1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

GUTRIDE SAFIER LLP
ADAM GUTRIDE (State Bar No. 181446)
SETH A. SAFIER (State Bar No. 197427)
MARIE A. MCCRARY (State Bar No. 262670)
100 Pine Street, Suite 1250
San Francisco, CA 94111
Telephone: (415) 271-6469
Facsimile: (415) 449-6469

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JACKIE FITZHENRY-RUSSELL, ON BEHALF OF HERSELF AND ALL OTHERS SIMILARLY SITUATED,
 	
                    Plaintiff,
 	
        vs.
 	
THE COCA-COLA COMPANY
                    Defendants.
	Case No. 5:17-cv-00603-EJD
	
	DECLARATION OF DOMINIQUE L. FITE
	
	Judge: Hon. Edward J. Davila

DECLARATION OF DOMINIQUE L. FITE
CASE NO. 5:17-CV-00603-EJD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I, DOMINIQUE L. FITE, declare as follows:

1.   I am over 21 years of age and am not a party to this action. This declaration is based on my personal knowledge, information provided by the staff of RG/2 Claims Administration, LLC ("RG/2"), and information provided by RG/2's media partners, Mitchell + Resnikoff ("M+R"). If called as a witness, I could and would testify competently to the facts stated herein.

2.   I am a Vice-President at RG/2, which has been retained as the Settlement Administrator responsible for administering the Notice Plan ("Notice Plan") and the claims administration processes for the above-captioned action. RG/2 is a leader in class action settlement administration that provides settlement administration services and notice plans for class actions involving consumer rights, securities, product liability, environmental, employment, and discrimination. I have experience in all areas of class action settlement administration including notification planning including direct notice by mail and email, print publication notice, and digital publication notice methodologies.

3.   A copy of RG/2's firm background and capabilities is attached hereto as Exhibit A. I designed the Media Notice Plan for the settlement in the above- captioned action ("Settlement") in concert with RG/2's media partner, Élan Legal Media, LLC (Élan), I am responsible for directing RG/2's execution of the Notice Plan.

4.   This Declaration describes (a) the methodology used to create the proposed Notice Plan; (b) the proposed Notice Plan; (c) the internet banner notice; (d) the internet notice targeted using keyword search terms; (e) the print publication notice; (f) the Settlement website; and (g) the toll-free helpline.

<div align="center">

OVERVIEW

</div>

5.   The Notice Plan developed by RG/2 and Élan was designed to reach 80% of the Class consistent with other effective court-approved notice programs, and the Federal Judicial Center's (FJC) Judges' Class Action Notice and Claims Process Checklist and Plain Language guide.

DECLARATION OF DOMINIQUE L. FITE
CASE NO. 5:17-CV-00603-EJD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

6.   The Notice plan utilizes the individual contact information for likely Class Members provided by defendants as well as print publication and

METHODOLOGY

7.   Working with Élan, RG/2 designed a Notice Plan that utilizes internet banner advertising, social media sponsored posts, paid search placements, and print publication notice to reach potential Class Members in the Settlement. In designing the Notice Plan, we took account of the consumer data showing that consumers in the demographic consistent with the purchasers of Seagram's Ginger Ale products spend significant amounts of time seeking and consuming information from digital sources on the internet. Accordingly, we will utilize available methods of reaching and exposing Class Members to the Notice that are available to marketers and advertisers in the digital, online marketplace.

8.   The proposed Notice Plan uses methods that have been and are currently used by the nation's largest digital marketing, advertising, and media departments to target and place billions of dollars in advertising. These methods include the sophisticated targeting capabilities of digital marketing technologies to meet and reach Class Members at the websites they visit most frequently.

9.   To verify the Notice Plan's effectiveness, GfK MediaMark Research & Intelligence, LLC ("MRI") data[1] was studied among adults who purchase non-soda

---

[1] The source for national demographics and media usage of persons who have purchased non-soda carbonated beverage adult population at 30 million, and the Ginger Ale purchaser from at 19.8 million products between 2014-2019 is Gfk MRI, specifically the MRI 2017 Doublebase survey. GfK MRI is a nationally accredited research firm that provides consumer demographics, product and brand usage, and audience/exposure in all forms of advertising media. MRI measures the usage of nearly 6,000 product and service brands across 550 categories, along with readership of hundreds of magazines and newspapers, internet usage, television viewership, national and local radio listening, yellow page usage, and out-of-home exposure. Based on a yearly face-to-face interview of 26,000 consumers in their homes, MRI's Survey of the American Consumer™ is the primary source of audience data for the U.S. consumer magazine industry and the most comprehensive and reliable source of multi-media audience data available. Random selection of households reduces bias and allows MRI to extrapolate data on a few

DECLARATION OF DOMINIQUE L. FITE
CASE NO. 5:17-CV-00603-EJD

carbonated beverages, Seagram's Ginger Ale products specifically and other ginger ale brands.

PROPOSED NOTICE PLAN

10.   The objective of the proposed Notice Plan is to provide notice of the proposed Settlement to members of the Proposed Class ("Class Members" or "Class") that satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure.

11.   I understand that the Class includes all persons, other than Excluded Persons, who, during the Class Period, Apirl 1, 2013 through the date of Preliminary Approval, purchased, in the United States, Seagram's brand ginger ale beverage, including but not limited to, Seagram's Ginger Ale, Seagram's Diet Ginger Ale, Segram's Raspberry Ginger Ale, and Seagram's Diet Raspberry Ginger Ale any of the Products, except for purpose of resale.

12.   Based upon our research into the sources identified in this declaration and those identified in the declaration from Ms. Fillmore, the population of likely Seagram's brand ginger ale beverage purchasers during the Class Period is approximately 4 million persons.

13.   The research suggests that a hybrid digital and print publication notice campaign would result in an effective and efficient approach to reaching the target audience.

14.   We have designed the Notice Plan that includes the following elements:

(a)   Programmatic Display Banner Ads;

(b)   Google Display Network Ads;

(c)   Facebook Display Ads;

(d)   Google Keyword Search;

---

thousand consumers to represent several hundred million Americans, according to the GfK Group. The Doublebase is comprised of four waves of surveys (approximately 52,000 consumers). This data can be reconfigured in a variety of ways, including weighting the total adult U.S. population. An indexing feature for the metrics provides easy-to-spot-insights.

DECLARATION OF DOMINIQUE L. FITE
CASE NO. 5:17-CV-00603-EJD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(e)   A press release containing the contents of the Summary Notice released nationally through PRweb;

(f)   A 1/3 page placement in People magazine;

(g)   A dedicated settlement website through which Class Members can obtain detailed information about the Settlement and access the Class Notice and case documents and file a claim for benefits; and

(h)   A toll-free telephone number that Class Members can obtain additional information about the Settlement and request a copy of the Long Form Notice and Claim Form.

15.   The digital and print publication notice components of the Notice Plan constitute a multi-channel, digital campaign designed to obtain approximately 40 million individual notice impressions directed to the target audience and achieve an estimated 80% reach at an estimated 2x – 2.5x frequency.

16.   At the conclusion of the notice campaign, RG/2 will provide a final declaration verifying implementation of the Notice Plan and provide the final notice impression delivery results.

INTERNET AND SOCIAL MEDIA BANNER NOTICE

17.   To reach as many of Class Members as possible the internet banner notice campaign will place banner notices with a link to the Settlement Website. Banner notices will appear on internet/social media platforms, optimized to reach the target audience. To that end, the internet banner notices will run on websites and social media platforms targeting the class's demographics. The two platforms are:

- Google Display Network – 9 million viewable internet banner ad impressions targeting websites that are indexed according to topics related to: Canada Dry, Seagram's Ginger Ale, etc.

- Facebook, Instagram, Facebook messenger, Instant articles – 23 million impressions

18.   The performance of the internet banner ad placements on the selected platforms will be continually evaluated during the claims period to determine those

DECLARATION OF DOMINIQUE L. FITE
CASE NO. 5:17-CV-00603-EJD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

placements that are producing the best results in terms of qualified visits to the Settlement website. Accordingly, placements on underperforming platforms will be reduced and placements on high- performing websites will be increased in order to increase the efficiency and effectiveness of the web-based notice tactics.

19.   The Jessica Fillmore Declaration attached as Exhibit B provides more detailed information about the technologies and methods that we will use to implement and track this component of the Notice Plan.

USING KEYWORD SEARCH TERMS

20.   The proposed Notice Plan will also include notice text ads targeted to display in response to the entry of specific keywords associated with Seagram's Ginger Ale products on the Google a search engine website. All keyword search notice advertisements will link to the Settlement website.

PRINT PUBLICATION NOTICE

21.   The Court-approved Short Form Notice will be placed one time for publication in the national edition of the People magazine. With a national reach and readership exceeding a total of 3.4 million people, People is an excellent complement to the digital media tactics included in this media notice plan.

SETTLEMENT WEBSITE

22.   Prior to the launch of the direct and web-based media campaign, RG/2 will update the current case website established for the purposes of disseminating the Notice of Class Certification with the contents of the Court-approved Settlement Notices and Claim Form. The website will be hosted at http://www.gingeralesettlement.com.

23.   RG/2 will work with the counsel to update the case website to finalize the content to for the website and the claims portal. The website will provide Class Members with general information about the Settlement, answers to frequently asked questions, important dates and deadline information, a summary of Settlement benefits, the ability to file an online claim form, the ability to file an online opt-out request, a means by which to

DECLARATION OF DOMINIQUE L. FITE
CASE NO. 5:17-CV-00603-EJD

download copies of certain Settlement documents (including the Long Form and Short Form Notices, Downloadable Claim Form, Settlement Agreement, and Preliminary Approval Order), and contact information for the Claims Administrator.

TOLL-FREE HELPLINE

24.   Prior to the launch of the notice campaign, RG/2 will make available a toll-free number to assist potential Class Members and any other persons seeking information about the Settlement.

25.   The toll-free helpline will include a voice response system that allows callers to listen to general information about the Settlement, listen to responses to frequently asked questions ("FAQs"), or request a paper version of the Long Form Notice and Claim Form.

26.   RG/2 will work with Counsel to finalize responses to the FAQs that will incorporate the information contained in the Court-approved Class Notice that will provide accurate answers to anticipated questions about the Settlement.

MEDIA NOTICE PLAN SUMMARY

27.   The digital and print publication notice components of the Media Notice Plan constitute a multi-channel, digital campaign designed to obtain over 39 million individual notice impressions directed to the target audience through digital banner notices, online search notice advertisements, and print publication notice. The media notice plan will achieve an estimated 80% reach (meaning that 80% of the class members will receive the notice) at an estimated 2x – 2.5x frequency (meaning that each such person will be shown the notice an average of at least two times).

CAFA NOTICE

28.   RG/2 will provide notice to governmental officials as required by the Class Action Fairness Act, 28 U.S.C. § 1715.

PROCESSING CLAIMS, OPT-OUTS AND OBJECTIONS

29.   RG/2 will process all claims and opt-out requests, whether received online

DECLARATION OF DOMINIQUE L. FITE
CASE NO. 5:17-CV-00603-EJD

or in paper format, and will report to the Court no later than 14 days prior to the final approval hearing about the number of claims, the dollar amounts claimed, and the number of opt outs. If RG/2 receives any objections to the settlement, it will forward them to counsel for the parties. If the settlement receives final approval, RG/2 will determine claim validity, distribute the settlement funds to claimants in accordance with the settlement agreement and provide the parties a post-distribution accounting to be filed with the Court.

FEES AND EXPENSES OF RG/2

30.   I currently estimate that the total costs of the media plan (published and online notice) will be in the range of $125,000, and that the total combined costs of notice and administration will be in the range of $360,000 to $365,000. However the total could increase or decrease based on the actual number of persons who (1) request that notice packets be mailed to them, (2) file claims, (3) file claims by mail as opposed to online, and (4) elect to have their payments sent to them by check instead of electronically, among other factors. RG/2 will provide the Court with a more detailed accounting in connection with the final approval hearing.

EXHIBITS

31.   Attached hereto are true and correct copies of the following exhibits:

(a)   Exhibit A: Corporate Resume for RG/2 Claims Administration LLC

(b)   Exhibit B: Declaration of Jessica Fillmore of Élan Legal Media, LLC.

(c)   Exhibit C: CV for Jessica Fillmore and Élan Legal Media, LLC.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and was executed in San Diego, CA on May 9, 2019.

Dominique L. Fite
_____
Dominique L. Fite

DECLARATION OF DOMINIQUE L. FITE
CASE NO. 5:17-CV-00603-EJD

EXHIBIT A

CORPORATE RESUME

Formed more than 20 years ago by a team of seasoned class action attorneys, financial analysts and certified public accountants with decades of experience handling damage analysis and complex claims, RG/2 Claims Administration LLC (RG/2) offers a complete range of high-quality and cost-effective notice, legal claims and class action settlement administration services as well as investment management and tax reporting services. RG/2 manages the administration of settlements running the spectrum of size, value, complexity, sophistication, and practice area, including but not limited to antitrust, consumer, data breach, employment, government, including ERISA, TCPA, FACTA, FDCPA, FLSA, mass tort, privacy and civil rights, and securities. RG/2 delivers the bench-strength, capabilities and resources of a national firm with the personal touch, responsiveness and agility of a boutique practice. Since 2000, RG/2 has administered class action settlements involving in excess of $1.4 billion in class action settlement and Fair Fund proceeds.

RG/2 PERSONNEL

The RG/2 team is a talented multi-disciplinary group of professionals who provide a comprehensive range of services throughout the administration process. Our principals have hands-on experience in both class action practice and settlement administration. The depth of experience of our current personnel can be measured both by their years administering settlement at RG/2, and by their prior related endeavors, such as claims administration, litigation, banking and technology consulting, and certified public accounting. RG/2's combined access to resources and financial institutions allow our team to deliver superior value-added service in all aspects of settlement administration

FRAUD DETECTION & PREVENTION

RG/2's fraud detection and prevention processes are designed to protect our clients by proactively thwarting the unethical type of activities prevalent in today's technological environment. Throughout the administration process, RG/2 employs a variety of fraud protection controls to identify falsified and duplicative claims, and conducts standard audit reporting procedures and spot reviews that examine the information in a variety of ways. Furthermore, before authorizing the issuance of a check to a claimant, RG/2 reviews and compares the settlement database against the "watch list" of known potential fraudulent filers that we developed and maintain. RG/2 also works closely with federal, state, and local law enforcement agencies for prevention of payment to fraudulent claimants.

ONSITE & DATA SECURITY

RG/2 recognizes the importance of keeping both its staff and sensitive information safe and secure. Building security includes active alarm systems, locked exterior doors, interior key-entry doors to server rooms and rooms holding highly confidential documents, and a monitored public entrance where visitors are required to sign in by showing identification at which time they are provided a visitor badge and escorted to the designated elevator by security.

RG/2 is routinely tasked with housing and protecting sensitive and confidential data, including social security numbers, health records, PII, as well as financial data such as bank account information and credit and debit card numbers. As a result, data security is a critical priority. We are committed to ensuring the safety of our client's data from unauthorized use, access, disclosure, theft, manipulation, reproduction or possible security breach, during the tenure of our relationship. Due to the ever growing threat of viruses and data intruders, RG/2 utilizes an in depth methodology of best-in-class security to address any serious threats including perimeter, application, as well as endpoint protection. All firewalls are configured with business driven logic, locking down unnecessary ports and services. All software systems are updated on a monthly basis, addressing any security vulnerabilities, performance and functionality issues. Our Information Security Program has been tested and continually passed intensive security reviews by the most demanding organizations in a variety of industries including, but not limited to, financial and professional services, software and technology manufacturing, retail, energy and utility organizations, government entities, healthcare providers and leading financial institutions.

QUALITY CONTROL PROCEDURES

An integral component of the services RG/2 provides is quality assurance. RG/2 maintains all claimant identifying information in the strictest confidence by the use of strong internal controls, protocols, and proprietary technology. RG/2 has never experienced any breach or leak of confidential class member identifying information or other sensitive class member information. Documentation received in response to the notice is carefully reviewed, evaluated, and properly stored. RG/2 maintains a Record Retention and Destruction Policy (hereafter "Records Policy") which generally requires it to maintain, store, and make available, in an indexed and readily retrievable form, all records and documentation associated with a particular matter for a period, generally seven years, following the distribution of any fund. The Records Policy also allows for the time period and the triggering event to be adjusted to appropriate client and court requirements, such as retention for six years from the transfer of any remaining funds to the SEC or the closing of the account from which the funds were disbursed, whichever is earlier. RG/2 will be able to accommodate this retention and destruction arrangement and smoothly implement it into its operating procedures.

SYSTEMS

RG/2 developed and maintains CLEVerPay®, a revolutionary proprietary database application. CLEVerPay® allows us to provide efficient, cost-effective services to our clients, while protecting the security of confidential information. Our system is stalwart enough to house massive amounts of data, yet nimble enough to allow for a customized client portal that provides several different levels of access and security clearance for our clients to interact with the data on demand. Our IT Group, including an experienced web design team, enables RG/2 to employ technologies used to enhance accuracy, efficiency and interaction throughout the administration process.

INSURANCE COVERAGE

It is RG/2's practice to carry specific insurance equal to its current liabilities calculated on the risk regarding the current case load. This strategy enables RG/2 to flexibly contain costs and not charge our clients exorbitant rates for non-existent risks. In order to provide the most efficient and cost-effective services while ensuring sufficient insurance coverage for each matter handled by RG/2, we will, should it be necessary, obtain additional case-specific riders for large scale matters such as this matter. We will carry the appropriate insurance for the appropriate time period to ensure that any potential risk to a settlement or fund of large size is covered. Specific coverage amount is available upon request from Counsel.

NOTABLE CASES

RG/2 has extensive experience providing notice and administration services in large, complex, and unique matters across a broad spectrum of practice areas. Below is a small sampling of our relevant experience:

- *Parsons v. Brighthouse Networks, LLC:* In a highly complex $3. 7 million ttie-in antitrust class action settlement involving approximately 5.4 million class members, RG/2 assimilated, de-duplicated and imported a multitude of overlapping files containing class member data into our proprietary database, CLEVerPay®. CLEVerPay® was able to filter and sort the complex data, eliminating any irrelevant information and duplicated entries and validate claims from current and former customers of the defendant. RG/2 developed and implemented a website and claims portal that allowed claimants to enter their account number and easily execute their claim form. RG/2 worked with counsel and the defendant to ensure that the website allowed class members easy access to their customer profiles and identified all options for any non-monetary recovery that was delivered easily and timely.

- *AzHHA (In re Johnson v. Arizona Hospital and Healthcare Association):* RG/2 was retained by counsel in this historically compounded $22.4 million wage-suppression employment/antitrust class action settlement involving approximately 30,000 class

members, who were employed over a 10-year class period by 43 different employers. RG/2 reviewed and assimilated payroll data from all 43 defendants, collected required data points, analyzed supporting documents, computed damages, created individual damage profiles based upon specific unique criteria, distributed two rounds of settlement payments and prepared and filed employment tax returns and distributed wage tax reporting forms involving multiple taxing jurisdictions.

▪ *In re Cast Iron Soil Pipe and Fittings Antitrust Litigation*: RG/2 recently administered this price fixing settlement which consisted of a class of cast iron soil pipe and fittings purchasers from numerous defendants during the class period. RG/2 mailed noticed caused publication and designed and maintained the settlement website. RG/2 reviewed and process claims, sending deficiency notices to cure claims. In addition to disseminating settlement proceeds to class members, RG/2 performed audits on selected claims and reviewed various documentation provided by class members to verify the amounts claimed and the eligibility of products purchased.

▪ *SEC v. Veritas Software Corporation:* RG/2 worked with the Securities and Exchange Commission ("SEC") to successfully leverage both its experience and the claims data it collected in the private action to offer significant efficiencies to the SEC in the distribution of the $30,000,000 Fair Fund established by judgment in *SEC v. Veritas Software Corp.* The efficiencies offered by RG/2's distribution plan in the *SEC v. Veritas Software Corp. Fair Fund* saved at least $1,000,000 in administrative expenses.

▪ *McDowell et al. v. Philadelphia Housing Authority*: RG/2 administered this $2.65 million settlement concerning the failure to factor rising gas prices into tenant gas utility reimbursements. RG/2 processed claims, determined beneficial owners, and issued payments via check and/or set-off to PHA obligations to claimants who resided in PHA scattered site housing during the period 1999 through 2012. RG/2's efforts resulted in a response rate of 55%.

▪ *In Re: Smith Barney Transfer Agent Litigation:* RG/2 recently administered a decade-old $5 million securities class action settlement involving 17 individual mutual funds, representing 71 individual ticker symbols and 131 individual CUSIPS. After the case was initiated, but before the case settled, all 17 funds were sold to another financial services firm resulting in 17 new fund names and ticker symbols to analyze. The plan of allocation was highly complex and involved incremental damages based upon holding in particular funds over a period of time, even if such funds were only held in an affected fund for only a single day during the class period. After identifying over 154,800 class members, RG/2 developed a deciphering and synchronization system that efficiently processed data provided by bank and broker nominees representing over 64,000 individual claims each representing monthly holdings in each of the subject mutual funds. RG/2 also worked with Counsel and a Court-appointed damage expert to effectuate a revised plan of allocation to maximum relief to the valid claimants.

▪ *Doe No.1, etal. v. Johns Hopkins, et al.*: RG/2 was engaged by counsel on a $190 million class action settlement involving at least 15,000 women who were victims of a breach of

privacy by their physician. In order to adjudicate these most sensitive claims, RG/2 retained and managed a team of experienced trauma specialists to review claims submissions and conduct confidential interviews of each class member to assess the lasting psychological impact and compute damages resulting from the breach. RG/2 also assisted in the design and management of an additional formal appeals process to handle objections presented by class members.

- *Melgar v. Zicam LLC et al.*: In this $16 million settlement consisting of a nationwide class of purchasers of nine different products, RG/2 employed a multi-faceted notice approach comprised of both direct email and postcard notice and a media plan in an effort to reach an estimated 12.5 million class members. While this administration is ongoing, we have received and processed over 100,000 claims to date.

- *Fejzulai et al. v. Sam's West Inc. et al.*: RG/2 is currently serving as the administrator for this $6 million settlement in which Sam's Club refused to honor its refund guarantee on certain fresh product items. Administration tasks included notifying an estimated 70 million class members, processing claims, and issuing gift cards to eligible claimants.

- *In Re: American Honda Motor Company, Inc. Dealership Relations Litigation*: RG/2 served as the administrator in this $460 million RICO settlement which, due to the large number of entities that asserted beneficial claimant ownership as successors and transferees, required an extensive review and determination of claimant eligibility based upon divorce, estate, bankruptcy, purchase, and other transfer and succession related records.

EXHIBIT B

GUTRIDE SAFIER LLP
ADAM GUTRIDE (State Bar No. 181446)
SETH A. SAFIER (State Bar No. 197427)
MARIE A. MCCRARY (State Bar No. 262670)
100 Pine Street, Suite 1250
San Francisco, CA 94111
Telephone: (415) 271-6469
Facsimile: (415) 449-6469

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JACKIE FITZHENRY-RUSSELL, ON BEHALF OF HERSELF AND ALL OTHERS SIMILARLY SITUATED,	Case No. 5:17-cv-00603-EJD
Plaintiff,	**DECLARATION OF JESSICA FILLMORE**
vs.	Judge: Hon. Edward J. Davila
THE COCA-COLA COMPANY Defendants.	

1

2

I, JESSICA FILLMORE, declare as follows:

3

4   1.   I am over 21 years of age and am not a party to this action. I have personal

5   knowledge of the facts stated herein and, if called as a witness, could and would testify

6   competently thereto.

7   2.   I am Co-Founder and Manager of Élan Legal Media, LLC (Élan), formerly

8   FRWD Legal. ("FRWD"), a digital marketing firm based in Minneapolis, Minnesota. My

9   firm has been asked by RG/2 Claims Administration, LLC ("RG/2") to partner in the design

10   and execution of the Notice Program for the settlement in the above-captioned action (the

11   "Settlement").

12

13   3.   I have deep experience in digital marketing and marketing research. In the

14   past five years I have focused exclusively on digital media. My work has involved

15   designing, executing, and validating digital media advertising and communications

16   campaigns.   The technologies and tools described herein are well-accepted, leading

17   practices in the digital advertising world and are directly transferable and applicable to the

18   execution of an effective class action notice plan.

19

20   **SUMMARY OF NOTICE PROGRAM**

21

22   4.   Élan and RG/2 constructed the Notice Plan to be consistent with, and to take

23   advantage of, how individuals consume media and locate information today. Specifically,

24   we are leveraging digital components including mobile and desktop programmatic display

25   banner ads, Facebook ads, google keyword search print placement in People magazine, and

26

27   a press release. Leveraging how today's consumer accesses media enables us to construct

28   DECLARATION OF JESSICA FILLMORE
     CASE NO. 5:17-CV-00603-EJD

a more robust, action-oriented notification plan. In addition, as we constructed the Notice Plan, we focused on demographic information about the purchasers of the products involved in this Settlement. This information enables us to better target our Notice Plan and reach potential Settlement Class Members. Specifically, our Notice efforts will focus on targeting the estimated 19.8 million consumers in the United States who are frequent purchasers of ginger ale. This audience was selected based on demographic information, and media consumption, as stated above, as well as through tools provided by Gfk MRI, eMarketer, Facebook, comScore, and Google to be representative of the estimated 4 million members of the Class who were purchasers of Seagram's Ginger Ale.

5.   Between the display, mobile, social media, keyword search, and print, components of the Notice Program, our tools indicate we will produce sufficient individual digital and print notice impressions targeted to approximately 19.8 million persons representing the target audience to produce an estimated reach of 80% of the target audience including the Class or more at a projected 2x-2.5x frequency.

DEFINITION OF TARGET: AUDIENCE TARGETING AND VERIFICATION

6.   The "Class" includes all persons, other than Excluded Persons, who, during the Class Period, April 1, 2013 through the date of Preliminary Approval, purchased, in the United States, Seagram's brand ginger ale beverage, including but not limited to, Seagram's Ginger Ale, Seagram's Diet Ginger Ale, Seagram's Raspberry Ginger Ale, and Seagram's Diet Raspberry Ginger Ale any of the Products, except for purpose of resale.

DECLARATION OF JESSICA FILLMORE
CASE NO. 5:17-CV-00603-EJD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MEDIA NOTICE TARGET AUDIENCE

7.   Knowing the characteristics, interests, and habits of a target group aids in the media selection process. Demographic highlights of Seagram's Ginger Ale consumers include the following: 57.31% women and 42.69% men; greatest index amongst adults ages 25-34, more likely to be Caucasian, more likely have an annual household income of $100,000 - $150,000, 38.7% of audience have at least one child in their household and 55% own a pet.

8.   We have the ability to target individuals according to different demographic and psychographic (lifestyle and interest) characteristics. This is done by focusing our notification advertising on specific websites (domains) which index highly against our core target audience. This notification plan is focused primarily on adults in the United States who consume media via desktop, and mobile web, mobile application, keyword search results, social media, and digital radio. This mix of media was planned, and specific media placements were selected, by leveraging industry-leading digital tools such as comScore, Facebook and Google. Using these tools, Élan selected hundreds of websites on which our audience visits at a rate greater than the typical Internet-using population. These custom lists are a best practice in consumer advertising and will further strengthen our ability to provide notice to Settlement Class Members in the Notice Program. In this case, control of the website domains that display the Notice, and the location where the Notice banners will appear on those websites, provides a higher likelihood of successfully exposing Settlement Class Members to the Notice.

DECLARATION OF JESSICA FILLMORE
CASE NO. 5:17-CV-00603-EJD

9.   In addition to selecting specific websites, we are leveraging Facebook Interest Targeting[1] which provides the opportunity to reach Settlement Class Members based on information they have added to their Facebook timelines.   This considers information such as the Facebook Pages they like, apps they use, and other information they have added to their timelines.

10.   In addition to selected websites and social media interest targeting, we are leveraging search engine results page advertisements, displayed as "sponsored links," across search engine: Google. Google accounts for the vast majority U.S. search volume, according to comScore.[2]

11.   Rotating digital banner notices with matching voiceover will also appear to listeners of Pandora digital radio. These digital channels provide an additional opportunity to reach the target audience with engaging content and drive potential Class Members to the Settlement Website to receive further information and/or to file an online claim.

INTERNET BANNER ADS

12.   The notice program will also utilize a programmatic approach to purchasing internet media advertisements, which will enable the Notice Plan to target potential Class Members with tailored communications.   Purchasing display and mobile inventory programmatically provides the highest reach for internet publication, allows for multiple targeting layers, and causes banner advertisements to be systematically shown to persons most likely to be Class Members.

---

[1] Facebook, https://www.facebook.com/help/131834970288134/.
[2] comScore, August 14, 2015, July 2015 US desktop search rankings.

DECLARATION OF JESSICA FILLMORE
CASE NO. 5:17-CV-00603-EJD

13.   Search terms, relevant to soda and ginger ale, will be incorporated into the campaign parameters to drive relevant traffic. The digital media plan will also focus on Seagrams branding, and competitor products, targeting users who are currently browsing or have recently browsed content in categories such as Food/Drinks, which will also help qualify impressions to ensure messaging is served to the most relevant audience. A focus will be placed on purchase data targeting Seagrams and Canada Dry ginger ale specifically. The purpose of such targeting is to ensure that likely Class Members are exposed to the notice documents while simultaneously minimizing the chance that notice is misdirected to individuals who are unlikely to be members of the class.

PUBLICATION NOTICE

14.   The notice program will also utilize one 1/3 page ad in PEOPLE magazine. This ad will feature the Summary Notice and will run for one week.

CONNECTION TO THE NOTICE WEBSITE

15.   All digital communication in the form of web banners, keyword search, and social media will be connected to the Settlement Website. Specifically, the banner advertisements will list the Settlement Website, and users who click on the banner advertisements will be routed directly to the Settlement Website, where they will find information in greater detail and online claim filing functionality. This combination of reaching our audience and connecting to greater detail via the Settlement Website provides us with a comprehensive approach to reaching Settlement Class Members.

DECLARATION OF JESSICA FILLMORE
CASE NO. 5:17-CV-00603-EJD

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

16.   In addition, Élan will leverage Google Analytics[3] ("GA") on the Settlement Website. By using GA, Élan can showcase reporting on the engagement of the Settlement Class Members on our Settlement Website. Specifically, GA will measure the most highly trafficked content and the total number of Settlement Class Members performing specific actions, such as the number of visitors, the number of pages viewed, the time spent, and the number of documents downloaded by type.

TOLL-FREE HOTLINE

17.   A toll-free hotline devoted to this case will be implemented to further apprise Class Members of the rights and options in the Settlement. The toll-free hotline will utilize an interactive voice response ("IVR") system to provide Class Members with responses to frequently asked questions and provide important information regarding the Settlement. This hotline will be accessible 24 hours a day, 7 days a week.

MEDIA NOTICE PLAN SUMMARY

18.   Based on my experience in designing and executing digital outreach and marketing plans, as well as industry best practices: it is my opinion that the published notice component of the Notice Program will produce sufficient individual digital notice impressions targeted to approximately 10 million persons representing the target audience

---

[3] Google Analytics is a service offered by Google that generates detailed statistics about the visitors to a website. GA can track visitors from all referring websites, including search engines, display advertising, pay-per-click networks, email marketing, and other traffic sources.

DECLARATION OF JESSICA FILLMORE
CASE NO. 5:17-CV-00603-EJD

1   to produce an estimated reach of 80% of the target audience, or more, at a projected 3.2x

2

3   frequency.

4   I declare under penalty of perjury, that the foregoing is true and correct to the best of my

5   knowledge. Executed this 9th day of May, 2019 in Minneapolis, Minnesota.

6

7   _____

8   Jessica Fillmore
     Élan Legal Media.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28   DECLARATION OF JESSICA FILLMORE
     CASE NO. 5:17-CV-00603-EJD

EXHIBIT C

Élan Legal Media

Élan Legal Media ("E.L.M."), formerly FRWD Co., is a digital marketing firm based in Minneapolis, Minnesota. Our team has more than 20 years of experience in the creation and implementation of marketing, public relations, and digital media notice campaigns. E.L.M. has partnered with class action claims administrators, law firms, and Fortune 500 brands to create tailored media plans and campaigns to reach individuals impacted by class and mass actions nationwide. Federal and state courts have recognized and approved our work in the design of class action notice programs that satisfy all due process standards.

As part of E.L.M.'s execution of multimedia campaigns, we have planned, designed, built, placed, and reported on tens of thousands of individual web-based creative assets such as banner ads, websites, mobile applications, keyword search ads, Facebook landing pages, and other forms of content development. Our areas of special expertise and focus include local (city and state level) and national advertising focused on achieving specific reach and frequency targets. Over the past six years, E.L.M. has completed more than 800 individual digital media campaigns focused on a specific locale (geo-footprint), combined with audience targeting and very specific reach and frequency goals. We have done so for brands including Cheerios, Wheaties, Yoplait, Covergirl, Olay, Charmin, and Colgate.

Below, please find a case list of just a few matters handled by our co-founder and notice expert, Jessica Fillmore:

- AZEK Building Products, Inc. Marketing and Sales Practices Litigation
- Christine Cumming vs. BetterBody Food & Nutrition LLC
- Timothy Haight v. Bluestem Brands Inc.
- James Boswell, et al. vs. Costco Wholesale Corporation
- Krakauer v. DISH Network, LLC
- Michael Taylor vs. Dynamic Pet Products, LLC,
- The Honest Company Inc. Marketing and Sales Practices Litigation
- Motor Fuel Temperature Sales Practices Litigation
- Frito-Lay North America, INC. All Natural Litigation
- Stephanie Leiner v. Johnson & Johnson Consumer Companies Inc.
- Alexander Vuckovic Vs. KT Health Holdings, LLC and KT Health, LLC
- Mark A. Stolzenburg vs. Biewer Lumber, LLC
- Learjet, Inc., et al. v. ONEOK Inc., et al.
- Heartland Regional Medical Center, et al. v. ONEOK Inc., et al.
- Joshua Rawa, et al. v. Monsanto Company, et al.
- NewPage Wisconsin System Inc. v. CMS Energy Resource Management Co., et al.
- Michael Villa v. San Francisco Forty Niners Ltd., et al.
- Kopin v. Orbit Baby Inc. and The ERGO Baby Carrier Inc.
- Anne Elkind and Sharon Rosen v. Revlon Consumer Products Corp.