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11 *Co-Lead Counsel for Settlement Class*

12 **UNITED STATES DISTRICT COURT FOR THE**  
13 **CENTRAL DISTRICT OF CALIFORNIA**  
14 **SANTA ANA DIVISION**

15 **IN RE: VIZIO, INC., CONSUMER**  
**PRIVACY LITIGATION**

Case No. 8:16-ml-02693- JLS (KESx)

16 This document relates to:  
17 ALL ACTIONS

**Declaration of the Settlement  
Administrator Regarding Status of  
Distribution of Settlement Funds to  
Class Members**

21 Judge Josephine L. Staton

1 Class Counsel respectfully submits a Declaration of the Settlement Administrator  
2 informing the Court that distribution of net settlement funds to eligible Settlement  
3 Class Members is nearly complete. The Declaration discusses (among other things) the  
4 status of digital and paper-check payments, including that Settlement Class Members  
5 will have until January 15, 2021, to deposit any replacement checks that may issue  
6 through December 15, 2020.

7 Class Counsel now expects to file a motion concerning the completion of  
8 settlement administration, on or about January 22, 2021. As part of that motion, Class  
9 Counsel may seek a *cy pres* distribution. *See* Settlement Agreement, Doc. 282-2, at 11-12  
10 (“To the extent, if any, that any unpaid or undistributed part of the Settlement  
11 Amount is held by the Settlement Administrator at the completion of the  
12 administration of the Settlement, such remaining funds shall be subject to a *cy pres*  
13 distribution to be proposed by Plaintiffs and approved by the Court.”). Also, as part of  
14 that motion, the Settlement Administrator anticipates making its final request for  
15 reimbursement of settlement administration costs. *See* Doc. 351, at 2 (establishing a  
16 reserve for reimbursement of such costs).

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November 24, 2020

Respectfully submitted,

**GIBBS LAW GROUP LLP**

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*Co-Lead Counsel for Settlement Class*

1 I, Eric Schachter, hereby declare as follows:

2 1. I am a Vice President with A.B. Data, Ltd. (“A.B. Data”), which this Court has  
3 appointed as Settlement Administrator in this case. I respectfully submit this  
4 declaration to update the Court on the status of the distribution of the Net Settlement  
5 to eligible Settlement Class Members. I have personal knowledge of the facts set forth  
6 herein and, if called as a witness, could and would testify competently thereto.

7 2. As detailed in my Declaration of the Settlement Administrator Regarding Status  
8 of Distribution of Settlement Funds to Class Members, *see* Doc. 352, on April 27,  
9 2020, A.B. Data commenced the distribution of the Net Settlement Fund of  
10 \$10,778,456.65 to 479,270 eligible Settlement Class Members. Each of these eligible  
11 claimants were either sent an email providing access to several instantaneous digital  
12 payment options or were mailed a paper check.

13 3. To date, the Settlement Administrator has sent payment to all eligible  
14 Settlement Class Members.

15 4. Of the 466,745 eligible Settlement Class Members who were successfully sent  
16 digital payments totaling \$10,496,774.45, the digital payment choices were: a virtual  
17 MasterCard debit card (36%); PayPal (29%); or Amazon (27%), Target (7%), or Best  
18 Buy (1%) virtual gift cards.

19 5. Beginning on June 23, 2020, A.B. Data mailed paper checks to 12,525 eligible  
20 Settlement Class Members who either requested a check or whose last known email  
21 address was no longer valid, thus preventing the issuance of a digital payment. (Some  
22 such Members had originally signed up to receive a digital payment but later requested  
23 a paper check instead.) As of the date of this Declaration, 10,784 of these checks  
24 (86%) totaling \$243,944.40 have been cashed and 1,741 checks totaling \$37,221.31  
25 remain uncashed. All such checks included an expiration date of 90 days.

26 6. A.B. Data continues to send replacement checks when requested, for example,  
27 due to a documented name change or to replace a misplaced check. Reissued checks  
28 are currently being mailed on a rolling basis. Consequently, limited check-cashing is

1 still possible.

2 7. In consultation with Class Counsel, A.B. Data will continue to honor requests  
3 to issue additional replacement checks through December 15, 2020, and these  
4 Settlement Class Members will have until January 15, 2021, to deposit or cash their  
5 replacement distribution checks.

6 8. A.B. Data will then perform a final reconciliation on the distribution bank  
7 account and will provide Class Counsel with a final accounting.

8  
9 I declare under penalty of perjury under the laws of the United States that the  
10 foregoing is true and correct.

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12 Executed this 24<sup>th</sup> day of November, 2020 in Milwaukee, Wisconsin.

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16 Eric Schachter  
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