and responded to promptly.

CONCLUSION

66. In my opinion, the outreach efforts described above reflect a particularly appropriate, highly targeted, and contemporary way to employ notice to this class. An estimated 85 percent of targeted SCMs will be reached by the media program, on average, 4 times. In my opinion, the efforts to be used in this proposed notice

program are of the highest modern communication standards to provide notice and are consistent with best practicable court-approved notice programs in similar matters and the Federal Judicial Center's guidelines concerning appropriate reach.

I declare under the penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct. Executed on December 1, 2021, in Tigard, Oregon.



Jeanne C. Finegan

Exhibit 1

JEANNE C. FINEGAN, APR



Jeanne Finegan, APR, is the Managing Director and Head of Kroll Notice Media. She is a member of the Board of Directors for the prestigious Alliance for Audited Media (AAM) and was named by *Diversity Journal* as one of the "Top 100 Women Worth Watching." She is a distinguished legal notice and communications expert with more than 30 years of communications and advertising experience.

She was a lead contributing author for Duke University's School of Law, "*Guidelines and Best Practices Implementing Amendments to Rule 23 Class Action Settlement Provisions*." And more recently, she has been involved with New York School of Law and The Center on Civil Justice (CCJ) assisting with a class action settlement data analysis and comparative visualization tool called the *Aggregate Litigation Project*, designed to help judges make decisions in aggregate cases on the basis of data as opposed to anecdotal information. Moreover, her experience also includes working with the Special Settlement Administrator's team to assist with the outreach strategy for the historic Auto Airbag Settlement, In re: *Takata Airbag Products Liability Litigation* MDL 2599.

During her tenure, she has planned and implemented over 1,000 high-profile, complex legal notice communication programs. She is a recognized notice expert in both the United States and in Canada, with extensive international notice experience spanning more than 170 countries and over 40 languages.

Ms. Finegan has lectured, published and has been cited extensively on various aspects of legal noticing, product recall and crisis communications. She has served the Consumer Product Safety Commission (CPSC) as an expert to determine ways in which the Commission can increase the effectiveness of its product recall campaigns. Further, she has planned and implemented large-scale government enforcement notice programs for the Federal Trade Commission (FTC) and the Securities and Exchange Commission (SEC).

Ms. Finegan is accredited in Public Relations (APR) by the Universal Accreditation Board, which is a program administered by the Public Relations Society of America (PRSA), and is also a recognized member of the Canadian Public Relations Society (CPRS). She has served on examination panels for APR candidates and worked *pro bono* as a judge for prestigious PRSA awards.

Ms. Finegan has provided expert testimony before Congress on issues of notice, and expert testimony in both state and federal courts regarding notification campaigns. She has conducted numerous media audits of proposed notice programs to assess the adequacy of those programs under Fed R. Civ. P. 23(c)(2) and similar state class action statutes.

She was an early pioneer of plain language in notice (as noted in a RAND study,¹) and continues to set the standard for modern outreach as the first notice expert to integrate social and mobile media into court approved legal notice programs.

In the course of her class action experience, courts have recognized the merits of, and admitted expert testimony based on, her scientific evaluation of the effectiveness of notice plans. She has designed legal notices for a wide range of class actions and consumer matters that include product liability, construction defect, antitrust, medical/pharmaceutical, human rights, civil rights, telecommunication, media, environment, government enforcement actions, securities, banking, insurance, mass tort, restructuring and product recall.

¹ Deborah R. Hensler et al., CLASS ACTION DILEMMAS, PURSUING PUBLIC GOALS FOR PRIVATE GAIN. RAND (2000).



JUDICIAL COMMENTS AND LEGAL NOTICE CASES

In evaluating the adequacy and effectiveness of Ms. Finegan's notice campaigns, courts have repeatedly recognized her excellent work. The following excerpts provide some examples of such judicial approval.

In re Purdue Pharma L.P., No. 19-23649 (Bankr. S.D.N.Y. 2019). Omnibus Hearing, Motion Pursuant to 11 U.S.C. §§ 105(a) and 501 and Fed. R. Bankr. P. 2002 and 3003(c)(3) for Entry of an Order (I) Extending the General Bar Date for a Limited Period and (II) Approving the Form and Manner of Notice Thereof, June 3, 2020, transcript p. 88:10, the Honorable Robert Drain stated:

"The notice here is indeed extraordinary, as was detailed on page 8 of Ms. Finegan's declaration in support of the original bar date motion and then in her supplemental declaration from May 20th in support of the current motion, the notice is not only in print media, but extensive television and radio notice, community outreach, -- and I think this is perhaps going to be more of a trend, but it's a major element of the notice here -- online, social media, out of home, i.e. billboards, and earned media, including bloggers and creative messaging. That with a combined with a simplified proof of claims form and the ability to file a claim or first, get more information about filing a claim online -- there was a specific claims website -- and to file a claim either online or by mail. Based on Ms. Finegan's supplemental declaration, it appears clear to me that that process of providing notice has been quite successful in its goal in ultimately reaching roughly 95 percent of all adults in the United States over the age of 18 with an average frequency of message exposure of six times, as well as over 80 percent of all adults in Canada with an average message exposure of over three times."

In Re: PG&E Corporation Case No. 19-30088 Bankr. (N.D. Cal. 2019). Hearing Establishing, Deadline for Filing Proofs of Claim, (II) establishing the Form and Manner of Notice Thereof, and (III) Approving Procedures for Providing Notice of Bar Date and Other Information to all Creditors and Potential Creditors PG&E. June 26, 2019, Transcript of Hearing p. 21:1, the Honorable Dennis Montali stated:

...the technology and the thought that goes into all these plans is almost incomprehensible. He further stated, p. 201:20 ... Ms. Finegan has really impressed me today...

Yahoo! Inc. Customer Data Security Breach Litigation, Case No. 5:16-MD-02752 (ND Cal 2010). In the Order Preliminary Approval, dated July 20, 2019, the Honorable Lucy Kho stated, para 21,

"The Court finds that the Approved Notices and Notice Plan set forth in the Amended Settlement Agreement satisfy the requirements of due process and Federal Rule of Civil Procedure 23 and provide the best notice practicable under the circumstances."

Hill's Pet Nutrition, Inc., Dog Food Products Liability Litigation, Case No. 19-MD-2887 (U.S. District Court, District Kansas 2021). In the Preliminary Approval Transcript, February 2, 2021 p. 28-29, the Honorable Julie A. Robinson stated:

"I was very impressed in reading the notice plan and very educational, frankly to me, understanding the communication, media platforms, technology, all of that continues to evolve rapidly and the ability to not only target consumers, but to target people that could rightfully receive notice continues to improve all the time."

In re: The Bank of New York Mellon ADR FX Litigation, 16-CV-00212-JPO-JLC (S.D.N.Y. 2019). In the Final Order and Judgement, dated June 17, 2019, para 5, the Honorable J. Paul Oetkin stated:

"The dissemination of notice constituted the best notice practicable under the circumstances."

Simerlein et al., v. Toyota Motor Corporation, Case No. 3:17-cv-01091-VAB (District of CT 2019). In the Ruling and Order on Motion for Preliminary Approval, dated January 14, 2019, p. 30, the Honorable Victor Bolden stated:

"In finding that notice is sufficient to meet both the requirements of Rule 23(c) and due process, the Court has reviewed and appreciated the high-quality submission of proposed Settlement Notice Administrator Jeanne C. Finegan. See Declaration of Jeanne C. Finegan, APR, Ex. G to Agrmt., ECF No. 85-8."

Fitzhenry- Russell et al., v. Keurig Dr. Pepper Inc., Case No. :17-cv-00564-NC, (ND Cal). In the Order Granting Final Approval of Class Action Settlement, Dated April 10, 2019, the Honorable Nathanael Cousins stated:

“...the reaction of class members to the proposed Settlement is positive. The parties anticipated that 100,000 claims would be filed under the Settlement (see Dkt. No. 327-5 ¶ 36)—91,254 claims were actually filed (see Finegan Decl ¶ 4). The 4% claim rate was reasonable in light of Heffler’s efforts to ensure that notice was adequately provided to the Class.”

Pettit et al., v. Procter & Gamble Co., Case No. 15-cv-02150-RS ND Cal. In the Order Granting Final Approval of the Class Action Settlement and Judgement, Dated March 28, 2019, p. 6, the Honorable Richard Seeborg stated:

“The Court finds that the Notice Plan set forth in the Settlement Agreement, and effectuated pursuant to the Preliminary Approval Order, constituted the best notice practicable under the circumstances and constituted due and sufficient notice to the Settlement Class. ...the number of claims received equates to a claims rate of 4.6%, which exceeds the rate in comparable settlements.”

Carter v Forjas Taurus S.S., Taurus International Manufacturing, Inc., Case No. 1:13-CV-24583 PAS (S.D. Fl. 2016). In her Final Order and Judgment Granting Plaintiffs Motion for Final Approval of Class Action Settlement, the Honorable Patricia Seitz stated:

“The Court considered the extensive experience of Jeanne C. Finegan and the notice program she developed. ...There is no national firearms registry and Taurus sale records do not provide names and addresses of the ultimate purchasers... Thus the form and method used for notifying Class Members of the terms of the Settlement was the best notice practicable. ...The court-approved notice plan used peer-accepted national research to identify the optimal traditional, online, mobile and social media platforms to reach the Settlement Class Members.”

Additionally, in January 20, 2016, Transcript of Class Notice Hearing, p. 5 Judge Seitz, noted:

“I would like to compliment Ms. Finegan and her company because I was quite impressed with the scope and the effort of communicating with the Class.”

Cook et. al., v. Rockwell International Corp. and the Dow Chemical Co., No. 90-cv-00181- KLK (D.Colo. 2017)., aka, Rocky Flats Nuclear Weapons Plant Contamination. In the Order Granting Final Approval, dated April 28, 2017, p.3, the Honorable John L. Kane said:

The Court-approved Notice Plan, which was successfully implemented by [HF Media- emphasis added] (see Doc. 2432), constituted the best notice practicable under the circumstances. In making this determination, the Court finds that the Notice Plan that was implemented, as set forth in Declaration of Jeanne C. Finegan, APR Concerning Implementation and Adequacy of Class Member Notification (Doc. 2432), provided for individual notice to all members of the Class whose identities and addresses were identified through reasonable efforts, ... and a comprehensive national publication notice program that included, inter alia, print, television, radio and internet banner advertisements. ...Pursuant to, and in accordance with, Rule 23 of the Federal Rules of Civil Procedure, the Court finds that the Notice Plan provided the best notice practicable to the Class.

In re: Domestic Drywall Antitrust Litigation, MDL No. 2437, in the U.S. District Court for the Eastern District of Pennsylvania. For each of the four settlements, Finegan implemented and extensive outreach effort including traditional, online, social, mobile and advanced television and online video. In the Order Granting Preliminary Approval to the IPP Settlement, Judge Michael M. Baylson stated:

“The Court finds that the dissemination of the Notice and summary Notice constitutes the best notice practicable under the circumstances; is valid, due, and sufficient notice to all persons... and complies fully with the requirements of the Federal rule of Civil Procedure.”



Warner v. Toyota Motor Sales, U.S.A. Inc., Case No 2:15-cv-02171-FMO FFMx (C.D. Cal. 2017). In the Order Re: Final Approval of Class Action Settlement; Approval of Attorney's Fees, Costs & Service Awards, dated May 21, 2017, the Honorable Fernando M. Olguin stated:

Finegan, the court-appointed settlement notice administrator, has implemented the multiprong notice program. ...the court finds that the class notice and the notice process fairly and adequately informed the class members of the nature of the action, the terms of the proposed settlement, the effect of the action and release of claims, the class members' right to exclude themselves from the action, and their right to object to the proposed settlement. (See Dkt. 98, PAO at 25-28).

Michael Allagas, et al., v. BP Solar International, Inc., et al., BP Solar Panel Settlement, Case No. 3:14-cv-00560- SI (N.D. Cal., San Francisco Div. 2016). In the Order Granting Final Approval, Dated December 22, 2016, The Honorable Susan Illston stated:

Class Notice was reasonable and constituted due, adequate and sufficient notice to all persons entitled to be provided with notice; and d. fully satisfied the requirements of the Federal Rules of Civil Procedure, including Fed. R. Civ. P. 23(c)(2) and (e), the United States Constitution (including the Due Process Clause), the Rules of this Court, and any other applicable law.

Foster v. L-3 Communications EOTech, Inc. et al (6:15-cv-03519), Missouri Western District Court.

In the Court's Final Order, dated July 7, 2017, The Honorable Judge Brian Wimes stated: "The Court has determined that the Notice given to the Settlement Class fully and accurately informed members of the Settlement Class of all material elements of the Settlement and constituted the best notice practicable."

In re: Skechers Toning Shoes Products Liability Litigation, No. 3:11-MD-2308-TBR (W.D. Ky. 2012). In his Final Order and Judgment granting the Motion for Preliminary Approval of Settlement, the Honorable Thomas B. Russell stated:

... The comprehensive nature of the class notice leaves little doubt that, upon receipt, class members will be able to make an informed and intelligent decision about participating in the settlement.

Brody v. Merck & Co., Inc., et al, No. 3:12-cv-04774-PGS-DEA (N.J.) (Jt Hearing for Prelim App, Sept. 27, 2012, transcript page 34). During the Hearing on Joint Application for Preliminary Approval of Class Action, the Honorable Peter G. Sheridan acknowledged Ms. Finegan's work, noting:

Ms. Finegan did a great job in testifying as to what the class administrator will do. So, I'm certain that all the class members or as many that can be found, will be given some very adequate notice in which they can perfect their claim.

Quinn v. Walgreen Co., Wal-Mart Stores Inc., 7:12 CV-8187-VB (NYSB) (Jt Hearing for Final App, March. 5, 2015, transcript page 40-41). During the Hearing on Final Approval of Class Action, the Honorable Vincent L. Briccetti stated:

"The notice plan was the best practicable under the circumstances. ... [and] "the proof is in the pudding. This settlement has resulted in more than 45,000 claims which is 10,000 more than the Pearson case and more than 40,000 more than in a glucosamine case pending in the Southern District of California I've been advised about. So the notice has reached a lot of people and a lot of people have made claims."

In Re: TracFone Unlimited Service Plan Litigation, No. C-13-3440 EMC (ND Ca). In the Final Order and Judgment Granting Class Settlement, July 2, 2015, the Honorable Edward M. Chen noted:

"...[D]epending on the extent of the overlap between those class members who will automatically receive a payment and those who filed claims, the total claims rate is estimated to be approximately 25-30%. This is an excellent result..."



In Re: Blue Buffalo Company, Ltd., Marketing and Sales Practices Litigation, Case No. 4:14-MD-2562 RWS (E.D. Mo. 2015), (Hearing for Final Approval, May 19, 2016 transcript p. 49). During the Hearing for Final Approval, the Honorable Rodney Sippel said:

It is my finding that notice was sufficiently provided to class members in the manner directed in my preliminary approval order and that notice met all applicable requirements of due process and any other applicable law and considerations.

DeHoyos, et al., v. Allstate Ins. Co., No. SA-01-CA-1010 (W.D.Tx. 2001). In the Amended Final Order and Judgment Approving Class Action Settlement, the Honorable Fred Biery stated:

[T]he undisputed evidence shows the notice program in this case was developed and implemented by a nationally recognized expert in class action notice programs. ... This program was vigorous and specifically structured to reach the African American and Hispanic class members. Additionally, the program was based on a scientific methodology which is used throughout the advertising industry and which has been routinely embraced routinely [sic] by the Courts. Specifically, in order to reach the identified targets directly and efficiently, the notice program utilized a multi-layered approach which included national magazines; magazines specifically appropriate to the targeted audiences; and newspapers in both English and Spanish.

In Re: Reebok Easytone Litigation, No. 10-CV-11977 (D. MA. 2011). The Honorable F. Dennis Saylor IV stated in the Final Approval Order:

The Court finds that the dissemination of the Class Notice, the publication of the Summary Settlement Notice, the establishment of a website containing settlement-related materials, the establishment of a toll-free telephone number, and all other notice methods set forth in the Settlement Agreement and [Ms. Finegan's] Declaration and the notice dissemination methodology implemented pursuant to the Settlement Agreement and this Court's Preliminary Approval Order... constituted the best practicable notice to Class Members under the circumstances of the Actions.

Bezdek v. Vibram USA and Vibram FiveFingers LLC, No 12-10513 (D. MA) The Honorable Douglas P. Woodlock stated in the Final Memorandum and Order:

...[O]n independent review I find that the notice program was robust, particularly in its online presence, and implemented as directed in my Order authorizing notice. ...I find that notice was given to the Settlement class members by the best means "practicable under the circumstances." Fed.R.Civ.P. 23(c)(2).

Gemelas v. The Dannon Company Inc., No. 08-cv-00236-DAP (N.D. Ohio). In granting final approval for the settlement, the Honorable Dan A. Polster stated:

In accordance with the Court's Preliminary Approval Order and the Court-approved notice program, [Ms. Finegan] caused the Class Notice to be distributed on a nationwide basis in magazines and newspapers (with circulation numbers exceeding 81 million) specifically chosen to reach Class Members. ... The distribution of Class Notice constituted the best notice practicable under the circumstances, and fully satisfied the requirements of Federal Rule of Civil Procedure 23, the requirements of due process, 28 U.S.C. 1715, and any other applicable law.

Pashmova v. New Balance Athletic Shoes, Inc., 1:11-cv-10001-LTS (D. Mass.). The Honorable Leo T. Sorokin stated in the Final Approval Order:

The Class Notice, the Summary Settlement Notice, the web site, and all other notices in the Settlement Agreement and the Declaration of [Ms Finegan], and the notice methodology implemented pursuant to the Settlement Agreement: (a) constituted the best practicable notice under the circumstances; (b) constituted notice that was reasonably calculated to apprise Class Members of the pendency of the Actions, the terms of the Settlement and their rights under the settlement ... met all applicable requirements of law, including, but not limited to, the Federal Rules of Civil Procedure, 28 U.S.C. § 1715, and the Due Process Clause(s) of the United States Constitution, as well as complied with the Federal Judicial Center's illustrative class action notices.



Hartless v. Clorox Company, No. 06-CV-2705 (CAB) (S.D.Cal.). In the Final Order Approving Settlement, the Honorable Cathy N. Bencivengo found:

The Class Notice advised Class members of the terms of the settlement; the Final Approval Hearing and their right to appear at such hearing; their rights to remain in or opt out of the Class and to object to the settlement; the procedures for exercising such rights; and the binding effect of this Judgment, whether favorable or unfavorable, to the Class. The distribution of the notice to the Class constituted the best notice practicable under the circumstances, and fully satisfied the requirements of Federal Rule of Civil Procedure 23, the requirements of due process, 28 U.S.C. §1715, and any other applicable law.

McDonough et al., v. Toys 'R' Us et al, No. 09:-cv-06151-AB (E.D. Pa.). In the Final Order and Judgment Approving Settlement, the Honorable Anita Brody stated:

The Court finds that the Notice provided constituted the best notice practicable under the circumstances and constituted valid, due and sufficient notice to all persons entitled thereto.

In re: Pre-Filled Propane Tank Marketing & Sales Practices Litigation, No. 4:09-md-02086-GAF (W.D. Mo.) In granting final approval to the settlement, the Honorable Gary A. Fenner stated:

The notice program included individual notice to class members who could be identified by Ferrellgas, publication notices, and notices affixed to Blue Rhino propane tank cylinders sold by Ferrellgas through various retailers. ... The Court finds the notice program fully complied with Federal Rule of Civil Procedure 23 and the requirements of due process and provided to the Class the best notice practicable under the circumstances.

Stern v. AT&T Mobility Wireless, No. 09-cv-1112 CAS-AGR (C.D.Cal. 2009). In the Final Approval Order, the Honorable Christina A. Snyder stated:

[T]he Court finds that the Parties have fully and adequately effectuated the Notice Plan, as required by the Preliminary Approval Order, and, in fact, have achieved better results than anticipated or required by the Preliminary Approval Order.

In re: Processed Egg Prods. Antitrust Litig., MDL No. 08-md-02002 (E.D.P.A.). In the Order Granting Final Approval of Settlement, Judge Gene E.K. Pratter stated:

The Notice appropriately detailed the nature of the action, the Class claims, the definition of the Class and Subclasses, the terms of the proposed settlement agreement, and the class members' right to object or request exclusion from the settlement and the timing and manner for doing so.... Accordingly, the Court determines that the notice provided to the putative Class Members constitutes adequate notice in satisfaction of the demands of Rule 23.

In re Polyurethane Foam Antitrust Litigation, 10- MD-2196 (N.D. OH). In the Order Granting Final Approval of Voluntary Dismissal and Settlement of Defendant Domfoam and Others, the Honorable Jack Zouhary stated:

The notice program included individual notice to members of the Class who could be identified through reasonable effort, as well as extensive publication of a summary notice. The Notice constituted the most effective and best notice practicable under the circumstances of the Settlement Agreements, and constituted due and sufficient notice for all other purposes to all persons and entities entitled to receive notice.

Rojas v Career Education Corporation, No. 10-cv-05260 (N.D.E.D. IL) In the Final Approval Order dated October 25, 2012, the Honorable Virginia M. Kendall stated:

The Court Approved notice to the Settlement Class as the best notice practicable under the circumstance including individual notice via U.S. Mail and by email to the class members whose addresses were obtained from each Class Member's wireless carrier or from a commercially reasonable reverse cell phone number look-up service, nationwide magazine publication, website publication, targeted on-line advertising, and a press release. Notice has been successfully implemented and satisfies the requirements of the Federal Rule of Civil Procedure 23 and Due Process.



Golloher v Todd Christopher International, Inc. DBA Vogue International (Organix), No. C 1206002 N.D. CA. In the Final Order and Judgment Approving Settlement, the Honorable Richard Seeborg stated:
The distribution of the notice to the Class constituted the best notice practicable under the circumstances, and fully satisfied the requirements of Federal Rule of Civil Procedure 23, the requirements of due process, 28 U.S.C. §1715, and any other applicable law.

Stefanyshyn v. Consolidated Industries, No. 79 D 01-9712-CT-59 (Tippecanoe County Sup. Ct., Ind.). In the Order Granting Final Approval of Settlement, Judge Randy Williams stated:
The long and short form notices provided a neutral, informative, and clear explanation of the Settlement. ... The proposed notice program was properly designed, recommended, and implemented ... and constitutes the "best practicable" notice of the proposed Settlement. The form and content of the notice program satisfied all applicable legal requirements. ... The comprehensive class notice educated Settlement Class members about the defects in Consolidated furnaces and warned them that the continued use of their furnaces created a risk of fire and/or carbon monoxide. This alone provided substantial value.

McGee v. Continental Tire North America, Inc. et al, No. 06-6234-(GEB) (D.N.J.).

The Class Notice, the Summary Settlement Notice, the web site, the toll-free telephone number, and all other notices in the Agreement, and the notice methodology implemented pursuant to the Agreement: (a) constituted the best practicable notice under the circumstances; (b) constituted notice that was reasonably calculated to apprise Class Members of the pendency of the Action, the terms of the settlement and their rights under the settlement, including, but not limited to, their right to object to or exclude themselves from the proposed settlement and to appear at the Fairness Hearing; (c) were reasonable and constituted due, adequate and sufficient notice to all persons entitled to receive notification; and (d) met all applicable requirements of law, including, but not limited to, the Federal Rules of Civil Procedure, 20 U.S.C. Sec. 1715, and the Due Process Clause(s) of the United States Constitution, as well as complied with the Federal Judicial Center's illustrative class action notices.

Varacallo, et al. v. Massachusetts Mutual Life Insurance Company, et al., No. 04-2702 (JLL) (D.N.J.). The Court stated that:

[A]ll of the notices are written in simple terminology, are readily understandable by Class Members, and comply with the Federal Judicial Center's illustrative class action notices. ... By working with a nationally syndicated media research firm, [Finegan's firm] was able to define a target audience for the MassMutual Class Members, which provided a valid basis for determining the magazine and newspaper preferences of the Class Members. (Preliminary Approval Order at p. 9). ... The Court agrees with Class Counsel that this was more than adequate. (Id. at § 5.2).

In Re: Nortel Network Corp., Sec. Litig., No. 01-CV-1855 (RMB) Master File No. 05 MD 1659 (LAP) (S.D.N.Y.). Ms. Finegan designed and implemented the extensive United States and Canadian notice programs in this case. The Canadian program was published in both French and English, and targeted virtually all investors of stock in Canada. See www.nortelsecuritieslitigation.com. Of the U.S. notice program, the Honorable Loretta A. Preska stated:

The form and method of notifying the U.S. Global Class of the pendency of the action as a class action and of the terms and conditions of the proposed Settlement ... constituted the best notice practicable under the circumstances, and constituted due and sufficient notice to all persons and entities entitled thereto.

Regarding the B.C. Canadian Notice effort: *Jeffrey v. Nortel Networks*, [2007] BCSC 69 at para. 50, the Honourable Mr. Justice Groberman said:

The efforts to give notice to potential class members in this case have been thorough. There has been a broad media campaign to publicize the proposed settlement and the court processes. There has also been a direct mail campaign directed at probable investors. I am advised that over 1.2 million claim packages were mailed to persons around the world. In addition, packages



have been available through the worldwide web site nortelsecuritieslitigation.com on the Internet. Toll-free telephone lines have been set up, and it appears that class counsel and the Claims Administrator have received innumerable calls from potential class members. In short, all reasonable efforts have been made to ensure that potential members of the class have had notice of the proposal and a reasonable opportunity was provided for class members to register their objections, or seek exclusion from the settlement.

Mayo v. Walmart Stores and Sam's Club, No. 5:06 CV-93-R (W.D.Ky.). In the Order Granting Final Approval of Settlement, Judge Thomas B. Russell stated:

According to defendants' database, the Notice was estimated to have reached over 90% of the Settlement Class Members through direct mail. The Settlement Administrator ... has classified the parties' database as 'one of the most reliable and comprehensive databases [she] has worked with for the purposes of legal notice.'... The Court thus reaffirms its findings and conclusions in the Preliminary Approval Order that the form of the Notice and manner of giving notice satisfy the requirements of Fed. R. Civ. P. 23 and affords due process to the Settlement Class Members.

Fishbein v. All Market Inc., (d/b/a **Vita Coco**) No. 11-cv-05580 (S.D.N.Y.). In granting final approval of the settlement, the Honorable J. Paul Oetken stated:

"The Court finds that the dissemination of Class Notice pursuant to the Notice Program...constituted the best practicable notice to Settlement Class Members under the circumstances of this Litigation ... and was reasonable and constituted due, adequate and sufficient notice to all persons entitled to such notice, and fully satisfied the requirements of the Federal Rules of Civil Procedure, including Rules 23(c)(2) and (e), the United States Constitution (including the Due Process Clause), the Rules of this Court, and any other applicable laws."

Lucas, et al. v. Kmart Corp., No. 99-cv-01923 (D.Colo.), wherein the Court recognized Jeanne Finegan as an expert in the design of notice programs, and stated:

The Court finds that the efforts of the parties and the proposed Claims Administrator in this respect go above and beyond the "reasonable efforts" required for identifying individual class members under F.R.C.P. 23(c)(2)(B).

In Re: Johns-Manville Corp. (Statutory Direct Action Settlement, Common Law Direct Action and Hawaii Settlement), No 82-11656, 57, 660, 661, 665-73, 75 and 76 (BRL) (Bankr. S.D.N.Y.). The nearly half-billion dollar settlement incorporated three separate notification programs, which targeted all persons who had asbestos claims whether asserted or unasserted, against the Travelers Indemnity Company. In the Findings of Fact and Conclusions of a Clarifying Order Approving the Settlements, slip op. at 47-48 (Aug. 17, 2004), the Honorable Burton R. Lifland, Chief Justice, stated:

As demonstrated by Findings of Fact (citation omitted), the Statutory Direct Action Settlement notice program was reasonably calculated under all circumstances to apprise the affected individuals of the proceedings and actions taken involving their interests, Mullane v. Cent. Hanover Bank & Trust Co., 339 U.S. 306, 314 (1950), such program did apprise the overwhelming majority of potentially affected claimants and far exceeded the minimum notice required. . . The results simply speak for themselves.

Pigford v. Glickman and U.S. Department of Agriculture, No. 97-1978. 98-1693 (PLF) (D.D.C.).

This matter was the largest civil rights case to settle in the United States in over 40 years. The highly publicized, nationwide paid media program was designed to alert all present and past African-American farmers of the opportunity to recover monetary damages against the U.S. Department of Agriculture for alleged loan discrimination. In his Opinion, the Honorable Paul L. Friedman commended the parties with respect to the notice program, stating;

The parties also exerted extraordinary efforts to reach class members through a massive advertising campaign in general and African American targeted publications and television



stations. . . The Court concludes that class members have received more than adequate notice and have had sufficient opportunity to be heard on the fairness of the proposed Consent Decree.

In Re: Louisiana-Pacific Inner-Seal Siding Litig., Nos. 879-JE, and 1453-JE (D.Or.). Under the terms of the Settlement, three separate notice programs were to be implemented at three-year intervals over a period of six years. In the first notice campaign, Ms. Finegan implemented the print advertising and Internet components of the Notice program. In approving the legal notice communication plan, the Honorable Robert E. Jones stated:

The notice given to the members of the Class fully and accurately informed the Class members of all material elements of the settlement...[through] a broad and extensive multi-media notice campaign.

Additionally, with regard to the third-year notice program for Louisiana-Pacific, the Honorable Richard Unis, Special Master, commented that the notice was:

...well formulated to conform to the definition set by the court as adequate and reasonable notice. Indeed, I believe the record should also reflect the Court's appreciation to Ms. Finegan for all the work she's done, ensuring that noticing was done correctly and professionally, while paying careful attention to overall costs. Her understanding of various notice requirements under Fed. R. Civ. P. 23, helped to insure that the notice given in this case was consistent with the highest standards of compliance with Rule 23(d)(2).

In Re: Expedia Hotel Taxes and Fees Litigation, No. 05-2-02060-1 (SEA) (Sup. Ct. of Wash. in and for King County). In the Order Granting Final Approval of Class Action Settlement, Judge Monica Benton stated:

The Notice of the Settlement given to the Class ... was the best notice practicable under the circumstances. All of these forms of Notice directed Class Members to a Settlement Website providing key Settlement documents including instructions on how Class Members could exclude themselves from the Class, and how they could object to or comment upon the Settlement. The Notice provided due and adequate notice of these proceeding and of the matters set forth in the Agreement to all persons entitled to such notice, and said notice fully satisfied the requirements of CR 23 and due process.

Thomas A. Foster and Linda E. Foster v. ABTco Siding Litigation, No. 95-151-M (Cir. Ct., Choctaw County, Ala.). This litigation focused on past and present owners of structures sided with Abitibi-Price siding. The notice program that Ms. Finegan designed and implemented was national in scope and received the following praise from the Honorable J. Lee McPhearson:

The Court finds that the Notice Program conducted by the Parties provided individual notice to all known Class Members and all Class Members who could be identified through reasonable efforts and constitutes the best notice practicable under the circumstances of this Action. This finding is based on the overwhelming evidence of the adequacy of the notice program. ... The media campaign involved broad national notice through television and print media, regional and local newspapers, and the Internet (see id. ¶¶9-11) The result: over 90 percent of Abitibi and ABTco owners are estimated to have been reached by the direct media and direct mail campaign.

Wilson v. Massachusetts Mut. Life Ins. Co., No. D-101-CV 98-02814 (First Judicial Dist. Ct., County of Santa Fe, N.M.). This was a nationwide notification program that included all persons in the United States who owned, or had owned, a life or disability insurance policy with Massachusetts Mutual Life Insurance Company and had paid additional charges when paying their premium on an installment basis. The class was estimated to exceed 1.6 million individuals. www.insuranceclassclaims.com. In granting preliminary approval to the settlement, the Honorable Art Encinias found:

[T]he Notice Plan [is] the best practicable notice that is reasonably calculated, under the circumstances of the action. ...[and] meets or exceeds all applicable requirements of the law, including Rule 1-023(C)(2) and (3) and 1-023(E), NMRA 2001, and the requirements of federal and/or state constitutional due process and any other applicable law.



Sparks v. AT&T Corp., No. 96-LM-983 (Third Judicial Cir., Madison County, Ill.). The litigation concerned all persons in the United States who leased certain AT&T telephones during the 1980's. Ms. Finegan designed and implemented a nationwide media program designed to target all persons who may have leased telephones during this time period, a class that included a large percentage of the entire population of the United States. In granting final approval to the settlement, the Court found:

The Court further finds that the notice of the proposed settlement was sufficient and furnished Class Members with the information they needed to evaluate whether to participate in or opt out of the proposed settlement. The Court therefore concludes that the notice of the proposed settlement met all requirements required by law, including all Constitutional requirements.

In Re: Georgia-Pacific Toxic Explosion Litig., No. 98 CVC05-3535 (Ct. of Common Pleas, Franklin County, Ohio). Ms. Finegan designed and implemented a regional notice program that included network affiliate television, radio and newspaper. The notice was designed to alert adults living near a Georgia-Pacific plant that they had been exposed to an air-born toxic plume and their rights under the terms of the class action settlement. In the Order and Judgment finally approving the settlement, the Honorable Jennifer L. Bunner stated:

[N]otice of the settlement to the Class was the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The Court finds that such effort exceeded even reasonable effort and that the Notice complies with the requirements of Civ. R. 23(C).

In Re: American Cyanamid, No. CV-97-0581-BH-M (S.D.AI.). The media program targeted Farmers who had purchased crop protection chemicals manufactured by American Cyanamid. In the Final Order and Judgment, the Honorable Charles R. Butler Jr. wrote:

The Court finds that the form and method of notice used to notify the Temporary Settlement Class of the Settlement satisfied the requirements of Fed. R. Civ. P. 23 and due process, constituted the best notice practicable under the circumstances, and constituted due and sufficient notice to all potential members of the Temporary Class Settlement.

In Re: First Alert Smoke Alarm Litig., No. CV-98-C-1546-W (UWC) (N.D.AI.). Ms. Finegan designed and implemented a nationwide legal notice and public information program. The public information program ran over a two-year period to inform those with smoke alarms of the performance characteristics between photoelectric and ionization detection. The media program included network and cable television, magazine and specialty trade publications. In the Findings and Order Preliminarily Certifying the Class for Settlement Purposes, Preliminarily Approving Class Settlement, Appointing Class Counsel, Directing Issuance of Notice to the Class, and Scheduling a Fairness Hearing, the Honorable C.W. Clemon wrote that the notice plan:

...constitutes due, adequate and sufficient notice to all Class Members; and (v) meets or exceeds all applicable requirements of the Federal Rules of Civil Procedure, the United States Constitution (including the Due Process Clause), the Alabama State Constitution, the Rules of the Court, and any other applicable law.

In Re: James Hardie Roofing Litig., No. 00-2-17945-65SEA (Sup. Ct. of Wash., King County). The nationwide legal notice program included advertising on television, in print and on the Internet. The program was designed to reach all persons who own any structure with JHBP roofing products. In the Final Order and Judgment, the Honorable Steven Scott stated:

The notice program required by the Preliminary Order has been fully carried out... [and was] extensive. The notice provided fully and accurately informed the Class Members of all material elements of the proposed Settlement and their opportunity to participate in or be excluded from it; was the best notice practicable under the circumstances; was valid, due and sufficient notice to all Class Members; and complied fully with Civ. R. 23, the United States Constitution, due process, and other applicable law.

Barden v. Hurd Millwork Co. Inc., et al, No. 2:6-cv-00046 (LA) (E.D.Wis.)



"The Court approves, as to form and content, the notice plan and finds that such notice is the best practicable under the circumstances under Federal Rule of Civil Procedure 23(c)(2)(B) and constitutes notice in a reasonable manner under Rule 23(e)(1)."

Altieri v. Reebok, No. 4:10-cv-11977 (FDS) (D.C.Mass.)

"The Court finds that the notices ... constitute the best practicable notice... The Court further finds that all of the notices are written in simple terminology, are readily understandable by Class Members, and comply with the Federal Judicial Center's illustrative class action notices."

Marenco v. Visa Inc., No. CV 10-08022 (DMG) (C.D.Cal.)

"[T]he Court finds that the notice plan... meets the requirements of due process, California law, and other applicable precedent. The Court finds that the proposed notice program is designed to provide the Class with the best notice practicable, under the circumstances of this action, of the pendency of this litigation and of the proposed Settlement's terms, conditions, and procedures, and shall constitute due and sufficient notice to all persons entitled thereto under California law, the United States Constitution, and any other applicable law."

Palmer v. Sprint Solutions, Inc., No. 09-cv-01211 (JLR) (W.D.Wa.)

"The means of notice were reasonable and constitute due, adequate, and sufficient notice to all persons entitled to be provide3d with notice."

In Re: Tyson Foods, Inc., Chicken Raised Without Antibiotics Consumer Litigation, No. 1:08-md-01982 RDB (D. Md. N. Div.)

"The notice, in form, method, and content, fully complied with the requirements of Rule 23 and due process, constituted the best notice practicable under the circumstances, and constituted due and sufficient notice to all persons entitled to notice of the settlement."

Sager v. Inamed Corp. and McGhan Medical Breast Implant Litigation, No. 01043771 (Sup. Ct. Cal., County of Santa Barbara)

"Notice provided was the best practicable under the circumstances."

Deke, et al. v. Cardservice Internat'l, Case No. BC 271679, slip op. at 3 (Sup. Ct. Cal., County of Los Angeles)

"The Class Notice satisfied the requirements of California Rules of Court 1856 and 1859 and due process and constituted the best notice practicable under the circumstances."

Levine, et al. v. Dr. Philip C. McGraw, et al., Case No. BC 312830 (Los Angeles County Super. Ct., Cal.)

"[T]he plan for notice to the Settlement Class ... constitutes the best notice practicable under the circumstances and constituted due and sufficient notice to the members of the Settlement Class ... and satisfies the requirements of California law and federal due process of law."

In re: Canadian Air Cargo Shipping Class Actions, Court File No. 50389CP, Ontario Superior Court of Justice, Supreme Court of British Columbia, Quebec Superior Court

"I am satisfied the proposed form of notice meets the requirements of s. 17(6) of the CPA and the proposed method of notice is appropriate."

Fischer et al v. IG Investment Management, Ltd. et al, Court File No. 06-CV-307599CP, Ontario Superior Court of Justice.

In re: Vivendi Universal, S.A. Securities Litigation, No. 02-cv-5571 (RJH)(HBP) (S.D.N.Y.).

In re: Air Cargo Shipping Services Antitrust Litigation, No. 06-MD-1775 (JG) (VV) (E.D.N.Y.).

Berger, et al., v. Property ID Corporation, et al., No. CV 05-5373-GHK (CWx) (C.D.Cal.).



Lozano v. AT&T Mobility Wireless, No. 02-cv-0090 CAS (AJWx) (C.D.Cal.).

Howard A. Engle, M.D., et al., v. R.J. Reynolds Tobacco Co., Philip Morris, Inc., Brown & Williamson Tobacco Corp., No. 94-08273 CA (22) (11th Judicial Dist. Ct. of Miami-Dade County, Fla.).

In re: Royal Dutch/Shell Transport Securities Litigation, No. 04 Civ. 374 (JAP) (Consolidated Cases) (D. N.J.).

In re: Epson Cartridge Cases, Judicial Council Coordination Proceeding, No. 4347 (Sup. Ct. of Cal., County of Los Angeles).

UAW v. General Motors Corporation, No: 05-73991 (E.D.MI).

Wicon, Inc. v. Cardservice Intern'l, Inc., BC 320215 (Sup. Ct. of Cal., County of Los Angeles).

In re: SmithKline Beecham Clinical Billing Litig., No. CV. No. 97-L-1230 (Third Judicial Cir., Madison County, Ill.).

Ms. Finegan designed and developed a national media and Internet site notification program in connection with the settlement of a nationwide class action concerning billings for clinical laboratory testing services.

MacGregor v. Schering-Plough Corp., No. EC248041 (Sup. Ct. Cal., County of Los Angeles).

This nationwide notification program was designed to reach all persons who had purchased or used an aerosol inhaler manufactured by Schering-Plough. Because no mailing list was available, notice was accomplished entirely through the media program.

In re: Swiss Banks Holocaust Victim Asset Litig., No. CV-96-4849 (E.D.N.Y.).

Ms. Finegan managed the design and implementation of the Internet site on this historic case. The site was developed in 21 native languages. It is a highly secure data gathering tool and information hub, central to the global outreach program of Holocaust survivors.
www.swissbankclaims.com.

In re: Exxon Valdez Oil Spill Litig., No. A89-095-CV (HRH) (Consolidated) (D. Alaska).

Ms. Finegan designed and implemented two media campaigns to notify native Alaskan residents, trade workers, fisherman, and others impacted by the oil spill of the litigation and their rights under the settlement terms.

In re: Johns-Manville Phenolic Foam Litig., No. CV 96-10069 (D. Mass).

The nationwide multi-media legal notice program was designed to reach all Persons who owned any structure, including an industrial building, commercial building, school, condominium, apartment house, home, garage or other type of structure located in the United States or its territories, in which Johns-Manville PFRI was installed, in whole or in part, on top of a metal roof deck.

Bristow v Fleetwood Enters Litig., No Civ 00-0082-S-EJL (D. Id).

Ms. Finegan designed and implemented a legal notice campaign targeting present and former employees of Fleetwood Enterprises, Inc., or its subsidiaries who worked as hourly production workers at Fleetwood's housing, travel trailer, or motor home manufacturing plants. The comprehensive notice campaign included print, radio and television advertising.

In re: New Orleans Tank Car Leakage Fire Litig., No 87-16374 (Civil Dist. Ct., Parish of Orleans, LA) (2000).

This case resulted in one of the largest settlements in U.S. history. This campaign consisted of a media relations and paid advertising program to notify individuals of their rights under the terms of the settlement.



Garria Spencer v. Shell Oil Co., No. CV 94-074(Dist. Ct., Harris County, Tex.).

The nationwide notification program was designed to reach individuals who owned real property or structures in the United States, which contained polybutylene plumbing with acetyl insert or metal insert fittings.

In re: Hurd Millwork Heat Mirror™ Litig., No. CV-772488 (Sup. Ct. of Cal., County of Santa Clara).

This nationwide multi-media notice program was designed to reach class members with failed heat mirror seals on windows and doors, and alert them as to the actions that they needed to take to receive enhanced warranties or window and door replacement.

Laborers Dist. Counsel of Alabama Health and Welfare Fund v. Clinical Lab. Servs., Inc., No. CV-97-C-629-W (N.D. Ala.)

Ms. Finegan designed and developed a national media and Internet site notification program in connection with the settlement of a nationwide class action concerning alleged billing discrepancies for clinical laboratory testing services.

In re: StarLink Corn Prods. Liab. Litig., No. 01-C-1181 (N.D. Ill)

Ms. Finegan designed and implemented a nationwide notification program designed to alert potential class members of the terms of the settlement.

In re: MCI Non-Subscriber Rate Payers Litig., MDL Docket No. 1275, 3:99-cv-01275 (S.D.Ill.).

The advertising and media notice program, found to be "more than adequate" by the Court, was designed with the understanding that the litigation affected all persons or entities who were customers of record for telephone lines presubscribed to MCI/World Com, and were charged the higher non-subscriber rates and surcharges for direct-dialed long distance calls placed on those lines. www.rateclaims.com.

In re: Albertson's Back Pay Litig., No. 97-0159-S-BLW (D.Id.).

Ms. Finegan designed and developed a secure Internet site, where claimants could seek case information confidentially.

In re: Georgia Pacific Hardboard Siding Recovering Program, No. CV-95-3330-RG (Cir. Ct., Mobile County, Ala.)

Ms. Finegan designed and implemented a multi-media legal notice program, which was designed to reach class members with failed G-P siding and alert them of the pending matter. Notice was provided through advertisements, which aired on national cable networks, magazines of nationwide distribution, local newspaper, press releases and trade magazines.

In re: Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Prods. Liab. Litig., Nos. 1203, 99-20593.

Ms. Finegan worked as a consultant to the National Diet Drug Settlement Committee on notification issues. The resulting notice program was described and complimented at length in the Court's Memorandum and Pretrial Order 1415, approving the settlement.

In re: Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Prods. Liab. Litig., 2000 WL 1222042, Nos. 1203, 99-20593 (E.D.Pa. Aug. 28, 2002).

Ms. Finegan designed the Notice programs for multiple state antitrust cases filed against the Microsoft Corporation. In those cases, it was generally alleged that Microsoft unlawfully used anticompetitive means to maintain a monopoly in markets for certain software, and that as a result, it overcharged consumers who licensed its MS-DOS, Windows, Word, Excel and Office software. The multiple legal notice programs designed by Jeanne Finegan and listed below targeted both individual users and business users of this software. The scientifically designed notice programs took into consideration both media usage habits and demographic characteristics of the targeted class members.



In re: Florida Microsoft Antitrust Litig. Settlement, No. 99-27340 CA 11 (11th Judicial Dist. Ct. of Miami-Dade County, Fla.).

In re: Montana Microsoft Antitrust Litig. Settlement, No. DCV 2000 219 (First Judicial Dist. Ct., Lewis & Clark Co., Mt.).

In re: South Dakota Microsoft Antitrust Litig. Settlement, No. 00-235(Sixth Judicial Cir., County of Hughes, S.D.).

In re: Kansas Microsoft Antitrust Litig. Settlement, No. 99C17089 Division No. 15 Consolidated Cases (Dist. Ct., Johnson County, Kan.)

"The Class Notice provided was the best notice practicable under the circumstances and fully complied in all respects with the requirements of due process and of the Kansas State. Annot. §60-22.3."

In re: North Carolina Microsoft Antitrust Litig. Settlement, No. 00-CvS-4073 (Wake) 00-CvS-1246 (Lincoln) (General Court of Justice Sup. Ct., Wake and Lincoln Counties, N.C.).

In re: ABS II Pipes Litig., No. 3126 (Sup. Ct. of Cal., Contra Costa County).

The Court approved regional notification program designed to alert those individuals who owned structures with the pipe that they were eligible to recover the cost of replacing the pipe.

In re: Avenue A Inc. Internet Privacy Litig., No: C00-1964C (W.D. Wash.).

In re: Lorazepam and Clorazepate Antitrust Litig., No. 1290 (TFH) (D.C.C.).

In re: Providian Fin. Corp. ERISA Litig., No C-01-5027 (N.D. Cal.).

In re: H & R Block., et al Tax Refund Litig., No. 97195023/CC4111 (MD Cir. Ct., Baltimore City).

In re: American Premier Underwriters, Inc, U.S. Railroad Vest Corp., No. 06C01-9912 (Cir. Ct., Boone County, Ind.).

In re: Sprint Corp. Optical Fiber Litig., No: 9907 CV 284 (Dist. Ct., Leavenworth County, Kan).

In re: Shelter Mutual Ins. Co. Litig., No. CJ-2002-263 (Dist.Ct., Canadian County. Ok).

In re: Conseco, Inc. Sec. Litig., No: IP-00-0585-C Y/S CA (S.D. Ind.).

In re: Nat'l Treasury Employees Union, et al., 54 Fed. Cl. 791 (2002).

In re: City of Miami Parking Litig., Nos. 99-21456 CA-10, 99-23765 – CA-10 (11th Judicial Dist. Ct. of Miami-Dade County, Fla.).

In re: Prime Co. Incorporated D/B/A/ Prime Co. Personal Comm., No. L 1:01CV658 (E.D. Tx.).

Alsea Veneer v. State of Oregon A.A., No. 88C-11289-88C-11300.

INTERNATIONAL EXPERIENCE

In re Purdue Pharma L.P., No. 19-23649 (Bankr. S.D.N.Y. 2019).

Imerys Talc America, Inc. No. 19-10289 Bankr. D.Del 20201

Bell v. Canadian Imperial Bank of Commerce, et al, Court File No.: CV-08-359335 (Ontario Superior Court of Justice); (2016).

In re: Canadian Air Cargo Shipping Class Actions (Ontario Superior Court of Justice, Court File No. 50389CP, Supreme Court of British Columbia.

In re: Canadian Air Cargo Shipping Class Actions (Québec Superior Court).

Fischer v. IG Investment Management LTD., No. 06-CV-307599CP (Ontario Superior Court of Justice).

In Re Nortel I & II Securities Litigation, Civil Action No. 01-CV-1855 (RMB), Master File No. 05 MD 1659 (LAP) (S.D.N.Y. 2006).

Frohlinger v. Nortel Networks Corporation et al., Court File No.: 02-CL-4605 (Ontario Superior Court of Justice).

Association de Protection des Épargnants et Investisseurs du Québec v. Corporation Nortel Networks, No.: 500-06-0002316-017 (Superior Court of Québec).

Jeffery v. Nortel Networks Corporation et al., Court File No.: S015159 (Supreme Court of British Columbia).

Gallardi v. Nortel Networks Corporation, No. 05-CV-285606CP (Ontario Superior Court).

Skarstedt v. Corporation Nortel Networks, No. 500-06-000277-059 (Superior Court of Québec).

SEC ENFORCEMENT NOTICE PROGRAM EXPERIENCE

SEC v. Vivendi Universal, S.A., et al., Case No. 02 Civ. 5571 (RJH) (HBP) (S.D.N.Y.).
The Notice program included publication in 11 different countries and eight different languages.

SEC v. Royal Dutch Petroleum Company, No.04-3359 (S.D. Tex.)

FEDERAL TRADE COMMISSION NOTICE PROGRAM EXPERIENCE

FTC v. TracFone Wireless, Inc., Case No. 15-cv-00392-EMC.

FTC v. Skechers U.S.A., Inc., No. 1:12-cv-01214-JG (N.D. Ohio).

FTC v. Reebok International Ltd., No. 11-cv-02046 (N.D. Ohio)

FTC v. Chanery and RTC Research and Development LLC [Nutraquest], No :05-cv-03460 (D.N.J.)

BANKRUPTCY EXPERIENCE



Ms. Finegan has designed and implemented hundreds of domestic and international bankruptcy notice programs. A sample case list includes the following:

In Re: PG&E Corporation Case No. 19-30088 Bankr. N.D. Cal. 2019). Hearing Establishing, Deadline for Filing Proofs of Claim, (II) establishing the Form and Manner of Notice Thereof, and (III) Approving Procedures for Providing Notice of Bar Date and Other Information to all Creditors and Potential Creditors PG&E. *June 26, 2019, Transcript of Hearing p. 21:1*, the Honorable Dennis Montali stated:
...the technology and the thought that goes into all these plans is almost incomprehensible. He further stated, p. 201:20 ... Ms. Finegan has really impressed me today...

Imerys Talc America, Inc. No. 19-10289 Bankr. D.Del 20201.

In re AMR Corporation [American Airlines], et al., No. 11-15463 (SHL) (Bankr. S.D.N.Y.)
"due and proper notice [was] provided, and ... no other or further notice need be provided."

In re Jackson Hewitt Tax Service Inc., et al., No 11-11587 (Bankr. D.Del.) (2011).
The debtors sought to provide notice of their filing as well as the hearing to approve their disclosure statement and confirm their plan to a large group of current and former customers, many of whom current and viable addresses promised to be a difficult (if not impossible) and costly undertaking. The court approved a publication notice program designed and implemented by Finegan and the administrator, that included more than 350 local newspaper and television websites, two national online networks (24/7 Real Media, Inc. and Microsoft Media Network), a website notice linked to a press release and notice on eight major websites, including CNN and Yahoo. These online efforts supplemented the print publication and direct-mail notice provided to known claimants and their attorneys, as well as to the state attorneys general of all 50 states. The *Jackson Hewitt* notice program constituted one of the first large chapter 11 cases to incorporate online advertising.

In re: Nutraquest Inc., No. 03-44147 (Bankr. D.N.J.)

In re: General Motors Corp. et al, No. 09-50026 (Bankr. S.D.N.Y.)
This case is the 4th largest bankruptcy in U.S. history. Ms. Finegan and her team worked with General Motors restructuring attorneys to design and implement the legal notice program.

In re: ACandS, Inc., No. 0212687 (Bankr. D.Del.) (2007)
"Adequate notice of the Motion and of the hearing on the Motion was given."

In re: United Airlines, No. 02-B-48191 (Bankr. N.D Ill.)
Ms. Finegan worked with United and its restructuring attorneys to design and implement global legal notice programs. The notice was published in 11 countries and translated into 6 languages. Ms. Finegan worked closely with legal counsel and UAL's advertising team to select the appropriate media and to negotiate the most favorable advertising rates. www.pd-ual.com.

In re: Enron, No. 01-16034 (Bankr. S.D.N.Y.)
Ms. Finegan worked with Enron and its restructuring attorneys to publish various legal notices.

In re: Dow Corning, No. 95-20512 (Bankr. E.D. Mich.)
Ms. Finegan originally designed the information website. This Internet site is a major information hub that has various forms in 15 languages.

In re: Harnischfeger Inds., No. 99-2171 (RJW) Jointly Administered (Bankr. D. Del.)
Ms. Finegan designed and implemented 6 domestic and international notice programs for this case. The notice was translated into 14 different languages and published in 16 countries.

In re: Keene Corp., No. 93B 46090 (SMB), (Bankr. E.D. MO.)



Ms. Finegan designed and implemented multiple domestic bankruptcy notice programs including notice on the plan of reorganization directed to all creditors and all Class 4 asbestos-related claimants and counsel.

In re: Lamonts, No. 00-00045 (Bankr. W.D. Wash.)

Ms. Finegan designed and implemented multiple bankruptcy notice programs.

In re: Monet Group Holdings, Nos. 00-1936 (MFW) (Bankr. D. Del.)

Ms. Finegan designed and implemented a bar date notice.

In re: Laclede Steel Co., No. 98-53121-399 (Bankr. E.D. MO.)

Ms. Finegan designed and implemented multiple bankruptcy notice programs.

In re: Columbia Gas Transmission Corp., No. 91-804 (Bankr. S.D.N.Y.)

Ms. Finegan developed multiple nationwide legal notice notification programs for this case.

In re: U.S.H. Corp. of New York, et al. (Bankr. S.D.N.Y.)

Ms. Finegan designed and implemented a bar date advertising notification campaign.

In re: Best Prods. Co., Inc., No. 96-35267-T, (Bankr. E.D. Va.)

Ms. Finegan implemented a national legal notice program that included multiple advertising campaigns for notice of sale, bar date, disclosure and plan confirmation.

In re: Lodgian, Inc., et al., No. 16345 (BRL) Factory Card Outlet – 99-685 (JCA), 99-686 (JCA) (Bankr. S.D.N.Y.).

In re: Internat'l Total Servs, Inc., et al., Nos. 01-21812, 01-21818, 01-21820, 01-21882, 01-21824, 01-21826, 01-21827 (CD) Under Case No: 01-21812 (Bankr. E.D.N.Y.).

In re: Decora Inds., Inc. and Decora, Incorp., Nos. 00-4459 and 00-4460 (JJF) (Bankr. D. Del.).

In re: Genesis Health Ventures, Inc., et al., No. 002692 (PJW) (Bankr. D. Del.).

In re: Tel. Warehouse, Inc., et al., No. 00-2105 through 00-2110 (MFW) (Bankr. D. Del.).

In re: United Cos. Fin. Corp., et al., No. 99-450 (MFW) through 99-461 (MFW) (Bankr. D. Del.).

In re: Caldor, Inc. New York, The Caldor Corp., Caldor, Inc. CT, et al., No. 95-B44080 (JLG) (Bankr. S.D.N.Y.).

In re: Physicians Health Corp., et al., No. 00-4482 (MFW) (Bankr. D. Del.).

In re: GC Cos., et al., Nos. 00-3897 through 00-3927 (MFW) (Bankr. D. Del.).

In re: Heilig-Meyers Co., et al., Nos. 00-34533 through 00-34538 (Bankr. E.D. Va.).

MASS TORT EXPERIENCE AND PRODUCT RECALL

In Re: PG&E Corporation Case No. 19-30088 Bankr. N.D. Cal. 2019).

In re Purdue Pharma L.P., No. 19-23649 (Bankr. S.D.N.Y. 2019).

Imerys Talc America, Inc. No. 19-10289 Bankr. D.Del 2021.



Reser's Fine Foods. Reser's is a nationally distributed brand and manufacturer of food products through giants such as Albertsons, Costco, Food Lion, WinnDixie, Ingles, Safeway and Walmart. Ms. Finegan designed an enterprise-wide crisis communication plan that included communications objectives, crisis team roles and responsibilities, crisis response procedures, regulatory protocols, definitions of incidents that require various levels of notice, target audiences, and threat assessment protocols. Ms. Finegan worked with the company through two nationwide, high profile recalls, conducting extensive media relations efforts.

Gulf Coast Claims Facility Notice Campaign. Finegan coordinated a massive outreach effort throughout the Gulf Coast region to notify those who have claims as a result of damages caused by the Deep Water Horizon Oil spill. The notice campaign included extensive advertising in newspapers throughout the region, Internet notice through local newspaper, television and radio websites and media relations. The Gulf Coast Claims Facility (GCCF) was an independent claims facility, funded by BP, for the resolution of claims by individuals and businesses for damages incurred as a result of the oil discharges due to the Deepwater Horizon incident on April 20, 2010.

City of New Orleans Tax Revisions, Post-Hurricane Katrina. In 2007, the City of New Orleans revised property tax assessments for property owners. As part of this process, it received numerous appeals to the assessments. An administration firm served as liaison between the city and property owners, coordinating the hearing schedule and providing important information to property owners on the status of their appeal. Central to this effort was the comprehensive outreach program designed by Ms. Finegan, which included a website and a heavy schedule of television, radio and newspaper advertising, along with the coordination of key news interviews about the project picked up by local media.

ARTICLES/ SOCIAL MEDIA

Interview, "How Marketers Achieve Greater ROI Through Digital Assurance," Alliance for Audited Media ("AAM"), white paper, January 2021.

Tweet Chat: Contributing Panelist *#Law360SocialChat*, A live Tweet workshop concerning the benefits and pit-falls of social media, Lextalk.com, November 7, 2019.

Author, "Top Class Settlement Admin Factors to Consider in 2020" Law360, New York, (October 31, 2019, 5:44 PM ET).

Author, "Creating a Class Notice Program that Satisfies Due Process" Law360, New York, (February 13, 2018 12:58 PM ET).

Author, "3 Considerations for Class Action Notice Brand Safety" Law360, New York, (October 2, 2017 12:24 PM ET).

Author, "What Would Class Action Reform Mean for Notice?" Law360, New York, (April 13, 2017 11:50 AM ET).

Author, "Bots Can Silently Steal your Due Process Notice." Wisconsin Law Journal, April 2017.

Author, "*Don't Turn a Blind Eye to Bots*. Ad Fraud and Bots are a Reality of the Digital Environment." LinkedIn article March 6, 2107.

Co-Author, "Modern Notice Requirements Through the Lens of *Eisen* and *Mullane*" – Bloomberg - BNA Class Action Litigation Report, 17 CLASS 1077, (October 14, 2016).



Author, "Think All Internet Impressions Are The Same? Think Again" – Law360.com, New York (March 16, 2016, 3:39 ET).

Author, "Why Class Members Should See an Online Ad More Than Once" – Law360.com, New York, (December 3, 2015, 2:52 PM ET).

Author, 'Being 'Media-Relevant' — What It Means and Why It Matters - Law360.com, New York (September 11, 2013, 2:50 PM ET).

Co-Author, "New Media Creates New Expectations for Bankruptcy Notice Programs," ABI Journal, Vol. XXX, No 9, (November 2011).

Quoted Expert, "Effective Class Action Notice Promotes Access to Justice: Insight from a New U.S. Federal Judicial Center Checklist," Canadian Supreme Court Law Review, (2011), 53 S.C.L.R. (2d).

Co-Author, with Hon. Dickran Tevrizian – "Expert Opinion: It's More Than Just a Report...Why Qualified Legal Experts Are Needed to Navigate the Changing Media Landscape," BNA Class Action Litigation Report, 12 CLASS 464, May 27, 2011.

Co-Author, with Hon. Dickran Tevrizian, Your Insight, "Expert Opinion: It's More Than Just a Report -Why Qualified Legal Experts Are Needed to Navigate the Changing Media Landscape," ¹¹_{SEP} TXLR, Vol. 26, No. 21, May 26, 2011.

Quoted Expert, "Analysis of the FJC's 2010 Judges' Class Action Notice and Claims Process Checklist and Guide: A New Roadmap to Adequate Notice and Beyond," BNA Class Action Litigation Report, 12 CLASS 165, February 25, 2011.

Author, Five Key Considerations for a Successful International Notice Program, BNA Class Action Litigation Report, April, 9, 2010 Vol. 11, No. 7 p. 343.

Quoted Expert, "Communication Technology Trends Pose Novel Notification Issues for Class Litigators," BNA Electronic Commerce and Law, 15 ECLR 109 January 27, 2010.

Author, "Legal Notice: R U ready 2 adapt?" BNA Class Action Report, Vol. 10 Class 702, July 24, 2009.

Author, "On Demand Media Could Change the Future of Best Practicable Notice," BNA Class Action Litigation Report, Vol. 9, No. 7, April 11, 2008, pp. 307-310.

Quoted Expert, "Warranty Conference: Globalization of Warranty and Legal Aspects of Extended Warranty," Warranty Week, warrantyweek.com/archive/ww20070228.html/ February 28, 2007.

Co-Author, "Approaches to Notice in State Court Class Actions," For The Defense, Vol. 45, No. 11, November, 2003.

Citation, "Recall Effectiveness Research: A Review and Summary of the Literature on Consumer Motivation and Behavior," U.S. Consumer Product Safety Commission, CPSC-F-02-1391, p.10, Heiden Associates, July 2003.

Author, "The Web Offers Near, Real-Time Cost Efficient Notice," American Bankruptcy Institute, ABI Journal, Vol. XXII, No. 5., 2003.

Author, "Determining Adequate Notice in Rule 23 Actions," For The Defense, Vol. 44, No. 9 September, 2002.

Author, "Legal Notice, What You Need to Know and Why," Monograph, July 2002.



Co-Author, "The Electronic Nature of Legal Noticing," The American Bankruptcy Institute Journal, Vol. XXI, No. 3, April 2002.

Author, "Three Important Mantras for CEO's and Risk Managers," - International Risk Management Institute, irmi.com, January 2002.

Co-Author, "Used the Bat Signal Lately," The National Law Journal, Special Litigation Section, February 19, 2001.

Author, "How Much is Enough Notice," Dispute Resolution Alert, Vol. 1, No. 6. March 2001.

Author, "Monitoring the Internet Buzz," The Risk Report, Vol. XXIII, No. 5, Jan. 2001.

Author, "High-Profile Product Recalls Need More Than the Bat Signal," - International Risk Management Institute, irmi.com, July 2001.

Co-Author, "Do You Know What 100 Million People are Buzzing About Today?" Risk and Insurance Management, March 2001.

Quoted Article, "Keep Up with Class Action," Kentucky Courier Journal, March 13, 2000.

Author, "The Great Debate - How Much is Enough Legal Notice?" American Bar Association – Class Actions and Derivatives Suits Newsletter, winter edition 1999.

SPEAKER/EXPERT PANELIST/PRESENTER

Chief Litigation Counsel Association (CLCA)	Speaker, "Four Factors Impacting the Cost of Your Class Action Settlement and Notice," Houston TX, May 1, 2019
CLE Webinar	"Rule 23 Changes to Notice, Are You Ready for the Digital Wild, Wild West?" October 23, 2018, https://bit.ly/2RIRvZq
American Bar Assn.	Faculty Panelist, 4 th Annual Western Regional CLE Class Actions, "Big Brother, Information Privacy, and Class Actions: How Big Data and Social Media are Changing the Class Action Landscape" San Francisco, CA June, 2018.
Miami Law Class Action Faculty & Complex Litigation Forum	Panelist, "Settlement and Resolution of Class Actions," Miami, FL December 2, 2016.
The Knowledge Group	Faculty Panelist, "Class Action Settlements: Hot Topics 2016 and Beyond," Live Webcast, www.theknowledgegroup.org , October 2016.
ABA National Symposium	Faculty Panelist, "Ethical Considerations in Settling Class Actions," New Orleans, LA, March 2016.
S.F. Banking Attorney Assn.	Speaker, "How a Class Action Notice can Make or Break your Client's Settlement," San Francisco, CA, May 2015.
Perrin Class Action Conf.	Faculty Panelist, "Being Media Relevant, What It Means and Why It Matters – The Social Media Evolution: Trends, Challenges and Opportunities," Chicago, IL May 2015.
Bridgeport Continuing Ed.	Speaker, Webinar "Media Relevant in the Class Notice Context." July, 2014.



Bridgeport Continuing Ed.	Faculty Panelist, "Media Relevant in the Class Notice Context." Los Angeles, California, April 2014.
CASD 5 th Annual	Speaker, "The Impact of Social Media on Class Action Notice." Consumer Attorneys of San Diego Class Action Symposium, San Diego, California, September 2012.
Law Seminars International	Speaker, "Class Action Notice: Rules and Statutes Governing FRCP (b)(3) Best Practicable... What constitutes a best practicable notice? What practitioners and courts should expect in the new era of online and social media." Chicago, IL, October 2011. *Voted by attendees as one of the best presentations given.
CASD 4 th Annual	Faculty Panelist, "Reasonable Notice - Insight for practitioners on the FJC's <i>Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide</i> . Consumer Attorneys of San Diego Class Action Symposium, San Diego, California, October 2011.
CLE International	Faculty Panelist, Building a Workable Settlement Structure, CLE International, San Francisco, California May, 2011.
CASD	Faculty Panelist, "21 st Century Class Notice and Outreach." 3 rd Annual Class Action Symposium CASD Symposium, San Diego, California, October 2010.
CASD	Faculty Panelist, "The Future of Notice." 2 nd Annual Class Action Symposium CASD Symposium, San Diego California, October 2009.
American Bar Association	Speaker, 2008 Annual Meeting, "Practical Advice for Class Action Settlements: The Future of Notice In the United States and Internationally – Meeting the Best Practicable Standard." Section of Business Law Business and Corporate Litigation Committee – Class and Derivative Actions Subcommittee, New York, NY, August 2008.
Women Lawyers Assn.	Faculty Panelist, Women Lawyers Association of Los Angeles "The Anatomy of a Class Action." Los Angeles, CA, February, 2008.
Warranty Chain Mgmt.	Faculty Panelist, Presentation Product Recall Simulation. Tampa, Florida, March 2007.
Practicing Law Institute.	Faculty Panelist, CLE Presentation, 11 th Annual Consumer Financial Services Litigation. Presentation: Class Action Settlement Structures – Evolving Notice Standards in the Internet Age. New York/Boston (simulcast), NY March 2006; Chicago, IL April 2006 and San Francisco, CA, May 2006.
U.S. Consumer Product Safety Commission	Ms. Finegan participated as an invited expert panelist to the CPSC to discuss ways in which the CPSC could enhance and measure the recall process. As a panelist, Ms Finegan discussed how the CPSC could better motivate consumers to take action on recalls and how companies could scientifically measure and defend their outreach efforts. Bethesda, MD, September 2003.



Weil, Gotshal & Manges	Presenter, CLE presentation, "A Scientific Approach to Legal Notice Communication." New York, June 2003.
Sidley & Austin	Presenter, CLE presentation, "A Scientific Approach to Legal Notice Communication." Los Angeles, May 2003.
Kirkland & Ellis	Speaker to restructuring group addressing "The Best Practicable Methods to Give Notice in a Tort Bankruptcy." Chicago, April 2002.
Georgetown University Law	Faculty, CLE White Paper: "What are the best practicable methods to Center Mass Tort Litigation give notice? Dispelling the communications myth – A notice Institute disseminated is a notice communicated," Mass Tort Litigation Institute. Washington D.C.
American Bar Association	Presenter, "How to Bullet-Proof Notice Programs and What Communication Barriers Present Due Process Concerns in Legal Notice," ABA Litigation Section Committee on Class Actions & Derivative Suits. Chicago, IL, August 6, 2001.
McCutchin, Doyle, Brown	Speaker to litigation group in San Francisco and simulcast to four other McCutchin locations, addressing the definition of effective notice and barriers to communication that affect due process in legal notice. San Francisco, CA, June 2001.
Marylhurst University	Guest lecturer on public relations research methods. Portland, OR, February 2001.
University of Oregon	Guest speaker to MBA candidates on quantitative and qualitative research for marketing and communications programs. Portland, OR, May 2001.
Judicial Arbitration & Mediation Services (JAMS)	Speaker on the definition of effective notice. San Francisco and Los Angeles, CA, June 2000.
International Risk Management Institute	Past Expert Commentator on Crisis and Litigation Communications. www.irmi.com .
The American Bankruptcy Institute Journal (ABI)	Past Contributing Editor – Beyond the Quill. www.abi.org .

BACKGROUND

Ms. Finegan's past experience includes working in senior management for leading Class Action Administration firms including The Garden City Group (GCG) and Poorman-Douglas Corp., (EPIQ). Ms. Finegan co-founded Huntington Advertising, a nationally recognized leader in legal notice communications. After Fleet Bank purchased her firm in 1997, she grew the company into one of the nation's leading legal notice communication agencies.

Prior to that, Ms. Finegan spearheaded Huntington Communications, (an Internet development company) and The Huntington Group, Inc., (a public relations firm). As a partner and consultant, she has worked on a wide variety of client marketing, research, advertising, public relations and Internet programs. During her tenure at the Huntington Group, client projects included advertising (media planning and buying), shareholder meetings, direct mail, public relations (planning, financial communications) and community outreach programs. Her past client list includes large public and privately held companies: Code-A-Phone Corp., Thrifty-Payless Drug Stores, Hyster-Yale, The Portland Winter Hawks Hockey Team, U.S. National Bank, U.S. Trust Company, Morley Capital Management, and Durametal Corporation.



Prior to Huntington Advertising, Ms. Finegan worked as a consultant and public relations specialist for a West Coast-based Management and Public Relations Consulting firm.

Additionally, Ms. Finegan has experience in news and public affairs. Her professional background includes being a reporter, anchor and public affairs director for KWJJ/KJIB radio in Portland, Oregon, as well as reporter covering state government for KBZY radio in Salem, Oregon. Ms. Finegan worked as an assistant television program/promotion manager for KPDX directing \$50 million in programming. She was also the program/promotion manager at KECH-22 television.

Ms. Finegan's multi-level communication background gives her a thorough, hands-on understanding of media, the communication process, and how it relates to creating effective and efficient legal notice campaigns.

MEMBERSHIPS, PROFESSIONAL CREDENTIALS

APR Accredited. Universal Board of Accreditation Public Relations Society of America

- **Member of the Public Relations Society of America**
- **Member Canadian Public Relations Society**

Board of Directors - Alliance for Audited Media

Alliance for Audited Media ("AAM") is the recognized leader in cross-media verification. It was founded in 1914 as the Audit Bureau of Circulations (ABC) to bring order and transparency to the media industry. Today, more than 4,000 publishers, advertisers, agencies and technology vendors depend on its data-driven insights, technology certification audits and information services to transact with trust.

SOCIAL MEDIA

LinkedIn: www.linkedin.com/in/jeanne-finegan-apr-7112341b

Exhibit 2



Class Action Settlement and Notice Administration Services

www.krollbusinessservices.com

Company Profile

Kroll Settlement Administration is the leader in cutting-edge technology and consulting services for class action, mass tort, regulatory remediation and government claims administration. As a part of Kroll Business Services, we offer the most comprehensive administrative services in the industry. We have nearly 5,000 professionals in 30 countries around the world and provide our clients with world class IT, cybersecurity, and global notification and administration capabilities for complex legal settlements including consumer, antitrust, securities, data breach, and mass tort matters.

By combining Kroll's best-in-class technology, security, and global resources with our team's 50+ years of legal administration expertise, we offer unmatched solutions and capacity for even the most complex settlements anywhere in the world. Our team provides clients with consultative, white-glove service and comprehensive thought leadership. Our processes are time tested and designed for efficiency and accuracy, and our cutting-edge proprietary technology platforms are unlike anything else available today.

- ✓ More than 50 years in business
- ✓ Industry-leading technology platform
- ✓ 24/7 capability
- ✓ Onsite IT professionals
- ✓ Nationally recognized media team
- ✓ In-house tax experts
- ✓ Efficient and cost-effective solutions

We provide clients with the practical knowledge needed throughout the administration process to proactively anticipate potential risks before they occur and recommend proven solutions to protect the interests of all stakeholders.

Kroll Notice Media, our in-house nationally recognized media team, develops campaigns that are custom-designed to reach and motivate difficult-to-find audiences. Our campaigns are successful because we believe that all media is interconnected in the eyes of the consumer. We understand how to best weave analytics and behavioral insights together to reach intended audiences. Importantly, our campaigns are actively managed to ensure optimal results no matter the complexity, scale, or time constraints.

Kroll Settlement Administration Core Services

- Pre-settlement consultation services
- Notice media campaigns
- Website and database design and management
- Advanced reporting and transparency
- Strategic communications and global contact center
- Claims processing and analysis
- Settlement fund management and distribution services
- Tax and treasury services
- Special master capabilities

Why Choose Kroll Settlement Administration?

Our class action team has decades of experience administering class action settlements of all types and sizes.



**Managed More than
4,000 Settlements**



**Processed over 100
Million Claims**



**\$30 Billion-plus
in Distributions**



**Issued Over 1
Billion Notices**

- **The most experienced claims administration team in the industry.**
We've processed millions of claims, mailed tens of millions of notices, expedited hundreds of thousands of calls and distributed billions of dollars in compensation to class members worldwide. This experience, coupled with our state-of-the-art technology and superior data security, enables us to deliver a full-service class action notice and administration solution that drives efficiency, speed in delivery, accuracy, quality control, transparency, and cost savings.
- **State-of-the-art technology for even the most complex class action cases.**
Our advanced technology is what sets us apart from our competitors. We've built the most secure, accurate, reliable, and efficient technology platforms to enable us to deliver the highest-quality results across our global services. Our best-in-class technology platforms are designed by experienced professionals using the latest database architecture, software development languages and website frameworks. For this reason, clients choose us when millions of dollars and reputations are on the line.
- **Recognized leader in media planning for class action, product recall and crisis outreach.**
Kroll Notice Media is unique among other legal media teams in that our strategists and tacticians have many years of collective experience across all media silos: print (newspaper and magazine), digital (online, display, video, OTT) social media, influencers, public relations, media monitoring, community management and content development. Additionally, we pay close attention to brand safety, reputation and anti-fraud mitigation while ensuring the highest quality notice placement, response, and engagement.
- **Originator of industry-wide claims procedures with a proven track record.**
Kroll Settlement Administration was the pioneer for administering class action settlements in the mid-1960's when demand for these services first emerged. Today, our team continues to hone its processes, that are tried and proven and used industry-wide, to further advance class action administration. Our leadership team remains at the forefront of the class action space by actively participating in panels and thought leadership initiatives, by serving on committees to help write and refine the rules, and by testifying in the Courts.

Data Security

As a member of the Kroll companies, we are global leaders in data security and cyber risk management. Nothing is more important than protecting the confidentiality, availability and integrity of customer data while meeting or exceeding all regulatory requirements for the protection and handling of that data. We have taken technical, physical, and procedural safeguards to deal with a variety of threats while consistently monitoring and reviewing our network and premises to protect our platform and clients from yet-to-be-discovered attack techniques. Our comprehensive information security program includes vulnerability management, incident response, compliance, security monitoring and security engineering supported by a dedicated team of information security professionals.

30+ types
of Industry
Certifications

Awarded
**Best Data
Security**
Provider

**HIPAA and
GDPR**
compliant

Authorized U.S.
government
service provider

TIA Tier IV
Classification
datacenter

24x7x365
endpoint
security
monitoring

Our comprehensive information security program includes vulnerability management, incident response, compliance, security monitoring and security engineering supported by a dedicated team of information security professionals. More recently, we achieved **ISO 27001 certification** in recognition of our superior information security program. ISO 27001 is the most widely recognized global standard for information security. To be awarded this certification, companies undergo a rigorous third-party assessment of their information security management systems and business processes.

Kroll also received its **SOC2 Type II System and Organization Controls Report** of its computing infrastructure and facilities service system. The SOC2 audit validates that a service organization's information security practices meet the AICPA's industry standards, and Kroll's audit tested the company's non-financial reporting controls related to security. The Kroll SOC2 report verifies the suitability of the design and operating effectiveness of the company's controls to meet the standards for the security criteria.

- Supported full-time by professional information security team with over 30 types of industry certifications
- Fully redundant environmental systems with business continuity plans and enterprise class redundant storage
- Full disk encryption with a 256-bit key
- Regularly conduct penetration testing and ensure multiple layers of defense on our endpoints, including anti-virus, application whitelisting as well as incident response and advance persistent threat tools
- Global formal and informal training for all employees in best practices and corporate policies

Sample Experience

For more experience and a wider view of the areas in which we practice, please visit www.krollbusinessservices.com

- *Yahoo! Inc. Customer Data Security Breach Litigation Settlement*, No. 5:16md02752, United States District Court Northern District of California
- *Roadrunner Transportation Systems, Inc. Securities Litigation*, No. 17cv144, United States District Court for the Northern District of Illinois
- *Doe One et al. v. CVS Health Corporation et al.*, No. 2:18cv238, United States District Court of Southern Ohio
- *Hutton v. National Board of Examiners in Optometry, Inc.*, No. 1:16cv03025, United States District Court for the District of Maryland
- *Canada Dry Ginger Ale Settlements*, Circuit Court of the City of St. Louis, State of Missouri, No.1822-CC11811 and United States District Court, Northern District of California, No. 5:17cv00564
- *Kumar v. Salov North America Corp.*, No. 4:14cv02411, United States District Court for the Northern District of California - Oakland Division
- *Blue Buffalo Co. Ltd. Marketing and Sales Practices Litigation*, 4:14md2562, United States District Court for the Eastern District of Missouri - Eastern Division
- *Carter v. Forjas Taurus, S.A. et al.*, No. 1:13cv24583, United States District Court for the District of Southern Florida
- *Murray v. Bill Me Later*, No. 12cv04789, in the United States District Court for the Northern District of Illinois, Eastern Division
- *Zoey Bloom v. Jenny Craig Inc.*, No. 1:18cv21820, United States District Court Southern District of Florida
- *Cabiness v. Educational Financial Solutions, LLC d/b/a Campus Debt Solutions, et al.*, No. 3:16cv01109, United States District Court for the Northern District of California
- *In Re: Currency Conversion Fee Antitrust Litigation*, MDL No. 1409 M 21-95, United States District Court for the Southern District of New York
- *In Re: Packaged Seafood Products Antitrust Litigation*, MDL No. 2670, United States District Court for the Southern District of California
- *In Re: Dental Supplies Antitrust Litigation*, No. 1:16cv00696, United States District Court for the Eastern District of New York
- *Columbia Gas Explosion Litigation*, Civil Action No. 1877cv01343G
- *Cook et al. v. Rockwell International Corp. and The Dow Chemical Co.*, No. 90cv0018, United States District Court for the District of Colorado

Exhibit A

Packaged Seafood Products Antitrust Litigation
c/o Kroll Settlement Administration
PO Box 8267
Philadelphia, PA 19101-8267

FIRST CLASS MAIL
U.S. POSTAGE PAID CITY, ST
PERMIT NO. XXXX

Register Online Now!

**Did You Purchase Packaged Tuna
Products in containers 40 oz or more from
Costco, DOT Foods, Sysco, US Foods,
Sam's Club, or Wal-Mart between June 1,
2011 through December 31, 2016.**

You may be Eligible for Payment

www.PackagedSeafoodAntitrustCFPClass.com

<<Barcode>> Settlement ID:
<<Refnum>>

<<FirstName>> <<LastName>>
<<Address>>
<<Address2>>

[BARCODE AREA]

We have records showing that you or your company purchased Foodservice-Size Packaged Tuna Products (40-ounces or larger) from DOT Foods, Sysco, US Foods, Sam's Club, Wal-Mart, or Costco and may be affected by a class action settlement.

What is this about? The lawsuit, in re: Packaged Seafood Products Antitrust Litigation, No. 15-2670 (S.D. Cal.), alleges that Defendants Tri-Union Seafoods, LLC d/b/a Chicken of the Sea International and Thai Union Group PCL ("COSI Defendants") along with defendants Bumble Bee Foods, LLC, StarKist Company, and certain related parent entities of Bumble Bee and StarKist ("Defendants") conspired to fix, raise, and maintain the price of Packaged Tuna Products that resulted in purchasers paying more.

You have been identified as someone who is potentially eligible for recovery as a Commercial Food Preparer ("CFP") Settlement Class Member ("SCM"). The COSI Defendants deny any wrongdoing but have agreed to a Settlement with the CFP Class to avoid the time and expense of legal proceedings. The Court has not ruled on approval of the Settlement.

Who is a SCM? You have been identified as a SCM as a purchaser of Foodservice-Size Packaged Tuna Products (40-ounces or larger) from DOT Foods, Sysco, US Foods, Sam's Club, Wal-Mart, or Costco from June 1, 2011 to December 31, 2016.

What are the benefits? The COSI Defendants have agreed to pay \$6,500,000 to provide benefits for eligible Claims. Payments will be determined based on the plan of allocation found on the Settlement website. If there are unused Settlement funds, a second distribution may occur or the remaining funds may be awarded to a Court approved cy pres recipient.

What are my rights? Do Nothing: You will be bound by the Settlement and cannot sue COSI Defendants separately on the claims made in this Settlement and your claims will be resolved through this action and Settlement. File a Claim: The claim filing process will be

scheduled later. Register and you will be notified when the process starts so you can file a claim if necessary. If you do not file a claim and your transactional data is not received, you won't be paid in the Settlement. Register your current contact information: You will receive updated information on the Settlement and claims process. Exclude Yourself: Get out of the Settlement and receive no compensation. This is the only option that allows you to keep the right to sue for the same claims in this lawsuit. You will not get a payment from this Settlement, but you will be eligible to participate in any future settlements or judgments against non-settling defendants. Exclusions must be postmarked by MONTH DAY, 2022. Object to the Settlement: Objections must be postmarked by MONTH DAY, 2022. Further information about Registering, Excluding, and Objecting are on the website.

The Fairness Hearing will be held at the Edward J. Schwartz Courthouse, 221 West Broadway, San Diego, CA 92101 in Courtroom 1B on MONTH DAY 2022 at 00:00 a./p.m. to determine approval of the Settlement, award of attorneys' fees and expenses, including notice and administration fees, plus Representative Service Awards of up to \$5,000 per class representative, total not to exceed \$3,000,000. Interim Lead Counsel will seek past expense reimbursement of between \$2,200,000 and \$2,300,000 and named service awards totaling \$90,000. Counsel estimates the combination of notice and claims administration will be at least \$350,000. Subtracting these figures from \$3,000,000 cap, Counsel expects to apply for a legal fee award not to exceed \$340,000. The motion for fees and expenses will be posted on the website after they are filed.

Call 1-833-927-0821 or write: Packaged Seafood Products Antitrust Litigation – CFP Class, c/o Settlement Administrator, P.O. Box 8267, Philadelphia, PA 19101-8267 for more information.

Exhibit B

Packaged Seafood Products Antitrust Litigation
c/o Kroll Settlement Administration
PO Box xxxxx
Philadelphia, PA 19102-xxxx

FIRST-CLASS MAIL
U.S. POSTAGE PAID
CITY, ST
PERMIT NO. XXXX

Legal Notice about a Class Action Lawsuit

**Did You Purchase Packaged Tuna
Products in containers 40 oz or more
from Costco, DOT Foods, Sysco, US
Foods, Sam's Club, or Wal-Mart
between June 1, 2011 through
December 31, 2016?**

File your Claim Now!

<<Barcode>>

Settlement ID: <<Refnum>>

<<Company>>

<<FirstName>> <<LastName>>

<<Address>>

<<Address2>>

<<City>>, <<ST>> <<Zip>>-<<zip4>>

[BARCODE AREA]

You have been identified as a Settlement Class Member in the In re Packaged Seafood Products Antitrust Class Action and previously sent notice of the pending Settlements. The Court has now granted Final Approval of the Settlements and they have become effective. This Notice is to inform you that the claim process is beginning, and you may need to act.

Purchase Confirmation Form ("Form"): The enclosed Form is personalized for your use only. It includes information on the purchased Seafood Products related to this Settlement based on records received from Intermediaries ("Costco, Sam's Club, Wal-Mart, Sysco, US Foods, and DOT Foods"), if any, and made during the period of June 1, 2011 through December 31, 2016 (the "Class Period"). If you agree with the purchase values in **Option One, you do not need to do anything further**. Once the Claim process is complete, you will receive your *pro rata* share of the funds available for distribution to the Settlement Class using the amount of purchases noted.

If you do not agree with the purchase values noted in Option One below, or it was noted as zero because the Intermediaries did not have information on your specific purchases, you can then choose Option Two and file a claim. In choosing Option Two, you will need to fill out the chart below, totaling purchases from each Intermediary where purchases were made, and submit detailed **proof of purchases** to substantiate the amount you claim. In doing so, you must submit the tear off postcard form and send it postmarked in an envelope along with all of your documentation no later than [[DATE XX, 2022]] or file your claim and upload your documents online at the Settlement website noted below no later than [[DATE XX, 2022]].

Instructions: To receive payment for purchases listed in Option One you need do nothing. To submit for another purchase amount or if a purchase amount was not available from the Intermediaries, you must fill out the form below and include proof of purchases for all amounts requested. Should the Claims Administrator find your documentation deficient, you will be paid for validated proofs of purchase or the Intermediaries' purchase amounts, whichever is greater. If none of your information can be validated, then your claim may be rejected. **You MUST attach supporting documents if you choose Option Two**

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

FIRST-CLASS MAIL

PERMIT NO xxx

City, ST

Packaged Seafood Products Antitrust Litigation

c/o Kroll Settlement Administration

PO Box xxxxx

Philadelphia, PA 19102-xxxx

Option One: Purchase Total from Intermediary Records:

Total Purchases \$ _____

If you agree with the above purchases, do nothing and you will be paid pro rata based on the above.

☐ **Option Two:** I Do Not Agree with the above purchase total from the Intermediaries' records and I am providing documentation to substantiate a higher total:

Total Purchases \$ _____

I have summarized my purchases from each intermediary in the chart **and attached documentation** for same. (Documentation can include invoices, accounting records, purchase orders and online orders, but must show actual purchases 40oz or more during the class period).

Under penalty of perjury and the laws of the United States, I certify that the information on this Claim Form is true and correct and that Claimant made the identified purchases from Intermediaries(s) during the Class Period.

Signature: _____

Name/Title: _____

Date: _____

Intermediary	Purchases of 40oz or greater Seafood Products from June 1, 2011 through December 31, 2016 (the "Class Period").
DOT Foods	\$
Sysco	\$
US Foods	\$
Costco	\$
Sam's Club	\$
Walmart	\$
TOTAL:	\$

Exhibit C

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

PLEASE READ THIS NOTICE CAREFULLY

YOUR LEGAL RIGHTS MAY BE AFFECTED IF YOU ACT OR DON'T ACT.

In re: Packaged Seafood Products Antitrust Litigation, No. 15-2670

If you or your company purchased Packaged Tuna products directly from DOT Foods, Sysco, US Foods, Sam's Club, Walmart, or Costco (collectively "Distributors") from June 1, 2011 through December 31, 2016, you could be affected by a Class Action Lawsuit.

A Federal Court authorized this notice. This is not a solicitation from a lawyer.

A motion for preliminary approval has been filed with regard to a settlement ("Settlement") between Defendants Tri-Union Seafoods, LLC d/b/a Chicken of the Sea International and Thai Union Group PCL (together, the "COSI" or "COSI Defendants") and the Commercial Food Preparer Plaintiffs ("Plaintiffs"), who represent a Settlement Class of indirect purchasers of Foodservice-Size Packaged Tuna Products. The purpose of this notice is to:

- Provide information regarding the Settlement reached with the COSI Defendants; notify you of the process and deadline for registering for the claim process or to receive payment in the Settlement; detail the process and deadline for objecting or commenting on the Settlement agreement along with attorney fees and expenses; and inform you of the process and deadline for excluding yourself from the Settlement.

YOUR RIGHTS AND OPTIONS AT THIS TIME		DEADLINE
Do Nothing	If you do nothing , you will have no right to sue later for the claims released by the Settlement and will be bound by the Settlement terms such that you cannot sue COSI Defendants separate and apart from the settlement class. When the claim administration process begins in the future, notification will be sent to file a claim to those Settlement Class Members who the claims administrator can identify, either through an existing list or because they register (see below).	
Register	Register to receive updates on the Settlement's progress and provide your current contact information for the claim filing process. Make sure the Settlement Administrator has your current contact information.	
Opt Out of the Settlement	Get out of the Settlement: You will receive no compensation from the Settlement. This is the only option that allows you to bring or join another lawsuit raising the same legal claims against the COSI Defendants. You will receive no payment from this Settlement, but you will be eligible to participate in any future settlements or judgments with respect to non-settling defendants.	Month Day, Year
Object to the Settlement	Write to the Court about any aspect of the Settlement. (If you object to any aspect of the Settlement, you must submit a written Objection by the Objection Deadline to the right and cannot exclude yourself from the Settlement or Settlement Class.)	Month Day, Year
Go to a Hearing	Speak in Court about the Settlement. (If you object to any aspect of the Settlement, you must submit a written Objection by the Objection Deadline of Month Day, Year.)	Month Day Year at 0:00

- These rights and options—and the deadlines to exercise them—are explained in this notice.

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Important Dates

Month Day Year	Objection Deadline
Month Day Year	Opt-Out Deadline
Month Day Year	Fairness Hearing

REGISTER TODAY TO RECEIVE UPDATES ON THE SETTLEMENT AND CLAIMS PROCESS

1. Why did I receive this notice?

You or your company may have purchased Foodservice-Size Packaged Tuna Products indirectly from Bumble Bee Foods, LLC, Tri-Union Seafoods, LLC d/b/a Chicken of the Sea International, or StarKist Company (together with Thai Union Group PCL and certain related parent entities of Bumble Bee and StarKist, the “Defendants”) and directly from DOT Foods, Sysco, US Foods, Sam’s Club, Walmart, or Costco from June 1, 2011 through December 31, 2016.

A proposed Settlement has been reached between the COSI Defendants and the Commercial Food Preparer (“CFP”) Settlement Class (“Settlement Class”). You may be eligible to receive benefits from this proposed Settlement. This notice is to provide you with information so that you can act.

2. What is this lawsuit about?

The CFP lawsuit alleges that the COSI Defendants along with Bumble Bee Foods, LLC, StarKist Company, and certain related parent entities of Bumble Bee and StarKist conspired to fix, raise, and maintain the prices of Packaged Tuna Products and that this resulted in purchasers paying more for these products than they otherwise would have. You have been identified as a potential Settlement Class Member. Additionally, while denying liability, the COSI Defendants have collectively agreed to a Settlement to avoid the time and expense of legal proceedings. You may be eligible to file a Claim and should register on the Settlement website.

3. Who is included in the Settlement Class?

You are a member of the Settlement Class in the Settlement which was defined as:

All persons and entities in 27 named states and DC that indirectly purchased packaged tuna products, produced in packages of 40 ounces or greater that were manufactured by any Defendant (or any current or former subsidiary or any Affiliate thereof) and that were purchased directly from DOT Foods, Sysco, US Foods, Sam’s Club, Walmart, or Costco (other than inter-company purchases among these distributors) from June 1, 2011 through December 31, 2016 (the “Class Period”).

Only purchases made in the following 27 states and DC apply to this Settlement. The relevant territory and states are the District of Columbia and Arizona, Arkansas, California, Florida, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, West Virginia, and Wisconsin.

4. What Products are included in this Settlement?

The products at issue for the CFP Settlement Class are the “Foodservice-size” packaged tuna products, which are packaged tuna products 40 ounces and larger. Definitionally, the CFP Settlement Class consists of entities that purchased these Foodservice-size packaged tuna products from six large

distributors—Sysco, US Foods, Walmart, Sam’s Club, Costco, and DOT Foods (together, the “Distributors”). Only purchases made in the 27 states and DC detailed in question 3 apply to this Settlement. This lawsuit does not allege that these Distributors did anything wrong.

5. What does the Settlement provide?

Plaintiffs and their counsel believe that the terms and conditions of the Settlement are fair, reasonable, adequate, and equitable, and that the Settlement is in the best interest of the Settlement Class Members. The COSI Defendants have agreed to provide a Settlement Fund of \$6,500,000.

The Settlement fund will provide payments to Settlement Class Members whose transactional purchase histories are found in the Distributors’ records and to Settlement Class Members who file valid claims, and it will be used to pay for notice and Settlement Administration costs and expenses, Settlement Class Counsel fees and expenses, and Settlement Class Representative Service Awards. If there are unclaimed or unused Settlement funds a second distribution may occur based upon further Court approval and amount of funds remaining. A feasibility analysis will be presented to the Court determining the amount of funds that can be distributed and the cost of that distribution process. Should that analysis determine that a de minimis amount would only be distributed, then funds may be awarded to a Court approved *cy pres* recipient in the alternative, which would typically a charity, approved by the Court.

6. How does the Settlement benefit me?

Eligible Settlement Class Members who file a valid claim or for whom Intermediaries have provided sufficient purchase information to make a payment once the claims process begins will be eligible to receive a *pro rata* payment issued from the Net Settlement Fund. Payments will be made on a *pro rata* basis. The claims process has not begun and will not be conducted until after the Court provides final approval of the Settlement. You should register on the Settlement Website below and provide your current contact information to make sure you receive updated information about the Settlement and get a personalized claim form when they are sent out.

7. How do I register?

To Register, you can fill out the Registration Form available on the Settlement website noted below. You will be sent a claim form to the address and /or email you provide once the claim process begins which will be some time after Final Approval of the Settlement by the Court.

If you did not receive a mailed notice and believe you are a Settlement Class Member, you should register so that the Settlement Administrator has your current contact information. This is the only way a claim form will be sent to your current contact information. Feel free to call the toll-free number below, and they will assist you with any questions. Remember, the Settlement only covers purchases made in the 27 states and DC from the above-noted six Distributors for Packaged Tuna Products in containers 40 ounces or more.

The claims process will begin at a later date yet to be determined. If you register you will be provided information on the settlement and claims process as it progresses. Benefit checks will be issued only if the Court grants final approval to the proposed Settlement and after the final approval is no longer subject to appeal, and once the claims process has concluded and claims are validated. Please be patient as this may take months, or even years, in the event of an appeal.

8. What am I eligible for if I file a Claim?

Settlement Class Members, who file a valid claim or for whom Intermediaries have provided sufficient purchase information to make a payment once the claims process begins, will be eligible to receive a *pro rata* payment from the Settlement fund after all expenses and attorney fees are paid. See the Settlement website for more details.

9. What does it mean to Exclude myself from the Settlement?

If you are included in the definition of the Settlement Class (Question 3, above) you may exclude yourself from the Settlement. If you exclude yourself from the Settlement, you will be included in the Settlement Class for all non-settling Defendants but keep your right to bring a lawsuit in an individual capacity against the COSI Defendants.

10. How do I Exclude myself from the Class??

If you are a Settlement Class Member, and you decide that you want to exclude yourself from the Settlement Class, you must send an “Exclusion Request”. The Exclusion Request must contain: (1) your full name, address, and phone number(s); (2) an estimate of the number of Foodservice-Size Packaged Tuna Products that you purchased from the Distributors from June 1, 2011 through December 31, 2016; (3) the following statement: “I/We request to Exclude myself/ourselves from the Settlement Class in the *Packaged Seafood Products Antitrust Litigation*.”; and (4) your signature. The Exclusion Request must be postmarked by Month Day, Year and sent to the Settlement Administrator at:

Packaged Seafood Products Antitrust Litigation
c/o Kroll Settlement Administration- Exclusion Request
P.O. Box 8267
Philadelphia, PA 19101-8267

11. What if I disagree with the Settlement?

If you do not exclude yourself, and you disagree with or are dissatisfied with any part of the Settlement, you may object or comment on the Settlement. Even if you object to the Settlement, if you file a valid claim, you will still be eligible to receive benefits from the Settlement.

12. How do I Object or Comment on the Settlement?

If you do not agree with any part of the Settlement or wish to provide comments, you may write to the Court. If you object to or comment on the Settlement, you may also still file a Claim. An objection must be written and include: (1) your full legal name, the name of the company you represent, your position at that company, your authorization to act on behalf of the company, your contact address, and contact telephone number; (2) the words “Notice of Objection”; (3) the case name and number, which are *In re: Packaged Seafood Products Antitrust Litigation*, No. 15-2670; (4) a list of the Foodservice-size Packaged Tuna Products that you or your company purchased from the Distributors from June 1, 2011 through December 31, 2016; (5) your objections to or comments on the settlement; and (6) your signature as an authorized representative of the company. The Objection must be sent to the Settlement Administrator at the below address and must be postmarked by Month, Day Year:

Packaged Seafood Products Antitrust Litigation
c/o Kroll Settlement Administration- Exclusion Request
P.O. Box 8267
Philadelphia, PA 19101-8267

13. Who represents me and how will they be paid?

The Court appointed the law firm of Cuneo Gilbert & LaDuca, LLP to represent the CFP Settlement Class as Interim Lead Counsel for the Commercial Food Preparer Plaintiffs. You are not personally responsible for payment of attorneys’ fees or expenses for Settlement Class Counsel. If the Settlement is preliminarily approved, Settlement Class Counsel may ask the Court for Counsel’s fees and expenses along with Representative Service Awards of up to \$5,000 per settlement class representative named

plaintiff, and notice and settlement administration expenses to be issued from the Settlement fund, altogether not to exceed \$3,000,000, which is less than half of the \$6,500,000 settlement value. Out of this \$3,000,000, Interim Lead Counsel will seek past expense reimbursement of between \$2,200,000 and \$2,300,000 and named service awards totaling \$90,000. In addition, Interim Lead Counsel estimate that the combination of notice costs and claims administration costs will be at least \$350,000. Subtracting all these figures from the \$3,000,000 cap, CFP Interim Lead Counsel expects to apply for a legal fee award not to exceed \$340,000 as part of this Settlement.

If the Court grants Settlement Class Councils' request, the attorneys' fees and expenses, notice and settlement and administration costs, and Representative Service Awards would be deducted from any money obtained for the Settlement Class. A motion for these fees and expenses will be posted on the Settlement website after they are filed, MONTH DAY 2021.

14. Should I get my own lawyer?

If you stay in the Settlement Class, you do not need to hire your own lawyer because Settlement Class Counsel is working on your behalf. However, if you want to be represented by your own lawyer, you may hire one at your own expense and cost.

15. What happens if I do nothing?

If you do nothing, you will remain a member of the Settlement Class. You will also not be able to sue, continue to sue, or be part of any other lawsuit against the COSI Defendants regarding these matters. You may still be sent a claim form, and you will be sent a claim form if you register. However, if you do not submit the claim form, you will receive no payment unless your purchase transactions are reflected in the transactional data of an Intermediary that has made customer-identifying transactional data available to Settlement Class Counsel.

16. When will the Court decide if the Settlement is Approved?

The Court will hold a hearing on Month Day Year, to consider whether to approve the Settlement. The hearing will be held in the United States District Court for the Southern District of California, before the Honorable Dana Sabraw, in the Edward J. Schwartz United States Courthouse, 221 West Broadway, San Diego, CA 92101 in Courtroom _____ at ____ a/pm or such other judge assigned by the Court.

You do not have to appear at this hearing, but you may if you want to. This hearing date may change without further written notice to you. Consult the Settlement Website below or the Court docket in this case available through Public Access to Court Electronic Records PACER (<http://www.pacer.gov>), for updated information on the hearing date and time. The Settlement Website will be updated as new or changing information is received.

17. How do I get more information?

For more information, including Registering, Frequently Asked Questions, and Court Documents visit the Settlement Website at www.PackagedSeafoodAntitrustCFPCClass.com. You may also call toll-free 1-833-927-0821, or write to: *Packaged Seafood Products Antitrust Litigation*, c/o Kroll Settlement Administration, P.O. Box 8267, Philadelphia, PA 19101-8267.

Please note: If your present address is different from the address on any notice received, or if you did not receive a notice directly but believe you should have, please call the toll-free helpline, and update your information.

If you have any questions, please contact the Settlement Administrator or Settlement Class Counsel.

Please do not contact the Court.

Questions? Visit www.PackagedSeafoodAntitrustCFPCClass.com or call 1-833-927-0821