UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANTHONY BELFIORE, on behalf of himself and :   Case No. 14 civ. 4090 (RPK)(RML)
all others similarly situated,   :

                                :   **DECLARATION** OF JEANNE C.

               Plaintiff,   :   FINEGAN, APR

                                :

     - against -   :

                                :

THE PROCTER & GAMBLE COMPANY,   :

                                :

             Defendant.   :

                                :
- -x

I, JEANNE C. FINEGAN declare as follows:

INTRODUCTION

1.   I am Chief Media Officer of HF Media, LLC, Inc. ("HF") a division of Heffler Claims Group LLC ("Heffler"). 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, executed on February 6 and 10, 2020, at Section 2.3, Heffler 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, which employs best-in-class tools and technology to reach 72% of Settlement Class Members in New York, on average 2.8 times, through publication media notice through print, online display and social impressions with cross-device targeting on desktop and mobile, a press release, a settlement website and a toll-free number. The Notice Plan, which in turn incorporates the Long Form Notice,

Published Form Notice and Online Notices, are attached as Exhibits A and B1 through B3 to the Settlement Agreement, which I understand has been provided to the Court.

4.   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") guidelines[1] for Best Practicable Due Process notice.

<u>**QUALIFICATIONS**</u>

5.   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.

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[1] Notice Checklist and Plain Language Guide (2010) ("Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide").

6. I have been appointed as Media Notice Administrator in court approved matters including *Warner v. Toyota Motor Sales, U.S.A. Inc.,* Case No 2:15-cv-02171-FMO FFMx (C.D. Cal. 2017) and *In re: Skechers Toning Shoes Products Liability Litigation*, No. 3:11-MD-2308-TBR (W.D. Ky. 2012).

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 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[2], 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:

- *Simerlein et al., v. Toyota Motor Corporation,* Case No. 3:17-cv-01091-VAB (D. CT 2019).

- *Fitzhenry- Russell et al., v Keurig Dr. Pepper Inc.,* Case No. :17-cv-00564-NC, (ND Cal 2019).

- *Pettit et al., v. Procter & Gamble Co.,* Case No. 15-cv-02150-RS (ND Cal 2019).

- *In re: The Bank of New York Mellon ADR FX Litigation*, 16-CV-00212-JPO-JLC (S.D.N.Y. 2019).

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

- *Chapman v. Tristar Products,* Case No. 1:16-cv-1114, JSG (N.D. Ohio 2018)

- *Cook et. al v. Rockwell International Corp. and the Dow Chemical Co.,* No. 90-cv-00181- KLK (D.Colo. 2017).

- *Warner v. Toyota Motor Sales, U.S.A. Inc.,* Case 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,*** Case No. 3:17-cv-01091-VAB (D. CT 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.,*** Case 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.,*** Case 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."

c) ***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."*

d) ***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."*

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

(a) Co-Author, Digital Ad Fraud, Impact on Class Action Settlements, SlideShare, October 2018. https://bit.ly/2SHqB5D.

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

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

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

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

(f) 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.

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

(h) Author, "Think All Internet Impressions are the Same? Think Again" – Law360.com, New York (March 16, 2016).

(i) Author, "Why Class Members Should See An Online Ad More Than Once" – Law360.com, New York (December 3, 2015).

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

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

(l)   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).

(m) 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, 5/27/11.

(n)   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, 5/26/2011.

(o)   Author, Five Key Considerations for a Successful International Notice Program, BNA Class Action Litigation Report, 4/9/10 Vol. 11, No. 7 p. 343.

(p)   Quoted: Technology Trends Pose Novel Notification Issues for Class Litigators, BNA Electronic Commerce and Law Report, 15, ECLR 109, 1/27/10.

(q)   Author, Legal Notice: R U ready 2 adapt? BNA Class Action Litigation Report, Vol. 10, No. 14, 7/24/2009, pp. 702-703.

(r)   Author, On Demand Media Could Change the Future of Best Practicable Notice, BNA Class Action Litigation Report, Vol. 9, No. 7, 4/11/2008, pp. 307-310.

(s)   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.

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

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

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

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

(x)   Author, Three Important Mantras for CEO's and Risk Managers in 2002, International Risk Management Institute, irmi.com/, January, 2002.

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

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

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

(bb) Author, The Great Debate - How Much is Enough Legal Notice? American Bar Association -- Class Actions and Derivatives Suits Newsletter, Winter 1999.

(cc) 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 Maters – 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.

i) 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.

(j) CLE International, Faculty Panelist, Building a Workable Settlement Structure, CLE International, San Francisco, California May, 2011.

(k) 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.

(l) Consumer Attorneys of San Diego (CASD), Faculty Panelist, "The Future of Notice," 2nd Annual Class Action Symposium CASD Symposium, San Diego, California, October 2009.

(m) 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."

(n) American Bar Association, Section of Business Law Business and Corporate Litigation Committee – Class and Derivative Actions Subcommittee, New York, NY, August 2008.

(o) Faculty Panelist, Women Lawyers Association of Los Angeles (WLALA) CLE Presentation, "The Anatomy of a Class Action." Los Angeles, CA, February 2008.

(p) 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.

(q) 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.

(r.) 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 A**.

NOTICE PROGRAM SUMMARY

13.   The proposed notice program for this settlement is designed to inform Class

Members of the proposed class action settlement between Plaintiff and Defendant The Procter &

Gamble Company. Pursuant to the Settlement Agreement Section 2.35 the Settlement Class is

defined as:

> "All persons and entities who purchased [Charmin Freshmates] in
> the State of New York between May 23, 2011 and the date of
> Preliminary Approval, excluding purchases made for purposes of
> resale."

14.   The proposed notice program includes the following components:

- Print publication once in the state editions of a generally circulated magazine targeted to reach Settlement Class Members;
- Online display banner advertising specifically targeted to reach Settlement Class Members;
- Keyword Search targeting Settlement Class Members;
- Social media through Facebook and Instagram;
- An informational website will be established on which the notices and other important Court documents will be posted; and
- A toll-free information line will be established by which Settlement Class Members can call 24/7 for more information about the Settlement, including, but not limited to, requesting copies of the Long Form Notice and Claim Form.

METHODOLOGY FOR PUBLICATION/INTERNET NOTICE

15.   To appropriately design and target the publication component of the notice

program, described in detail below, HF Media utilized a methodology accepted by the advertising

industry and embraced by the courts.

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industry and embraced by the courts.

17.   These data resources are used by advertising agencies nationwide as the basis to select the most appropriate media to reach specific target audiences. The resulting key findings are instrumental in our selection of media channels and outlets for determining the estimated net audience reached through this legal notice program. Specifically, this research identifies which media channels are favored by the target audience (*i.e*., the Settlement Class Members). For instance, browsing behaviors on the Internet, social media channels that are used, and which magazines Settlement Class Members are reading.

18.   For this program, HF Media employs the best-in-class tools and technology in order to appropriately target Class Members and appropriately measure and validate audience delivery using Media Ratings Counsel accepted third-party validation of media. By utilizing these media research tools, we can create target audience characteristics or segments, and then select the most appropriate media and communication methods to best reach them.

19.   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 will have the opportunity to see the message. In advertising, this is commonly referred to as a "Reach and Frequency" analysis, where "Reach" refers to the estimated percentage of the unduplicated audience exposed to the campaign, and "Frequency" refers to how many times, on average, the target audience had the opportunity to see the message. The calculations are used by advertising and communications firms worldwide and have become a critical element to help provide the basis for determining adequacy of notice in class actions.

ACTIVE CAMPAIGN MANAGEMENT TO MITIGATE DIGITAL AD FRAUD

20.   Additionally, we are the first notice experts to actively monitor, mitigate and cull non-human counterfeit impressions (ad fraud bot traffic) from digital notice programs[3]. The primary purpose of this is 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.

21.   To this end, online ads will be tagged with specific codes through Integral Ad Science ("IAS") plus analysis will be provided by our independent Cybersecurity Expert. Ad logs will be examined 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 redirect traffic to that site. Any online impressions identified as invalid will be culled from the final reach calculation reported to the Court.

TARGET AUDIENCE MEDIA USE AND KEY INSIGHTS

22.   According to Mediamark Research and Intelligence ("MRI"), there are over 3,568,000 Charmin brand users[4] in New York. Of these users, MRI reports that 70% percent are 25 to 54 years old. Of the overall target, 89% have gone online in the last 30 days, with nearly

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[3] Finegan, "Creating a Class Notice Program that Satisfies Due Process" Law360, New York, (February 13, 2018 12:58 PM ET). Also see: CLE Webinar: "Rule 23 Changes, Are you Ready for the Digital Wild, Wild West?" https://bit.ly/2PfuGvJ

[4] Although MRI provide a specific target audience definition for Charmin Freshmates, this audience is unstable when combined with New York. Therefore, we are using a slightly broader target available in MRI of "Charmin Brand Users."

81% using their smartphone to access the Internet. Additionally, 80% use social media with over

60% reporting that they have visited Facebook in the last 30 days.

MAGAZINE

23.   Based on the key insight data MRI summarized above, the magazine below was

selected for its coverage and index[5] against the target audience characteristics.

24.   *People Magazine* is a weekly magazine with a circulation in New York of 119,700

with more than 1,339,443 readers[6]. Alone, this magazine reaches nearly 19% of all Charmin brand

users in New York, and these readers are 20% more likely than the general population to read this

title. The summary notice will be published once as full-page, black and white ad with a Spanish

subhead.

PUBLICATION ELEMENTS – ONLINE DISPLAY AND SOCIAL MEDIA

25.   This campaign will employ a programmatic approach[7] across multi-channel and

inventory sources including a collection of premium quality partner web properties targeting

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[5] Index is a media metric that describes a target audience's inclination to use a given outlet. An index over 100 suggests a target population's inclination to use a medium to a greater degree than the rest of the population. For example, an index of 110 would mean that the target is 10 percent more likely than the rest of the population to use a medium.

[6] Magazines report pass-along factors. These are individuals in addition to the subscriber that read a given title. Each magazine has a specific pass-along factor. *People Magazine* reports a pass-along factor of 11.19.

[7] Programmatic refers to computerized media buying of advertising inventory. The mechanics of programmatically serving an online ad are as follows: A user visits a website and the browser sends a request to the publisher's web server asking for the page's content (*i.e*., HTML). An invocation code placed on the page loads an external static ad tracker code. The ad tracker makes a request to the ad server querying for an ad markup (also called creative tag) to be loaded into the ad slot. The ad server responds with the ad markup code (before it's returned, the ad server executes all targeting/campaign matching logic). Finally, the publisher's web server returns the information rendering the page's content with specifically targeted ads to that user.

"Charmin brand purchasers and adults 25 to 54 years old in New York." A minimum of 12 million online display and social media impressions will be served in English and Spanish to this target group across a whitelist[8] of pre-vetted websites, multiple exchanges, and the social media platforms Facebook and Instagram.

26.   Keyword search targeting will be employed to show advertisements to users in New York in their Google search results. A list of search topics including Charmin Freshmates, Charmin wipes, Charmin flushable wipes, Charmin coupons and Freshmates coupons among others, will be applied. We also intend to use pixel retargeting to provide additional reminders for those who have visited the website and did not complete a claim form.

SOCIAL MEDIA: FACEBOOK AND INSTAGRAM

27.   On Facebook and Instagram, we will target people in New York who have liked or followed Charmin pages as well as adults 25 to 54 years old.

PRESS RELEASE

28.   A news release will be released over PR Newswire's New York state US1 and Hispanic Newslines. 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.

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[8] A whitelist is a custom list of acceptable websites where ad content may be served. Creating a whitelist helps to mitigate ad fraud, ensure ads will be served in relevant digital environments to the target audience and helps to ensure that ads will not appear next to offensive or objectionable content.

MEDIA MONITORING

29.   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.

OFFICIAL SETTLEMENT WEBSITE

30.   An informational website will be established and maintained by Heffler. All of the aforementioned methods of notice will direct Settlement Class Members to this website. The website will serve as a "landing page for the banner advertising," where Settlement Class Members may get information about the Settlement and obtain and/or submit a Claim Form, along with other information which includes information about the class action, their rights, the Long Form Notice, answers to frequently asked questions, contact information that includes the address for the Claim Administrator and addresses and telephone numbers for Plaintiffs' Counsel, and a downloadable and online version of the Claim Form,; and related information, including the Settlement Agreement, Court Orders, and Plaintiff's Motion for Approval of Fees, Expenses, and Class Representative Payment (i.e., incentive compensation).

TOLL FREE INFORMATION LINE

31.   Additionally, Heffler will establish and maintain a 24-hour toll-free Interactive Voice Response ("IVR") telephone line, where callers may obtain information about the class action and the Settlement, including, but not limited to, requesting copies of the Long Form Notice or Claim Form.

CONCLUSION

32.   In my opinion, the outreach efforts described above reflect a particularly appropriate, highly targeted, and contemporary way to employ notice to this class. Through a multi-media channel approach to notice, which employs print, digital, and social and mobile

media, an estimated 72 percent of targeted Settlement Class Members will be reached by the media program, on average, 2.8 times. In my opinion, the efforts to be used in this proposed notice program are of the highest modern communication standards, are reasonably calculated 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 penalty of perjury that the foregoing is true and correct.

Executed this 14th day of February 2020.

Jeanne C. Finegan, APR