

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARCIA KIMBLE,

Plaintiff,

Case Number 23-10037
Honorable David M. Lawson

v.

FIRST AMERICAN HOME WARRANTY
CORP. and FIVESTRATA LLC,

Defendants.

**SUPPLEMENTAL DECLARATION OF BRYN BRIDLEY ON
NOTICE DISSEMINATION AND SETTLEMENT ADMINISTRATION**

I, BRYN BRIDLEY, declare as follows:

1. I am the Director of Project Management at Atticus Administration, LLC (“Atticus”), a firm providing class action and claims administration services. I have extensive experience with class action notice, claims processing, and settlement administration. I am fully familiar with the facts contained herein based upon my personal knowledge and involvement in this matter.

2. Atticus is the Court-approved Settlement Administrator for the above-captioned action and is responsible for carrying out the terms of the Settlement Agreement pursuant to the Court’s *Opinion and Order Granting Unopposed Motions for Conditional Certification of Settlement Class and to Approve Notice of Class Action Settlement Agreement, Setting Hearing Date, and Authorizing Notice to Class Members* (“Preliminary Approval Order”) dated January 19, 2024.

3. I submit this declaration to supplement the *Declaration of Bryn Bridley on Notice Dissemination and Settlement Administration* (“Bridley Declaration”) dated February 2, 2024. This declaration includes current statistics on the: (i) dissemination of the *Notice of Class Action Settlement* (“Notice”) and Claim Form (collectively “Notice Packet”), and (ii) exclusion requests and objections received, and (iii) claim forms received.

I. CLASS NOTICE

4. On January 26, 2024, Atticus sent Notice Packets by U.S. first class mail to 20,762 Class Members for whom mailing address information was available.¹ Addresses were not provided or obtainable for six (6) Class Members, however, as discussed below, those persons were notified via e-mail. Of the 20,762 Notice Packets mailed, 3,311 were returned to Atticus as undeliverable. One hundred forty-four (144) of these returned pieces included forwarding address information and were promptly remailed to the addresses provided by the United States Postal Service. Of the remaining 3,167 undeliverable records, 3,112 were sent to a professional service for address tracing. New addresses were obtained for 1,633 records and were not obtained for 1,479 records. Notice Packets were remailed to the 1,633 trace addresses received. One hundred sixty (160) re-mailed Notice Packets were returned to Atticus as undeliverable a second time. Fifty-nine (59) undeliverable records were not traced for remail because they were received at or after the April 30, 2024, response deadline. Thus, 19,068 Notice Packets of the packets sent were successfully mailed.

5. On January 26, 2024, the Notice Packet was also sent by email to 20,642 Class Members for whom valid email addresses were contained in the Class List. The emailed Notice included direct links to the Settlement Website where Class Members could obtain more information about the settlement submit an online Claim Form or Exclusion Form. The six (6) Class Members who were not sent Notice Packets by mail were notified by email and 1,688 of Class Members whose mailed notices were returned as undeliverable were also sent notice by email. In total, of the 20,642 emails sent, 18,147 were successfully delivered and 2,495 bounced back, 6,552 of the emails were opened, and 807 recipients clicked into the Settlement Website.

6. In total, 98.1% or 20,373 Class Members received Notice by either mail or email.

¹ As detailed in my February 2, 2024, Declaration, the Class data identified 21,953 individuals. 1,185 of these persons were duplicate entries in the class data based on the same name, address and phone number appearing more than one time in the class data. Thus, there were 20,768 unique Class Members. As also detailed in my February 2, 2024, Declaration, CAFA notice was also sent to the all U.S. State and territory attorneys general and to the United States Attorney General.

II. EXCLUSION REQUESTS AND OBJECTIONS

7. Class Members who did not wish to participate in the Settlement had until April 30, 2024, to postmark or timely submit an exclusion request or “Opt-Out.” Atticus received 55 total opt out requests. Of these, 51 were complete, timely and valid requests and four (4) were deemed incomplete for inaccurate exclusion statements. For an Opt-Out to be considered valid, a Class Member was required to send the request in writing or via the Settlement Website. The uploaded documentation provided for these four (4) Class Members were photos unrelated to the Settlement. A list of the Class Members who submitted valid exclusion requests is attached to this declaration as **Exhibit A.**

8. Class Members who wished to inform the Court of any objections to the Settlement had until April 30, 2024, to postmark and timely submit an objection to the Settlement. No Class Member has objected to the Settlement.

III. SETTLEMENT WEBSITE AND TELEPHONE NUMBER

9. Atticus obtained the URL www.FAFSSettlement.com and developed the content found at that address as the dedicated Settlement Website for this action. The website launched on January 26, 2024, in conjunction with dissemination of Notice Packets to the Settlement Class. The URL address was both printed in the Notice and presented as a QR code that when scanned with a mobile device, directed Class Members to the URL. The website has been fully operational and accessible since its launch.

10. The Settlement Website includes a copy of the operative complaint, answers to frequently asked questions, access to the full “Long Form Notice,” a copy of the Claim Form, other settlement documents filed with the Court, a summary of the key dates and settlement deadlines, and Atticus’ contact information. The website also provides Class Members with access to an online Claim Form and the ability to request exclusion. The website has received 10,424 visits to date and will remain accessible to Class Members until after the Settlement Award payments expire.

11. Atticus secured the telephone number 1-800-489-3107 as the dedicated toll-free settlement information line for this matter. The telephone number, which is included in the mailed

and emailed Notices and is included on the Settlement Website, was activated when Notice Packets were mailed and has remained operational ever since. Calls received on the toll-free settlement information line are answered by live Atticus customer service representatives during normal business hours. Class Members who call after hours or when a customer service representative is unavailable are provided the opportunity to leave a voicemail message and receive a callback from the support staff. A total of 562 calls have been received to date. The telephone line will remain operational until after settlement benefits are distributed and have expired.

IV. CLAIM FORMS

12. Class Members had until April 30, 2024, to postmark or otherwise submit a valid and complete Claim Form to be eligible to receive a payment. In total, Atticus has received 3,295 Claim Forms submissions are valid and eligible for payment as received. Of these submissions, 712 were submitted online, 2,539 were submitted by mail and 44 were submitted via email. Claim Forms submitted untimely, duplicated, or deficient have been invalidated.

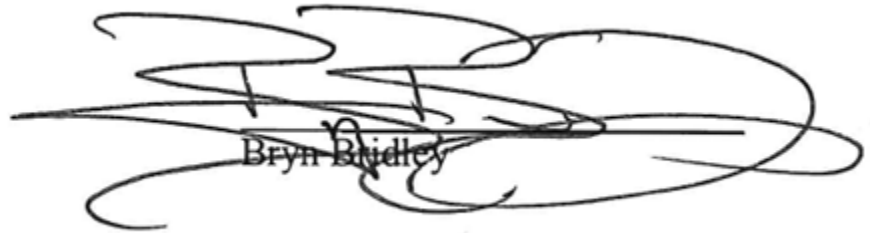
13. Two hundred thirty-five (235) claims received from individuals not included in the Class Member data and were mailed *Notice of Invalid/Ineligible Claim Form* “Cure Letters” that provided the definition of the certified Class of persons covered by the lawsuit and requesting additional phone numbers and names the potential class member used during the previous 6 years as evidence of their right to participate. Cure letter recipients were given 30 days to respond with documentation. The latest cure deadline is June 3, 2024. As of the writing of this declaration, Atticus has received one (1) valid cure response and five (5) invalid cure responses. A true and correct copy of the Cure Letter is attached as **Exhibit B**.

14. As such, 3,295 total Class Members are currently eligible to receive payments in this action.

V. COST OF SETTLEMENT ADMINISTRATION

15. Atticus has agreed to administer the terms of this settlement for \$55,842.

I affirm under penalty of perjury under the laws of the United States that the foregoing is true and correct and executed on this 14th day of May 2024 in St. Paul, Minnesota.



A handwritten signature in black ink, appearing to read "Bryn Bridley", is written over a printed name "Bryn Bridley". The signature is highly stylized and scribbled, with many overlapping loops and lines. The printed name is in a simple, sans-serif font and is partially obscured by the ink.

EXHIBIT A

Claimant ID	First Name	Last Name	opt_status	opt_post_marked_date
5616521	SILVIA	JENNINGS	Valid	1/30/2024
5614037	DELBERT	MCCOY	Valid	1/30/2024
5618483	VIVIAN	BROUGHTON	Valid	1/31/2024
5608672	THERESA	WILLIAMS	Valid	1/31/2024
5617855	FAYE	WALKER	Valid	1/31/2024
5602742	JACK	RUNGE	Valid	1/31/2024
5598175	JAMES	CHESSER	Valid	2/1/2024
5619139	SHIRLEY	HENRY	Valid	2/1/2024
5599264	MONOAH	SCARBRO	Valid	2/1/2024
5606455	DONALD	STEVENS	Valid	2/1/2024
5614125	RICHARD	SCHORI	Valid	2/1/2024
5603111	RICHARD	BRAY	Valid	2/1/2024
5608881	KEITH	CLARK	Valid	2/2/2024
5613901	LORRIE	WEBSTER	Valid	2/2/2024
5607058	DOROTHY	BROWN	Valid	2/2/2024
5601144	JOHN	BAKULA	Valid	2/3/2024
5612886	ROCHELLE	MURDOCK	Valid	2/3/2024
5615980	CATHY	RENCK	Valid	2/3/2024
5606232	PATRICIA	HALL	Valid	2/3/2024
5608342	DAVID	GUNLOCK	Valid	2/5/2024
5600310	MARIE	HIRST	Valid	2/5/2024
5612316	SHERYLLYNN	EYNON	Valid	2/6/2024
5617403	CONNIE F	TAYLOR	Valid	2/7/2024
5607238	SANTIAGO	VILLAESCUSA	Valid	2/8/2024
5603602	MARVIN	PENWELL	Valid	2/8/2024
5599884	JAMES	BEGGAN	Valid	2/8/2024
5608661	CAREY	MCLEOD	Valid	2/8/2024
5615148	SUE	NIETRZEBA	Valid	2/9/2024
5613199	JOHN	NORTON	Valid	2/10/2024
5619653	RUBY	WILLIAMS	Valid	2/12/2024
5615094	ROXANN	HOISINGTON	Valid	2/12/2024
5601164	NEOMI	BAILEY	Valid	2/13/2024
5610173	JOAN	MAREKR	Valid	2/13/2024
5616663	BOBBIE	MOORE	Valid	2/17/2024
5601289	JOANN	EDWARDS	Valid	2/22/2024
5606883	MARK	TENNANT	Valid	2/23/2024
5611093	LEON	COUCH	Valid	2/26/2024
5601634	LEON	COUCH	Valid	2/26/2024
5608612	GEORGE	BIELMA	Valid	2/27/2024
5609607	RANDOLPH	RUOSS	Valid	3/5/2024
5608105	MARLENE	ROWE	Valid	3/12/2024
5606196	COLLEEN	MCHENRY	Valid	3/13/2024
5608589	SHELDON	WISE	Valid	3/18/2024

5610126 RICHARD	WITFOTH	Valid	3/19/2024
5608370 CHAR	CRANE	Valid	3/20/2024
5610425 DON	SCOTT	Valid	3/22/2024
5610028 ESTATE OF DOUGLAS	LOCHER	Valid	3/25/2024
5598865 MACEYO	VAUGHAN	Valid	4/3/2024
5613563 ETHAN	BELCHER	Valid	4/12/2024
5614653 DANETTE	PRUITT	Valid	4/19/2024
5608435 ONINA	WILLIAMS	Valid	4/30/2024

EXHIBIT B

FIRST AMERICAN-FIVESTRATA TCPA SETTLEMENT
C/O ATTICUS ADMINISTRATION
PO BOX 64053
SAINT PAUL MN 55164

CLAIMANT ID: «claimant_id»
DATE: «claimant_id»



CLAIMANT ID: «claimant_id» «SEQ_ID»
«FIRST_NAME» «LAST_NAME»
«ADDRESS_1» «ADDRESS_2»
«CITY» «STATE» «ZIP»

NOTICE OF INVALID/INELIGIBLE CLAIM FORM

Dear «FIRST_NAME» «LAST_NAME»:

Thank you for submitting your Claim Form in the *Kimble v First American Home Warranty Corp. and FiveStrata LLC*, class action settlement. You are receiving this Notice as the Claim Form you submitted has been deemed invalid & ineligible for benefits as part of this Settlement.

By Order dated January 19, 2024, the Court certified the following Class of persons in the Lawsuit for Settlement purposes:

The 21,953 persons identified by the records of FiveStrata whose numbers were registered on the National Do-Not-Call Registry and such persons were called by FiveStrata allegedly on behalf of First American.

The information provided on your Claim Form does not meet the Class definition. Class Members are limited to those included on data produced by Defendant and your name and phone number was not identified in the records. Your name and/or phone number was not reflected in the records of FiveStrata.

If you feel that exclusion from the Class was in error, please within **30 days from the date of this letter**, identify any additional names or phone numbers you have had during the past six years so that the administrator can determine if you have a valid claim. Submissions may be sent to the Claims Administrator at:

First American-FiveStrata TCPA Settlement
c/o Atticus Administration, LLC
PO Box 64053
Saint Paul, MN 55164
Toll Free: 1-800-489-3107
Email: FAFSSettlement@atticusadmin.com

List additional phone numbers and/or names here:

Sincerely,
Office of the Claims Administrator