

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MARIA TAPIA-RENDON, individually and  
on behalf of all others similarly situated,

*Plaintiffs,*

v.

UNITED TAPE & FINISHING CO., INC.;  
and EASYWORKFORCE SOFTWARE,  
LLC,

*Defendants.*

Case No. 1:21-cv-3400

Judge: Hon. Matthew F. Kennelly

Magistrate: Hon. Beth W. Jantz

**DECLARATION OF BRANDON SCHWARTZ REGARDING  
NOTICE PLAN AND ADMINISTRATION FOR CLASS CERTIFICATION**

I, Brandon Schwartz, declare:

1. I am a Director of Legal Notice, and I am preparing this Declaration for the proposed Class Administrator, Postlethwaite & Netterville, APAC (“P&N”)<sup>1</sup>, a full-service administration firm providing legal administration services, including the design, development, and implementation of unbiased complex legal notification programs. We were asked by Counsel to develop and execute the proposed Notice Plan to provide notice in the above-referenced matter (the “Action”). The following statements are based on my personal knowledge as well as information provided by other experienced employees working under my supervision.

2. We have undertaken the creation and execution of notice plans, along with the administration of diverse class action and mass action settlements. Our expertise extends across a wide array of subject matters, encompassing but not limited to privacy, products liability, consumer rights, mass tort, antitrust, insurance, and healthcare. The accomplished members of our team possess extensive experience in the design and implementation of notice procedures involving various aspects of class certification and settlement programs.

### **EXPERIENCE**

3. Drawing upon over 15 years of extensive expertise in class action, advertising, media, and marketing, I have cultivated comprehensive noticing solutions encompassing all facets of class action certification and settlement. My proficiency extends to a deep understanding of email and postal distribution methodologies, reach and frequency analysis, strategic media generation, meticulous demographic research, media plan design, effective media development and procurement, commercial and video production creation, and the adept application of best practices for effective social media outreach.

4. I have designed, implemented, and managed notice campaigns for more than 100 cases. Some of the cases in which my notice plans have featured include: *Rivera v. Goggle LLC*, No. 2019-CH-009900 (Ill. Cir. Ct. Cook Cnty.); *Hezi v. Celsius Holdings, Inc.*, No. 1:21-cv-09892 (S.D.N.Y.); *Bradley Acaley v. Vimeo.com, Inc.*, No. 2019-CH-10873 (Ill. Cir. Ct. Cook Cnty.); *Gilmore v. Monsanto*, No. 3:21-

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<sup>1</sup> As of May 21, 2023, the Directors & employees of Postlethwaite & Netterville (P&N), APAC joined EisnerAmper as EAG Gulf Coast, LLC. Where P&N is named as an entity to service work, EAG Gulf Coast, LLC employees will service that work. P&N’s obligations to service work may be assigned by P&N to Eisner Advisory Group, LLC or EAG Gulf Coast, LLC, or one of Eisner Advisory Group, LLC’s or EAG Gulf Coast, LLC’s subsidiaries or affiliates.

cv-8159 (N.D. Cal.); *Tyra Hosch v. Drybar Holdings*, No. 2021-CH-01976 (Ill. Cir. Ct. Cook Cnty.); *In re: Sonic Corp. Customer Data Breach* Litigation, No. 1:17-md-02807 (N.D. Ohio); *In re: Interior Molded Doors Indirect Purchaser Antitrust Litigation*, No. 3:18-cv-00850 (E.D. Va.); *Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico*, No. 2:10-md-02179 (E.D. La.); and the *Indian Residential Schools Settlement*, No. 00-cv-192059 (Ont. Super. Ct.). A description of my experience is attached as **Exhibit 1**.

5. As outlined in the following section, the courts have consistently acknowledged both the credibility of our team (curriculum vitae attached hereto as **Exhibit 2**) and the effectiveness of my class action notice plans. Illustrative court opinions affirming the sufficiency of our notice plans include:

- a. On April 5, 2023, in the Order Granting Plaintiffs' Motions for Final Approval of Class action Settlement in *Hezi v. Celsius Holdings, Inc.*, 1:21-cv-09892 (S.D.N.Y.), Judge Jennifer H. Rearden wrote:

The Court finds and determines that the notice procedure carried out by Claims Administrator Postlethwaite & Netterville, APAC ("P&N") afforded adequate protections to Class Members and provides the basis for the Court to make an informed decision regarding approval of the Settlement based on the responses of Class Members. The Court finds and determines that the Notice was the best notice practicable and has satisfied the requirements of law and due process.

- b. In the matter *Gilmore et al. v. Monsanto Company, et al.*, 3:21-CV-8159 (N.D. Cal.), Judge Vince Chhabria ruled on March 31, 2023:

The Court finds that Class Notice has been disseminated to the Class in compliance with the Court's Preliminary Approval Order and the Notice Plan. The Court further finds that this provided the best notice to the Class practicable under the circumstances, fully satisfied due process, met the requirements of Rule 23 of the Federal Rules of Civil Procedure, and complied with all other applicable law.

- c. In the matter *Rivera, et al. v. Google LLC*, 2019-CH-00990 (Ill. Cir. Ct. Cook Cnty.), Judge Anna M. Loftus ruled on September 28, 2022:

Pursuant to this Court's Order granting preliminary approval of the Settlement, Postlethwaite & Netterville, APAC ("P&N") served as

Settlement Administrator. This Court finds that the Settlement Administrator performed all duties thus far required as set forth in the Settlement Agreement.

The Court finds that the Settlement Administrator has complied with the approved notice process as confirmed by its Declaration filed with the Court. The Court further finds that the Notice plan set forth in the Settlement as executed by the Settlement Administrator satisfied the requirements of Due Process and 735 ILCS 5/2-803. The Notice plan was reasonably calculated and constituted the best notice practicable to apprise Settlement Class Members of the nature of this litigation, the scope of the Settlement Class, the terms of the Settlement, the right of Settlement Class Members to object to the Settlement or exclude themselves from the Settlement Class and the process for doing so, and of the Final Approval Hearing. Accordingly, the Court finds and concludes that the Settlement Class Members have been provided the best notice practicable under the circumstances, and that the Notice plan was clearly designed to advise the Settlement Class Members of their rights.

- d. In the matter *Hadley, et al. v. Kellogg Sales Company*, No. 16-cv-04955 (N.D. Cal.), Judge Lucy H. Koh ruled on November 23, 2021:

The Class Notice and claims submission procedures set forth in Sections 4 and 6 of the Settlement Agreement, and the Notice Plan filed on March 10, 2021, fully satisfy Rule 23 of the Federal Rules of Civil Procedure and the requirements of due process, were the best notice practicable under the circumstances, provided individual notice to all Settlement Class Members who could be identified through reasonable effort, and support the Court's exercise of jurisdiction over the Settlement Classes as contemplated in the Settlement Agreement and this Order. See Fed. R. Civ. P. 23(e)(2)(C)(ii).

- e. On May 11, 2021, in the Order Granting Motion for Final Approval of Class Settlement in *Winters, et al. v. Two Towns Ciderhouse, Inc.*, No. 20-cv-00468 (S.D. Cal.), Judge Cynthia Bashant ruled:

The settlement administrator, Postlethwaite and Netterville, APAC ("P&N") completed notice as directed by the Court in its Order Granting Preliminary Approval of the Class Action Settlement. (Decl. of Brandon Schwartz Re: Notice Plan Implementation and Settlement Administration ("Schwartz Decl.") ¶¶ 4–14, ECF No. 24-5.)... Thus, the Court finds the Notice complies with due process... With respect to the reaction of the class, it appears the class members' response has been overwhelmingly positive.

## **OVERVIEW**

6. I understand the Court has certified the following Class and Subclass:

Class: All individuals who used any cloud-based [EasyWorkforce] biometric device in Illinois on or after June 24, 2016.

Subclass: All Class Members who used a cloud-based [EasyWorkforce] biometric device in Illinois on or before April 30, 2022.

7. The objective of this Notice Plan is to provide the best notice that is practicable under the circumstances and to inform Class members of their due process rights and provide the opportunity to exclude themselves.

## **CLASS CERTIFICATION NOTICE PLAN**

8. We have designed the proposed Notice Plan to provide notice to Class members and ensure that they will be exposed to, see, review, and understand the notice. Accordingly, we determined that the most reasonable and practicable way to reach Class members is through direct notice, case website notice, and toll-free hotline.

### **Direct Notice**

9. Class Counsel has advised that contact information for the approximately 2,620 known potential Class members will be subpoenaed from Defendant's Illinois-based customers, and that the contact information will be placed into a database (the "Class List") which will facilitate the implementation of direct notice.

10. The Summary Notice will be mailed in the form of a double postcard with the contents in both English and Spanish via United States Postal Service ("USPS") First Class Mail to all Class Members for whom a valid mailing address was provided in the Class List. Prior to mailing, all mailing addresses will be checked against the National Change of Address ("NCOA") database maintained by USPS to ensure the accuracy and currency of Class Member address information for proper formatting and mail delivery. Additionally, the addresses will be validated through the Coding Accuracy Support System ("CASS") to uphold zip code precision, while Delivery Point Validation ("DPV") will be employed to verify address accuracy. In the event that NCOA provides a more current mailing address for a Class Member, P&N will update the address accordingly. In instances where a Postcard Notice is returned with forwarding address

information, P&N will re-send to the newly provided address. For any Postcard Notices that are returned as undeliverable, P&N will utilize standard skip-tracing techniques to obtain forwarding address information. If skip-tracing yields an alternative forwarding mailing address, P&N will re-mail the notice to the address identified through the skip-tracing process.

#### **Case Website**

11. We will create and maintain a website dedicated to this Action, [www.EasyWorkforceBIPALawsuit.com](http://www.EasyWorkforceBIPALawsuit.com). The website address will be included in the Postcard Notice and Long-Form Notice. Relevant Court documents, including the Long-Form Notice, will be posted on the case website for Class members to review and download. The case website will also include relevant dates, other case-related information, instructions for how to be excluded from the Class, and contact information for Class Counsel and the Administrator.

#### **Dedicated Toll-Free Hotline**

12. A dedicated toll-free informational hotline will be available 24 hours per day, seven days per week. The hotline will utilize an interactive voice response (“IVR”) system where Class Members can obtain essential information regarding the Action and be provided responses to frequently asked questions. Class Members will also have the option to leave a voicemail and receive a call back from the Administrator.

#### **REQUESTS FOR EXCLUSION**

13. Class Members wishing to exclude themselves may submit their request for exclusion by mail to a Post Office Box that we will maintain. We will monitor all mail delivered to that Post Office Box and will track all exclusion requests received, which will be provided to Class Counsel.

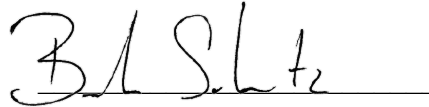
#### **CONCLUSION**

14. The proposed Notice Plan encompasses individualized direct notice, crafted in accordance with the principles of plain language guidance, to all members of the Class who can be identified through reasonable efforts.

15. It is my opinion, based on my expertise and experience and that of my team, that this method of focused notice dissemination provides effective notice in this Action, will provide the best notice that is practicable, adheres to Fed. R. Civ. P. 23, follows the guidance set forth in the Manual for Complex Litigation 4th Ed. and FJC guidance.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 8th day of September 2023 in Portland, Oregon.

A handwritten signature in black ink, appearing to read "B. Schwartz", written over a horizontal line.

Brandon Schwartz