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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**
16 **PRIVACY LITIGATION**

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

17 This document relates to:

DECLARATION OF THE
SETTLEMENT
ADMINISTRATOR REGARDING
STATUS OF SETTLEMENT
ADMINISTRATION

18 ALL ACTIONS

19
20 DATE: February 21, 2020
21 TIME: 10:30 a.m.
22 DEPT: Courtroom 10-A
23 JUDGE: Hon. Josephine L. Staton

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
3 has appointed as Settlement Administrator in this case.

4 2. I respectfully submit this declaration in support of Plaintiffs’ Motion for
5 Reimbursement of Settlement Administration Expenses and Disbursement of Net
6 Settlement Funds. I have personal knowledge of the facts set forth herein and, if called
7 as a witness, could and would testify competently thereto.

8 **CLAIMS RECEIVED**

9 3. As set forth in the Supplemental Declaration of Eric Schachter Regarding
10 Notice filed with the Court on May 17, 2019 (ECF 320-1) (the “Supplemental
11 Declaration”), the deadline for Settlement Class Members to submit a claim was April
12 29, 2019, and A.B. Data received a total of 511,562 claims accounting for 655,390
13 VIZIO televisions.

14 **DEFICIENCY NOTIFICATION PROCESS**

15 4. As set forth in the Declaration of the Settlement Administrator Regarding
16 Status of Settlement Administration filed with the Court on October 11, 2019 (ECF 346)
17 (the “Status Update Declaration”), A.B. Data identified 32,203 claims as potentially
18 invalid or suspicious, all of which were sent a Deficiency Notice email on October 28,
19 2019 (the “October Deficiency Notice”). A true and correct copy of the October
20 Deficiency Notice email is attached hereto as Exhibit A.

21 5. A.B. Data received responses to the October Deficiency Notice for a total
22 of 999 claims. A.B. Data has reviewed these responses and determined that 956 of the
23 claims now have sufficient information and documentation to complete their claims.

24 6. Following the processing of responses to the October Deficiency Notice,
25 A.B. Data’s Quality Assurance team discovered an additional 1,088 claims that were
26 potentially invalid or suspicious and were not sent the October Deficiency Notice. In
27 consultation with Class Counsel, it was determined these claims would be sent a
28 Deficiency Notice allowing for the opportunity to provide proof of purchase

1 information or ownership of each claimed Qualifying Smart TV (the “December
2 Deficiency Notice”).

3 7. On December 17, 2019, A.B. Data sent by email the December Deficiency
4 Notice to the 1,088 additionally identified claims. Claimants will have 30 days to respond
5 to the December Deficiency Notice. A true and correct copy of the December
6 Deficiency Notice is attached hereto as Exhibit B.

7 **CURRENT CLAIM STATUS**

8 8. As of the date of this Declaration, there are currently 479,206 claims
9 totaling 598,947 Qualifying Smart TVs eligible to receive payment from the Net
10 Settlement Fund. Each claim is estimated to receive approximately \$18.00 for each
11 claimed Qualifying Smart TV. After the response deadline to the December Deficiency
12 Notice, A.B. Data will submit another declaration reporting the results of the December
13 Deficiency Notice process and the final number of eligible claims, Qualifying Smart
14 TVs, and the exact amount to be paid to each Qualifying Smart TV, no later than
15 February 7, 2020.

16 **DISTRIBUTION OF THE NET SETTLEMENT FUND**

17 9. As detailed in the Postcard Notice and Claim Form, claimants will be sent
18 their distribution payment digitally by email. Each eligible claimant will be sent an email
19 providing a number of instantaneous digital payment options, such as PayPal or a virtual
20 debit card. Settlement Class Members will immediately receive their payment after
21 selecting the desired digital payment method. The email will also provide claimants with
22 the option to request a traditional paper check. For Settlement Class Members that do
23 not immediately select their payment method, additional reminder emails will be sent.

24 10. If funds remain unclaimed after multiple reminder emails, then A.B. Data
25 will automatically select one of the payment options the remaining Settlement Class
26 Members who did not opt to receive their payment. Another email will be sent to each
27 affected Settlement Class Member providing instructions as to how to access their
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1 payment, which will be accessible to the Settlement Class Member for at least five (5)
2 years.

3 11. Any funds that ultimately remain unclaimed will be reverted to the
4 California unclaimed property fund, to be held there in the name of and for the benefit
5 of such Settlement Class Members under California's escheatment laws.

6 **ADMINISTRATION FEES AND EXPENSES**

7 12. A.B. Data agreed to be the Settlement Administrator in exchange for
8 payment of its fees and expenses to be paid out of the Settlement Fund. *See* Settlement
9 Agreement § X.2. Class Counsel receives reports and invoices for all of the work A.B.
10 Data performed with respect to the administration of the Settlement.

11 13. To date, A.B. Data has incurred total fees and expenses of \$200,251.25.
12 This Court previously approved \$122,830.65 in reimbursements for the costs of
13 settlement administration. The remaining \$77,420.60 in costs incurred to date breaks
14 down as follows:

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Invoiced since authorized payment	
Notice Dissemination	\$5,671.08
Call Center	\$9,680.51
Claims Processing	\$24,126.40
Correspondence Handling	\$373.39
Project Management	\$23,777.50
Website	\$4,246.25
Deficiency Notification	\$9,545.47
Total	\$77,420.60

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24 14. A.B. Data expects to incur an additional \$177,501.50 in costs to distribute
25 the Net Settlement Fund to eligible claimants. The breakdown of these estimated costs
26 are as follows:

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Contact Center	\$3,840.00
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Correspondence Handling	\$3,250.00
Project Management	\$27,760.00
Website	\$1,050.00
Distribution of Funds	\$141,601.50
TOTAL	\$177,501.50

15. To cover payment of these anticipated expenses, and to account for any potential cost overages or contingencies, such as a greater than anticipated number of requests for paper checks, unforeseen delays due to appeals or otherwise, or claimants contesting their payment amount, A.B. Data recommends reserving a total of \$200,000 from the Net Settlement Fund.

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

Executed this 20th day of December, 2019 in Milwaukee, Wisconsin.


Eric Schachter