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UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CAT BROOKS and RASHEED SHABAZZ, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

THOMSON REUTERS CORPORATION,

Defendant.

Case No. 3:21-cv-01418-EMC-KAW

JOINT STATUS REPORT REGARDING SETTLEMENT ADMINISTRATION

Judge: Hon. Edward M. Chen

Pursuant to Civil Local Rule 16-10(c), the parties respectfully submit a status report on settlement administration supported by a declaration of the settlement administrator, Angeion Group (Steve Weisbrot).

There is no upcoming status conference on the Court's calendar for this case, but the parties are available to appear at the Court's convenience if the Court has questions before the claims period expires on December 27, 2024, or before the final approval hearing on February 13, 2025.[1]

Status Report

Background. The Court granted preliminary approval of a class action settlement in this case on October 11, 2024. ECF No. 259. The Court set a deadline of December 6, 2024 for putative class members to submit a claim, opt out, or object. The Court later extended the deadline for class members to submit a claim to December 27, 2024, per the parties' request to allow more time to stimulate claims. ECF No. 268.

Status of claims, opt outs, and objections. As of December 16, the settlement administrator can report the following estimates:

Claims received	709,785 (709,320 electronic, 465 paper)
Claims likely to be validated for approval	125,000 – 150,000
Claims blocked as submitted by software applications (bots)	21.6 million
Opt outs received by deadline	60 (59 electronic, 1 paper)
Opt outs received after deadline	0
Objections by deadline	0
Objections after the deadline	0

Based on these figures, the settlement administrator reports a claims rate of **0.313% - 0.375%** and a dollar recovery per participating class member of **$129.13 - $154.96**. This claims

[1] For example, the parties can be available any day this week but would appreciate receiving permission to appear by Zoom. The parties can confirm their availability by e-mail, if helpful.

rate is lower than the claims rate of 1%-2.5% that was forecast at preliminary approval, which reflected a dollar recovery per participating class member of $19.43-48.78. ECF No. 250 at 2.

Class counsel and the settlement administrator have been closely monitoring the claims data. Two weeks before the original claim submission deadline of December 6, approximately 400,000 claims had been received, at a steady rate of about 100,000 claims per week. On November 22, the settlement administrator reported to class counsel on their weekly status call that its attempt to validate these submissions had unexpectedly uncovered an unusually large number of suspicious submissions—approximately 330,000—that would likely not be accepted for payment. These submissions were initially believed to be valid as they had made it past multi-factor fraud-detection screening. Based on additional manual review, the settlement administrator significantly revised its reporting, and the parties sought an extension of the claims period, adding four more weeks to the seven weeks previously allotted for putative class members to submit claims.

Steps taken to stimulate claims. The settlement administrator and class counsel have taken multiple steps to stimulate claims. Before November 22 and thereafter, consistent with the plan approved at the preliminary approval stage, the settlement administrator ran digital advertisements across social media platforms and the Google Display Network, delivering more than 73 million impressions and reaching an estimated 78.95% of potential class members. The settlement administrator also issued print notice in *USA Today*'s California regional circulation, and used sponsored search listings on Google to drive class members to the settlement website. Class counsel promoted the settlement on the law firm's social networks, issued a press release, and sought interviews with news outlets to promote participation in the settlement. Several news outlets reported on the settlement.[2]

After November 22, the settlement administrator updated the advertisements to include the $19-48 class members could expect to receive, ran additional social media advertisements targeted towards the most successful prior placements, incorporated a sponsored listing and

[2] *E.g.*, SF Gate: tinyurl.com/57bn755b; Kron4: tinyurl.com/ms4pw6k9; Fox5 San Diego: tinyurl.com/2hv7zejj; KTVU2 San Francisco: tinyurl.com/yc24bhz6.

newsletter placement in *TopClassActions*, hired a popular social media influencer to publicize the settlement on TikTok and Instagram,[3] and made repeated personal outreach to widely circulated legacy media publications to cover the settlement. Class counsel also released additional press releases and continued their outreach through media and their networks.

Following these additional efforts, the settlement administrator reported receiving an additional 274,000 claims. On December 13, however, the settlement administrator reported to class counsel that more than 220,000 of those 274,000 claims were flagged as suspicious, while the remainder appeared valid. So, as of December 13, the total number of claims likely to be accepted as valid ranges from 125,000 to 150,000. This reflects an anticipated claims rate of **0.313% - 0.375%,** and a dollar recovery per participating class member of **$129.13 - $154.96.**

Through the December 27 deadline to submit a claim, the settlement administrator will continue to run advertisements online reminding putative class members of the upcoming deadline. It will also adjust the advertisements to feature only an estimated payment of $48, which is the top end of the $19-$48 range previously approved for class notice. The settlement administrator expects that final costs for class notice, claims processing and distribution will be approximately $545,000. This is slightly higher than the $484,119 amount estimated at preliminary approval, but accounts for the extended claims period and claims stimulation efforts. *See* ECF No. 250 at 7.

The settlement continues to merit final approval. Along with this status report, the settlement administrator is submitting a declaration attesting that a substantial portion of the settlement class were likely exposed to the multi-faceted notice program. Decl. of Steven Weisbrot of Angeion Group re: Status of Claims Filing ("Weisbrot Decl.") at ¶¶ 4-7 (explaining that the notice program reached more than 78% of the class before December 6). It also attests that additional ad campaigns, beyond those already contemplated, are unlikely to

[3] Instagram and TikTok are redirecting shortened URLs. The TikTok post is available at https://www.tiktok.com/@thelawyerangela/video/7446593635375648042, and the Instagram post is available at https://www.instagram.com/reel/DDYZVkAuZqt/?igsh=MzRlODBiNWFlZA==.

meaningfully change the claims rate. *Id.* at ¶ 11. This information (and more) will also be submitted in conjunction with final approval, but it is being offered now to assist the Court's review of the status of settlement administration.

Courts in this District have granted final approval to settlements with low claims rates where, as here, class notice is adequate, and there are other indications, such as a small number of objections or opts, that the class largely supports the settlement. *In re Carrier IQ, Inc., Consumer Priv. Litig.*, No. 12-MD-02330-EMC, 2016 WL 4474366, at *4 (N.D. Cal. Aug. 25, 2016) (0.14% claims rate); *see also LaGorden v. Support.com, Inc.*, No. C 12-0609 JSC, 2013 WL 1283325, at *6 (N.D. Cal. Mar. 26, 2013) (0.17% claims rate); *In re Apple iPhone 4 Prods. Liab. Litig.*, No. 5:10-md-2188 RMW, 2012 WL 3283432, at *1 (N.D. Cal. Aug. 10, 2012) (0.16% to 0.28% claims rate). For these and other reasons, the settlement in this case continues to merit final approval.

The parties are available for a status conference at the Court's convenience if the Court has questions before the claims period expires on December 27, 2024, or before the final approval hearing on February 13, 2025.

DATED: December 17, 2024

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Respectfully submitted,

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ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the other signatory.

/s/ Andre M. Mura