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22 **UNITED STATES DISTRICT COURT**

23 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

24 MIKE XAVIER and STEVEN PRESCOTT,
25 individually and on behalf of all others
26 similarly situated,

27 Plaintiffs,

28 v.

BAYER HEALTHCARE LLC, a Delaware
limited liability company; BEIERSDORF
INC., a Delaware corporation,

Defendants.

Case No.: 5:20-CV-00102-NC
Case Filed: January 3, 2020

Assigned to the Hon. Nathanael M. Cousins

**DECLARATION OF MARK SCHEY
REGARDING DISTRIBUTION OF
SETTLEMENT FUNDS**

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DECLARATION OF MARK SCHEY

I, MARK SCHEY, declare:

1. I am a founding partner of Digital Settlement Group, LLC (“**DSG**” and/or “**Administrator**”), a company that provides class action notice and claims administration, and the Court-appointed Administrator for the settlement in this action. I make this declaration to provide status regarding the distribution of the Settlement Fund in this case. The following statements are based on my personal knowledge and information provided by other DSG principals and employees working under my supervision. If called upon to do so, I could and would testify competently about the following matters.

2. As the Court-appointed administrator for this settlement, DSG has performed the following duties: (1) arranging for the distribution of the Class Notice and Claim Forms to Settlement Class Members; (2) arranging for the publication of the short form notice in digital media; (3) answering inquiries from Settlement Class Members and/or forwarding such inquiries to Class Counsel or their designee; (4) receiving and maintaining on behalf of the Court and the Parties all Settlement Class Member correspondence regarding claims, objections, and requests for exclusion from the Settlement; (5) establishing the Settlement Website that posts notices, Claim Forms, and other related documents, as well as ensuring its functionality throughout the response period; (6) establishing a toll-free telephone number for informational inquiries; (7) receiving and processing claims to vet and eliminate potential fraudulent claims; (8) monitoring the efficacy of the online notice campaign to maximize views or “impressions,” adjust any underperforming advertisements, and maximize conversion rates (i.e., click-through, download, and claim rates); (9) submitting a declaration attesting to the dissemination of the notice pursuant to the Court’s preliminary approval order and the Settlement Agreement, as well as the Settlement Class’s reaction, including the number and amount of claims, objections, and exclusion requests received to date; and (10) providing weekly reports to all counsel throughout the notice and claims process to allow for thorough oversight. After finalizing the comprehensive review of submitted claim forms to determine valid and invalid claims under the terms of the Settlement Agreement,

1 DSG distributed payments on May 9, 2022, prior to the May 18, 2022 deadline to disburse. The
 2 distribution of the settlement fund is summarized as follows:

3 Settlement Fund	\$2,250,000.00
4 Attorney's Fees & Costs	\$675,000.00
5 Litigation Expenses	\$6,242.55
6 Incentive Awards	\$10,000.00
7 Administration Fee	\$530,000.00
8 Remainder of Settlement Fund for Disbursement	\$1,028,757.45
9 Total Claims Received	84,617
10 Total Valid Claims	67,592
11 Total Products Claimed	414,682
12 Total Valid Products Claimed	259,876
13 Pro Rata Adjustment Per Product	\$3.95
14 Average Recovery Per Claimant	\$15.19
15 Median Recovery Per Claimant	\$15.80
16 Largest Paid Claimant	\$193.55
17 Smallest Paid Claimant	\$3.95
18 Total to Disburse	\$1,026,510.20
19 Method(s) of Notice & Payment	Check via First Class Mail and Digital Payments

20 3. The checks issued during this distribution remain valid for a period of 120 days.
 21 Any checks reissued for various reasons will remain valid for a period of 60 days. After all checks
 22 are either void or cashed, the Administrator will issue the *cypres* award consistent with the terms
 23 of the Settlement Agreement.

24 I declare under penalty of perjury under the laws of the United States of America that the
 25 above is true and correct to the best of my knowledge and that this declaration was executed this
 26 19th day of May 2022.

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 MARK SCHEY
 Digital Settlement Group, LLC