

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GREGORY HOWELL, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

CHECKR, INC.,

Defendant.

Case No. 3:17-cv-04305-SK

**DECLARATION OF JENNIFER M.
KEOUGH REGARDING
SETTLEMENT ADMINISTRATION**

I, JENNIFER M. KEOUGH, declare as follows:

1. I am the Chief Executive Officer of JND Legal Administration LLC (“JND”). JND is a legal administration services provider with its headquarters located in Seattle, Washington. JND has extensive experience with all aspects of legal administration and has administered settlements in hundreds of class action cases.

2. JND is serving as the Settlement Administrator (“Administrator”) in the above-captioned litigation (“Action”), as ordered by the Court in its Order Granting Motion for Preliminary Approval of Class Action Settlement (“Order”). This Declaration is based on my personal knowledge, as well as upon information provided to me by experienced JND employees, and if called upon to do so, I could and would testify competently thereto.

CAFA NOTICE

3. In compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, JND compiled a CD-ROM containing the following documents:

- a. Complaint filed June 23, 2017 in the Superior Court for the County of San Francisco;

- b. Plaintiff's Motion for Preliminary Approval of the Proposed Settlement and Memorandum in Support [Unopposed], filed May 21, 2018, and attaching:
 - i. Declaration of E. Michelle Drake in Support of Motion for Preliminary Approval; and
 - ii. Class Action Settlement Agreement and Release (including the proposed Notice of Settlement, proposed Postcard Notices, Firm Resume, and Proposed Preliminary Approval Order).

4. The CD-ROM was mailed on May 24, 2018, to the appropriate Federal and State officials identified in the attachment with an accompanying cover letter, a copy of which is attached hereto as **Exhibit A**.

CLASS MEMBER DATA

5. On July 16, 2018, JND received a spreadsheet containing, among other information, the names, e-mail addresses, phone numbers (where available), report ID number, and class designation of individuals identified as Class Members. The spreadsheets contained contact information and other identifying data for a total of 100,959 potential Class Member records.

6. Prior to mailing notices, JND analyzed the raw data to remove duplicate records (among class members entitled to autopay (the "Autopay Class"), among class members not entitled to autopay (the "Opt-In Class"), and across both classes). JND identified 4,919 duplicate records within or across the classes, resulting in 96,040 unique Class Member records (54,010 records belonging to Autopay Class Members, and 42,030 records belonging to Opt-In Class Members). This Class Member data was promptly loaded into a database established for this Action.

7. On August 3, 2018, JND was provided with a data file containing social security numbers for 100,959 records.

8. At the Parties' request, on August 7, 2018, JND conducted advanced address research (via skip-trace databases) utilizing the social security numbers previously provided and identified mailing addresses for 95,140 records out of 95,388 records missing contact information. This Class Member data was added into the database established for this Action.

E-MAIL NOTICE

9. Pursuant to the terms of the settlement ("Settlement"), on July 26, 2018, JND sent the customized court-approved notice (the "E-mail Notice") via e-mail to 97,353 unique e-mail addresses in the initial data file (some Class Members had more than one e-mail address). The E-mail Notice was sent to 54,837 e-mail addresses belonging to Autopay Class Members, and to 42,516 e-mail addresses belonging to Opt-In Class Members.

10. At the Parties' request, on August 13, 2018, JND sent a customized reminder e-mail notice (the "Reminder E-mail Notice") to 76,813 e-mail addresses whose E-mail Notices were deliverable but unopened after seven (7) days (41,553 e-mail addresses belonging to Autopay Class Members, and to 35,260 e-mail addresses belonging to Opt-In Class Members).

NOTICE MAILING

11. Pursuant to the Settlement, on August 10, 2018, JND mailed customized court-approved single-panel postcard notices (the "Autopay Postcard Notice") via U.S. Postal Service regular mail to 1,759 unique Autopay Class Members whose E-mail Notice bounced.

12. Pursuant to the Settlement, on August 15, 2018, JND mailed customized court-approved double-panel postcard notices (the "Opt-In Postcard Notice", and together with the Autopay Postcard Notice, the "Notices") via U.S. Postal Service regular mail to 1,517 unique Opt-In Class Members whose E-mail Notice bounced.

13. Pursuant to the Settlement, on August 24, 2018, JND mailed the Notices to 74,078 unique Class Members whose Reminder E-mail Notice was unopened after seven (7) days (40,058 Autopay Class members, and 34,020 Opt-In Class members).

14. As of the date of this Declaration, JND tracked 8,610 mailed Notices that were returned to JND as undeliverable.

15. As of the date of this Declaration, 87,430 Class Members were e-mailed or mailed a Notice which was not returned as undeliverable, representing 91% of total Class Members from the Settlement.

WEBSITE

16. On July 24, 2018, JND established a Settlement website (www.HowellSettlement.com) which hosts copies of important case documents, answers to frequently asked questions, and provides Administrator contact information for telephone, mail or e-mail contact. The website also allows Opt-In Class Members to submit a Claim Form electronically.

17. As of the date of this Declaration, the Settlement website tracked 6,212 unique users who registered 14,462 page views.

18. JND will continue to update and maintain the website for the duration of the administration process.

TOLL-FREE INFORMATION LINE

19. In addition to the website, JND established a case-specific toll-free number, 1-833-747-6674 which individuals may call to obtain information regarding the Settlement. The line is available 24 hours a day, seven days a week.

20. As of the date of this Declaration, the toll-free number has received 1,403 calls.

REQUESTS FOR EXCLUSION

21. The Settlement Agreement and Release informed Class Members that any Class Member who wanted to exclude themselves from the Settlement (“opt-out”) must mail a letter to JND stating that they desire to opt out of the Settlement or otherwise not participate in the Settlement, postmarked on or before October 24, 2018.

22. As of the date of this Declaration, JND has received two (2) opt-out requests.

OBJECTIONS

23. The Notices informed recipients that any Class Member who wanted to object to the approval of the Settlement could do so by submitting a written statement to JND postmarked on or before October 24, 2018.

24. As of the date of this Declaration, JND has not received any objections to the proposed Settlement.

CLAIMS RECEIVED

25. The Notices informed recipients that any Opt-In Class Member wishing to receive a Settlement payment must complete and sign a Claim Form and submit it to JND, postmarked on or before October 24, 2018 if sent by mail, or received by October 24, 2018 if submitted online.

26. As of the date of this Declaration, JND has received 4,553 Claim Forms from individuals identified as Settlement Class Members (1,368 Claim Forms submitted electronically, and 3,185 Claim Forms received by mail). JND has received a total of 4,956 claims to date.

27. Pursuant to the Settlement Agreement, JND has provided submitted claim information to the Defendants, and created and maintained a secure site for Defendants to upload related redacted reports for Class Counsel’s review. As of the date of this Declaration, JND has processed and submitted 4,772 claim records to the Parties for their review.

28. Once Class Counsel completes its reviews and assessment of the reports, JND will update its records to reflect the final claim determination and benefit eligibility.

29. As JND is continuing to receive timely postmarked claim submissions, the final claim totals are subject to change. JND will provide a supplemental declaration with final claim numbers prior to final approval.

I declare under penalty of perjury that the foregoing is true and correct.

Executed October 26, 2018, at Seattle, Washington.

By: Jennifer M. Keough
Jennifer M. Keough

EXHIBIT A



May 24, 2018

United States Attorney General
and the Appropriate Officials
Identified in Attachment A

RE: CAFA Notice of Proposed Class Action Settlement

Dear Sir or Madam:

This notice is being provided to you in accordance with the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715, in connection with, and on behalf of the Defendant in, the below-referenced class action ("the Action"). A Class Action Settlement Agreement and Release was filed with the Court on May 21, 2018. Plaintiff's Motion for Preliminary Approval requests a preliminary approval hearing on June 25, 2018 at 9:30 a.m.

Case Name: *Howell v. Checkr, Inc.*
Case Number: *17-cv-04305*
Jurisdiction: *United States District Court, Northern District of California*
Date Settlement filed with Court: *May 21, 2018*

Pursuant to 28 U.S.C. § 1715 (b), the enclosed CD contains the following documents filed in the Action:

01 – Complaint.pdf

Complaint filed June 23, 2017 in the Superior Court for the County of San Francisco

02 – Motion for Preliminary Approval.pdf

Plaintiff's Motion for Preliminary Approval of the Proposed Settlement and Memorandum in Support [Unopposed], filed May 21, 2018 and attaching

03 – Declaration of E. Michelle Drake.pdf

Declaration of E. Michelle Drake in Support of Motion for Preliminary Approval

04 – Settlement Agreement.pdf

Class Action Settlement Agreement and Release, including

Exhibit A – Notice of Settlement

Exhibits B and C – Postcard Notices

05 – Firm Resume.pdf

06 – Proposed Order.pdf

[Proposed] Preliminary Approval Order

At the time of mailing, it is not feasible to provide a breakdown of the Settlement Class in accordance with 28 U.S.C. § 1715 (b)(7), as class member data is not currently available. However, we anticipate that the Settlement Class is sufficiently numerous as to include Settlement Class Members potentially residing in all 50 U.S. states, as well as the District of Columbia, and may include Settlement Class Members residing in U.S. territories and associated states.

If you have any questions regarding the details of the case and settlement, please contact Defense Counsel's representative at:

John Drury
Pamela Devata
Seyfarth Shaw LLP
233 S Wacker Dr Suite 8000
Chicago, IL 60606-6448
Phone: (312) 460 5623

For questions regarding this notice, please contact us at:

JND Legal Administration
2727 Western Avenue
Suite 200
Seattle, WA 98111
Phone: (800) 207-7160

Regards,

/s/

JND Legal Administration

Enclosures