



Introduction to
Settlement Administrations
Issues and Trends

January 5, 2015

- Introduction To Settlement Administration
- Administration Phases
 - * Notice, Process, Distribute, Report
- Trends and Issues

Evolution of Class Notice

- Balancing Cost v. Due Process (adequate notice must be *“reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of their action and afford them an opportunity to present their objections.”* Mullane v. Central Hanover Bank & Trust. Co.) (339 U.S. 306 (1950))
- Direct and Indirect (Publication) Notice
- Pendency Stage Notice
- Role of Third-Parties in Securities Settlements
 - * Broker Nominee Outreach and Response
 - * Paid Filers Also Significant

- Trends and Themes
 - * Data is King
 - * Decline of Print Publication
 - * Alternative Methods of Direct Notice – Postcards
 - * Email
 - * Online Campaign – Paid/Earned Media
- Notice Issues
 - * Institutional Delays in Providing Notice
 - * Aged Data
 - * Language



Postcard Notice

CRATE & BARREL SONG-BEVERLY SETTLEMENT – STATUTORY CLAIMANT

A Settlement has been reached in a series of class action lawsuits against Euromarket Designs, Inc., d/b/a Crate & Barrel and CB2, (“Crate & Barrel”). The class action lawsuits involve whether Crate & Barrel requested and recorded customers’ zip codes during a credit card transaction at its California stores. The Plaintiffs claim that Crate & Barrel violated California law by requesting and recording the zip code of its customers during credit card transactions at its California stores. Crate & Barrel vigorously denies that it violated any law, but has agreed to the settlement to avoid the uncertainties and expenses associated with continuing the case.

Am I a Class Member? Our records indicate you may be a Class Member. There are two types of Class Members: a Statutory Claimant and a Common Law Claimant. Our records indicate you are a Statutory Claimant. Statutory Claimants include people who used a credit card to purchase merchandise at a Crate & Barrel store in California between February 11, 2010 and February 11, 2011, and from whom Crate & Barrel requested and recorded their zip code into its point-of-sale system.

What Can I Get? If approved by the Court, you can receive a dual purpose credit certificate providing you with a choice to use the certificate for either (a) a \$10 merchandise credit or (b) 20% off merchandise up to \$200 in purchases, subject to limitations.

How Do I Get the Certificate? Do nothing. If the Settlement is approved, a Statutory Claimant Credit Certificate will be mailed to you.

What are My Other Options? You may exclude yourself from the Settlement Class by sending a letter to the Crate & Barrel Song-Beverly Settlement Administrator, P.O. Box 1110, Corte Madera, CA 94976-1110, no later than **May 29, 2013**. If you exclude yourself, you cannot get a Statutory Claimant Credit Certificate, but you keep any rights you may have to sue Crate & Barrel over the legal issues in the lawsuits. You and/or your lawyer have the right to appear before the Court and/or object to the proposed settlement. Your written objection must be filed no later than **May 29, 2013**. Specific instructions about how to object to, or exclude yourself from, the Settlement are available at www.cbsbsettlement.com. If you do nothing and receive the Statutory Claimant Credit Certificate, your claims against Crate & Barrel over the legal issues in these lawsuits will be fully and finally resolved and released.

Who Represents Me? The Court has appointed a team of lawyers from (a) Patterson Law Group, APC; (b) Hoffman & Lazear; (c) Morris and Associates; (d) The Terrell Law Group; (e) Stonebarger Law, APC; and (f) Schreiber & Schreiber, Inc. to represent the Settlement Class. These attorneys are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

When Will the Court Consider the Proposed Settlement? The Court will hold the Final Approval Hearing at **9:30 a.m. on June 28, 2013** at the Phillip Burton Federal Building & United States Courthouse, Courtroom 11, 450 Golden Gate Avenue, San Francisco, CA 94102. At that hearing, the Court will: hear any objections concerning the fairness of the settlement; determine the fairness of the settlement; decide whether to approve Class Counsel’s request for fees and expenses of \$490,000; and decide whether to award the Class Representatives \$3,000 each for their services in helping to bring and settle this case. Under the Settlement Agreement, any amount awarded to Class Counsel and Class Representatives is separate and apart from the benefits paid to the Class.

How Do I Get More Information? For more information, including the full Notice and Settlement Agreement, go to www.cbsbsettlement.com, or call the Settlement Administrator at 1-888-269-6530 or Class Counsel at 1-619-398-4760.

Email Notice

Back

GEOFFREY PECOVER and ANDREW OWENS)
v.)
ELECTRONIC ARTS INC.)
U.S. District Court (N.D. Cal. – Oakland Div.)
Case No. 08-cv-02820 CW

If You Purchased Certain Electronic Arts Brand Football Video Games Between January 1, 2005 to the Present

You May Be a Class Member.

Membership as a class member in the Electronic Arts Litigation is the result of a lawsuit filed in the U.S. District Court, Northern District of California, Oakland Division (Case No. 08-cv-02820 CW).

What Is This Class Action About?

The class action lawsuit alleges violations of California's antitrust and consumer protection laws in connection with the sale of certain football video games. Plaintiffs, purchasers of Electronic Arts' football video games, claim that Defendant Electronic Arts entered into a series of exclusive licenses with the National Football League (NFL), National Football League Players' Association (NFLPA), National Collegiate Athletics Association (NCAA), and Arena Football League (AFL), which Plaintiffs claim foreclosed competition in an alleged football video game market. Plaintiffs allege that this series of exclusive licenses caused customers who purchased certain football video games to be overcharged.

Defendant Electronic Arts has denied any liability and all allegations of misconduct. The Court has not decided whether the Defendants did anything wrong, and this Notice is not an expression of any opinion by the Court about the merits of any of the claims or defenses asserted by any party to this litigation.

Who Are Class Members

The Class includes all persons who, during the period January 1, 2005 to the present, purchased the Madden NFL, NCAA Football, or Arena Football League brand video games published by Electronic Arts with a release date of January 1, 2005 to the present. Excluded from the class are purchasers of software for mobile devices, persons purchasing directly from Electronic Arts, persons purchasing used copies of the relevant football video games, and Electronic Arts' employees, officers, directors, legal representatives, and wholly or partly owned subsidiaries or affiliated companies.

What Should I Do? (Getting Further Information)

If you believe that you may be a class member (see above "Who Are Class Members"), you should get more detailed information about the class action and its potential effect on you and your rights. Further information can be obtained by going to the following website: www.easportslitigation.com. Additional information about the lawsuit may be obtained from Plaintiffs' Counsel website at www.hbsslaw.com, or by calling Plaintiffs' Counsel at 1-206-623-7292.

To Remain a Class Member

If you are a class member and you do nothing, you will be bound by the court's rulings in the lawsuit, including any final Settlement or Judgment.

To Exclude Yourself from the Class (Deadline to Request Exclusion: June 25, 2011)

If you are a class member and you want to exclude yourself from the class and keep your right to sue Defendant, you must take further action before June 25, 2011. By that date, you must request exclusion in writing to this address:

Electronic Arts Litigation Exclusion
P.O. Box 8090
San Rafael CA 94912-8090

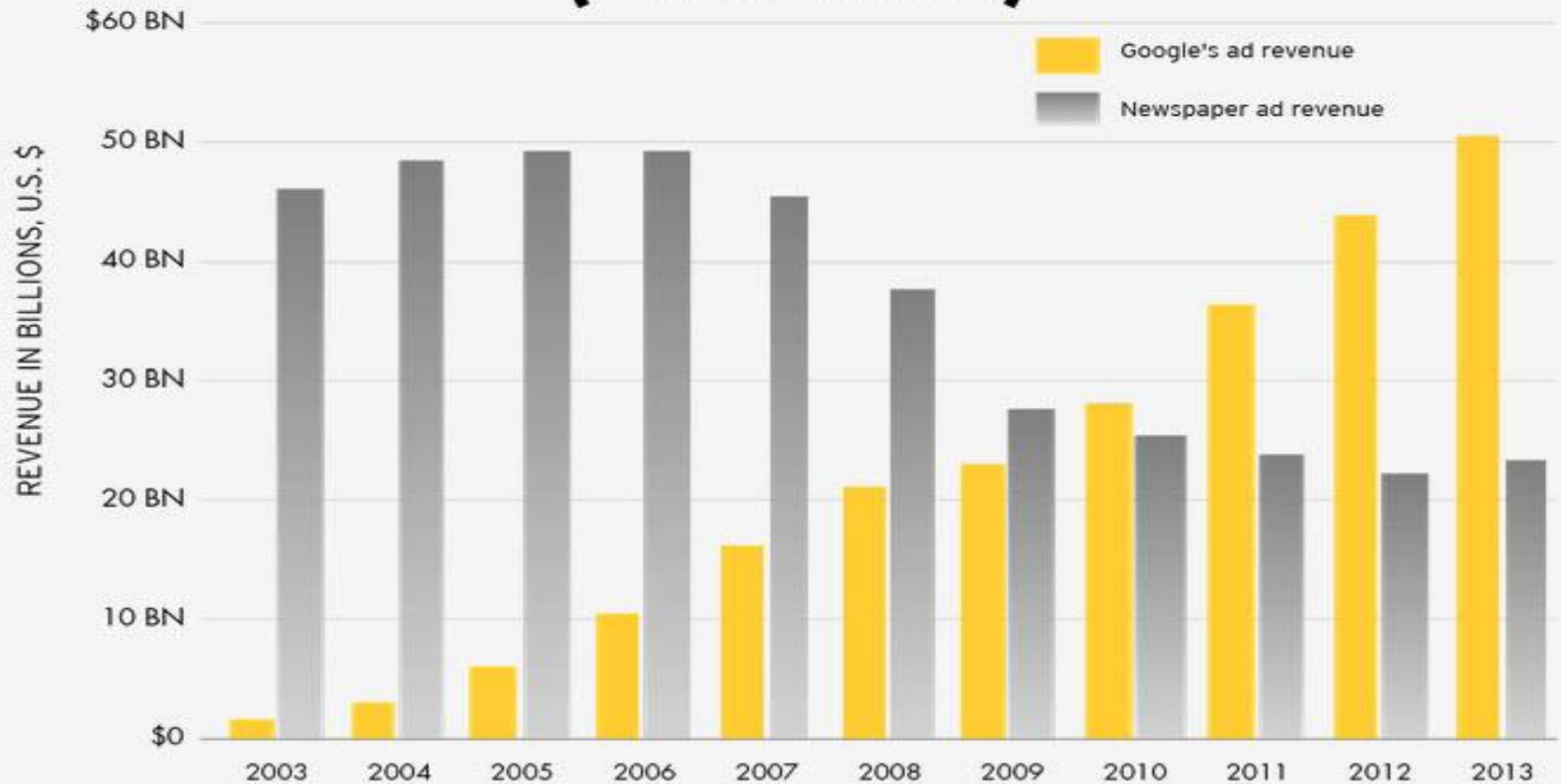
Or submit a request for exclusion electronically at the following website: www.easportslitigation.com.

For further information about excluding yourself from the class go to the following website:
www.easportslitigation.com.

Please do not telephone or address inquiries to the Court.

April 6, 2011. By Order of the U.S. District Court (N.D. Cal. – Oakland Div.).

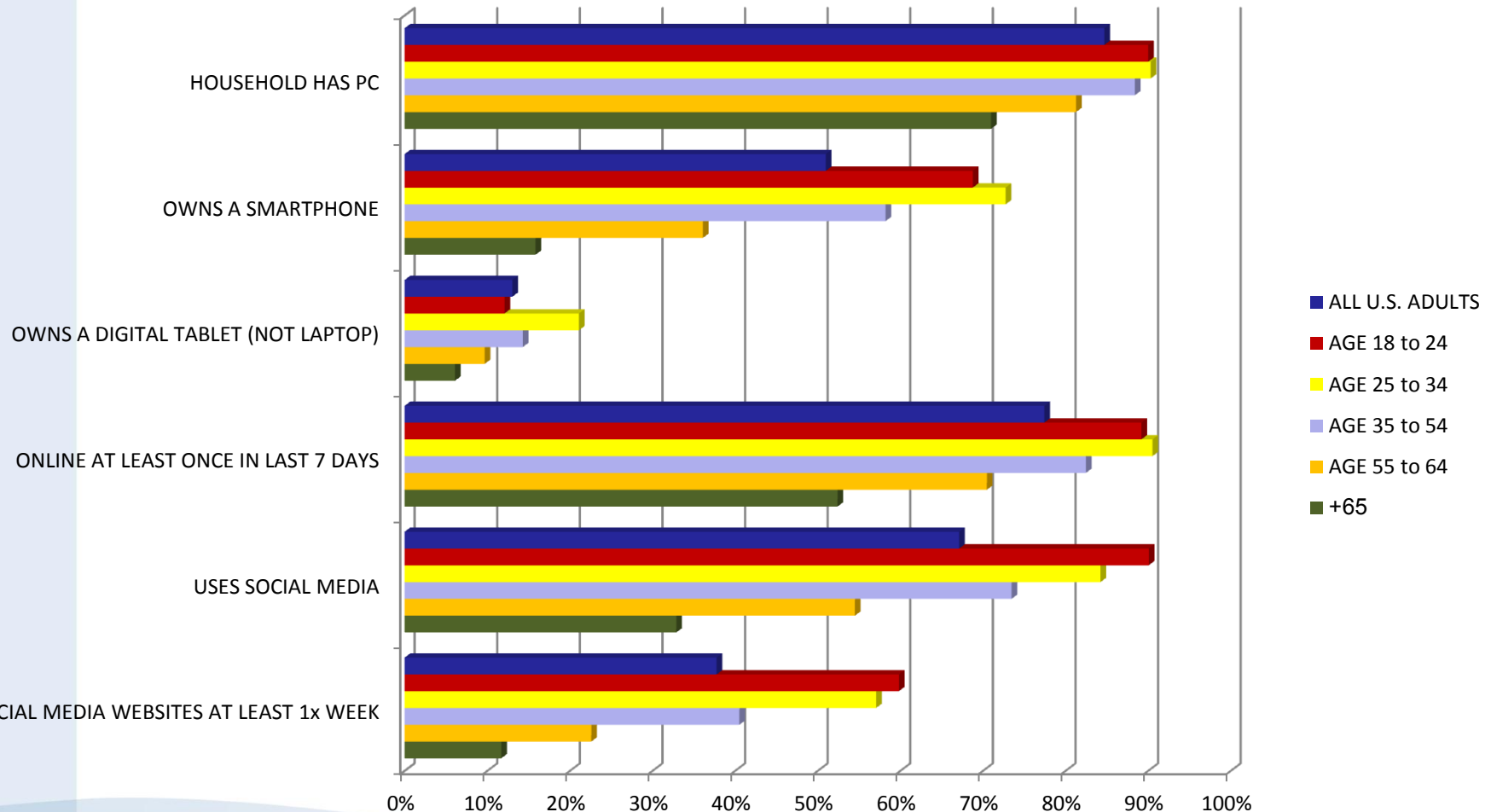
Google's Annual Advertising Revenue (2003-2013)



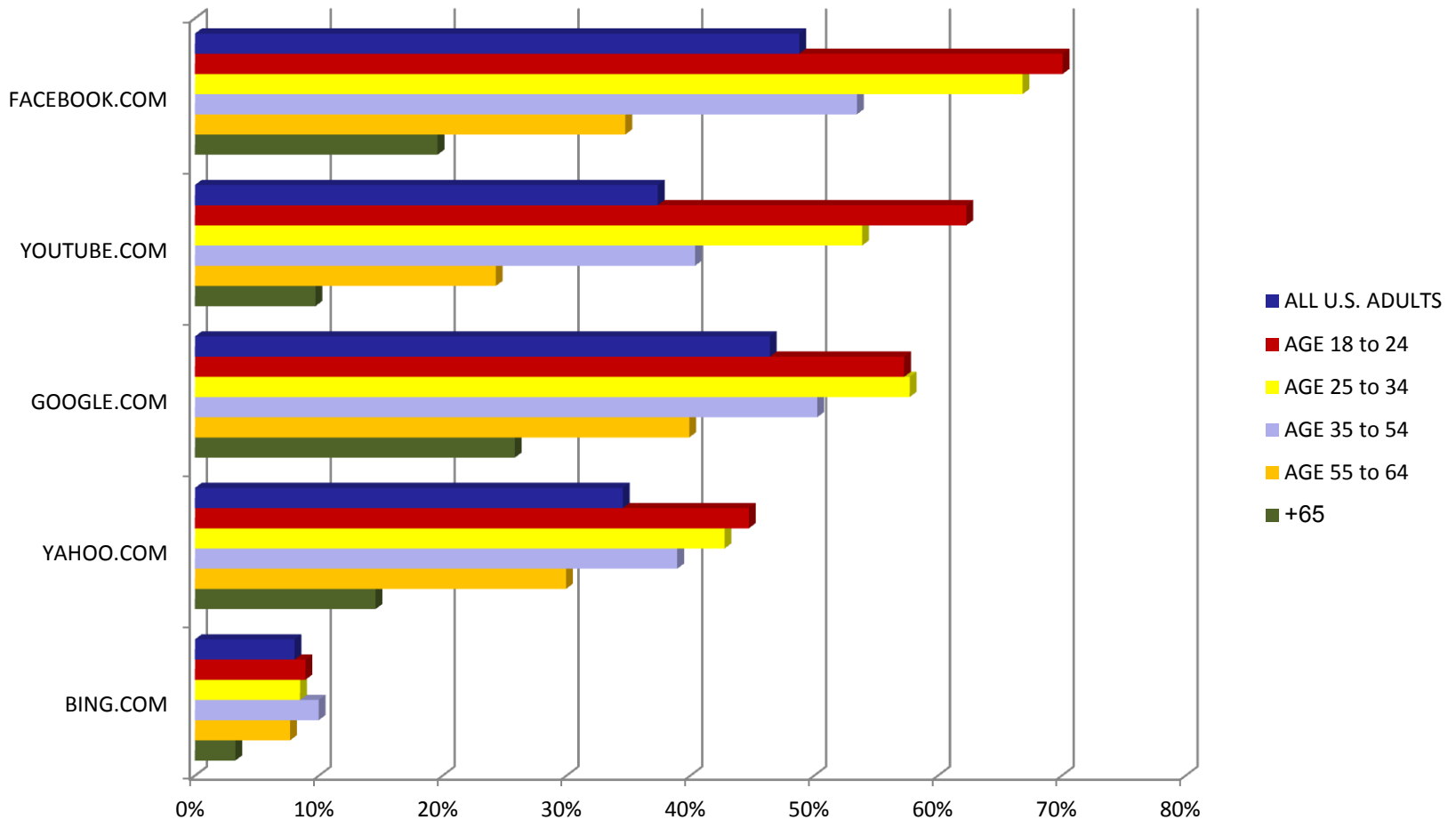
Sources: Google worldwide, 2001-2013; United States newspapers, 2003-2013.

Newspaper revenue includes online and print advertising and excludes niche publications, direct marketing, and non-daily publication advertising.

Trends: Shifting Online



Trends: Website Visits (11-1-13 to 12-1-13)



Naked Juice Sponsored Link Ads

WEB IMAGES VIDEOS MAPS NEWS MORE

bing AÇAÍ MACHINE


545,000 RESULTS Any time ▾

Açaí Machine - Naked Juice :: Welcome
nakedjuice.com/our-products/juice/acai-machine ▾
 Açaí is pronounced "ah-sigh-ee" because a sigh of relief is what your body lets out every time you take a sip of our purple-icious potion. Or you can just pronounce ...

Naked Juice :: Welcome
nakedjuice.com ▾
 Offers 100% juices and juice smoothies. Product details and company information.

Calories in Naked Juice - Superfood Juice Smoothie, Acai Machine ...
caloriecount.about.com ▸ [Foods](#) ▸ [Beverages](#) ▸ [Smoothies](#) ▾
 Curious about how many calories are in Superfood Juice Smoothie, Acai Machine? Get nutrition information and sign up for a free online diet program at CalorieCount.

Images of AÇAÍ MACHINE
bing.com/images



Ad

Do You Drink Naked Juice?

www.NakedJuiceClass.com

Class Action Settlement Reached! File For \$75 W/ Proof, \$45 W/out.

See your ad here »

Naked Juice Banner Ad Placement

n/food-recipes/features/how-to-eat-organic-foods-on-a-budget

Did You Purchase Naked Juice Products? CLICK HERE TO FILE A CLAIM
Get up to \$75 with proof of purchase, or up to \$45 without
From a Class Action Settlement

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- Tips for Success
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- Get Strong
- Fuel Your Body
- Expert Advice

Healthy Eating Guides

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- Gluten Free
- Low Sodium
- Foods for Energy

Foodie 411

- Free Food Journal
- Must-See Food & Diet Info
- Foods to Avoid as You Age
- Your Pre-Pregnancy Diet
- 12 Super-Food Recipes
- Super-Fast Breakfast Ideas

Today on WebMD

SLIDESHOW: How to Feed ADHD Kids

ARTICLE: Healthy Brown-Bag Lunches to Take to Work

VIDEO: Best Foods for RA

SLIDESHOW: Symptoms of Adult ADHD

How to Eat Organic Foods on a Budget

Eating organic doesn't have to break the bank. Try these tips for trimming your organic food costs.

Save This Article For Later Share this: Font size: A A A

By Kathleen M. Zelman, MPH, RD, LD
WebMD Expert Column

Whether it's because of worries about food safety, ecological concerns, or just a desire to eat fresher, less processed foods, more and more food shoppers are buying organic these days. Yet organic foods and beverages can cost as much as 50% to 100% more than conventional foods -- and prices are going up for both organic and conventionally grown items.

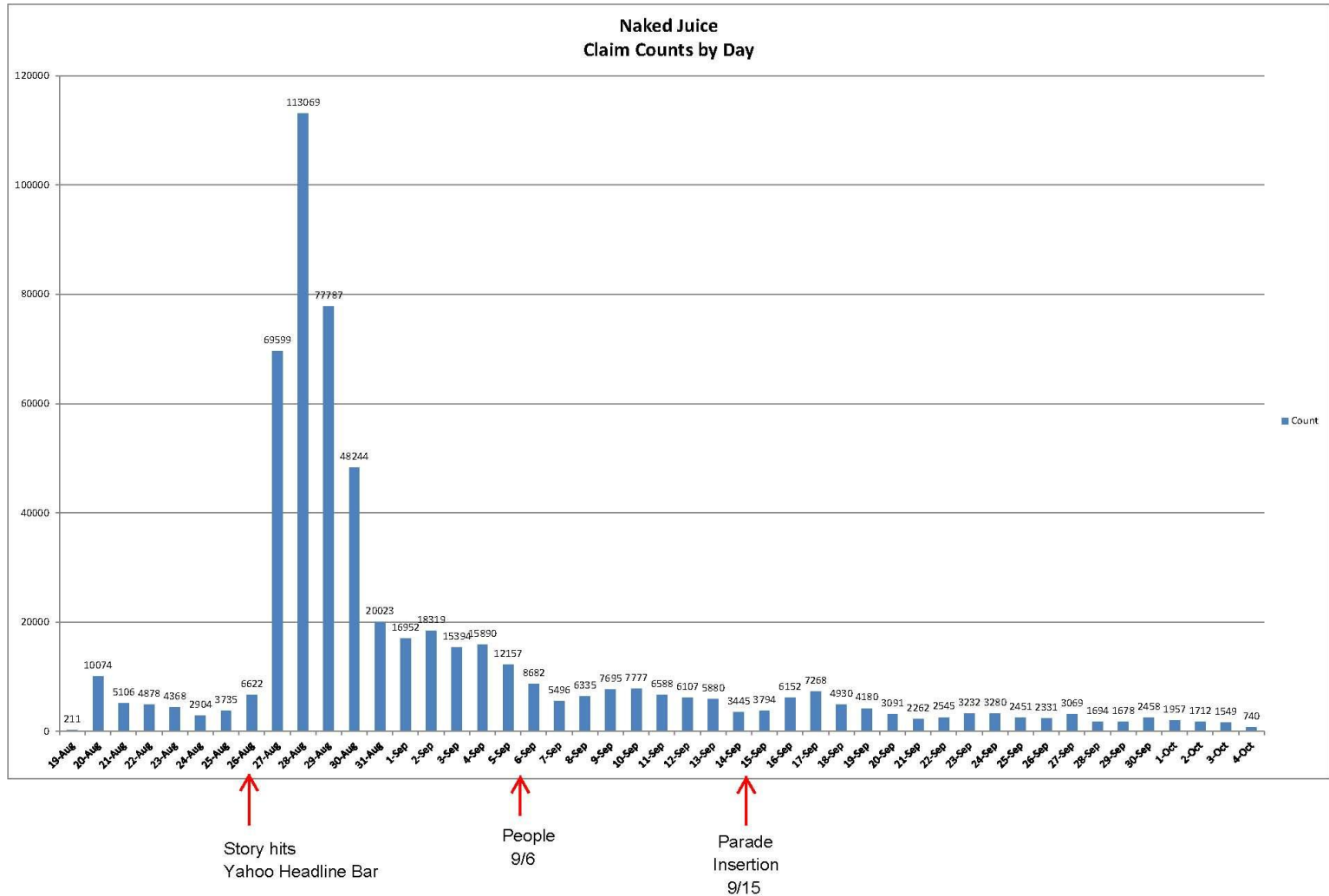
Still, rising prices don't have to mean that cost-conscious consumers must give up the advantages of organic food. Here are some tips on how shoppers can stretch their food dollars for organic foods, and information about other food options that may be equally kind to the planet.

What Exactly Are Organic Foods?

Naked Juice Banner Ad Placement

The screenshot shows the Good Housekeeping website interface. At the top, there's a navigation bar with links for Games, Win, Promotions, Newsletters, Video, Digital Editions, iPhone App, and a JOIN FREE button. A search bar is prominently displayed. Below the navigation bar, a teal-colored menu bar contains categories: Food & Recipes, Home & Organizing, Diet & Health, Beauty & Anti-Aging, Family & Relationships, Holidays, and Product Reviews. The main content area features a large banner for "Succulent Strawberry Recipes" with a photo of strawberries on bread and the text "10 Juicy ways to enjoy berries at every meal" and a "Read More" button. To the right of the main content, there's a sidebar with social media links (Facebook, Twitter, Pinterest, Google+, Email) and a blue banner for "Did You Purchase Naked Juice Products?" offering a refund of up to \$75 with proof of purchase, or up to \$45 without. Below this, there's a "KITCHEN" section with a "Magician" title and dropdown menus for "Cook Time" and "Main Ingredient".

Online Results Are Impressive!



Naked Juice Response

- A. Online banner campaigns delivered 185,651,701 impressions and 678,832 clicks to the settlement website
- B. More than 758,930 claims had been filed as of two days after the filing deadline
 - 1. 752,040 via settlement website
 - 2. 6,890 paper claims
- C. The majority of claims were filed before Summary Notice ran in print publications

Naked Juice Earned (Paid) Media

- A. The Naked Juice settlement and effect of earned media coverage
- B. An estimated 197,042,861 impressions were generated from earned media via news stories on sites like Yahoo.com, Yahoo Finance, Huffington Post, Foxnews.com, and abcnews.com
- C. The campaign saw a significant bump in claims volume shortly after the news stories went live

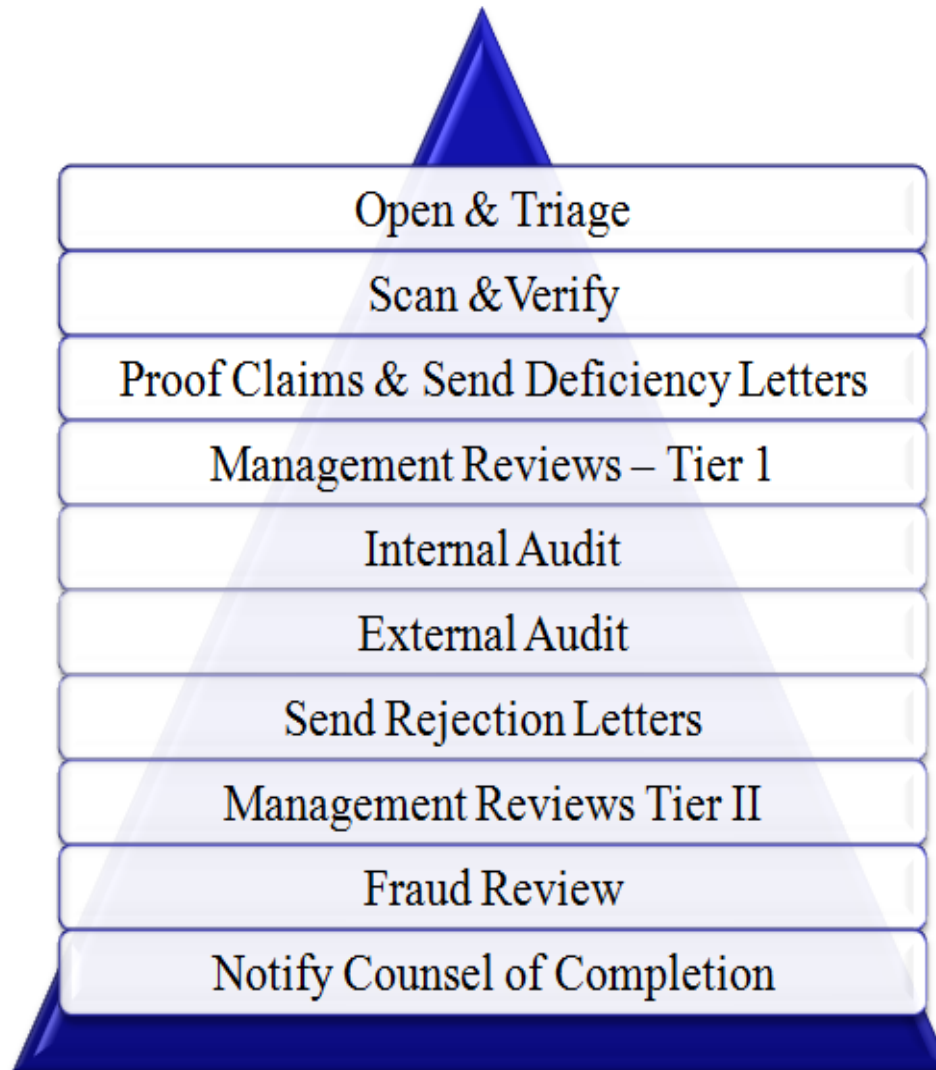
Plan of Allocation as Key Feature

- Who Was Injured and Is Therefore Eligible?
- What is the Relevant Class Period?
- Identify Eligible Securities & Corporate Actions (i.e. Stock Splits, Mergers & Other Acquisitions)
 - * Know Impact on Damage Plan
 - * Is Artificial Inflation Table Needed
- Determine Inclusion of Short Sales & Options
- Define Treatment of Gifts and Transfers
- Implications of Calculation Methodology
- Define Treatment for Different Securities Types
- Know Implications As Early as Possible

II. Overview of Claims Process

- Paper and Electronic Claims as Foundation
- Claims Filing Online and via Phone
- Clarity and Ease of Filing
- Claimant Communication and Call Centers
- Reporting Requirements and Possibilities
- Role of Third Parties in Filing

II. Overview of Claims Process



II. Overview of Claims Process

Initial Claim Eligibility Determination

- Settlement Profile As Foundation
- Initial Claimant Review
- Verify & Resolve Price Errors
- Verify & Resolve Date Range Errors Identified as Outside of Relevant Period
- Verify Claimed Security Is Eligible
- Perform Additional Exception Testing
- Perform Additional Proof & Thorough Review of Large Claims and Supporting Documents
- Contact Claimants/Filers to Resolve Deficiencies
- Perform Damage Plan Check for All Scenarios

II. Overview of Claims Process

- Duplicate Claims
 1. Perform Two-Tiered Review
 2. Unique Identifier (SSN#/Tax ID#)
 3. Beneficial Owner Name (Full & Partial)
 4. Value of Recognized Loss
 5. Trading Patterns
 6. Search by Expertise (i.e. Known Regular Duplicate Paper and Electronic filers)
- Fraudulent Claims
 1. Performed by Dedicated Fraud Team
 - a. Continually Update & Maintain a Database of Suspected Claimants
 - b. Actively Assist Various Government Agencies with Investigation and Apprehension of Individuals Submitting Fraudulent Claims

III. Distribution Issues

- Minimum Check Threshold
 - * Minimum v. Bump
- Forms of Payment
- Stale Dates and Check Reissues
- Follow up with Claimants
- Escheat Issues
- Cy Pres
- Closing Accounts

IV. Know Your Administrator

- Accountability and Transparency
- Ask About Conflicts of Interest
- Where is the Work Performed? Who is Performing It?
 - Multiple methods for processing and business rules
 - Political considerations
 - Data security and confidentiality

V. Partnering with Your Administrator

- Foundation for Success Is Early Involvement
 - Early Analysis of Data and Case
 - Particular Issues Re: Judge, Court, Class
 - Design Notice Plan and Plan of Allocation
 - Determine Details of Administration and Processing
 - Define Treatment of Late Claims and Residual Funds
- Case Closing
 - Final Declaration
 - Court Scrutiny/Potential Delay of Attorneys' Fees

THANK YOU