

GUTRIDE SAFIER LLP

ADAM J. GUTRIDE (State Bar No. 181446)
SETH A. SAFIER (State Bar No. 197427)
100 Pine Street, Suite 1250
San Francisco, CA 94111
Telephone: (415) 639-9090
Facsimile: (415) 449-6469

Class Counsel

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

STEVEN MCARDLE, an individual, on
behalf of himself, the general public and
those similarly situated,

Plaintiff,

v.

AT&T MOBILITY LLC; NEW
CINGULAR WIRELESS PCS LLC; NEW
CINGULAR WIRELESS SERVICES,
INC.,

Defendants.

Case No. 4:09-cv-01117-CW

DECLARATION OF JAY GERACI IN
SUPPORT OF PLAINTIFF’S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

Date: December 23, 2020
Time: 2:30 p.m.
Courtroom: Via Zoom
Judge: Honorable Claudia Wilken

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1 I, Jay Geraci, declare and state that:

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3 1. I am a Director with KCC Class Action Services, LLC (“KCC”), located at 1
4 McInnis Parkway, Suite 250, San Rafael, CA 94903. I have personal knowledge of the matters
5 stated herein and, if called upon, could and would testify thereto.

6 2. KCC was retained to provide notice and administration services in this Action. This
7 declaration will describe the notice plan (the “Notice Plan”).

8 **RELEVANT EXPERIENCE**

9 3. KCC is a leading class action administration firm that provides comprehensive class
10 action services, including claims administration, legal notification, email and postal mailing
11 campaign implementation, website design, call center support, class member data management,
12 check and voucher disbursements, tax reporting, settlement fund escrow and reporting, and other
13 related services critical to the effective administration of class action settlements. Our experience
14 includes many of the largest and most complex settlement administrations of both private litigation
15 and of actions brought by state and federal government regulators. KCC has been retained to
16 administer more than 7,000 class actions and distributed settlement payments totaling well over a
17 trillion dollars in assets.

18 4. Some case examples which KCC has been involved with include: *Abdeljalil v. GE*
19 *Capital Retail Bank*, No. 12-cv-02078 (S.D. Cal.); *Adams v. AllianceOne Receivables*
20 *Management, Inc.*, No. 08-cv-00248 (S.D. Cal.); *Allen v. JPMorgan Chase Bank*, No. 13-cv-08285
21 (N.D. Ill.); *Bayat v. Bank of the West*, No. 13-cv-2376 (N.D. Cal.); *Birchmeier v. Caribbean Cruise*
22 *Line, Inc.*, No. 12-cv-04069 (N.D. Ill.); *Biringer v. First Family Insurance, Inc.*, No. 14-cv-566
23 (N.D. Fla.); *Boise v. ACE American Insurance Company*, No. 15-cv-21264, (S.D. Fla.); *Charvat v.*
24 *AEP Energy*, No. 14-cv-3121 (N.D. Ill.); *Coffman v. Glide Talk, Ltd.*, No. 13-cv-05190 (N.D. Ill.);
25 *Connor v. JPMorgan*, No. 10-cv-01284 (S.D. Cal.); *Couser v. Comenity Bank*, No. 12-cv-02484
26 (N.D. Cal.); *Couser v. Dish One Satellite, LLC*, No. 15-cv-02218 (C.D. Cal.); *Craftwood Lumber*
27 *Co. v. Interline Brands, Inc.*, No. 11-cv-4462 (N.D. Ill.); *Crossley v. Joya Communications, Inc.*,

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1 No. 16 CH 14771, (Circuit Court of Cook County, Ill.); *Cummings v. Sallie Mae, Inc.*, No. 12-cv-
 2 9984 (N.D. Ill.); *Davenport v. Discover*, No. 15-cv-06052 (N.D. Ill.); *Grannan v. Alliant Law*
 3 *Group, P.C.*, No. 10-cv-02803 (N.D. Cal.); *Guarisma v. Blue Cross Blue Shield of Florida*, No.
 4 13-cv-21016 (S.D. Fla.); *Hageman v. AT&T Mobility LLC*, No. 13-cv-50 (D. Mont.); *Hetherington*
 5 *v. Omaha Steaks*, No. 13-cv-2152 (D. Ore.); *In re Life Time Fitness*, MDL No. 2564 (D. Minn.); *In*
 6 *Re Midland Credit Management, Inc. TCPA Litigation*, No. 11-md-2286 (S.D. Cal.); *In re:*
 7 *Portfolio Recovery Associates, LLC TCPA Litigation*, No. 11-md-02295 (S.D. Cal.); *Jonsson v.*
 8 *USCB, Inc.*, No. 13-cv-8166 (C.D. Cal.); *Kolinek v. Walgreen Co.*, No. 13-cv-04806 (N.D. Ill.);
 9 *Lee v. Global Tel Link Corporation*, No. 15-cv-02495, (C.D. Cal.); *Lees v. Anthem Ins. Cos., Inc.*,
 10 No. 13-cv-01411 (E.D. Mo.); *Luster v. Duncan Solutions*, No. 14-cv-00112 (N.D. Ga.); *Luster v.*
 11 *Wells Fargo*, No. 15-cv-01058 (S.D. Ga.); *Martin v. Global Marketing Research Services, Inc.*,
 12 No. 14-cv-1290 (M.D. Fla); *Melito v. American Eagle Outfitters*, No. 14-cv-02440 (S.D.N.Y.);
 13 *Mey v. Patriot Payment Group*, No. 15-cv-00027 (N.D.W. Va.); *Newman v. AmeriCredit*, No. 11-
 14 cv-3041 (S.D. Cal.); *Prater v. Medcredit, Inc.*, No. 14-cv-00159 (E.D. Mo.); *Prather v. Wells*
 15 *Fargo*, No. 15-cv-04231 (M.D. Ga.); *Reginald Moore v. Family Dollar Stores, Inc.*, No. 14-
 16 cv-01542 (E.D. Mo.); *Rinky Dink Inc. v. World Business Lenders LLC*, No. 14-cv-00268 (W.D.
 17 Wash.); *Sherman v. Kaiser Foundation Health Plan, Inc.*, No. 13-cv-00981 (S.D. Cal.); *Shestopal*
 18 *v. Follett Higher Education Group Inc.*, No. 15-cv-8980 (N.D. Ill.); *Steinfeld v. Discover Financial*
 19 *Services*, No. 12-cv-01118 (N.D. Cal.); *Wannemacher v. Carrington Mortgage Servs.*, No. 12-cv-
 20 02016 (C.D. Cal); and *Willis v. iHeartMedia, Inc.*, No. 2016 CH 02455 (Cook County Circuit
 21 Court, Ill.).

22 23 NOTICE PLAN SUMMARY

24 5. The Class is defined as all California residents who, any time between February 6,
 25 2005 and January 31, 2009, were charged international roaming fees by Defendants for
 26 unanswered incoming calls to their U.S.-based mobile numbers. Excluded from the Class are (a)
 27 the Honorable Judges Claudia Wilken, Maria-Elena James (Ret.), Thomas S. Hixson, Sallie Kim
 28

1 and Edward Infante (Ret.) and any member of their immediate families; (b) any government entity;
2 (c) any entity in which any Defendant has a controlling interest; (d) any of Defendants’
3 subsidiaries, parents, affiliates, and officers, directors, employees, legal representatives, heirs,
4 successors, or assigns; (e) counsel for the Parties; and (f) any persons who timely opt-out of the
5 Class.

6
7 *Individual Notice*

8 6. KCC has been informed by counsel for AT&T that its database contains mailing
9 addresses for all Class Members and email addresses for approximately 90% of Class Members.
10 An e-mail notice containing a summary of the settlement in the body of the e-mail will be sent to
11 all available e-mail addresses as provided by the Defendant. All e-mails will include a “return
12 receipt” or other function that will allow KCC to reasonably determine whether e-mails have been
13 delivered and/or opened. The E-mail Notice will also contain a hyperlink that, when clicked, will
14 take recipients directly to the landing page of the Settlement Website.

15 7. Prior to the claims deadline, KCC will send two additional e-mail reminder mailings
16 to those class members with a valid e-mail address and for whom have not yet filed a claim.

17 8. A postcard Summary Notice will be sent to all available postal addresses that do not
18 include a corresponding e-mail address, as well as all postal addresses for which the corresponding
19 e-mail address resulted in a bounced or undeliverable E-mail Notice.

20 9. Prior to the mailing, the addresses will be checked against the National Change of
21 Address (NCOA)¹ database maintained by the United States Postal Service (USPS); certified via
22 the Coding Accuracy Support System (CASS);² and verified through Delivery Point Validation
23

24
25 ¹ The NCOA database contains records of all permanent change of address submissions received by the USPS for the
26 last four years. The USPS makes this data available to mailing firms and lists submitted to it are automatically updated
with any reported move based on a comparison with the person’s name and last known address.

27 ² Coding Accuracy Support System is a certification system used by the USPS to ensure the quality of ZIP+4 coding
28 systems.

1 (DPV).³

2 10. Notices returned by USPS as undeliverable will be re-mailed to any address
3 available through postal service information. For example, such notices would be mailed to the
4 address provided by the USPS on returned pieces for which the automatic forwarding order has
5 expired, but is still within the period that the USPS returns the piece with a new address provided
6 on the forwarding order expiration sticker. Any returned mailing that does not contain an expired
7 forwarding order with a new address indicated will be researched through standard skip tracing and
8 re-mailed if a new address is obtained.

9
10 ***Settlement Website***

11 11. KCC will create and maintain a dedicated settlement website (the “Settlement
12 Website”). The Settlement Website will provide Class Members with additional information about
13 the settlement, including relevant court documents, important dates and deadlines, answers to
14 frequently asked questions, and other information. In addition, the Settlement Website will allow
15 claimants to file a claim online and will allow Class Members to exclude themselves from (opt out
16 of) the Class online.

17
18 ***Toll-Free Number***

19 12. A toll-free number will be established that will allow Class Members to call to learn
20 more about the settlement in the form of frequently asked questions. It will also allow Class
21 Members to request a notice packet be mailed to them.

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23 ***Claim Filing Estimate***

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25
26 _____
27 ³ Records that are ZIP+4 coded are then sent through Delivery Point Validation to verify the address and identify
28 Commercial Mail Receiving Agencies. DPV verifies the accuracy of addresses and reports exactly what is wrong with
incorrect addresses.

