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*Attorneys for Plaintiff S. Chester, et
al.*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

IN RE THE TJX COMPANIES, INC.

Case No. 5:15-cv-01437-DDP-DTBx

STACI CHESTER, *et al.*,
Plaintiffs,

**DECLARATION OF JENNIFER M.
KEOUGH REGARDING COST OF
ADMINISTRATION**

vs.

Honorable Otis D. Wright, II

THE TJX COMPANIES, INC., *et al.*,
Defendants.

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I, JENNIFER M. KEOUGH, declare as follows:

1. I am the Chief Executive Officer of JND Legal Administration LLC (“JND”).

JND is a legal administration services provider with operations centers in Denver, Minneapolis, and Seattle. JND has extensive experience with all aspects of legal administration and has administered settlements in hundreds of class action cases.

2. JND is serving as the Settlement Administrator (“Administrator”) in the above-captioned litigation (“Action”), as ordered by the Court in its Order Granting Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement and Conditional Certification of Settlement Class dated December 5, 2017 (“Order”). This Declaration is based on my personal knowledge, as well as upon information provided to me by experienced JND employees, and if called upon to do so, I could and would testify competently thereto.

INITIAL PROPOSAL

3. On November 2, 2017, JND submitted a revised estimate as Exhibit A to the Supplemental Declaration of Jennifer M. Keough. Under the revised estimate, JND estimated a total cost of \$499,913 to administer the settlement. The estimate was created with the assumptions and notes as provided on page one of the estimate.

ADMINISTRATION COSTS

4. In creating the Revised Estimate submitted to the Court, JND was informed that the Defendant would provide JND with approximately 1.3 million records to receive direct notice. Specifically, the revised estimate indicates that JND would send direct notice via email to 600,000 individuals and direct notice via email to 600,000 individuals.

5. On December 8, 2017, JND received direct contact information for over 1.8 million class members resulting in direct notice being provided to approximately 30% more individuals than originally estimated. Additionally, JND has received over 147,000 claims, which is double the amount of claims originally estimated. Finally, a vast majority of class members have elected to speak to a live agent rather than listing only to the IVR.

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6. Due to the larger than anticipated class size, claims response, and call center costs, among other items, JND submits an updated estimate with actual and proposed costs as Exhibit A. JND estimates the total cost of administration will be \$840,868. Per the Settlement Agreement at 3.1.2, the Administrative Costs will not exceed \$1,000,000.

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

Executed March 6, 2018, at Seattle, Washington.

By: 
JENNIFER M. KEOUGH

EXHIBIT A



Confidential
 Jennifer Keough - CEO
 (206) 919-5768
 jennifer.keough@india.com

Doug Caiafa | Douglas Caiafa PLC | dcaifa@law.com
 TJX Settlement Administration

Assumptions and Notes:

1. Direct notice - Postcard notice to 901,015; E-Mail notice to 950,622
2. Summary Notice Publication program to reach those whose contact information is unavailable
3. 5.6% of postcards undeliverable
4. Toll-Free 1-800 Number with phone tree (assumes 45,000 class members call for 2 mins/call)
5. Website with online claim filing capability (assumes 175,000 claims of which 90% filed online and 10% paper)
6. Distribute checks to claimants (assumes 175,000)

		Cost Estimate	
Project Management			
Interaction with counsel, status reports, supervision of project team, resolution of issues, court report			
<i>Estimated Months:</i> 12			\$ 28,300
Case-Specific Website with Online Filing			
Develop and host dedicated website with downloadable forms, online claim submission, and email contact capabilities; respond to emails			
<i>Estimated Emails:</i> 1,900			\$ 13,300
Publish Notice			
Finalize notice content, coordinate placement		\$ 500	
Publications: See Exhibit A		<u>\$ 66,635</u>	\$ 67,135
Call Center			
Set up toll-free number and IVR menu, answer and document calls; monthly and per-minute charges			
<i>Estimated Calls:</i> 45,000			\$ 124,950
Database Management			
Class list clean-up, research and update addresses via NCOA and skip-trace databases		\$ 13,075	
Electronic Data Storage		\$ 4,750	
Create project specific database; develop processing procedures		<u>\$ 2,171</u>	\$ 19,996
CAFA Notice			
Mail case documents to all appropriate state and federal officials			\$ 2,500
Email Notice			
Create list for email, finalize content, implement email notice			
<i>Estimated Emails:</i> 929,860			\$ 12,391
Mail Notice			
Format/quality review notice		\$ 2,890	
Print and mail notice			
<i>Estimated items mailed</i> 963,606			
Printing/Materials/Mailing Services		\$ 38,544	
Estimated Postage		<u>\$ 243,061</u>	\$ 281,606
Track undeliverables; remail forwards		\$ 7,500	
		<u>\$ 7,500</u>	\$ 291,996
Process Forms			
Process mailed forms			
<i>Estimated forms received</i> 17,500			
<i>Cost per form</i>		<u>\$ 1.45</u>	
			\$ 25,375
Process online forms			
<i>Estimated forms received</i> 157,500			
<i>Cost per form</i>		<u>\$ 0.25</u>	
			\$ 39,375
Validate forms; final review; identify and resolve issues		<u>\$ 26,300</u>	\$ 91,050
Process Opt Outs			
Process mailed opt-outs; validate forms; final review; identify and resolve issues			\$ 1,500
Distribute Benefits			
Calculate, review, and implement individual benefits		\$ 600	
Establish QSF/Tax ID; account setup and management; reconciliation		\$ 1,400	
Create check language; design, format checks; manage mailing		\$ 1,750	
Printing and mailing costs			
<i>Estimated Items Mailed</i> 175,000			
Printing/Materials/Mailing Services		\$ 56,000	
Estimated Postage		\$ 77,000	
Bank Processing		<u>\$ 35,000</u>	\$ 168,000
Research undeliverables (skip-trace); remail; reissue checks		<u>\$ 16,000</u>	\$ 187,750
			<u>\$ 840,868</u>
Total			\$ 840,868