

1 Eric H. Gibbs (Bar No. 178658)
ehg@classlawgroup.com
2 Andre M. Mura (Bar No. 298541)
amm@classlawgroup.com
3 **GIBBS LAW GROUP LLP**
505 14th Street, Suite 1110
4 Oakland, CA 94612
Telephone: (510) 350-9700
5 Facsimile: (510) 350-9701

6 Joseph W. Cotchett (Bar No. 36324)
jcotchett@cpmlegal.com
7 Adam J. Zapala (Bar No. 245748)
azapala@cpmlegal.com
8 **COTCHETT, PITRE & MCCARTHY, LLP**
840 Malcolm Road, Suite 200
9 Burlingame, CA 94010
Telephone: (650) 697-6000
10 Facsimile: (650) 697-0577

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 Final
Claim Status**

Judge 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
3 Court has appointed as Settlement Administrator in this case.

4 2. I respectfully submit this declaration in support of Class Counsel’s
5 Motion for Disbursement of Settlement Proceeds to Settlement Class Members. I
6 have personal knowledge of the facts set forth herein and, if called as a witness, could
7 and would testify competently thereto.

8 **CLAIMS RECEIVED**

9 3. As set forth in the Declaration of the Settlement Administrator
10 Regarding Status of Settlement Administration filed with the Court on December 20,
11 2019 (ECF 347-2) (the “Status Declaration”), A.B. Data received a total of 511,562
12 claims accounting for 655,390 VIZIO televisions.

13 **DEFICIENCY NOTIFICATION PROCESS**

14 4. Throughout the administration process, A.B. Data identified 33,291
15 claims as potentially invalid or suspicious. These claims were sent a Deficiency
16 Notice email on either October 28, 2019 or December 17, 2019. A total of 1,020
17 claimants responded to the Deficiency Notice by providing sufficient information to
18 complete their claims.

19 **FINAL CLAIM STATUS**

20 5. The processing of all claims, including the responses to Deficiency
21 Notices and secondary audits, are now complete. A.B. Data has identified 479,270
22 claims totaling 599,136 Qualifying Smart TVs as eligible to receive payment from
23 the Net Settlement Fund. Each eligible claimant will be sent a payment of \$17.99 for
24 each Qualifying Smart TV. Attached as Exhibit A is a list of the 479,270 eligible
25 Claim Numbers and corresponding number of Qualifying Smart TVs.

26 6. A total of 32,271 claimants did not respond or did not provide adequate
27 proof of purchase information in response to the Deficiency Notice. Additionally, a
28 total of 21 claims were withdrawn by claimants prior to the Deficiency Notices being

1 sent. As a result, a total of 32,292 claims have been determined to not be eligible to
2 receive payment from the Net Settlement Fund.

3 **DISTRIBUTION OF THE NET SETTLEMENT FUND**

4 7. As detailed in the Status Declaration, claimants will be sent their
5 distribution payment digitally by email. Each eligible claimant will be sent an email
6 providing a number of instantaneous digital payment options or alternatively a paper
7 check. The digital payment choices will include quasi-cash options through PayPal
8 and virtual MasterCard debit cards, and widely used retail platforms with large online
9 presences through Target, Amazon and Best Buy. For Settlement Class Members that
10 do not immediately select their payment method, additional reminder emails will be
11 sent. If funds remain unclaimed after multiple reminder emails, then a digital
12 payment option, which will be accessible to the Settlement Class Member for at least
13 five (5) years, will be automatically selected.

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

17 **ADMINISTRATION FEES AND EXPENSES**

18 9. A.B. Data agreed to be the Settlement Administrator in exchange for
19 payment of its fees and expenses to be paid out of the Settlement Fund. *See*
20 Settlement Agreement § X.2. Class Counsel received reports and invoices for all of
21 the work A.B. Data performed with respect to the administration of the Settlement.

22 10. Through December 2019, A.B. Data incurred total fees and expenses of
23 \$200,251.25. This Court previously approved \$122,830.65 in reimbursements for the
24 costs of settlement administration. The remaining \$77,420.60 in costs incurred breaks
25 down as follows:

26

Invoiced since authorized payment	
Notice Dissemination	\$5,671.08

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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

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

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

12. Payment of these expenses (\$122,830.65 + \$77,420.60 + \$177,501.50) are expected to be \$377,752.75.

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

14. These costs are consistent with the estimated costs A.B. Data set forth after two rounds of a competitive bidding process initiated by Class Counsel prior to the start of the settlement administration. At the second round, A.B. Data's bid for settlement administration was lowered to \$341,290, and was based on the information available at that time.

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

Executed this 7th day of February, 2020 in Milwaukee, Wisconsin.



Eric Schachter