

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STEPHEN SULLIVAN, WHITE OAK FUND LP,
CALIFORNIA STATE TEACHERS' RETIREMENT
SYSTEM, SONTERRA CAPITAL MASTER FUND,
LTD., FRONTPOINT PARTNERS TRADING FUND,
L.P., AND FRONTPOINT AUSTRALIAN
OPPORTUNITIES TRUST on behalf of themselves and
all others similarly situated,

Docket No.: 13-cv-02811 (PKC)

Plaintiffs,

– against –

BARCLAYS PLC, BARCLAYS BANK PLC,
BARCLAYS CAPITAL INC., BNP PARIBAS S.A.,
CITIGROUP, INC., CITIBANK, N.A., COÖPERATIEVE
CENTRALE RAIFFEISEN-BOERENLEENBANK B.A.,
CRÉDIT AGRICOLE S.A., CRÉDIT AGRICOLE CIB,
DEUTSCHE BANK AG, DB GROUP SERVICES UK
LIMITED, HSBC HOLDINGS PLC, HSBC BANK PLC,
ICAP PLC, ICAP EUROPE LIMITED, J.P. MORGAN
CHASE & CO., JPMORGAN CHASE BANK, N.A., THE
ROYAL BANK OF SCOTLAND PLC, SOCIÉTÉ
GÉNÉRALE SA, UBS AG AND JOHN DOE NOS. 1-50,

Defendants

**DECLARATION OF JACK EWASHKO IN SUPPORT OF PLAINTIFFS' MOTION
FOR ENTRY OF AN ORDER APPROVING DISTRIBUTION OF THE
NET SETTLEMENT FUNDS TO AUTHORIZED CLAIMANTS**

Pursuant to 28 U.S.C. § 1746, I, Jack Ewashko, declare:

1. I am a Client Services Director of A.B. Data, Ltd.’s Class Action Administration Company (“A.B. Data”), which has its corporate office in Milwaukee, Wisconsin. I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would testify competently thereto.

2. Pursuant to the Preliminary Approval Orders dated April 18, 2023 (ECF No. 564), May 9, 2022 (ECF No. 520), December 19, 2018 (ECF No. 454), and July 6, 2017 (ECF No. 364) (collectively, the “Preliminary Approval Orders”), the Court authorized A.B. Data to act as the Settlement Administrator in connection with the Settlements¹ in the above-captioned action (the “Action”).

3. Following the dissemination of the Class Notices and a fairness hearing on the respective Settlements, the Court entered Orders finally approving the respective Settlements and the Distribution Plan on November 1, 2023 (ECF No. 590), November 15, 2022 (ECF No. 548), May 17, 2019 (ECF No. 498), and May 18, 2018 (ECF No. 424).

4. In accordance with the Settlements and Distribution Plan, A.B. Data has now completed processing all Proofs of Claim (“Claims”) received and submits its administrative determinations accepting and rejecting the Claims and proposed procedures for distributing the Net Settlement Funds.²

¹ “Settlements” refers to settlements with Barclays plc, Barclays Bank plc, and Barclays Capital Inc.; Deutsche Bank AG and DB Group Services (UK) Ltd.; HSBC Holdings plc and HSBC Bank plc; Citigroup Inc., Citibank, N.A., JPMorgan Chase & Co., and JPMorgan Chase Bank, N.A.; Crédit Agricole S.A. and Crédit Agricole CIB; and Société Générale (collectively, “Settling Defendants”). Unless otherwise defined herein, all capitalized terms have the same meaning as in the Settlement Agreements with the Settling Defendants and the Distribution Plan approved in this Action. *See* ECF Nos. 218-1, 276-1, 360-1, 451-1, 518-1, 562-1 (Settlement Agreements) and 382-1 (Distribution Plan). Unless noted, ECF citations are to the docket in this Action.

² “Net Settlement Funds” means the Settlement Funds provided by the Settlements in this Action plus any accrued interest, less deductions for tax payments, claims administration and escrow costs, and any Court-approved awards. As of June 27, 2024, the Net Settlement Funds total \$551,840,792.75.

5. This Declaration describes the following actions that A.B. Data took in administering the Settlements: (i) processing the Claims received; (ii) determining Claim eligibility, identifying Claim- and transaction-level deficiencies in the Claims, and notifying Claimants of their final disposition and any deficiencies; (iii) selecting Claims for further auditing; (iv) performing a quality assurance review; (v) processing of Late But Otherwise Eligible Claims; and (vi) proposing a procedure to distribute the Net Settlement Funds. A statistical summary of this administration is provided in **Exhibit E**.

I. A.B. DATA'S PROCESSING OF CLAIMS RECEIVED

6. Under the terms of the Preliminary Approval Orders, and as set forth in the Class Notices and Distribution Plan, each Class Member who wished to receive a distribution from the Net Settlement Funds was required to submit a Claim to A.B. Data by no later than November 30, 2023.³ Class Members seeking to share in the Net Settlement Funds were directed to mail their completed Claim form to a dedicated P.O. Box or to coordinate with A.B. Data to facilitate electronic claims filing. Through June 27, 2024, A.B. Data received 47,711 Claims.

7. In preparation for receiving and processing Claims, A.B. Data: (i) conferred with Class Counsel to define the project guidelines for processing Claims; (ii) created a unique database to store Claim details, images of Claims, and supporting documentation; (iii) trained staff in the specifics of the project; (iv) formulated a system to properly respond to telephone and email inquiries; (v) developed various computer programs and screens for entry of Class Members' transactional and identifying information; (vi) developed a proprietary calculation module that

³ The deadline for filing Claims for the Barclays, HSBC, and Deutsche Bank Settlements was August 1, 2018. The deadline for filing Claims for the Citi and JPMorgan Settlement was July 31, 2019. The deadline for filing Claims for the Crédit Agricole Settlement was December 15, 2022. The deadline for filing Claims for the Société Générale Settlement was November 30, 2023. All Claims submitted by November 30, 2023 were considered timely as to all Settlements.

calculates each Authorized Claimant's share of the Net Settlement Funds pursuant to the Distribution Plan; and (vii) collaborated at least weekly with subject matter experts from Williamsburg Expert Financial Analysis, LLC ("WEFA") to both verify the implementation of the Distribution Plan and confirm the accuracy of the output of A.B. Data's claim calculations.

A. Processing of Paper Claims Received

8. Of the 47,711 Claims A.B. Data received, 1,075 paper Claims were mailed. Once the paper Claims had been processed, they were scanned into a database together with all submitted documentation. Each paper Claim was then assigned a unique Claim number.

9. Once scanned, the information from each Claim form (including the Claimant's name, address, and account number/information from the supporting documentation) and the Claimant's transactions were entered into a database developed by A.B. Data to process Claims submitted for the Settlements.

10. A.B. Data reviewed each paper Claim added to the database to verify that all required information was provided. If required information was missing, A.B. Data flagged the deficiency for purposes of providing notice to the Claimants and an opportunity to cure the deficiency (as further discussed below). The documentation provided by the Claimant was also reviewed for authenticity and used to verify the Claimant's identity.

B. Processing of Bulk Filer Claims

11. The remaining 46,636 Claims were submitted electronically to A.B. Data, primarily by bulk filers. Bulk filers are financial institutions, claims aggregators and law firms that submit Claims on behalf of their customers and clients ("Bulk Filer Claims"). Bulk Filer Claims were either submitted on a flash drive by mail, via email, or through a secure FTP site. A.B. Data sent bulk filers a confirmation email upon receipt of their Claims.

12. A.B. Data's Electronic Claim Filing Team ("ECF Team") coordinates and supervises the receipt and handling of all Bulk Filer Claims and all other electronically submitted Claims. In this case, the ECF Team analyzed each electronic file to ensure that the formatting was consistent with A.B. Data's requirements and to identify any data issues or inconsistencies within the file that may require issuing a deficiency notice to the Claimant (as further discussed below). If the electronic file format was acceptable, it was then loaded to A.B. Data's database.

C. Authorized Claims

13. A total of 46,359 Claims were submitted on or before the Claim deadline of November 30, 2023. Of those Claims, A.B. Data determined that 9,270 Claims have eligible Euribor Products transactions and are eligible for payment based on their calculated Total Adverse Impact and/or their Total Adjusted Volume of Euribor Products transacted (the "Timely Eligible Claims"). These Claims are listed in **Exhibit A**.⁴

14. A total of 1,352 Claims were submitted after the Claim submission deadline of November 30, 2023 ("Late Claims"). Of those, 1,322 Claims are eligible for payment based on their calculated Total Adverse Impact and/or their Total Adjusted Volume of Euribor Products transacted and are recommended for payment because the late submission did not delay the distribution of the Net Settlement Funds ("Late But Otherwise Eligible Claims"). These Claims are listed in **Exhibit B**. A total of 37,119 Claims are ineligible to receive payment (*see* section III.A.) and are listed in **Exhibit C** ("Rejected Claims"). These Rejected Claims include Claims that: did not have eligible Euribor Products transactions or failed to provide the acceptable

⁴ For privacy reasons, the exhibits attached hereto reflecting Claimants' status provide only the Claimant's Claim number and (if applicable) the Reason for Ineligibility. The exhibits do not disclose names, addresses, or social security or other taxpayer identification numbers, or other financial information.

documentation (30,072); had no United States connection (6); have been withdrawn (724); have been replaced with a new submission (4,879); or were submitted in duplicate (1,438).

15. Accordingly, A.B. Data recommends that the Court accept a total of 10,592 Claims (*see Exhibits A and B*) (the “Authorized Claims”). The Authorized Claims will be paid pursuant to Distribution Plan and the proposed distribution procedures below (*see section VII*). A.B. Data also recommends that the Court reject the Rejected Claims listed in **Exhibit C**.

II. IDENTIFICATION OF ELIGIBLE CLAIMS AND TRANSACTIONS

16. A.B. Data processed the Claims to determine whether submissions satisfied the Claim- and transaction-level requirements. If a Claim did not satisfy one or more of the eligibility criteria, A.B. Data assigned internal codes (“flags”) to the Claim and/or transactions within a Claim that would be used to notify the Claimant of the deficiency or ineligibility conditions.

A. Claim-Level Eligibility Criteria

17. Claims were required to meet the following criteria to be eligible to receive a payment from the Net Settlement Funds.

18. Eligible Transaction During the Class Period: A Claim must include at least one eligible Euribor Products transaction during the Class Period to be considered for payment under the Distribution Plan. If a Claim was submitted without an eligible Euribor Products transaction or without adequate documentation, A.B. Data notified the Claimant that this deficiency could be cured by providing transaction data containing Euribor Products and/or supporting documentation. If a Claimant failed to provide any eligible transactions, the Claim was rejected. A total of 30,072 Claims were rejected for this reason.

19. Transaction(s) Has a United States Connection: To be eligible, the Euribor Products transactions in each Claim had to be entered into by a Person who was either domiciled in the United States or its territories or, if domiciled outside the United States or its territories, transacted

in Euribor Products in the United States or its territories from June 1, 2005 through and including March 31, 2011 (the “Class Period”). If the Claimant did not provide any information demonstrating that any transaction met this requirement, A.B. Data issued a deficiency notice requesting information about the Persons involved in the eligible transactions and where the transactions were executed. If the Claimant did not provide any information satisfying this requirement, the Claim was rejected in its entirety. Six (6) Claims were rejected for this reason.

20. Withdrawn, Replaced, or Duplicate Claims: After submitting their Claims, 724 Claimants withdrew their Claims. Replacement transaction data and supporting information was submitted for 4,879 Claims. Upon receiving the replacement Claim, A.B. Data marked the original submission as deficient and considered the replacement Claim as the operative submission. Finally, a Claimant may not submit more than one Claim involving the same Euribor Products transactions. A.B. Data identified a total of 1,438 duplicate Claims. When this occurred, the duplicate Claim was marked as ineligible.

B. Transaction-Level Eligibility Criteria

21. A.B. Data separately determined whether each transaction submitted as part of the Claims was individually eligible under the Distribution Plan. Certain flags were used by A.B. Data to identify transaction-level deficiencies or ineligibility conditions. These flags would indicate to A.B. Data that the specific transactions could not be included in the Total Adjusted Volume and the Total Adverse Impact calculation unless the deficiency was cured. Transaction-level deficiencies included:

- (a) The transaction was not an eligible Euribor Products transaction;
- (b) The transaction occurred outside of the Class Period;

(c) The transaction reflected internal transfers within the Claimant's organization;

(d) The maturity date preceded the transaction date of the Euribor Products transaction;

(e) The transaction reflected a modification of a transaction that was already taken into account in the artificiality calculation;

(f) The transaction size exceeded a reasonable volume of contracts based on the market; and/or

(g) Missing transaction data.

III. FINAL DISPOSITION AND DEFICIENCY LETTERS

22. After completion of the deficiency process outlined above, A.B. Data calculated the Total Adjusted Volume of the eligible Euribor Products transactions and assessed whether the applicable transactions calculated to a Total Adverse Impact under the Distribution Plan. After performing these calculations, A.B. Data sent a letter to all Claimants that provided a final disposition of the Claim and described any identified deficiencies (the "Final Disposition and Deficiency Letters").

23. The Final Disposition and Deficiency Letters provided the Total Adverse Impact calculation (if applicable) and the Total Adjusted Volume for each Claimant if the Claim was accepted.

24. For Claimants whose Claims were incomplete or had one or more deficiencies, the Final Disposition and Deficiency Letters:

(a) Identified one or more of the defects summarized in sections II.A. (claim-level deficiencies) and II.B. (transaction-level deficiencies) above that were present in the Claim and described what, if anything, was necessary to cure the defect(s) in the Claim;

(b) Stated that any claim-level deficiencies that were not corrected within the time period specified would result in the rejection of the Claim in its entirety, and any transaction-level deficiencies that were not corrected within the time period specified would result in the rejection of the transaction from the artificiality calculation under the Distribution Plan;

(c) Advised Claimants of the right to contest the rejection of their Claims or certain transaction(s) in their Claims by requesting Court review of A.B. Data's administrative determination of deficiencies or ineligibility; and

(d) Provided instructions on how to submit corrections (if applicable), or contest the rejection, and specified what supporting documentation should be provided.

25. For each Claim that included one or more underlying transaction(s) flagged as deficient or ineligible, as discussed in section III.B., the Final Disposition and Deficiency Letters informed Claimants of each defect on a transaction-by-transaction basis.

26. When requested, A.B. Data also provided support to Claimants who needed technical assistance in resolving deficiencies.

27. The Final Disposition and Deficiency Letters also advised Claimants of their right to request additional review of their Claim if they objected to the calculations under the Distribution Plan.

28. The letters explained that any Claimant desiring to object to A.B. Data's administrative determination must submit a written statement to A.B. Data requesting additional review of their Claim and setting forth the basis for the objection. A sample Final Disposition and Deficiency Letter is attached hereto as **Exhibit D**.

29. Claimants' responses to the Final Disposition and Deficiency Letters were loaded into A.B. Data's database and associated with the corresponding Claims. The responses were then

evaluated by A.B. Data's team of processors. If a Claimant's response corrected the defect(s), A.B. Data updated the database to reflect the changes in the status of the Claim or transaction. If claim-level deficiencies were not cured, such Claims were rejected and included in **Exhibit C** (Rejected Claims). If transaction-level deficiencies were not cured, such transactions were excluded from the calculation of artificiality under the Distribution Plan.

30. After completing its review of any information submitted in response to the Final Disposition and Deficiency Letters, performing an additional audit of the Total Adverse Impact/Total Favorable Impact and Total Adjusted Volume calculations across Claims, and auditing (and, if applicable, making corrections to) the programs that perform the required calculations under the Distribution Plan, A.B. Data provided Claimants with updated Final Disposition and Deficiency Letters. The updated Final Disposition and Deficiency Letters provided updated calculations of the Total Adjusted Volume and Total Adverse Impact (if applicable) and advised that Class Counsel would file their motion for distribution of the net settlement funds. The updated letter also informed Claimants that if they disagreed with the calculation of their Total Adjusted Volume and Total Adverse Impact, such Claimants must submit, within ten (10) business days of the date of the updated letter, a signed written statement stating the reasons for contesting the determinations, along with documentation supporting a different Recognized Claim Amount and/or Total Volume calculation under the Distribution Plan. A sample of this letter is included in **Exhibit D**.

31. A.B. Data will review any written submissions that are received. To the extent their remains a dispute concerning the determination, such dispute will be presented to this Court for resolution within twenty (20) business days following the filing of the motion to distribute the net settlement funds.

IV. TRANSACTION-LEVEL AND DOCUMENTATION AUDITS

A. Transaction-Level Audit of Designated Claims and Identification of Deficiencies in Transactions Submitted

32. The Claim form required all Claimants to submit supporting documentation for their Euribor Products transactions. The Electronic Claims Filing Instructions provided that following receipt of a Claim, the Claims Administrator may require a Claimant to submit additional trade confirmation data or other information that underlies the eligible transactions.

33. To ensure the integrity of the claims process, A.B. Data performed various targeted audits, including of the Electronic Claims. A.B. Data used criteria such as the calculated Total Adverse Impact to identify a selection of Electronic Claim Filers from which A.B. Data requested confirmation slips or other transaction-specific supporting documentation. These targeted audits helped to ensure that transaction data supplied by Claimants did not contain inaccurate information. The Claims selected to submit their underlying confirmations for audit included:

(a) Large Claims: A.B. Data requested supporting documentation from the Claimants that submitted Claims collectively accounting for the top 25% of Total Adverse Impact under the Distribution Plan;

(b) Unusually Large Individual and/or Questionable Claims: A.B. Data requested supporting documentation from all Claimants that had been previously identified as questionable claim filers (*see* ¶ 40 below) and from other individual Claimants, whose Claims had an unusually large notional value based on A.B. Data's or WEFA's review; and

(c) Bulk Filer Claims: Consistent with A.B. Data's regular practice, A.B. Data selected certain Bulk Filer Claims to be included in the audit. Based on the volume of transaction data they submit, Claims submitted by bulk filers require additional attention to ensure all of the filing requirements have been met.

34. A.B. Data sent an email to each auditee (the “Audit Letter”), asking that these Claimants provide the requested trade confirmation data in the format specified in the Electronic Filing Guidelines for each transaction selected for audit. Each Claimant was advised that failing to timely respond and provide the requested trade confirmation data within a specified time period would result in the Claim being rejected in its entirety.

35. In total, A.B. Data audited 5,500 Claims (the “Audited Claims”).

36. The filers for 5,201 Audited Claims responded to the Audit Letter. Upon receiving data from the Audited Claims, the ECF Team evaluated the eligibility of each transaction. A.B. Data evaluated all transaction-level data provided for the Audited Claims.

37. As a result of the audit, 4,800 of the Audited Claims passed with no rejections or adjustments. These Claims are included in either **Exhibit A** (Timely Eligible Claims) or **Exhibit B** (Late But Otherwise Eligible Claims).

38. The remaining 700 Audited Claims were fully rejected. These include (a) 299 Claims for which no response was submitted at all and (b) 401 Claims where the Claimants were unable to provide requested documentation concerning the transactions in the Claims. These Claims are included in **Exhibit C** as rejected in full.

V. QUALITY ASSURANCE REVIEW

39. Throughout the administration process, A.B. Data’s Quality Assurance Department verified that Claims were properly processed by checking that information was entered correctly into the database, deficiency and/or rejection flags were assigned accurately, and deficiency and/or rejection notifications were sent appropriately. In effect, the Quality Assurance Department operated as an independent auditor to ensure that the settlement administration occurred according to the Distribution Plan and commonly accepted practices. A.B. Data’s supervisors and managers in the Quality Assurance Department performed additional Quality Assurance Reviews (“QARs”)

to assess the correctness and completeness of all Claims prior to preparing this Declaration and all of A.B. Data's final documents in support of distribution of the Net Settlement Funds. After completing its QARs, A.B. Data notified Claimants (if applicable) of any results that impacted their Claims. As part of the QARs, A.B. Data:

- (a) Verified that all Claims had signatures of authorized individuals;
- (b) Verified that true duplicate Claims were identified, verified, and rejected;
- (c) Verified that persons and entities excluded from the Class or particular Settlements did not file Claims and, if such persons or entities did file Claims, that their Claims were rejected or properly excluded from the *pro rata* calculation of the applicable Net Settlement Fund(s);
- (d) Performed a final Quality Assurance audit of Claims and all supporting documentation to ensure completeness of Claims;
- (e) Performed a review of deficient or invalid Claims;
- (f) Determined that all Claimants requiring a deficiency notification were sent such notification;
- (g) Performed additional review of Claims with a high *pro rata* share of the Net Settlement Funds;
- (h) Performed other auditing based on Claims completion requirements and the approved calculation specifications based on the Distribution Plan; and
- (i) Updated and re-tested the accuracy of the program that calculated the allocation from the Net Settlement Funds.

40. As part of its due diligence, A.B. Data also, among other things, cross-checked all Claims filed against its database of known questionable filers (the “Questionable Claim Filer Database”), which contains names, addresses, and aliases of individuals or entities that have been investigated by government agencies for questionable claim filing. A.B. Data updates this Questionable Claim Filer Database on a regular basis. In addition, A.B. Data’s claim processors are trained to identify any potentially inauthentic documentation when processing claims, including claims submitted by Claimants not previously captured in the Questionable Claim Filer Database. Processors are instructed to flag any questionable claims and escalate them to management for review. A.B. Data issued an Audit Letter to six Questionable Claim Filers that submitted a Claim. A.B. Data did not receive the requested information from the Questionable Claim Filers and has rejected these Claims.

VI. PROCESSING OF LATE BUT OTHERWISE ELIGIBLE CLAIMS

41. Of the Claims submitted, 1,352 were received or postmarked after the November 30, 2023 Claim submission deadline established by the Court. A.B. Data processed all late Claims received through June 27, 2024, and 1,322 have been found to be otherwise eligible in whole or in part (the “Late But Otherwise Eligible Claims”). A.B. Data has not rejected any Claim received through June 27, 2024 solely based on its late submission, and A.B. Data believes no delay has resulted from the provisional acceptance of these Late But Otherwise Eligible Claims because the processing of timely received Claims was still ongoing. Thus, to the extent these Claims are eligible, but for the fact that they were late, they are recommended for payment.

42. However, there must be a final cut-off date after which no more Claims will be accepted so that there may be a proportional allocation of the Net Settlement Funds and the distribution may be accomplished. Acceptance of additional Claims or responses to notices of deficiency received during the finalization of the administration and the preparation of this

application would necessarily require a delay in the distribution. Accordingly, A.B. Data also respectfully requests that this Court order that no Claim received after June 27, 2024 be eligible for payment from the Net Settlement Funds for these Settlements for any reason whatsoever and that no further adjustments or corrections to Claims submitted after June 27, 2024 may be accepted, except as related to any written submissions made in response to the updated Final Disposition and Deficiency Letters, as discussed above. To the extent there are subsequent settlements, any new Claims filed in compliance with the applicable claims filing deadline of those settlements may only participate in those subsequent settlements.

VII. PROPOSED PROCEDURE TO DISTRIBUTE THE NET SETTLEMENT FUNDS

43. Should the Court approve A.B. Data’s determinations concerning the accepted and rejected Claims, A.B. Data recommends the following procedure to distribute the Net Settlement Funds (the “Distribution Procedure”):

(a) A.B. Data will conduct an initial distribution (the “Initial Distribution”) of the Net Settlement Funds, which total \$551,840,792.75 as of June 27, 2024. A portion of the Net Settlement Funds will be reserved to address any tax liability and claims administration-related contingencies that may arise. The Initial Distribution will be determined as follows:

(1) A.B. Data will calculate award amounts for all Authorized Claimants as if the entire Net Settlement Funds were to be distributed now. In accordance with the Distribution Plan, A.B. Data will calculate each Authorized Claimant’s *pro rata* share of the Net Settlement Funds (the “Distribution Amount”). The Distribution Amount is equal to the total of:

(A) the Authorized Claimant’s Total Adverse Impact (if any) divided by the Total Adverse Impact of all Authorized Claimants with Total Adverse Impact (the “TAI *pro rata* fraction”) multiplied by 90% of

the Net Settlement Funds; and

(B) the Authorized Claimant's Total Adjusted Volume divided by the Total Adjusted Volume of all Authorized Claimants (the "TAV *pro rata* fraction") multiplied by 10% of the Net Settlement Funds.

(2) A.B. Data recommends, pursuant to the terms of the Distribution Plan, that any Authorized Claimant whose Distribution Amount is less than \$30 receive a minimum payment of \$30 (the "Minimum Payment") from the Net Settlement Funds. This Minimum Payment was determined by evaluating the amount of the fund that would be reallocated by setting this threshold and the administrative savings of implementing this payment floor. Under the Distribution Plan, 5,633 Claimants will receive the Minimum Payment. The total amount of this Minimum Payment comprises approximately 0.031% of the Net Settlement Funds, or \$168,990. In contrast, if these Authorized Claimants were paid their award amount based on their *pro rata* fraction, the payments would total \$26,734.82 or approximately 0.00484% of the Net Settlement Funds. Setting the Minimum Payment at \$30 will reallocate just 0.026% of the Net Settlement Funds towards paying these Claimants.

(3) After excluding Authorized Claimants who will receive the Minimum Payment, A.B. Data will recalculate the Distribution Amounts for Authorized Claimants who would have received awards of \$30 or more pursuant to the calculations described in subparagraph (a)(1) above.

(4) Authorized Claimants whose Distribution Amount is greater than or equal to \$30 but less than \$250,000 will receive their full Distribution Amount

in the Initial Distribution. Paying these Authorized Claimants in full during the Initial Distribution means fewer Authorized Claimants will need to be included in any subsequent distribution, reducing the administrative costs associated with such an effort.

(5) After deducting the payments for the Claims above, 85% of the remaining balance of the Net Settlement Funds will be distributed *pro rata* to Authorized Claimants whose Distribution Amount is \$250,000 or more. For example, if an Authorized Claimant's Distribution Amount is \$200,000, it will receive \$170,000 in the Initial Distribution.

(6) The remainder of the Net Settlement Funds will be held in reserve to address any further tax liability, administration costs, and claims administration-related contingencies that may arise. The practice of creating a reserve with a portion of the net settlement funds is a routine and customary practice among claims administrators to account for any contingencies that may arise during the administration process. To the extent the reserve is not depleted, the remainder will be distributed in the "Second Distribution" described in subparagraph (d) below.

(b) To encourage Authorized Claimants to deposit their payments promptly, all distribution checks in the Initial Distribution will bear a notation: "CASH PROMPTLY. VOID AND SUBJECT TO REDISTRIBUTION IF NOT CASHED BY [DATE 90 DAYS AFTER ISSUE DATE]." For Authorized Claimants whose checks are returned as undeliverable, A.B. Data will endeavor to locate new addresses by running the undeliverable addresses through address-lookup services. Where a new address is located, A.B. Data will update the database accordingly and reissue a distribution check to the Authorized Claimant at the new address. In the event a

distribution check is lost or damaged or otherwise requires reissuance, A.B. Data will issue a replacement. Distribution reissues will be undertaken only upon written instructions from the Authorized Claimant, provided that the Authorized Claimant returns the previous check where appropriate. For all reissued checks, A.B. Data will void the initial payment prior to reissuing a payment. To avoid delaying further distributions to Authorized Claimants who have timely cashed their checks, A.B. Data's outreach program shall end 30 days after the initial void date. Authorized Claimants will be informed that, if they do not cash their Initial Distribution checks within 90 days of the mail date, or do not cash reissued checks within 30 days of the mailing of such reissued checks, their checks will lapse, their entitlement to recovery will be irrevocably forfeited, and the funds will be reallocated to other Authorized Claimants. Reissue requests for lost or damaged checks will be granted after the void date on the checks as long as the request for the reissue is received no later than 45 days prior to the next planned distribution. Requests for reissued checks in connection with any subsequent distributions (should such distributions occur) will be handled in the same manner. Subsequent distributions will have a 30-day stale date.

(c) Authorized Claimants who do not cash their Initial Distribution checks within the time allotted or on the conditions set forth in subparagraph (b) will forfeit all recovery from the Settlements. A.B. Data anticipates that there will be a number of void, stale-dated, or returned checks, and failed wire transfers. The funds allocated to all such void, stale-dated, or returned checks, and failed wire transfers will be available to be reallocated in the Second Distribution. Similarly, Authorized Claimants who do not cash their second or subsequent distribution checks (should such distributions occur) within the time allotted or on the conditions set forth in subparagraph (b) will irrevocably forfeit any further recovery from the Net Settlement Funds.

(d) After A.B. Data has made reasonable and diligent efforts to have Authorized Claimants cash their Initial Distribution checks, which efforts shall consist of the follow-up efforts described in subparagraph (b), A.B. Data will, after consulting with Class Counsel, conduct a second distribution of the Net Settlement Funds (the “Second Distribution”) in a reasonable period of time. Any amounts remaining in the Net Settlement Funds after the Initial Distribution (including funds held in reserve and the proceeds from all void, stale-dated, or returned checks and failed wire transfers), after deducting the payment of any additional Court-approved costs, estimated taxes, the costs of preparing appropriate tax returns, any escrow and administrative fees, and appropriate contingency reserves, will be distributed to all Authorized Claimants (i) whose Distribution Amount in the Initial Distribution calculated to \$250,000 or more pursuant to subparagraph (a)(5) above, (ii) who cashed their first distribution check, and (iii) who would receive at least \$30.00 from such distribution based on their *pro rata* share of the remaining funds. Additional distributions, after deduction of costs and expenses as described above and subject to the same conditions, may occur after a reasonable period of time until Class Counsel, in consultation with A.B. Data, determines that further distribution is not cost-effective.

(e) If necessary, the remaining balance of the Net Settlement Funds, after payment of any unpaid fees or expenses incurred in administering the Net Settlement Funds and after the payment of any estimated taxes, the costs of preparing appropriate tax returns, and any escrow fees, shall be contributed to nonsectarian, not-for-profit 501(c)(3) organization(s), recommended by Class Counsel in consultation with Plaintiffs and approved by the Court.

(f) Unless otherwise ordered by the Court, A.B. Data asks that it be permitted to destroy paper and electronic copies of the Claims and all supporting documentation one year

after all funds from these Settlements and any later approved settlements have been distributed, and the Action has finally terminated.

44. To date, the costs of notice and administration for the Settlements total \$4,843,534.16, for which A.B. Data has been or will be paid in full. A.B. Data anticipates that the additional cost to complete the administration for these Settlements and distribution of the Net Settlement Funds will be \$78,213.72. This estimate covers A.B. Data's future work in distributing the Net Settlement Fund, as described above.

CONCLUSION

45. A.B. Data respectfully requests that the Court enter an Order approving its administrative determinations accepting and rejecting the Claims submitted herein and approving the proposed Distribution Procedure.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed in Milwaukee, Wisconsin on June 28, 2024.



Jack Ewashko