

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHANNON TAYLOR, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

TRUSTED MEDIA BRANDS, INC.,

Defendant.

Case No. 16-cv-01812-KMK

**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 Proposed Class Action Settlement (the "Email Notice"); mail the Notice of Proposed Class Action Settlement Postcard Notice and Claim Form ("the Postcard Notice"); receive and process Claim Forms, respond to Class Member inquiries; to establish and maintain a settlement website and perform other duties as specified in the Class Action Settlement Agreement (the "Settlement Agreement") preliminarily approved by this Court on October 17, 2017.

EXPERIENCE

3. KCC is a class action administration firm that provides comprehensive class action services, including legal notification, email and postal mailing campaign implementation, website design, call center support, class member data management, claims processing, check and voucher disbursements, tax reporting, settlement fund escrow and reporting, and other related services critical to the effective administration of class action settlements. KCC has developed efficient, secure and cost-effective methods to properly handle the voluminous data and mailings associated with the noticing,

1 claims processing, and disbursement requirements of settlements to ensure the orderly and fair treatment
2 of class members and all parties of interest.

3 4. KCC's business is national in scope. Since 1984, KCC—along with Rosenthal &
4 Company, which was acquired by KCC in 2010, and Gilardi & Co. LLC, which was acquired by KCC
5 in 2015—has been retained to administer more than 6,000 class actions. KCC has provided noticing
6 solutions in cases ranging from 22 to more than 22 million class members and has distributed settlement
7 payments totaling well over two billion dollars in the aggregate.

8 NOTICE AND ADMINISTRATION SERVICES

9 5. **CAFA Notification.** In compliance with the Class Action Fairness Act (“CAFA”), 28
10 U.S.C. Section 1715, KCC compiled a CD-ROM containing the following documents: Class Action
11 Complaint (with Exhibits), Motion for Preliminary Approval of Class Action Settlement, Class Action
12 Settlement Agreement (with Exhibits), forms of Class Notice (filed as exhibits to the Class Action
13 Settlement Agreement), and [Proposed] Preliminary Approval of Settlement Order, which accompanied
14 a cover letter (collectively, the “CAFA Notice Packet”). A copy of the cover letter is attached hereto as
15 Exhibit A.

16 6. On June 16, 2017, KCC caused five (5) CAFA Notice Packets to be mailed via Priority
17 Mail from the U.S. Post Office in Memphis, Tennessee to the parties listed on Exhibit B, *i.e.*, the U.S.
18 Attorney General, the Attorney General of Michigan, and parties of interest to this Action.

19 7. As of the date of this declaration, KCC has received no response to the CAFA Notice
20 Packet from any of the recipients identified in paragraph six above.

21 8. **Emailed Notice and Mailed Notice.** On June 27, 2017, the Defendant provided KCC
22 with a list of 1,103,531 persons identified as the Class Member List. KCC entered the Class Member
23 List information into its proprietary database and prepared a data file for the initial mailing. Prior to
24 mailing, KCC caused the addresses in the Class Member List to be updated using the National Change
25 of Address database (“NCOA”) maintained by the U.S. Postal Service. A total of 15,525 addresses were
26 found and updated.

27 9. KCC identified 1,880 duplicative records. KCC removed these duplicative records from
28 the Class Member List, resulting in 1,101,651 remaining on the Class Member List.

1 10. On November 7, 2017, KCC emailed the Email Notice to each of the 303,831 valid email
2 addresses on the Class Member List. There were 33,391 email addresses that were determined to be
3 invalid and were withheld. A sample of the Email Notice is attached hereto as Exhibit C.

4 11. Of the 303,831 Email Notices that were sent 281,574 were sent successfully and 22,257
5 were undeliverable.

6 12. On November 14, 2017, KCC mailed the Postcard Notice to each of the 819,631 persons
7 where an email address was not available or the Email Notice was not delivered successfully and a
8 postal mailing address was available. A sample of the Postcard Notice is attached hereto as Exhibit D.

9 13. As of January 3, 2018, KCC has received a total of 15,294 Postcard Notices returned by
10 the U.S. Postal Service with forwarding addresses. KCC caused the Class Member list to be updated
11 with the new addresses and Postcard Notices to be re-mailed to the updated addresses. As of January 3,
12 2018, KCC has received a total of 61,245 Postcard Notices returned by the U.S. Postal Service without
13 forwarding address information.

14 14. Direct notice was successfully delivered to 1,006,569 persons on the Class Member List,
15 or 91.37 % of the Settlement Class.

16 15. **Interactive Voice Response.** On October 27, 2017, KCC established an Interactive
17 Voice Response (the "IVR") system to provide information about the settlement and to record requests
18 for Notice Packets. As of January 3, 2018, 4,665 calls have been received by the IVR.

19 16. **Website.** On October 27, 2017, KCC also established a website
20 (www.magazinesettlement.com) dedicated to this settlement to provide additional information to the
21 Class Members and to answer frequently asked questions. Visitors of the website can download a
22 Notice; Claim Form; Preliminary Approval Order; Settlement Agreement; Notice of Motion for
23 Attorneys' Fees, Expenses, and Incentive Award; Declaration of Joseph I. Marchese with Exhibits;
24 Declaration of Shannon Taylor; and Memorandum of Law in Support of Plaintiff's Motion for
25 Attorneys' Fees, Expenses, and Incentive Award. Visitors can also submit claims online. The web
26 address was set forth in the E-mail Notice, Postcard Notice, and Claim Form. As of January 3, 2018, the
27 website has received 22,856 visits.

28 17. **Requests for Exclusion.** The deadline for Class Members to request to be excluded from

1 the class was a postmarked deadline of December 21, 2017. As of the date of this declaration, KCC has
2 received 11 requests for exclusion. A list of the Class Members requesting to be excluded is attached
3 hereto as Exhibit E.

4 18. **Objections to the Settlement.** The deadline for Class Members to object to the
5 Settlement was a postmarked deadline of December 21, 2017. As of the date of this declaration, KCC
6 has not received any objections to the settlement.

7 19. **Claim Forms.** The deadline for Class Members to file a claim is a postmarked deadline
8 of March 19, 2018. As of the date of this declaration, KCC has received 89,827 claim forms. KCC will
9 continue the process of evaluating claim forms received and will continue to do so over the next few
10 months. These numbers are subject to change as KCC continues our review of claims and since the
11 filing deadline has not yet passed. In addition, these 89,827 claims have yet to be validated or screened
12 for duplicates.

13
14 I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true
15 and correct to the best of my knowledge. Executed on this 9th day of January 2018 at San Rafael,
16 California.

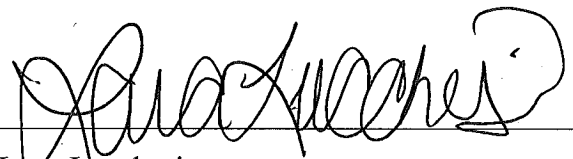
17
18 
19 Lana Lucchesi

Exhibit A



3301 Kerner Boulevard 415.798.5900 PHONE
San Rafael, CA 94901 415.892.7354 FAX
kccllc.com

June 16, 2017

VIA PRIORITY MAIL

«First» «Last»
«Company»
«Address_1»
«Address_2»
«City», «State» «Zip»

Re: Notice of Proposed Class Action Settlement Pursuant to 28 U.S.C. § 1715

Dear «First» «Last»:

Pursuant to the “Class Action Fairness Act,” (“CAFA”), 28 U.S.C. § 1715, please find enclosed information being sent by Defendant Trusted Media Brands, Inc. (“TMBI”) relating to the proposed settlement of a class action lawsuit.

- **Case:** *Taylor v. Trusted Media Brands, Inc.*, Case No. 7:16-cv-01812-KMK.
- **Court:** United States District Court for the Southern District of New York.
- **Defendant:** Trusted Media Brands, Inc.
- **Date Settlement Filed with Court:** June 8, 2017
- **Judicial Hearing Scheduled:** At this time, a Final Approval Hearing has not been scheduled by the Court. At the time of the hearing, these matters may be continued without further notice.
- **Documents Enclosed:** Copies of the following documents are contained on the enclosed CD in Adobe Acrobat PDF format:
 - Class Action Complaint (with Exhibits);
 - Motion for Preliminary Approval of Class Action Settlement;
 - Class Action Settlement Agreement (with Exhibits);
 - Forms of Class Notice (which are Exhibits to the Settlement Agreement); and
 - [Proposed] Preliminary Approval of Settlement Order.



«First» «Last»

June 16, 2017

Page 2

Pursuant to 28 U.S.C. §1715(b)(7)(A) and (B), TMBI states that it is not feasible to provide a list of names of settlement class members at this time. TMBI, however, reasonably estimates that 100% of the settlement class resides in Michigan and that the approximate size of the settlement class is 1,103,281

Sincerely,

A handwritten signature in blue ink, appearing to read "RMurray", is written in a cursive style.

/s/

Ross Murray
Vice President

Enclosure – CD Rom

Exhibit B

Last	First	Company	Address 1	Address 2	City	State	Zip
Sessions	Jefferson	Attorney General of the United States	United States Department of Justice	950 Pennsylvania Avenue, NW	Washington	DC	20530-0001
Schuette	Bill	Office of the Michigan Attorney General	P.O. Box 30212	525 W. Ottawa Street	Lansing	MI	48909-0212
Spears	Natalie J.	Dentons US LLP	233 S. Wacker Drive	Suite 5900	Chicago	IL	60606
Hauser	Sandra D.	Dentons US LLP	1221 Avenue of the Americas		New York	NY	10020
Ross	Murray	KCC Class Action Services	3301 Kerner Blvd.		San Rafael	CA	94901

Exhibit C

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT*Taylor v. Trusted Media Brands, Inc.*, Case No. 7:16-cv-01812-KMK**(United States District Court for the Southern District of New York)**

This notice is to inform you of the settlement of a class action lawsuit with magazine publisher Trusted Media Brands, Inc. (“TMBI”), the Defendant in this case. Plaintiff Suzanne Taylor alleges that Defendant disclosed its customers’ subscription information to third parties which is alleged to violate Michigan privacy law. The Defendant denies it violated any law, but has agreed to the settlement to avoid the uncertainties and expenses associated with continuing the case.

Am I a Class Member? Our records indicate you may be a Class Member. Class Members are persons with a Michigan street address who between March 10, 2010 and July 30, 2016 had a subscription to a TMBI Publication for delivery to a Michigan address. TMBI Publications include a magazine published by Defendant or one of its subsidiaries in the United States, including but not limited to any one of the following magazines: *Reader’s Digest*, *Reminisce*, *Taste of Home*, *Simple & Delicious*, *The Family Handyman*, *Birds & Blooms*, *Country*, *Country Woman*, *Farm & Ranch Living*, *Fresh Home*, *Healthy Cooking*, and/or *Every Day with Rachael Ray*.

What Can I Get? A Settlement Fund of \$8,225,000.00 has been established to pay all valid claims submitted by the Settlement Class, together with notice and administration expenses, approved attorneys’ fees and costs, and an incentive award. If you are entitled to relief, you may submit a claim to receive a *pro rata* share of the Settlement Fund, which Class Counsel estimates to be about \$50.00 per Class Member, although the final amount you receive will also depend on the number of valid claims submitted.

How Do I Get a Payment? To receive a payment, you must submit a timely and complete Claim Form by mail or online, submitted or postmarked **no later than March 19, 2018**. You can submit the Claim Form online at www.magazinesettlement.com, or by clicking [here](#). Your payment will come by check.

What are My Other Options? You may exclude yourself from the Class by sending a letter to the Settlement Administrator no later than **December 21, 2017**. If you exclude yourself, you cannot get a settlement payment, but you keep any rights you may have to sue the Defendant over the legal issues in the lawsuit. You and/or your lawyer have the right to appear before the Court and/or object to the proposed Settlement. Your written objection must be filed no later than **December 21, 2017**. Specific instructions about how to object to, or exclude yourself from, the Settlement are available at www.magazinesettlement.com. If you file a claim or do nothing, and the Court approves the Settlement, you will be bound by all of the Court’s orders and judgments. In addition, your claims relating to the alleged disclosure or subscriber information in this case against the Defendant will be released.

Who Represents Me? The Court has appointed Scott A. Bursor of Bursor & Fisher, P.A to represent the class. This attorney is called Class Counsel. You will not be charged for this lawyer. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

When Will the Court Consider the Proposed Settlement? The Court will hold the Final Approval Hearing at **10:00 a.m. on January 31, 2018** at the Federal Building and Courthouse, Room 521, 300 Quarropas Street, White Plains, NY 10601. At that hearing, the Court will: hear any objections concerning the fairness of the Settlement; determine the fairness of the Settlement; decide whether to approve Class Counsel’s request for attorneys’ fees and costs; and decide whether to award the Class Representative \$5,000 from the Settlement Fund for her services in helping to bring and settle this case. Defendant has agreed that Class Counsel may be paid reasonable attorneys’ fees from the Settlement Fund in an amount to be determined by the Court. Class Counsel is entitled to seek no more than 33.33% of the Settlement Fund, but the Court may award less than this amount.

How Do I Get More Information? For more information, including a more detailed Notice, Claim Form, a copy of the Settlement Agreement and other documents, go to www.magazinesettlement.com, contact the Settlement Administrator at 1-855-200-6266 or Magazine Subscriber Privacy Settlement Administrator, P.O. Box 404038, Louisville, KY 40233-4038, or call Class Counsel at (646) 837-7150.

Exhibit D

COURT REPORTER'S OFFICE
ACTION AND PROPOSED SETTLEMENT

Magazine Subscriber Privacy
Settlement Administrator
P.O. Box 404038
Louisville, KY 40233-4038

OUR RECORDS INDICATE
YOU HAVE SUBSCRIBED
TO A TRUSTED MEDIA
BRANDS, INC. MAGAZINE
AND MAY BE ENTITLED
TO A PAYMENT FROM
A CLASS ACTION
SETTLEMENT.

1-855-200-6266

www.magazinesettlement.com

By Order of the Court Entered: October 17, 2017

TUY

<<Barcode>>

Claim#: TUY-<<ClaimID>>-<<MailRec>>

<<First1>> <<Last1>>

<<CO>>

<<Addr1>>

<<Addr2>>

<<City>>, <<St>> <<Zip>>

<<Country>>

Carefully separate at perforation

+ TUYCRD1

Claim ID: <<ClaimID>>

+

MAGAZINE SUBSCRIBER PRIVACY SETTLEMENT CLAIM FORM

THIS CLAIM FORM MUST BE SUBMITTED ONLINE OR POSTMARKED BY MARCH 19, 2018 AND MUST BE FULLY COMPLETED, BE SIGNED, AND MEET ALL CONDITIONS OF THE SETTLEMENT AGREEMENT.

Claim #: TUY-<<ClaimID>> - <<MailRec>>
<<First1>> <<Last1>>
<<Addr1>> <<Addr2>>
<<City>>, <<St>> <<Zip>>

Name/Address Change, if any:

Instructions: Fill out each section of this form and sign where indicated.

Email Address (optional): _____

Contact Phone #: (_____) _____ - _____ (You may be contacted if further information is required.)

Class Member Verification: By submitting this Claim Form and filling in the circles below, I declare that I believe I am a member of the Settlement Class and that the following statements are true (each circle must be filled to receive a payment):

- I have a Michigan street address and subscribed to a Trusted Media Brands, Inc. Publication between March 10, 2010 and July 30, 2016 for delivery to a Michigan address. Trusted Media Brands, Inc. Publications include any magazine published by Defendant or one of its subsidiaries in the United States, including but not limited to any one of the following magazines: *Reader's Digest, Reminisce, Taste of Home, Simple & Delicious, The Family Handyman, Birds & Blooms, Country, Country Woman, Farm & Ranch Living, Fresh Home, Healthy Cooking,* and/or *Every Day with Rachael Ray.*
- Under penalty of perjury, all information provided in this Claim Form is true and correct to the best of my knowledge and belief.

Signature _____

Date (mm/dd/yyyy) _____

Print Name: _____

The Settlement Administrator will review your Claim Form; if accepted you will be mailed a check for a *pro rata* share depending on the number of valid Claim Forms received. This process takes time, please be patient.

Questions, visit www.magazinesettlement.com or call 1-855-200-6266.

+ ||| TUY |||

<<ClaimID>>

TUY +

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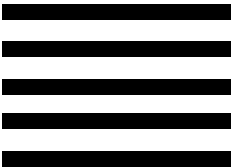
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TUY



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 959 LOUISVILLE, KY

POSTAGE WILL BE PAID BY ADDRESSEE

MAGAZINE SUBSCRIBER PRIVACY SETTLEMENT ADMINISTRATOR
P.O BOX 404038
LOUISVILLE KY 40233-9842



Exhibit E

KCC Class Action Services
Taylor v. Trusted Media Brands, Inc.
Exclusion Report

Count
11

ClaimID	Last Name	First Name
10215814901	DAVIDSON	JOAN
10238944501	DIEHL	HELEN
10314611801	FRENCH	JOYCE
10357081001	GRAY	MARILYN
10398553001	HAWKINS	ROY
10446276001	HUMPHREYS	LISA
10728778001	OXENDER	LINA
11000205201	VAN EVERY	JOANN
11033295701	WARREN	PHYLLIS
11042936901	WELCH	CHRISTOPHE
11089098001	YODER	ANDY & SARAH