

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TOMEKA BARROW and ANTHONY DIAZ, Individually and On Behalf of All Others Similarly Situated,

Plaintiffs,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

Case No. 1:16-cv-03577-AT

**DECLARATION OF LANA LUCCHESI
RE: NOTICE PROCEDURES**

I, **LANA LUCCHESI**, declare:

1. I am a Senior Project Manager at Kurtzman Carson Consultants LLC ("KCC"). I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. KCC was retained by the parties to serve as the Claims Administrator to, among other tasks, email the Notice of Class Action Lawsuit and Proposed Settlement (the "Email Notice"); mail the Postcard Notice; publish the Summary Notice; receive and process Claim Forms; respond to Class Member inquiries; establish and maintain a settlement website; and perform other duties as specified in the Settlement Agreement and Release (the "Settlement Agreement") preliminarily approved by this Court on March 16, 2018.

3. **Email Notice and Postcard Notice**. On April 9, 2018, the Defendant provided KCC with a list of 263,034 persons identified as persons on the Class List.

4. KCC removed 2,494 duplicate entries on the Class List provided to it by

1 Defendant, resulting in 260,540 unique records on the Class List.

2 5. KCC entered the Class List information into its proprietary database and
3 prepared a data file for the initial mailing. Prior to mailing, KCC caused the addresses in
4 the Class Member List to be updated using the National Change of Address, or NCOA,
5 database maintained by the U.S. Postal Service. A total of 29,939 addresses were
6 updated.

7 6. On May 3, 2018, KCC emailed the Email Notice to each of the 23,807 email
8 addresses on the Class List. KCC's email server registered 21,002 (88.22%) as having
9 successfully delivered and 2,805 (11.78%) as undeliverable. A sample of the Email
10 Notice is attached hereto as Exhibit A.

11 7. On May 15, 2018, KCC mailed Postcard Notices to the 238,979 people
12 whose Email Notice was undeliverable and for whom KCC had no email address
13 available, but had a valid physical address. A sample of the Postcard Notice is attached
14 hereto as Exhibit B.

15 8. KCC caused three reminder notices to be sent to those claimants who
16 submitted a claim form, but did not submit a W-9 Form. These reminder notices were
17 sent by U.S.P.S. Postal Mail and e-mail on June 27, 2018, July 18, 2018, and August 6,
18 2018 respectively. The total cost for these three reminder notices was \$14,857.60.

19 9. As of October 8, 2018, KCC has received a total of 2,225 Postcard Notices
20 returned by the U.S. Postal Service with forwarding addresses. KCC caused the Class
21 List to be updated with the new addresses and Postcard Notices to be re-mailed to the
22 updated addresses. As of October 8, 2018, KCC has received a total of 25,864 Postcard
23 Notices returned by the U.S. Postal Service without forwarding address information.
24 KCC conducted address searches using credit and other public source databases to
25 attempt to locate new addresses for these Class Members. As of October 8, 2018, these
26 searches have resulted in 16,161 updated addresses. KCC promptly re-mailed Postcard
27 Notices to the updated addresses on an ongoing basis.

28 10. **Publication of Summary Notice.** The Summary Notice appeared as a third-

1 page ad unit in the nationwide edition of the *People* magazine issue dated May 14, 2018
2 (on sale May 4, 2018). The Summary Notice appeared in the print edition as well as its
3 online digital replica. A copy of the Summary Notice as published in the magazine is
4 attached hereto as Exhibit C.

5 11. The estimated direct notice reach is 97.1%. When combined with the media
6 notice, the estimated reach of the notice program is 97.6%.

7 12. **Interactive Voice Response.** On May 2, 2018, KCC established an
8 Interactive Voice Response (the “IVR”) system (at phone number 855-201-2636) to
9 provide information about the settlement, to record requests for Notice Packets, and to
10 provide the capability for Class Members to leave voice messages for KCC. As of
11 October 8, 2018, 3,190 calls have been received by the IVR. Of these calls, 1,086 were
12 made for purposes of requesting a Notice Packet. All Notice Packet requests have been
13 fulfilled.

14 13. **Website.** On May 2, 2018, KCC also established a website
15 (www.BarrowTCPASettlement.com) dedicated to this settlement to provide additional
16 information to the Class Members and to answer frequently asked questions. Visitors of
17 the website were able to download a Long Form Notice, Claim Form, Settlement
18 Agreement, Preliminary Approval Order, Second Amended Complaint, and Motion for
19 Attorneys’ Fees, Costs and Service Awards. Visitors also could submit claims and W-9s
20 online. The web address was set forth in the Email Notice, Postcard Notice, Summary
21 Notice and Claim Form. As of October 8, 2018, the website has received 291,086 visits.

22 14. **Requests for Exclusion.** To be considered timely, Class Members’ requests
23 for exclusion from the Class had to be postmarked by August 13, 2018. As of the date of
24 this declaration, KCC has received 64 requests for exclusion. Of these 64 requests for
25 exclusion, one (1) was received after the postmark deadline and is therefore considered
26 untimely.

27 15. **Objections to the Settlement.** To be considered timely, Class Members’
28 objections to the Settlement had to be postmarked by August 13, 2018. As of the date of

1 this declaration, KCC has not received any objections to the settlement.

2 16. **Claim Forms.** To be considered timely, Class Members Claim Forms had to
3 be postmarked by August 13, 2018. As of the date of this declaration, KCC has received
4 a total of 33,138 Claim Forms, of which 32,268 were submitted online and 870 were
5 submitted through U.S.P.S Mail. Of these 33,138 Claim Forms, 33,107 are considered
6 timely and 31 are untimely; 844 are determined to be deficient or invalid; one is
7 withdrawn; and 5,093 are duplicates. In addition, KCC identified 53 instances of more
8 than one person claiming the same phone number.

9 17. The 844 Claim Forms that were determined to be deficient or invalid were
10 identified as Claim Forms that: were unsigned; contained invalid Taxpayer Identification
11 Numbers (TIN); contained single-character names; were potentially fraudulent; contained
12 a phone number also claimed on another Claim Form; or were received after the deadline
13 to submit Claim Forms.

14 18. KCC plans to send deficiency letters on October 22, 2018, by U.S.P.S.
15 Postal Mail and e-mail, to Class Members whose Claim Form was deficient for one of the
16 following reasons: missing signature; invalid or missing TIN ; or incomplete name. The
17 deficiency letter allows the Class Members to provide any corrective submissions within
18 a two-week cure period. Based on an October 22, 2018 mailing date, the deadline to cure
19 all deficiencies will be November 5, 2018.

20 19. KCC will continue the process of evaluating Claim Forms received and will
21 continue to do so over the next few months. These numbers are subject to change as KCC
22 continues its review.

23 20. **W-9 Forms.** To be considered timely, Class Members had to submit W-9
24 forms postmarked by August 13, 2018. As of the date of this declaration, KCC has
25 received a total of 16,876 W-9 forms (which also include duplicative W-9 forms and W-9
26 forms containing an invalid TIN). Of the 16,876 W-9 forms, 16,828 are considered
27 timely and 48 are untimely.

28 21. **Estimated Administration Costs.** The total estimated administration and

1 notice costs based on timely claims submitted where a complete W-9 form was received
2 is \$312,877.12, based on approximately 13,700 claims. The total estimated
3 administration and notice costs based on timely claims submitted regardless of whether a
4 complete W-9 form was received is \$330,057.68, based on approximately 28,000 claims.
5

6 I declare under penalty of perjury pursuant to the laws of the State of California
7 that the foregoing is true and correct to the best of my knowledge. Executed on this 18th
8 day of October 2018 at San Rafael, California.

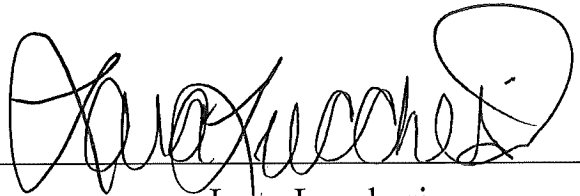
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Exhibit A

Tomeka Barrow and Anthony Diaz (“Plaintiffs”) v. JPMorgan Chase Bank, N.A. (“JPMC”)
United States District Court for the Northern District of Georgia, Case No. 1:16-cv-03577-AT

You may be a member of the proposed “Settlement Class” in this action if JPMC, or any affiliate or agent acting on its behalf, made one or more telephone calls to your cellular telephone through the use of an automatic telephone dialing system or a prerecorded or artificial voice between April 20, 2012, through March 16, 2018, regarding a mortgage or home equity line of credit account and, prior to being called, you orally requested not to be called. A person who does not exclude him or herself is a “Settlement Class Member.”

The purpose of this Notice is to inform the Settlement Class of the terms of the settlement and important deadlines relating to the settlement, as summarized below and described more fully on the Settlement Website: www.BarrowTCPASettlement.com.

Plaintiffs claim that JPMC violated the federal Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*, by placing telephone calls, between April 20, 2012 through March 16, 2018, to cellular telephones, through the use of an automatic telephone dialing system or an artificial or prerecorded voice without prior express consent. JPMC denies these allegations and denies any claim of wrongdoing. The Court has not ruled on the merits of Plaintiffs’ claims or JPMC’s defenses.

TERMS OF THE SETTLEMENT

JPMC has agreed to pay \$2,250,000 into a settlement fund, which will pay for the costs of notice and administration of the settlement, Settlement Class Members’ claims, attorneys’ fees to Class Counsel and Class Counsel’s out-of-pocket expenses as approved by the Court, service awards of \$5,000 to each of the two named Plaintiffs for their efforts in bringing the lawsuit and representing the Settlement Class, if approved by the Court, and a potential charitable contribution. **Class Counsel estimate that a Settlement Class Member who submits a valid claim form (“Claim Form”) may receive a cash award of approximately \$101, but this is only an estimate and the actual award may be more or less.**

DEADLINES UNDER THE SETTLEMENT

- **Submit a Claim Form and W-9 Form.** In order to receive benefits under the settlement, you must submit a valid Claim Form and a completed W-9 Form by no later than August 13, 2018. Claim Forms may be obtained on the Settlement Website, www.BarrowTCPASettlement.com, or by calling the Toll-Free Settlement Hotline, 1-855-201-2636. Claim Forms must be submitted by mail or through the Settlement Website. Settlement Class Members may only submit one claim. You must also submit a completed W-9 Form to the Settlement Administrator, which may be submitted via the Settlement Website or by mail. More details can be found on the Settlement Website.
- **Exclude Yourself.** To exclude yourself from the settlement, submit a written exclusion request postmarked on or before August 13, 2018 to the Settlement Administrator at *Barrow v. JPMorgan Chase Bank NA Settlement Administrator, P.O. Box 404058, Louisville, KY 40233-4058*. To be valid, the written exclusion request must contain specific information that is described through the Settlement Website, www.BarrowTCPASettlement.com. If you do not submit a valid and timely exclusion request, you will be bound by the terms of the settlement and you will give up your right to sue regarding telephone calls placed by JPMC to you after you orally revoked consent between April 20, 2012 through March 16, 2018.
- **Object.** To object to or comment on the settlement or Class Counsel’s Attorneys’ Fee and Cost Request (“Fee Request”), you must file an objection with the Court by August 13, 2018, and also mail a copy to Class Counsel and Defendant’s Counsel. To be valid, objections must contain specific information that is described through the Settlement Website, www.BarrowTCPASettlement.com. Class Counsel is

requesting attorneys' fees of up to 30% of the settlement fund as well as out-of-pocket expenses up to \$40,000 out of the settlement fund. Class Counsel's Fee Request and documents in support of it will be available for viewing on the Settlement Website by July 14, 2018. Anyone who objects to the settlement may ask to appear at the Final Approval Hearing, described below. If your objection is valid and submitted on time, the Court will consider it whether or not you appear at the hearing. Even if you submit a valid and timely objection, to benefit from this settlement you must complete a Claim Form.

- **Do Nothing.** If you do nothing, you will not receive any monetary award; and you will lose the right to sue regarding calls placed by JPMC to you after you orally revoked consent.
- **Final Approval Hearing.** The Final Approval Hearing will take place on November 1, 2018 at 2:30 p.m. in Courtroom 2308 – 23rd Floor at the U.S. District Court for the Northern District of Georgia, located at 75 Ted Turner Drive, SW, Atlanta, GA 30303-3309.

Complete details about your rights and options are available on the Settlement Website, www.BarrowTCPASettlement.com. If you have further questions, you may call the Toll-Free Settlement Hotline, 1-855-201-2636, where you may leave a voice message for the Settlement Administrator, or e-mail Class Counsel at Barrow@westcoastlitigation.com

Please do not call the Court, JPMC or JPMC's Counsel.

The United States District Court for the Northern District of Georgia has ordered this email notice to be sent. If you wish to UNSUBSCRIBE from future email messages from the settlement administrator with regard to this Settlement, please click on this [link](#).

Exhibit B

COURT AUTHORIZED
THIS LEGAL NOTICE

If you received autodialed calls on your cellular telephone from JPMC regarding a mortgage or home equity line of credit account between April 20, 2012 through March 16, 2018 and, prior to being called, you orally requested not to be called, you may be entitled to benefits under a class action settlement.

A settlement has been reached in a class action lawsuit, *Barrow, et al. v. JPMorgan Chase Bank, N.A.*, No. 1:16-cv-03577-AT (N.D. Ga.), where plaintiffs allege that JPMC placed unwanted automated telephone calls to their cellular telephones after they orally revoked consent. JPMC denies these allegations and has asserted defenses. In agreeing to settle, JPMC does not admit any wrongdoing.

JPB

Barrow v. JPMorgan Chase Bank NA

Settlement Administrator

P.O. Box 404058

Louisville, KY 40233-4058

«Barcode»

Postal Service: Please do not mark barcode

Claim#: JPB-«ClaimID»-«MailRec»

«First1» «Last1»

«Last2»

«CO»

«Addr2»

«Addr1»

«City», «St» «Zip»

«Country»

WHO IS A CLASS MEMBER

You may be in the Settlement Class if JPMorgan Chase Bank NA (JPMC), or any affiliate or agent acting on its behalf, made one or more telephone calls to your cellular telephone through the use of an automatic telephone dialing system or a prerecorded or artificial voice between April 20, 2012, through March 16, 2018, regarding a mortgage or home equity line of credit account after you orally requested not to be called.

SETTLEMENT TERMS

JPMC has agreed to pay \$2,250,000 into a settlement fund that will cover: (1) cash payments to eligible Settlement Class Members who submit Claim Forms; (2) attorneys' fees to Class Counsel and Class Counsel's out-of-pocket expenses as approved by the Court; (3) court-approved service awards of \$5,000 to each of the two named Plaintiffs for their efforts in bringing the lawsuit and representing the Settlement Class; and (4) the costs of administering the settlement. Your share of the fund will depend on the number of claims made. Class Counsel estimates you will receive approximately \$101, but this is only an estimate. The \$2,250,000 will be divided among Settlement Class Members who file timely, valid claims after deducting settlement expenses, service awards, and attorneys' fees and costs.

YOUR RIGHTS AND OPTIONS

Submit a Claim Form and W-9 Form. To receive a cash award, you must submit a valid Claim Form and completed W-9 Form by no later than August 13, 2018. Claim and W-9 Forms may be obtained on the Settlement Website, www.BarrowTCPASettlement.com, or by calling 1-855-201-2636. Claim and W-9 Forms must be submitted through the Settlement Website or by mail to the Settlement Administrator at **Barrow v. JPMorgan Chase Bank NA Settlement Administrator, P.O. Box 404058, Louisville, KY 40233-4058**. Settlement Class Members may only submit one claim.

Exclude Yourself. You may also exclude yourself from the lawsuit and keep your right to sue JPMC on your own by sending a written request for exclusion to the Settlement Administrator by August 13, 2018. If you do not exclude yourself, you will be bound by the settlement and give up your right to sue regarding the settled claims. Please see the Settlement Website, www.BarrowTCPASettlement.com, for more details.

Object. If you do not exclude yourself, you have the right to comment or object to the proposed settlement. Written objections must be signed, postmarked by August 13, 2018, and provide the reasons for the objection. Please see the Settlement Website, www.BarrowTCPASettlement.com, for more details.

Do Nothing. If you do nothing, you will not receive any payment and will lose the right to sue regarding any issues relating to this action. You will be considered part of the Settlement Class, and you will be bound by the Court's decisions.

Attend the Final Approval Hearing. The Court has set a hearing to decide whether the settlement should be approved on November 1, 2018 at 2:30 p.m. in Courtroom 2308 – 23rd Floor at the U.S. District Court for the Northern District of Georgia, located at 75 Ted Turner Drive, SW, Atlanta, GA 30303-3309. All persons who timely object to the settlement by August 13, 2018 may ask to appear at the Final Approval Hearing. The Court will also consider Class Counsel's fee request, which will be posted on the Settlement Website on July 14, 2018.

This Notice is only a summary. Details about the settlement can be found on the website: www.BarrowTCPASettlement.com.

If you have further questions, you may call the Toll-Free Settlement Hotline, 1-855-201-2636, where you may leave a voice message for the Settlement Administrator, or e-mail Class Counsel at Barrow@westcoastlitigation.com.

Please do not contact the Court, JPMC or JPMC's attorneys.

Exhibit C

If you received autodialed calls on your cell phone from JPMorgan Chase Bank, N.A. ("JPMC") regarding a mortgage or home equity line of credit account between April 20, 2012 through March 16, 2018, after you orally requested not to be called, you may be entitled to benefits.

A class action settlement has been reached in a Barrow, et al. v. JPMorgan Chase Bank, N.A., No. 1:16-cv-03577-AT (N.D. Ga.), where plaintiffs allege that JPMC placed calls to their cell phones using an automatic telephone dialing system or a prerecorded or artificial voice after orally revoking consent. JPMC denies these allegations and has asserted defenses. In agreeing to settle, JPMC does not admit any wrongdoing.

WHO IS A CLASS MEMBER?

You may be a Settlement Class Member if JPMC, or someone on its behalf, made one or more telephone calls to your cell phone through an automatic telephone dialing system or a prerecorded or artificial voice on or after April 20, 2012, through March 16, 2018, regarding a mortgage or home equity line of credit account after you orally requested not to be called.

SETTLEMENT TERMS

JPMC has agreed to pay \$2,250,000 into a settlement fund to cover: (1) cash payments to eligible Settlement Class Members who submit Claim Forms; (2) attorneys' fees to Class Counsel and their expenses as approved by the Court; (3) court-approved service awards of \$5,000 to each of the two named Plaintiffs for their efforts in bringing the lawsuit and representing the Settlement Class; and (4) costs of administering the settlement. Your share of the fund depends on the number of claims made. If you participate, Class Counsel estimates you will receive approximately \$101. The fund will be divided among Settlement Class Members who file timely, valid claims after deducting settlement expenses, service awards, and attorneys' fees and costs.

YOUR RIGHTS AND OPTIONS

Submit a Claim Form and W-9 Form. To receive a cash award, you must submit a valid Claim Form and a completed W-9 Form no later than August 13, 2018. Claim and W-9 Forms may be obtained on the Settlement Website, www.barrowtcbasettlement.com, or by calling 1-855-201-2636. Claim and W-9 Forms must be submitted through the Settlement Website or by mail to Settlement Claims Administrator, P.O. Box 404058, Louisville, KY 40233-4058.

Exclude Yourself. You may exclude yourself from the lawsuit and keep your right to sue JPMC by sending a written request for exclusion to the Claims Administrator by August 13, 2018. If you do not exclude yourself, you will be bound by the settlement and give up your right to sue regarding the settled claims.

Object. If you do not exclude yourself, you have the right to comment or object to the proposed settlement. Written objections must be signed, postmarked by August 13, 2018, and provide the reasons for the objection.

Do Nothing. If you do nothing, you will not receive any payment and will lose the right to sue regarding any issues relating to this action, and you will be bound by the Court's decisions.

Attend the Fairness Hearing. The Court set a hearing to decide whether the settlement should be approved on November 1, 2018 at 2:30 p.m. in Courtroom 2308 – 23rd Floor at the U.S. District Court for the Northern District of Georgia, at 75 Ted Turner Drive, SW, Atlanta, GA 30303. Persons who timely object to the settlement by August 13, 2018 may ask to appear at the Fairness Hearing. The Court will also consider Class Counsel's fee request, which will be posted on the Settlement website on July 14, 2018.

This Notice is only a summary. Details about the settlement can be found at www.barrowtcbasettlement.com. If you have further questions, you may call the Toll-Free Settlement Hotline, 1-855-201-2636, where you may leave a voice message for the Settlement Administrator, or e-mail Class Counsel at

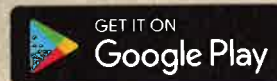
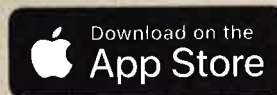
Barrow@westcoastlitigation.com.

Please do not contact the Court, JPMC or JPMC's attorneys.



Need to plan the summer?

Get Cozi,
the #1 family
organizing app



+ 2018 Summer
Planner Printables,
free with Cozi!



COZI Family Organizer