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21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA**

23 KEITH ANDREWS, an individual, et al.,
24
25 Plaintiffs,
26
27 v.
28 PLAINS ALL AMERICAN PIPELINE,
L.P., a Delaware limited partnership, et al.,

Defendants.

Case No. 2:15-cv-04113-PSG-JEMx

**DECLARATION OF JENNIFER M.
KEOUGH REGARDING CLASS
NOTICE IMPLEMENTATION AND
SETTLEMENT ADMINISTRATION
STATUS**

Date: September 20, 2022
Time: 1:30 p.m., Pacific
Judge: Hon. Philip S. Gutierrez
Location: Courtroom: 6A

1 I, Jennifer M. Keough, declare as follows:

2 1. I am the Chief Executive Officer (CEO) and President of JND Legal
3 Administration LLC (“JND”). This Declaration is based on my personal knowledge and
4 information provided to me by Class Counsel and experienced JND employees and, if
5 called upon to do so, I could and would testify competently thereto.

6 2. I previously filed a Declaration in Support of Motion for Preliminary
7 Approval of Class Action Settlement and Direction of Notice under Rule 23(E), filed May
8 13, 2022, Docket No. 944-2 (“Preliminary Approval Declaration”), a Declaration
9 Regarding Compliance with the Class Action Fairness Act, 28 USC § 1715, filed June 7,
10 2022, Docket No. 950-1, and a Declaration Regarding Class Notice, filed July 29, 2022,
11 Docket No. 959 (“Class Notice Declaration”). This Declaration is being filed to further
12 update the Court regarding Class Notice implementation and Settlement administration.
13

14 **MAIL NOTICE**

15 3. Per Section 8.a. of the Preliminary Approval Order, on July 22, 2022, JND
16 mailed the Court-approved summary version of the Fisher Class Settlement Notice with
17 the Fisher Class Claim Form (“Fisher Class Notice Packet”) by USPS First Class Mail,
18 postage pre-paid, to 1,994 Fisher Class Members on the Fisher Notice List and 37 Fisher
19 Organizations and Port Contacts identified by Class Counsel, consistent with Paragraph 38
20 of my Preliminary Approval Declaration.¹

21 4. As of September 1, 2022, 197 Fisher Class Notice Packets have been returned
22 to JND as undeliverable. JND has re-mailed 4 Fisher Class Notice Packets to an updated
23 address provided by the USPS. In addition, JND performed advanced address research for
24

25
26
27 ¹ Mailing addresses for nine Fisher Class Members were not available but these Class Members received Email
Notice.

1 the 193 undeliverables without a USPS updated address and re-mailed 73 Fisher Class
2 Notice Packets to an updated address.

3 5. Per Section 8.a. of the Preliminary Approval Order, on July 22, 2022, JND
4 mailed the summary version of the Property Class Settlement Notice with the Property
5 Class Claim Form (“Property Class Notice Packet”) by USPS First Class Mail, postage
6 pre-paid, to 13,341 unique addresses in total, including property addresses and available
7 mailing addresses (if different from property addresses) for the 8,061 Property Class
8 Members on the Property Class Notice List identified by unique assessor’s parcel number
9 as detailed in Paragraph 4 of my Class Notice Declaration. Additionally, on July 26, 2022,
10 JND mailed a Property Class Notice Packet by USPS First Class Mail, postage pre-paid,
11 to 14 current owners of Included Properties because information regarding owners of those
12 Included Properties was unavailable as of May 19, 2015.

13 6. As of September 1, 2022, 1,215 Property Class Notice Packets have been
14 returned to JND as undeliverable. 173 Property Class Notice Packets were forwarded by
15 the USPS to an updated address. In addition, JND performed advanced address research
16 for 1,215 undeliverables without a USPS updated address and re-mailed 191 Property Class
17 Notice Packets to an updated address.

18 7. As of August 25, 2022, of the 1,994 Fisher Class Members sent direct Mail
19 Notice, 1,866 or 94% were deemed delivered and 128 or 6% deemed undeliverable. Of the
20 8,061 unique assessor’s parcel numbers identified in the Property Notice List sent direct
21 Mail Notice, 7,739 or 96% were deemed delivered and 322 or 4% were deemed
22 undeliverable. The Federal Judicial Center’s *Judges’ Class Action Notice and Claims*
23 *Process Checklist and Plain Language Guide* (“FJC Checklist”) considers a Notice Plan
24 with a high reach (above 70%) effective. This distribution rate is therefore consistent with
25 typical benchmarks for successful notice programs.

1 8. Per Paragraph 26 of my Preliminary Approval Declaration, JND will continue
2 to track all notices returned undeliverable by USPS and will promptly re-mail notices that
3 are returned with a forwarding address. In addition, JND will also take reasonable efforts
4 to research and determine if it is possible to reach a Class Member for whom a notice is
5 returned without a forwarding address, either by mailing to a more recent address or using
6 available advanced address search tools to identify a new mailing address where the Class
7 Member may be reached.
8

9 **SETTLEMENT WEBSITE AND EMAIL ADDRESS**

10 9. Pursuant to Section 8.c. of the Preliminary Approval Order, on July 11, 2022,
11 JND established an informational Settlement website, www.PlainsOilSpillSettlement.com
12 (“Settlement Website”), that allows Class Members to learn more about the litigation and
13 Settlement. The “Home” page provides a summary of the proposed Settlement, key dates,
14 and an overview of legal rights and options. The “File a Claim” page allows Class Members
15 to file claims online, through the October 31, 2022 claims deadline, and also allows Class
16 Members to download, in PDF format, copies of the Fisher Class and Property Class Claim
17 Forms. An “Important Documents” page provides, in PDF format, copies of important
18 Court documents including the operative Second Amended Complaint, Settlement
19 Agreement, Order Granting Preliminary Approval of Proposed Settlement, and the
20 [Proposed] Plans of Distribution for the Fisher Class and Property Class. The “FAQ” page
21 provides answers to frequently asked questions. There is also a separate “Key Dates” page
22 noting important Settlement deadlines and a “Contact Us” page detailing how JND can be
23 reached by email, toll-free telephone, and mail. In addition, there are separate pages to
24 download the Notice in Spanish, Vietnamese, and Chinese.
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26
27

1 10. As of September 1, 2022, there were 12,024 total views of the Settlement
2 Website pages and documents and 3,780 unique visitors to the Settlement Website. JND
3 will continue to maintain the Settlement Website throughout the Settlement administration
4 process.

5 11. JND also maintains an email address, info@PlainsOilSpillSettlement.com
6 (“Settlement Email Address”), that permits Class Members and other individuals to submit
7 e-mail inquiries to JND. As of September 1, 2022, JND has handled 244 email
8 communications received to the Settlement Email Address. JND will continue to maintain
9 the Settlement Email Address throughout the Settlement administration process.

10
11 **TOLL-FREE NUMBER**

12 12. On July 22, 2022, JND established a Settlement-specific dedicated toll-free
13 Interactive Voice Response (“IVR”) number, 1-844-202-9486, for Class Members and
14 other individuals to call for additional information.

15 13. As of September 1, 2022, JND has received 442 calls to the IVR and JND’s
16 Claimant Assistance Center team has handled 185 live calls. JND will continue to maintain
17 the toll-free IVR number and assist Class Members throughout the Settlement
18 administration process.

19
20 **CLAIMS PROCESS**

21 14. Fisher and Property Class Settlement Email and Mail notices informed Class
22 Members that a Fisher or Property Class Claim Form must be submitted to participate in
23 the Settlement, and that all claims must be received through the Settlement website or
24 postmarked no later than October 31, 2022.

25 15. The Settlement Website allows Class Members to file Fisher Class and
26 Property Class Claim Forms online and download both Claim Forms in PDF format to
27

1 submit by mail. The claims administration program was opened at the end of July and the
2 online portal for submission of claims went live on August 24, 2022. JND has received
3 completed claim forms, both through the mail and the online portal.


4 16. In addition, JND personnel attended the August 30, 2022 web seminar hosted
5 by the Commercial Fishermen of Santa Barbara (“CFSB”), which is described in further
6 detail in Class Counsel’s papers.

7 17. JND will process Fisher and Property Class claims to confirm eligibility and
8 claim deficiencies, perform quality assurance procedures, conduct claim de-duplication
9 and claim validation, and solicit feedback from the parties.

10 18. JND will continue to administer the Settlement through all phases of
11 Settlement Administration, as required by the Settlement Agreement, Preliminary
12 Approval Order, and pursuant to any future Orders of this Court.

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

15 Executed on September 2, 2022 in Seattle, Washington.

16
17 
18 JENNIFER M. KEOUGH