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14 *Attorneys for Plaintiff*

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

19 JOE S. YEARBY, on behalf of himself and all
20 others similarly situated,

21 Plaintiff,

22 v.

23 AMERICAN NATIONAL INSURANCE
COMPANY,

24 Defendant.

Case No. 3:20-cv-09222-EMC

**DECLARATION OF GINA INTREPIDO-
BOWDEN REGARDING PROPOSED
SETTLEMENT NOTICE PLAN**

1 I, Gina Intrepido-Bowden, hereby declare as follows:

2 1. I am a Vice President at JND Legal Administration LLC (“JND”). This Declaration
3 is based upon my personal knowledge, as well as upon information provided to me by experienced
4 JND employees and Class Counsel and Counsel for Defendant (“Counsel”), and if called upon to
5 do so, I could and would testify competently thereto.

6 2. I am a judicially recognized legal notice expert with more than 20 years of
7 experience designing and implementing class action legal notice programs. I have been involved in
8 many of the largest and most complex class action notice programs, including all aspects of notice
9 dissemination.

10 3. I submit this Declaration at the request of Counsel in the above-referenced action to
11 describe the proposed plan for providing notice to Class Members (the “Notice Plan”) and address
12 why it is consistent with other best practicable court-approved notice programs and the
13 requirements of Rule 23 of the Federal Rules of Civil Procedure (“Rule 23”), the Due Process
14 Clause of the U.S. Constitution, and the Federal Judicial Center (“FJC”) guidelines for best
15 practicable due process notice.

16 **RELEVANT EXPERIENCE**

17 4. JND is a leading legal administration services provider with offices throughout the
18 United States and its headquarters in Seattle, Washington. JND’s class action division provides all
19 services necessary for the effective implementation of class actions including: (1) all facets of legal
20 notice, such as outbound mailing, email notification, and the design and implementation of media
21 programs; (2) website design and deployment, including on-line claim filing capabilities; (3) call
22 center and other contact support; (4) secure class member data management; (5) paper and
23 electronic claims processing; (6) calculation design and programming; (7) payment disbursements
24 through check, wire, PayPal, merchandise credits, and other means; (8) qualified settlement fund
25 tax reporting; (9) banking services and reporting; and (10) all other functions related to the secure
26 and accurate administration of class actions.

27 5. JND is an approved vendor for the U.S. Securities and Exchange Commission
28 (“SEC”) as well as by the Federal Trade Commission (“FTC”), and most recently, the Consumer

1 Financial Protection Bureau (“CFPB”). In addition, we have worked with a number of government
2 agencies including: the U.S. Equal Employment Opportunity Commission (“EEOC”), the Office
3 of the Comptroller of the Currency (“OCC”), the Federal Deposit Insurance Corporation (“FDIC”),
4 the Federal Communications Commission (“FCC”), the Department of Justice (“DOJ”), and the
5 Department of Labor (“DOL”). We also have Master Services Agreements with various
6 corporations and banks, which were only awarded after JND underwent rigorous reviews of our
7 systems, privacy policies, and procedures. JND has been certified as SOC 2 compliant by noted
8 accounting firm Moss Adams.¹

9 6. JND has been recognized by various publications, including the *National Law*
10 *Journal*, the *Legal Times* and the *New York Law Journal*, for excellence in class action
11 administration. JND was named the #1 Class Action Claims Administrator in the U.S. by the
12 national legal community for multiple consecutive years, and we were inducted into the *National*
13 *Law Journal* Hall of Fame in 2022 and 2023 for having held this title. JND was also recognized
14 last year as the Most Trusted Class Action Administration Specialists in the Americas by *New*
15 *World Report* (formerly *U.S. Business News*) in the publication’s 2022 Legal Elite Awards
16 program.

17 7. The principals of JND collectively have over 80 years of experience in class action
18 legal and administrative fields. JND has overseen claims processes for some of the largest legal
19 claims administration matters in the country’s history, and regularly prepare and implement court
20 approved notice and administration campaigns throughout the United States. JND was appointed
21 the notice and claims administrator in the \$2.67 billion Blue Cross Blue Shield antitrust settlement,
22 in which we mailed over 100 million postcard notices; sent hundreds of millions of email notices
23 and reminders; placed notice via print, television, radio, internet and more; received and processed
24 more than eight million claims; and staffed the call center with more than 250 agents during the
25 peak notice program. JND was also appointed the settlement administrator in the \$1.3 billion
26 Equifax Data Breach Settlement, the largest class action in terms of the 18 million claims received.

27
28 ¹ As a SOC 2 Compliant organization, JND has passed an audit under AICPA criteria for providing data security.

1 Email notice was sent twice to over 140 million class members, the interactive website received
2 more than 130 million hits, and the call center was staffed with approximately 1,500 agents at the
3 peak of call volume. Over the past two years, since June 2021, JND's engagements with Susman
4 Godfrey, either as sole lead counsel or as co-lead counsel, include:

- 5 a. *Advance Trust & Life Escrow Services, LTA et al. v. PHL Variable Insurance*
6 *Company*, Case No. 1:18-cv-03444 (S.D.N.Y.).
- 7 b. *Advance Trust & Life Escrow Services, LTA v. North American Company*
8 *For Life and Health Insurance*, Case No. 4:18-cv-00368 (S.D. Iowa).
- 9 c. *Brighton Trustees LLC, et al. v. Genworth Life & Annuity Insurance*
10 *Company*, Case No. 3:20-cv-00240 (E.D. Va.).
- 11 d. *Hanks v. Lincoln Life & Annuity Company of New York, et al.*, Case No.
12 1:16-cv-06399 (S.D.N.Y.).
- 13 e. *Langer, et al. v. CME Group, Inc., et al.*, Case No. 2014-CH-00829 (Ill. Cir.
14 Cook).
- 15 f. *Leonard, et al. v. John Hancock Life Insurance Company of New York, et*
16 *al.*, Case No. 1:18-cv-04994 (S.D.N.Y.).
- 17 g. *LSIMC, LLC v. American General Life Insurance Company*, Case No. 2:20-
18 cv-11518 (C.D. Cal.).
- 19 h. *Mamboleo v. Pacific Life Insurance Company*, Case No. 30-2021-01208045
20 (Cal. Super. Orange).
- 21 i. *Markson, et al v. CRST International, Inc., et al.*, Case No. 5:17-cv-01261
22 (C.D. Cal.).
- 23 j. *PHT Holding I LLC v. Security Life of Denver Insurance Company*, Case
24 No. 1:18-cv-01897 (D. Colo.).
- 25 k. *PHT Holding I LLC, et al. v. ReliaStar Life Insurance Company*, Case No.
26 0:18-cv-02863 (D. Minn.).
- 27 l. *Plavin v. Group Health Incorporated*, Case No. 3:17-cv-01462 (M.D. Pa.).
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1 m. *Vida Longevity Fund, LP v. Lincoln Life & Annuity Company of New York*,
2 Case No. 1:19-cv-06004 (S.D.N.Y.).

3 8. Other large JND matters include a voluntary remediation program in Canada on
4 behalf of over 30 million people; the \$1.5 billion Mercedes-Benz Emissions class action
5 settlements; the \$120 million GM Ignition class action settlement, where we sent notice to nearly
6 30 million class members and processed over 1.5 million claims; and the \$215 million USC Student
7 Health Center Settlement on behalf of women who were sexually abused by a doctor at USC, as
8 well as hundreds of other matters. Our notice campaigns are regularly approved by courts
9 throughout the United States.

10 9. As a member of JND's Legal Notice Team, I research, design, develop, and
11 implement a wide array of legal notice programs to meet the requirements of Rule 23 and relevant
12 state court rules. During my career, I have submitted declarations to courts throughout the country
13 attesting to the creation and launch of various notice programs.

14 **NOTICE PLAN OVERVIEW**

15 10. We have been asked by Counsel to prepare a Notice Plan to reach Settlement Class
16 Members and inform them about the Settlement, and their rights and options.

17 11. The objective of the proposed Notice Plan is to provide the best notice practicable,
18 consistent with the methods and tools employed in other court-approved notice programs. The
19 FJC's *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide*
20 consider a Notice Plan with a high reach (above 70%) to be effective.

21 12. The Settlement Class consists of all owners of universal life (including variable
22 universal life) insurance policies issued in California by American National Insurance Company
23 ("ANICO"), or its predecessors in interest, that provide that COI rates are determined based on
24 expectations as to future mortality experience, and that were subjected to monthly COI deductions
25 on or after January 1, 2010.

26 13. The proposed Notice Plan consists of a direct mailed notice effort to Settlement
27 Class Members, as identified by Defendant.

1 the proposed Settlement Class Postcard and Long Form Notices as a source for additional
2 information. The case website will have an easy-to-navigate design and will be formatted to
3 emphasize important information regarding Settlement Class Members' rights, as well as the
4 exclusion and objection deadline. It will provide a link to download the Settlement Class Long
5 Form Notice, attached hereto as **Exhibit B**, along with the Settlement Agreement, Preliminary
6 Approval Order, and other important case documents.

7 21. The website will be optimized for mobile visitors so that information loads quickly
8 on mobile devices and will be designed to maximize search engine optimization through Google
9 and other search engines. Keywords and natural language search terms will be included in the site's
10 metadata to maximize search engine rankings.

11 **TOLL-FREE NUMBER AND POST OFFICE BOX**

12 22. JND will create and maintain an automated toll-free telephone line so that
13 Settlement Class Members may call for information related to the Settlement. The telephone line
14 will be available 24 hours a day, seven days a week.

15 23. JND will also create and maintain a dedicated post office box for this matter where
16 Settlement Class Members may send their exclusion requests.

17 **NOTICE DESIGN**

18 24. JND reviewed the proposed Settlement Class Notice to ensure that it is written in
19 plain language and complies with Rule 23's guidelines for class notice and the Due Process Clause
20 of the United States Constitution, as well as the FJC's *Class Action Notice and Plain Language*
21 *Guide*. The Notice also conforms to the Northern District's Procedural Guidance for Class Action
22 Settlements, available at <https://cand.uscourts.gov/ClassActionSettlementGuidance>. The
23 Settlement Class Notice contains easy-to-read summaries of the Settlement and the objection and
24 exclusion options that are available to Settlement Class Members. The Settlement Class Notice also
25 provides instructions on how to receive more information about the Settlement. Many courts, as
26 well as the FJC, have approved notices that have been written as designed in a similar manner.

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REACH

25. The direct mailed notice effort is expected to reach the vast majority of Settlement Class Members. As a result, the anticipated reach meets that of other court approved programs, and exceeds the 70% or above reach standard set forth by the FJC.

CONCLUSION

26. In my opinion, the proposed Notice Plan provides the best notice practicable under the circumstances; is consistent with the requirements of Rule 23 and the Northern District of California’s Procedural Guidance for Class Action Settlements; and is consistent with other similar court-approved notice programs. The Notice Plan is designed to provide Settlement Class Members with the opportunity to review the notice and the ability to easily take next steps to learn more about the Settlement

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 23rd day of June 2023, in Philadelphia, PA.



Gina Intrepido-Bowden