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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

EILEEN STAATS, on behalf of herself and
all others similarly situated,

Plaintiffs,

vs.

CITY OF PALO ALTO; and DOES 1 through
100, inclusive

Defendant.

Case No. 115cv284956

**DECLARATION OF JENNIFER
M. KEOUGH REGARDING
NOTICE ADMINISTRATION**

I, JENNIFER M. KEOUGH, declare and state as follows:

1. I am the Chief Executive Officer (“CEO”) of JND Legal Administration (“JND”). I have more than 20 years of legal experience creating and supervising notice and claims administration programs and have personally overseen over 1,000 matters.
2. As CEO of JND, I am involved in all facets of JND’s operations, including monitoring the implementation of our notice and claims administration programs.
3. JND is serving as the Settlement Administrator in the above-captioned litigation (“Action”) for the purposes of administering the Class Action Settlement Agreement (“Settlement Agreement”) preliminarily approved by the Court in its Order After Hearing on the Motion for Preliminary Approval of Class Action Settlement (“Order”), dated November 5, 2020. The following statements are based on my personal knowledge and information provided to me by

1
2 counsel and experienced JND employees working under my supervision and, if called on to do so,
3 I could and would testify competently thereto.

4 **NOTICE PLAN**

5 4. The notice plan, as implemented, consisted of direct notice mailed to those class
6 members eligible for a refund under the terms of the proposed settlement, a robust digital notice
7 effort targeting those class members who may have since moved outside of Palo Alto, a version of
8 the short form notice formatted as a press release (“Press Release Notice”) distributed to media
9 outlets nationwide in order to assist with getting “word of mouth” out about the proposed
10 settlement, and a publication version of the short form notice (“Publication Notice”) placed in the
11 *Palo Alto Daily Post*, which has a circulation of 17,000 to the mid-Peninsula area.

12 5. Based on my experience with notice and claims administration programs, I believe
13 that the multi-layered notice plan implemented by JND in this Action is consistent with other best
14 practicable court-approved notice programs. The notice plan provided the best notice practicable
15 under the circumstances of this case, and conformed to all aspects of Federal Rule of Civil
16 Procedure 23, Cal. Rules of Court (Rule 3.766), the Due Process Clause of the United States
17 Constitution, and any other applicable statute, law or rule, as well as the Federal Judicial Center
18 (“FJC”) guidelines for best practicable due process notice.

19 **CLASS MEMBER DATA**

20 6. Pursuant to the Stipulation and Order re Modified Notice Plan for Class Action
21 Settlement, dated April 9, 2021, JND conducted an advanced address search, to identify mailing
22 addresses for all eligible class members. Pursuant to terms of the Settlement Agreement, eligible
23 class members are those who paid the City of Palo Alto Utility Users Tax on telephone service
24 between December 24, 2013 and December 18, 2014. After conducting an advanced address
25 search, during the eligible class period, the Skip Trace Provider successfully furnished JND with
26 85,412 mailing addresses prior to removing duplicate records.

1
2 7. Prior to sending notices, JND analyzed the raw data to remove duplicate records.
3 After this review, JND identified 85,361 unique mailing addresses. JND conducted address
4 research through the National Change of Address (“NCOA”) database¹ maintained by the U.S.
5 Postal Service (“USPS”). The class member data was promptly loaded into a database established
6 for this Action.

7
8 **MAIL NOTICE**

9 8. On April 30, 2021, JND mailed the short form notice and claim form (“Notice”) via
10 the USPS regular mail to the 85,361 unique mailing addresses that were identified as described
11 above. A representative copy of the Notice is attached as **Exhibit A**.

12 9. As of August 5, 2021, JND has tracked 7,330 mailed Notices that were returned as
13 undeliverable. Of these undeliverable Notices, three (3) were forwarded by USPS Electronic
14 Service to newer or corrected addresses and three (3) were returned to JND as undeliverable with
15 a forwarding address, and JND promptly re-mailed the Notice to the forwarding address.

16 10. The costs related to direct notice generally comprise the largest cost related to most
17 claims administration programs. As it was originally estimated that direct notice would be sent to
18 67,000 class members, an increase in administration costs was necessary in order to effectively
19 notice the eligible class members.

20 **CASE WEBSITE**

21 11. On April 28, 2021, JND established a case website (www.UtilityUsersTax.com), to
22 provide additional information to class members and answer frequently asked questions. Viewers
23 of the case website can download a copy of the Notice, the Long Form Notice, as well as other
24 case-related documents. The case website is optimized for display on mobile devices. Keywords
25 and natural language search terms are included in the site’s metadata to maximize search engine
26 rankings.

12. As of August 5, 2021, the case website tracked 4,613 unique users and 7,468 page

¹ The NCOA database is the official USPS technology product which makes changes of address information available to mailers to help reduce undeliverable mail pieces before mail enters the mail stream. This product is an effective tool to update address changes when a person has completed a change of address form with the USPS. The address information is maintained on the database for forty-eight (48) months.

1
2 views.

3 **PUBLICATION**

4 13. Starting on April 30, 2021, JND ran a digital effort via the leading digital network
5 (Google Display Network or “GDN”) and the top social media platform (Facebook). The digital
6 ads provided a direct link to the case website, where class members could review more information
7 about the proposed settlement. A total of 110,262 impressions were served to adults 18 years of
8 age or older (“Adults 18+”) in Palo Alto, which is 7,262 more than the 103,000 digital impressions
9 originally planned. Additionally, a total of 10,262,214 impressions were served to Adults 18+ in
10 California, Arizona, Nevada, Oregon, Texas, and Washington, which is 392,214 more than the
11 9,870,000 digital impressions originally planned. The campaign concluded on May 29, 2021.
Copies of the banner display ads are attached hereto as **Exhibit B**.

12 14. On May 3, 2021, JND caused the Press Release Notice to be distributed. An exact
13 match of the press release was picked up 106 times with a potential audience of 122 million. A
14 copy of the press release is attached hereto as **Exhibit C**.

15 15. On May 3, 2021, JND caused the Publication Notice to appear in the *Palo Alto Daily*
16 *Post*. A copy of the Publication Notice, as it appeared in the *Palo Alto Daily Post*, is attached
17 hereto as **Exhibit D**.

18 **TOLL-FREE NUMBER**

19 16. On April 28, 2021, JND established a case-specific toll-free number
20 (1-888-681-1079), which individuals may call to obtain additional information regarding the
21 proposed settlement. The toll-free number is available 24 hours a day, seven (7) days a week. JND
will continue to maintain the toll-free telephone number at least until the Effective Date.

22 17. As of August 5, 2021, the toll-free number has received 118 calls.

23 **CLAIM FORMS**

24 18. The deadline for class members to submit a claim form and the required supporting
25 documentation is August 30, 2021. As of August 5, 2021, JND has received 1,415 claim forms.
26 These numbers are subject to updating until the conclusion of the claim filing period and JND’s
claim validation process is complete.

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OBJECTIONS

19. The Notice informs class members that any class member may object to the proposed settlement, Class Counsel’s application for attorneys’ fees and expenses, and/or the request for an “incentive award” for the Class Representative. The detailed requirements for objecting are outlined in the Long Form Notice. The objection deadline is August 30, 2021.

20. As of August 5, 2021, JND has not received any objections to the proposed settlement.

I declare under the penalty of perjury pursuant to the laws of the of the State of California that the foregoing is true and correct.

Executed on August 11, 2021 at Seattle, Washington.

JENNIFER M. KEOUGH

Exhibit A

WHAT ARE THE SUPPORTING DOCUMENTS THAT I NEED TO SUBMIT WITH THE CLAIM FORM?

Refunds for One Telephone Line. If you are requesting a refund payment for only one telephone line, you must provide evidence of a current Palo Alto address, such as a telephone bill, a utility bill, a property tax bill, a W-2 form, a paystub, or some other, similar document.

Refunds for Two to Ten Telephone Lines. If you are requesting a refund payment for two to ten telephone phone lines, you must provide a telephone bill or multiple telephone bills from any time period that together identify every telephone line for which you are requesting a refund payment. Each telephone bill must show a Palo Alto address.

Refunds for More than Ten Telephone Lines. If you are requesting a refund payment for more than ten telephone lines, you must provide a telephone bill or multiple telephone bills from December 2013 to December 2014 that together identify every telephone line for which you are requesting a refund payment. Each telephone bill must show a Palo Alto address.

All supporting documents will be disclosed only to the settlement administrator, Class Counsel, and the attorneys for the City. The documents will be destroyed once the administration of the settlement is complete.

Exhibit B



89° Jupiter, FL

Today

Hourly

10 Day

Weekend

Monthly

Radar



Video

More Forecasts

CallRail You're wasting money on marketing. [Find out where, free →](#)

10 Day Weather - Jupiter, FL

As of 2:24 pm EDT

Mon 03 | Day

90° 15%
 SSE 18 mph

Sun and clouds mixed. A stray shower or thunderstorm is possible. High near 90F. Winds SSE at 15 to 25 mph.

Humidity **55%** UV Index **10 of 10**

Sunrise **6:40 am** Sunset **7:54 pm**

Mon 03 | Night

75° 24%
 S 16 mph

Partly cloudy skies. A stray shower or thunderstorm is possible. Low around 75F. S winds at 10 to 20 mph, decreasing to 5 to 10 mph.

Humidity **78%** UV Index **0 of 10**

Moonrise **2:03 am** Moonset **12:49 pm**
 Last Quarter

Tue 04 **89°/74°** Sunny 12% SSE 17 mph

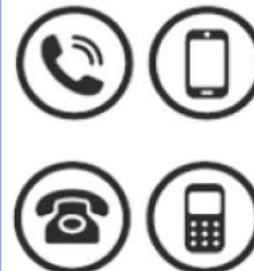
Wed 05 **90°/74°** Mostly Sunny 16% S 15 mph

Thu 06 **88°/72°** PM Thunderstorms 85% SSW 10 mph

Advertisement

LEGAL NOTICE

Customers who paid a Utility Users Tax to the City of Palo Alto as part of their phone bill may be affected by a class action >>>





FINANCE

5 foods people are still devouring during the COVID-19 pandemic

LEGAL NOTICE

Customers who paid a Utility Users Tax to the City of Palo Alto as part of their phone bill may be affected by a class action >>>

JND



NEWS

Former NASCAR driver Eric McClure dies at 42



LIFESTYLE

Billie Eilish wears lingerie for British Vogue

DRAFT

Report cards: Who aced the draft, who flunked it

The 2021 NFL draft is in the books, which means it's time to pick the picks apart, analyze each team's selections and grade each franchise's performance. [Eric Edholm](#)

Packers GM: Relationship with Rodgers isn't broken

Blazers, Dame appealing to veteran Love

1-3 of 18

Injury is 'nothing significant'

Lock, Bridgewater will have open competition for Broncos QB job

THE LINE UP

LeBron James' criticism of the NBA play-in tournament is precisely why it's great

HENRY BUSHNELL

Kevin Love says playing with hometown Trail Blazers and Damian Lillard would be 'special'

CHRIS HAYNES

The Mo and Phil the self-East in t

HANNA

LEGAL NOTICE

Customers who paid a Utility Users Tax to the City of Palo Alto as part of their phone bill may be affected by a class action >>>

Draft time is fantasy time

Create league

yahoo!fantasy

Draft time is fantasy time

Create league

yahoo!fantasy

Featured Odds

See more odds >

NBA: Portland Trail Blazers @ Atlanta Hawks

Mon, 5/3, 8:00 PM

| | Money Line | Pt Spread | Total Pts |
|------------|------------|--------------|-----------------|
| POR | +115 | +2.5 -110 | O 236.5 -110 |
| ATL | -140 | -2.5 -110 | U 236.5 -110 |

Game Info >

NBA: Orlando Magic @ Detroit Pistons

Mon, 5/3, 7:00 PM

| | Money Line | Pt Spread | Total Pts |
|------------|------------|--------------|-----------------|
| ORL | +105 | +1.5 -110 | O 209.5 -115 |
| DET | -125 | -1.5 -110 | U 209.5 -105 |

Game Info >

This Day in Sports - May 3

2015 Chelsea wins the 2014-15 English football Premier League

[Read More](#)



Sports The Guardian

NFL draft winners and losers: Bears and Pats excel as Steelers and



Personalize

Personalize your videos, scores, and news! We've got you started with local teams.



LEGAL NOTICE

Customers who paid a Utility Users Tax to the City of Palo Alto as part of their phone bill may be affected by a class action >>>

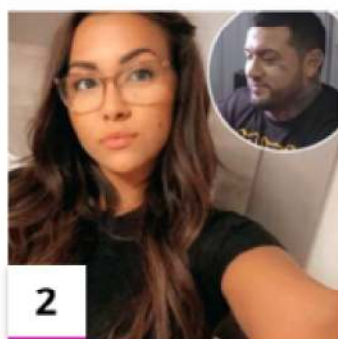
.AND

TRENDING NOW



1

Lily James Breaks Her Silence on Dominic West Scandal



2

EXCLUSIVE

Teen Mom's Briana DeJesus Teases Romance With Boyfriend Javi



EXCLUSIVE

Kim Kardashian Is "Ready" to Be Happy Again in *KIWI* Trailer





Princess Charlotte Is Dad Prince William's Lookalike in New 6th Birthday Portrait



Mom Influencer Charged After Allegedly Fabricating Story that Latino Couple Tried to Kidnap Kids



Kristen Bell Says Her 'Mental Zone' During COVID Hasn't Always Been 'Healthy for My Family'

Bell credits husband Dax Shepard for helping her get to a better place by giving her some tough love

Trending Now

- 1 Jennifer Lopez Sings 'Sweet Caroline' with Her Mom During VAX Live Concert
- 2 Mitt Romney Shrugs Off Jeers by Utah Republicans After Trump Impeachment Votes: 'Boo All You Like'
- 3 Randall Emmett Praises Fiancée Lala Kent as He Shares Photo of Her Nursing Their 'Princess' Daughter...
- 4 Kate Hudson's Daughter Rani, 2, Supports Big Brother Bing, 9, at Baseball: 'Never Looked So Sweet'

STAR TRACKS

TODAY'S MUST-SEE CELEBRITY PHOTOS

From Hollywood to New York and everywhere in between, see what your favorite star...

[View Full Gallery](#)



Exhibit C

If you paid a Utility Users Tax to the City of Palo Alto as part of your telephone bill, your rights may be affected by a class action settlement

NEWS PROVIDED BY
JND Legal Administration →
May 03, 2021, 09:23 ET

SEATTLE, May 3, 2021 /PRNewswire/ -- JND Legal Administration announces that a settlement has been reached in a class action lawsuit brought against the City of Palo Alto regarding a Utility Users Tax ("UUT") collected for the City by telephone service providers and included in telephone bills. In a class action, the Plaintiff(s) or "Class Representative(s)" sue for all people with similar claims. Together these people are called a "Class" or "Class members." The Class Representative here claims that the UUT was unlawfully collected on certain tax-exempt telephone services. The City denies that any UUT was unlawfully collected. The Court did not decide who is right. Instead, both sides agreed to a settlement to avoid the cost and risks of further litigation and to provide benefits to Class members. The Class Representative and her lawyers, called "Class Counsel," believe that the settlement is in the best interest of all Class members. The Court has appointed the law firms of Girardi | Keese, Slovak, Baron, Empey, Murphy & Pinkney, LLP, and Steele Cooper Law as Class Counsel. Girardi Keese entered into bankruptcy proceedings in December 2020 and is no longer serving as Class Counsel.

The Class includes all persons, individuals, non-corporate entities, and corporations who have paid the City of Palo Alto UUT imposed on certain services between August 1, 2006 and December 18, 2014. For more details on the affected services and who qualifies as a Class member, go to www.UtilityUsersTax.com.

If you are a member of the Class, you may (i) participate in the settlement, (ii) object to the settlement, or (iii) do nothing. If you choose to participate in the settlement and are eligible for a refund payment, you must submit a claim form and supporting documents to request a payment. If you believe the settlement is unfair or unreasonable, you may object to the settlement. Written objections must be submitted to Staats v. City of Palo Alto Settlement, c/o JND Legal Administration, PO Box 91225, Seattle, WA 98111, or by email to info@UtilityUsersTax.com, no later than **August 30, 2021**. If you do nothing, you will not receive any money. However, you will still be bound by the settlement, if it is approved by the Court. For more information about your rights and options, go to www.UtilityUsersTax.com.

The City will make a settlement fund of \$1,275,000 available for refund payments (less attorney's fees, reimbursement of costs which currently total approximately \$197,000, and a \$10,000 Class Representative incentive payment, not to exceed a combined total of \$425,000). You are only eligible for a refund payment if you paid the City's UUT on telephone service between December 24, 2013 and December 18, 2014. Class members who are eligible for a refund payment will receive the following amounts per qualifying telephone line: \$8.50 per line for the first five phone lines, \$7.50 per line for the next five phone lines, and \$6.50 per line for all remaining phone lines. To request a refund payment, go to www.UtilityUsersTax.com or call 1-888-681-1079 to get a claim form. Send the claim form and supporting documents to Staats v. City of Palo Alto Settlement, c/o JND Legal Administration, PO Box 91225, Seattle, WA 98111 or by email to info@UtilityUsersTax.com, no later than **August 30, 2021**.

The Court will hold a hearing on September 2, 2021, to determine whether to approve the settlement and award attorney's fees, reimbursement of costs which currently total approximately \$197,000, and a \$10,000 Class Representative incentive payment (not to exceed a total of \$425,000). You may attend the hearing at your own expense, but you don't have to. You may appear at the hearing and make an oral objection even if you don't submit a written objection. Due to the COVID-19 pandemic, hearings before the judge overseeing this case are currently being conducted remotely with the assistance of a third-party service provider, CourtCall. If that remains the case at the time of the hearing, Class members who wish to appear at the hearing should contact Class Counsel to arrange a remote appearance through CourtCall, at least three days before the hearing if possible. Any CourtCall fees for an appearance by an objecting Class member will be paid by Class Counsel.

To learn more visit www.UtilityUsersTax.com or call 1-888-681-1079.



Exhibit D

