

EXHIBIT 2

[FILED PARTIALLY UNDER SEAL]

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

MIKE HARRIS and JEFF DUNSTAN,)	
individually and on behalf of a class of similarly)	
situated individuals,)	
)	
Plaintiffs,)	Case No. 1:11-5807
)	
v.)	Hon. James F. Holderman
)	
COMSCORE, INC., a Delaware corporation,)	
)	
Defendant.)	
_____)	

**DECLARATION OF GINA M. INTREPIDO-BOWDEN
ON CLASS CERTIFICATION NOTICE PLAN AND NOTICES**

I, GINA M. INTREPIDO-BOWDEN, hereby declare as follows:

1. I have personal knowledge of the matters set forth herein, and I believe them to be true and correct. I am a Director of Legal Notice Services at Kurtzman Carson Consultants, LLC (“KCC”). I specialize in the design and implementation of legal notification campaigns supported by evidence based reach calculations relating to the adequacy of notice distribution to the class. I work with Carla A. Peak, also a Director of Legal Notice Services at KCC, who specializes in the design and implementation of plain language legal notice documents. Together, we assure that class members are adequately reached with notices that capture their attention and are easily understood. Ms. Peak and I have been directly involved in many of the largest and most complex class action notice programs, involving all aspects of notice dissemination.

2. This declaration will describe our experience, as well as the notice program (the “Notice Plan” or “Notice Program”) and notice document (“Notice” or “Notices”) that we propose for this case, including how the Notice Plan was developed and why we believe it will be effective. Our c.v. is attached as **Attachment A to Exhibit 1**.

DECLARATION OF GINA M. INTREPIDO-BOWDEN
ON CLASS CERTIFICATION NOTICE PLAN AND NOTICES

OVERVIEW

3. The Notice Program we developed, in conjunction with Class Counsel, uses a combination of individual notice, consisting of “push” notice, email notice, and mailed notice, along with a notice placement in *People* magazine and banner notice placements on a variety of websites to effectively reach 72% of likely Class members. The individual notice efforts will be tracked throughout the campaign. To the extent that the individual notice effort reaches less than 34.7% of the Class, the media portion of the Notice Plan will be supplemented with additional publication notice and possibly additional banner ads, as necessary, to reach at least 70% of the Class.

4. The reach of the Notice Program is consistent with other effective court-approved notice programs, and is designed to meet due process requirements. In addition, the Federal Judicial Center’s (“FJC”) *Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide* (“FJC Checklist”) considers 70-95% reach among class members reasonable.

5. We developed various forms of notice for Court approval, attached as **Attachments B, C, D, E, F and G to Exhibit 1**. All forms of notice are noticeable, clear and concise, and written in plain, easily understood language.

EXPERIENCE RELEVANT TO THIS CASE

6. Our c.v. identifies over a hundred cases Ms. Peak and I have been involved with, including the dissemination of notice around the globe in more than 35 languages. It also contains numerous judicial comments about our work, as well as articles we have written and speaking engagements where we have discussed the adequacy and design of legal notice efforts.

7. Some consumer case examples in which Ms. Peak and I have been involved include: *Shames v. The Hertz Corporation*, No. 3:07-cv-02174 (S.D. Cal.), a national antitrust

settlement involving several million class members who rented vehicles from a variety of car rental companies; *In Re: Uponor, Inc.*, F1807 Plumbing Fittings Products Liability Litigation, No. 11-MD-2247 (D. Minn.), a national products liability settlement providing reimbursement, repair and replacement of affected plumbing components; *In re Trans Union Corp. Privacy Litigation*, MDL No. 1350 (N.D. Ill.), perhaps the largest discretionary class action notice campaign involving virtually every adult in the United States and informing them about their rights in the \$75 million data breach settlement; *In re TJX Companies, Inc., Customer Data Security Breach Litigation*, MDL No. 1838 (D. Mass.), perhaps one of the largest U.S. and Canadian retail consumer security breach notice programs; *Grays Harbor Adventist Christian School v. Carrier Corp.*, No. 05-05437 (W.D. Wash.), *Donnelly v. United Technologies Corp.* No. 06-CV-320045CP (Ont. S.C.J.) and *Wener v. United Technologies Corp.* 500-06-000425-088 (QC. Super. Ct.), product liability class action settlements involving secondary heat exchangers in high efficiency gas furnaces, affecting class members throughout the U.S. and Canada; and *In re Residential Schools Litigation*, No. 00-CV-192059 (Ont. S.C.J.), the largest and most complex class action in Canadian history incorporating a groundbreaking notice program to disparate, remote aboriginal persons qualified to receive benefits in the multi-billion dollar settlement.

8. As noted in our c.v., we have written numerous articles, as well as presented about notice and due process. We believe notice and due process depend upon clear communication with the people affected. Our articles include: Carla Peak and Steven Weisbrot, *How to Design Your Notice to Minimize Professional Objectors*, CLASS ACTION LAWSUIT DEFENSE: CLASS ACTION DEFENSE NEWS, Developments and Commentary provided by BAKER HOSTETLER (www.classactionlawsuitdefense.com) (2012); Carla Peak, *Is your legal notice*

DECLARATION OF GINA M. INTREPIDO-BOWDEN
ON CLASS CERTIFICATION NOTICE PLAN AND NOTICES

designed to be noticed? WESTLAW JOURNAL CLASS ACTION Vol.18 Issue 10 (2011); John B. Isbister, Todd B. Hilsee, & Carla A. Peak, *Seven Steps to a Successful Class Action Settlement*, AMERICAN BAR ASSOCIATION, SECTION OF LITIGATION, CLASS ACTIONS TODAY 16 (2008); Todd B. Hilsee, Gina M. Intrepido & Shannon R. Wheatman, *Hurricanes, Mobility and Due Process: The “Desire to Inform” Requirement for Effective Class Notice is Highlighted by Katrina*, 80 TULANE L. REV. 1771 (June 2006); Gina M. Intrepido, *Notice Experts May Help Resolve CAFA Removal Issues, Notification to Officials*, 6 CLASS ACTION LITIG. REP. 759 (2005); and Todd B. Hilsee, Shannon R. Wheatman & Gina M. Intrepido, *Do You Really Want Me to Know My Rights? The Ethics Behind Due Process in Class Action Notice Is More Than Just Plain Language: A Desire to Actually Inform*, 18 GEO. J. LEGAL ETHICS 1359 (Fall 2005).

9. Our speaking engagements regarding notice include: *The Fundamentals of Settlement Administration*, accredited CLE Program, presented by Carla Peak and Steven Weisbrot at DLA Piper LLP in Philadelphia (August 2013), presented by Carla Peak and Robert DeWitte at Locke Lord LLP in Chicago and broadcast to offices in California, Georgia, New York, Texas and London (April 2013), presented by Gina Intrepido-Bowden and Robert DeWitte at Skadden, Arps, Slate, Meagher & Flom LLP and Wexler Wallace LLP in Chicago (January 2013), presented by Gina Intrepido-Bowden and Robert DeWitte at Hinshaw & Culbertson LLP in Chicago (October 2012), and presented by Gina Intrepido-Bowden and Rob Taylor-Manning at Spector Roseman Kodroff & Willis, P.C. in Philadelphia (December 2011); *Designing a Settlement and Notice Program to Minimize Scrutiny and Objections*, Gina Intrepido-Bowden presenter/panelist, AMERICAN CONFERENCE INSTITUTE (ACI), 16th National Conference on Consumer Finance Class Actions & Litigation (July 2013); *Pitfalls of Class Action Notice and Settlement Administration*, Gina Intrepido-Bowden and Robert DeWitte presenters/panelists,

DECLARATION OF GINA M. INTREPIDO-BOWDEN
ON CLASS CERTIFICATION NOTICE PLAN AND NOTICES

PRACTISING LAW INSTITUTE (PLI), Class Action Litigation 2013 (July 2013); *Ethics in Legal Notification*, CLE Program, presented by Gina Intrepido-Bowden, Carla Peak & Steven Weisbrot at Morgan Lewis & Bockius in New York (December 2012); *Class Action Settlement Administration Tips & Pitfalls on the Path to Approval*, accredited CLE program, presented by Carla Peak, Gina Intrepido-Bowden & Robert DeWitte at Jenner & Block in Chicago and broadcast to offices in Washington DC, New York and Los Angeles (October 2012); *Perspectives from Class Action Claims Administrators: Innovations in Notification*, Gina Intrepido-Bowden, presenter/panelist, CLE INTERNATIONAL, 8th Annual Class Actions Conference (May 2012); *Innovations in Notification*, Carla Peak, presenter, CHICAGO BAR ASSOCIATION, Class Litigation Committee Spring Seminar (May 2012); *Ethical Considerations in Canadian Class Actions*, accredited CLE Program, presented by Gina Intrepido-Bowden and Robert Taylor-Manning at Rochon Genova, LLP in Toronto (April 2012); *Reaching Class Members & Driving Take Rates*, Gina Intrepido-Bowden, presenter/panelist, CONSUMER ATTORNEYS OF SAN DIEGO, 4th Annual Class Action Symposium (October 2011); *Legal Notice Ethics*, accredited CLE Program, presented by Gina Intrepido-Bowden, Carla Peak, and Elizabeth Grande at Heins Mills & Olson, P.L.C., Lockridge Grindal Nauen P.L.L.P., and Chestnut Cambronne in Minneapolis (January 2011), at Berger & Montague, P.C., Anapol Schwartz, Lundy Law and Dechert LLP, in Philadelphia, and broadcast to Dechert offices in California, New Jersey, New York, North Carolina, Texas, Washington D.C., and London and sent via video to their office in China (October 2010); *Class Actions 101: Best Practices and Potential Pitfalls in Providing Class Notice*, CLE Program, presented by Brian Christensen, Gina Intrepido, and Richard Simmons, to the KANSAS BAR ASSOCIATION (March 2009).

10. We have been recognized by courts for our testimony as to which method of

DECLARATION OF GINA M. INTREPIDO-BOWDEN
ON CLASS CERTIFICATION NOTICE PLAN AND NOTICES

notification is appropriate for a given case and whether a certain method of notice represents the best notice practicable under the circumstances. Our judicial recognition includes notice programs targeting consumer class members. For example:

a. Judge Gregory A. Presnell, *Poertner v. The Gillette Co. and The Procter & Gamble Co.*, (November 5, 2013) No. 6:12-CV-00803 (M.D. Fla.):

The proposed Class Notice and Claim Form are approved as to form and content. The Court finds that the content of the Class Notice and the Claim Form satisfy the requirements of Fed. R. Civ. P. 23(c)(2), Fed. R. Civ. P. 23(e)(1), and due process and accordingly approves them...The Court finds that compliance with the Notice Plan is the best practicable notice under the circumstances and constitutes due and sufficient notice of this Order to all persons entitled thereto and is in full compliance with the requirements of Rule 23, applicable law, and due process.

b. Judge Marilyn L. Huff, *Beck-Ellman v. Kaz USA, Inc.*, (June 11, 2013) No. 3:10-cv-02134 (S. D. Cal.):

The Notice Plan has now been implemented in accordance with the Court's Preliminary Approval Order. The Publication Notice was designed to provide potential class members with information about the Settlement and their rights, in easy-to-comprehend language... The Notice Plan was specially developed to cause class members to see the Publication Notice or see an advertisement that directed them to the Settlement Website. KCC identified that the class members belong to a demographic group known as "Pain Relief Users." The Heating Pads are considered a Pain Relief product. The publications that KCC's Notice Plan used are publications and websites whose viewers and readers include a high percentage of Pain Relief product users...The Court concludes that the Class Notice fully satisfied the requirements of Rule 23(c)(2) of the Federal Rules of Civil Procedure and all due process requirements.

c. Judge Tom A. Lucas, *Stroud v. eMachines, Inc.*, (December 21, 2012) No. CJ-2003-968 L (D. Ct. Cleveland Cnty, Okla.):

The Plan of Notice in the Settlement Agreement as well as the content of the Claim Form, Class Notice, Post-Card Notice, and Summary Notice of Settlement is hereby approved in all respects. The Court finds that the Plan of Notice and the contents of the Class Notice, Post-Card Notice and

DECLARATION OF GINA M. INTREPIDO-BOWDEN
ON CLASS CERTIFICATION NOTICE PLAN AND NOTICES

Summary Notice of Settlement and the manner of their dissemination described in the Settlement Agreement is the best practicable notice under the circumstances and is reasonably calculated, under the circumstances, to apprise Putative Class Members of the pendency of this action, the terms of the Settlement Agreement, and their right to object to the Settlement Agreement or exclude themselves from the Certified Settlement Class and, therefore, the Plan of Notice, the Class Notice, Post-Card Notice and Summary Notice of Settlement are approved in all respects. The Court further finds that the Class Notice, Post-Card Notice and Summary Notice of Settlement are reasonable, that they constitute due, adequate, and sufficient notice to all persons entitled to receive notice, and that they meet the requirements of due process.

d. Honorable Michael M. Anello, *Shames v. The Hertz Corporation*,

(November 5, 2012) No. 3:07-cv-02174 (S.D. Cal.):

. . . the Court is satisfied that the parties and the class administrator made reasonable efforts to reach class members. Class members who did not receive individualized notice still had opportunity for notice by publication, email, or both...The Court is satisfied that the redundancies in the parties' class notice procedure—mailing, e-mailing, and publication—reasonably ensured the widest possible dissemination of the notice...The Court OVERRULES all objections to the class settlement...

e. Judge Ann D. Montgomery, *In Re: Uponor, Inc., F1807 Plumbing Fittings*

Products Liability Litig., (January 18, 2012) No. 11-MD-2247 (D. Minn.):

The Notice Plan detailed by KCC in the Affidavit of Gina M. Intrepido-Bowden provides the best notice practicable under the circumstances and constitutes due and sufficient notice of the Settlement Agreement and the Final Fairness Hearing to the Classes and all persons entitled to receive such notice as potential members of the Class...The Notice Plan's multi-faceted approach to providing notice to Class Members whose identity is not known to the Settling Parties constitutes 'the best notice that is practicable under the circumstances' consistent with Rule 23(c)(2)(B)...Notice to Class members must clearly and concisely state the nature of the lawsuit and its claims and defenses, the Class certified, the Class member's right to appear through an attorney or opt out of the Class, the time and manner for opting out, and the binding effect of a class judgment on members of the Class. Fed. R. Civ. P. 23(c)(2)(B). Compliance with Rule 23's notice requirements also complies with Due Process requirements. 'The combination of reasonable notice, the opportunity to be heard, and the opportunity to withdraw from the class

DECLARATION OF GINA M. INTREPIDO-BOWDEN
ON CLASS CERTIFICATION NOTICE PLAN AND NOTICES

satisfy due process requirements of the Fifth Amendment.’ Prudential, 148 F.3d at 306. The proposed notices in the present case meet those requirements.

f. Judge Jeremy Fogel, *Ko v. Natura Pet Products, Inc.*, (June 24, 2011) No.

5:09cv2619 (N.D. Cal.):

The Court approves, as to form and content, the Long Form Notice of Pendency and Settlement of Class Action (“Long Form Notice”), and the Summary Notice attached as Exhibits to the Settlement Agreement, and finds that the e-mailing of the Summary Notice, and posting on the dedicated internet website of the Long Form Notice, mailing of the Summary Notice post-card, and newspaper and magazine publication of the Summary Notice substantially in the manner as set forth in this Order meets the requirements of Rule 23 of the Federal Rules of Civil Procedure, and due process, and is the best notice practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled to notice.

11. Additional court comments referencing our work are included in our c.v.

12. In forming my opinions, I draw from my in-depth class action case experience, as well as my educational and related work experiences. I graduated Summa Cum Laude with a B.A. in Advertising from Penn State University and received formal media training at one of New York’s largest advertising agency media departments, BBDO. At BBDO, I devised sophisticated, multi-million dollar media campaigns for large consumer clients such as Gillette, HBO, DuPont, and GE. I have applied my experience to the legal notification field for more than a decade. I have been directly responsible for all of the media planning in this case, including analysis of the media audience data and determining the most effective method to reach the greatest practicable number of Class members.

13. Ms. Peak participated in drafting the notice documents in this case for court approval. Having worked in the legal notification field for over a decade, she has extensive experience drafting and developing class action notice documents. She also has extensive

DECLARATION OF GINA M. INTREPIDO-BOWDEN
ON CLASS CERTIFICATION NOTICE PLAN AND NOTICES

experience managing all aspects of notice dissemination in state and federal courts, including in numerous countries and languages around the world. She designed the notice documents in this case to be noticeable, concise, and well understood.

NOTICE PLAN SUMMARY

14. We designed the Notice Program to reach 72% of likely Class members with Notices they will be able to understand and act upon if they so choose. The Notice Plan uses a combination of individual notice, consisting of “push” notice, email notice, and mailed notice, along with a notice placement in *People* magazine and banner notice placements on a variety of websites to effectively reach Class members. To the extent that the individual notice effort reaches less than 34.7% of the Class, the media portion of the Notice Plan will be supplemented with additional publication notice and possibly additional banner ads, as necessary, to reach at least 70% of the Class.

Class Target

15. The “Class” (or “Class members”) consists of all individuals who have had, at any time since 2005, downloaded and installed comScore’s tracking software onto their computers via one of comScore’s third party bundling partners. Subclass members include all Class members not presented with a functional hyperlink to an end user license agreement before installing comScore’s software onto their computers. All Subclass members are also Class members, however, not all Class members are included in the Subclass.

16. Demographic and media usage data is not readily available for individuals who downloaded and installed comScore’s tracking software. Therefore, to verify the Notice Program’s effectiveness, GfK MediaMark Research & Intelligence, LLC (“MRI”)¹ data was

¹ GfK MRI is a nationally accredited research firm that provides consumer demographics,
DECLARATION OF GINA M. INTREPIDO-BOWDEN
ON CLASS CERTIFICATION NOTICE PLAN AND NOTICES

studied among adults who have used a computer to look at the internet in the last 30 days and who have downloaded a video game, music, podcast/podcasting, TV program, or movie on the internet in the last 30 days (“Online Content Downloaders”), because this broad, over inclusive target group indicates and best represents the Class.

17. Knowing the characteristics, interests, and habits of a target group aids in the media selection process. Demographic highlights of Online Content Downloaders include the following: 92.0% have graduated from high school or beyond and 69.8% have attended or graduated from college or beyond; 91.0% live in a household consisting of two or more people, 71.1% live in a household consisting of 2-4 people, and 65.2% live in a household consisting of three or more people; 81.7% are 18-49 years old, 74.8% are 25 years of age or older, and 52.9% are 18-34 years old; 74.5% are white; 68.6% have a household income of \$50,000 or more and 61.0% have a household income of \$60,000 or more; 64.3% own a home; and 55.8% own a home valued at more than \$100,000.

18. On average, Online Content Downloaders are 36 years old, have a household income of \$88,207, and own a home valued at \$268,817.²

19. Also important is the fact that, compared to the general adult population, Online Content Downloaders are: 97.6% more likely to be 18-24 years old, 72.5% more likely to be 18-

product and brand usage, and audience/exposure in all forms of advertising media. Established in 1979, MRI measures the usage of nearly 6,000 product and service brands across 550 categories, along with readership of hundreds of magazines and newspapers, internet usage, television viewership, national and local radio listening, yellow page usage, and out-of-home exposure. Based on a yearly face-to-face interview of 26,000 consumers in their homes, MRI’s Survey of the American Consumer™ is the primary source of audience data for the U.S. consumer magazine industry and the most comprehensive and reliable source of multi-media audience data available.

² The average age for U.S. adults is 46, the average household income is \$74,446, and the average home value is \$242,554.

34 years old, and 54.6% more likely to be 25-34 years old; 58.2% more likely never to have married; 40.9% more likely to have a household income of \$150,000 or more, 30.4% more likely to have a household income between \$100,000-\$149,999, and 23.3% more likely to have a household income of \$60,000 or more; 37.6% more likely to work as a manager or professional; 31.9% more likely to be American Indian or Alaska Native, 23.0% more likely to be Asian, and 11.5% more likely to be Black/African American; 30.8% more likely to have lived at their current address for less than one year and 21.4% more likely to have lived at their current address for 1-4 years; 29.4% more likely to have graduated from college or beyond and 22.4% more likely to have attended college; 20.3% more likely to live in a household consisting of 3-4 people and 20.1% more likely to live in a household consisting of five or more people; 15.7% more likely to rent their home; 10.4% more likely to be men; 10.1% more likely to be a working woman; and 10.0% more likely to own a home valued at \$500,000 or more and 9.2% more likely to own a home valued between \$200,000-\$499,999.

Individual Notice

20. The individual notice effort consists of a “push” notice, email notice, and mailed notice. ComScore will “push” the Summary Notice text through its OSSProxy software to all current “panelists” by rendering a dialogue (or pop-up) box on their computer screens. This Notice will contain an active hyperlink to the case website. It is our understanding that “Pop” or “Push” efforts are available for [REDACTED] Class members. Based on an estimated 95% successful deliverable rate, [REDACTED] Class members or [REDACTED] of the Class will likely be reached via these efforts.

21. An Email Notice containing a summary of the litigation in the body of the email and a link to the case website will be sent to all Class members whose email addresses are

obtained from comScore’s records. It is our understanding that email addresses are available for approximately [REDACTED] Class members, [REDACTED] of which comScore collected through its software, [REDACTED] of which Class members provided directly to comScore, and [REDACTED] of which originate from social media addresses that comScore also collected through its software (e.g. FacebookIDs). Based on an estimated 80% successful deliverable rate, [REDACTED] Class members or [REDACTED] of the Class will likely be reached via the email effort.

22. A Postcard Notice will be sent to the addresses of all Class members whose postal addresses are obtained from comScore’s records. It is our understanding that mailing addresses are available for [REDACTED] Class members. Prior to mailing, the names and addresses will be: checked against the United States Postal Service (“USPS”) National Change of Address (“NCOA”)³ database; certified via the Coding Accuracy Support System (“CASS”);⁴ and verified through Delivery Point Validation (“DPV”).⁵ Notices returned as undeliverable will be re-mailed to any address available through postal service information. For example, to the address provided by the USPS on returned pieces for which the automatic forwarding order has expired, but is still during the period that the USPS returns the piece with the new address indicated. Any returned mailing that does not contain an expired forwarding order with a new address indicated may be researched through a third party look-up service, if applicable. We

³ The NCOA database contains records of all permanent change of address submissions received by the USPS for the last four years. The USPS makes this data available to mailing firms and lists submitted to it are automatically updated with any reported move based on a comparison with the person’s name and last known address.

⁴ Coding Accuracy Support System is a certification system used by the USPS to ensure the quality of ZIP+4 coding systems.

⁵ Records that are ZIP+4 coded are then sent through Delivery Point Validation to verify the address and identify Commercial Mail Receiving Agencies. DPV verifies the accuracy of addresses and reports exactly what is wrong with incorrect addresses.

estimate that [REDACTED] Class members or [REDACTED] of the Class will likely be reached via the mailed notice effort.

23. Combined, the individual notice efforts are estimated to reach 37.8% of the Class.

Consumer Publication Notice

24. To build upon the reach of the individual notice effort, a half page notice will be placed in *People* magazine. *People* offers a circulation of over 3.5 million and, factoring in pass along readership, an adult audience of over 43 million. In addition, *People* reaches 23.4% of Online Content Downloaders and its readers are 25% more likely to be Online Content Downloaders, as compared to the general adult population.

Internet Banner Notice

25. Class members are internet users; therefore, to extend reach, we recommend purchasing approximately 95 million *unique* impressions over a one month period on 24/7's Global Alliance Network. The banners will target adults and will include an embedded link to the case website.

26. 24/7 Real Media allows access to over 4,000 premium, high quality websites, reaching 180 million unique users. Sample sites may include: Walmart, Verizon, MSNBC, Evite, White Pages, People, USA Today, Citysearch, Everyday Health, Monster, Time, This is Your Health, New York Post, Fox News Channel, Food Network, Trulia, Cooks, Match, and Weather Channel.

Supplemental Notice

27. To the extent that the individual notice effort reaches less than 34.7% of the Class, the media portion of the Notice Plan will be supplemented with additional publication notice and possibly additional banner ads, as necessary, to reach at least 70% of the Class.

DECLARATION OF GINA M. INTREPIDO-BOWDEN
ON CLASS CERTIFICATION NOTICE PLAN AND NOTICES

Response Mechanisms

28. An informational case website with an easy to remember domain name will be established, allowing Class members the ability to obtain additional information and documents about the litigation, including the Second Amended Complaint, Answer to the Second Amended Complaint, and Class Certification Order. The website address will be prominently displayed in all printed notice materials, as well as accessible through a hyperlink in the “push” notice, email notice, and banner notices.

29. Likewise, a toll-free number will be established to allow a simple way for Class members to learn more about the litigation in the form of frequently asked questions and answers and to request to have more information mailed directly to them. The toll-free number will be prominently displayed in all printed notice materials.

Reach and Frequency

30. The individual notice effort alone is estimated to reach 37.8% of the Class. Combined, the individual notice and proposed media effort will reach approximately 72.0% of likely Class members, on average 1.4 times each. To the extent that the individual notice effort reaches less than 34.7% of the Class, the media portion of the Notice Plan will be supplemented with additional publication notice and possibly additional banner ads, as necessary, to reach at least 70% of the Class.

THE FORM AND CONTENT OF THE NOTICES

31. Rule 23(c)(2) of the Federal Rules of Civil Procedure requires class action notices to be written in “plain, easily understood language.” Plain language requirements have been applied to the Notices we assisted in drafting for Court approval.

DECLARATION OF GINA M. INTREPIDO-BOWDEN
ON CLASS CERTIFICATION NOTICE PLAN AND NOTICES

32. The Notices are designed to provide a clear, concise statement of Class members' legal rights and options. To ease response, the toll-free number and case website is provided in all printed notice documents. In addition, the case website is accessible through a hyperlink in the "push" notice, email notice, and embedded in the banner notices.

33. In preparing the Notices in this case, we employed communication methods that are well-established in our field. We embraced the high standards embodied in the Advisory Committee's notes accompanying the 2003 changes to Rule 23(c)(2):

The direction that the class-certification notice be couched in plain easily understood language is added as a reminder of the need to work unremittingly at the difficult task of communicating with class members.

CONCLUSION

34. It is estimated that the Notice Plan will effectively reach approximately 72.0% of likely Class members, on average 1.4 times each. In addition, the Notice Plan will deliver "noticeable" Notices to capture Class members' attention and provide them with information necessary to understand their rights and options.

35. In my opinion, the Notice Plan is consistent with other effective notice programs. It is the best notice practicable and meets the "desiring to actually inform" due process communications standard of *Mullane*. It provides the same reach and frequency evidence that courts have approved and that has withstood appellate scrutiny, other expert critiques, as well as collateral review. The Notice Plan is also consistent with the guidelines set forth in the FJC Checklist, which considers 70-95% reach among class members reasonable and recommends the notice design strategies we employed here.

36. At the conclusion of the Notice Plan, we will provide a final report verifying its adequacy and effective implementation.

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

Executed on November 8, 2013, at Philadelphia, Pennsylvania.


Gina M. Intrepido-Bowden

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DECLARATION OF GINA M. INTREPIDO-BOWDEN
ON CLASS CERTIFICATION NOTICE PLAN AND NOTICES

Exhibit 1



Legal Notification Services

Class Certification Notice Plan

Harris and Dunstan v. comScore, Inc.

Case No. 11 C 5807

U.S. District Court, Northern District of Illinois

Eastern Division

Prepared: November 8, 2013

Table of Contents

	Page
Legal Notification Services	3
Our Experts	4
Case Experience	5
Expert Services	7
Media Terms	8
Media Resources	9
Program Overview	10
Notice Schedule	12
Target Analysis	13
Individual Notice	15
Consumer Publication Notice	16
Internet Banner Notice	17
Supplemental Notice	18
Response Mechanism	19
Notice Design Strategies	20
Draft Forms of Notice	22
Attachment A – Legal Notice c.v.	
Attachment B – “Push” Notice text	
Attachment C – Email Notice	
Attachment D – Postcard Notice	
Attachment E – Summary Notice	
Attachment F – Internet Banner Notices	
Attachment G – Detailed Notice	

Legal Notification Services

KCC's Legal Notice experts, Gina M. Intrepido-Bowden and Carla A. Peak, specialize in the design and implementation of class action notice programs devised to reach class members with clear, concise, plain language notices. With over a decade of legal notice consulting experience, Ms. Intrepido-Bowden and Ms. Peak have been involved with more than 100 effective and efficient notice programs, including some of the largest and most complex in history, reaching class members or claimants around the globe and providing notice in over 35 languages.

Their programs satisfy due process requirements, as well as all applicable state and federal laws. Judges, including in published decisions, have recognized the reach calculation methodology and notice design strategies they use. Their notices follow the principles in the Federal Judicial Center's (FJC) illustrative model notices, which were written and designed to embody the satisfaction of the plain language requirements of Federal Rule of Civil Procedure 23(c)(2).

Our Experts

Consistent with the judicial standards set forth by *Daubert* and *Kumho* and as illustrated in the FJC's *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide*, KCC's experts utilize the same practices and statistical analyses that are relied upon in the advertising industry when they design and measure the effectiveness of the notice programs they develop. Gina M. Intrepido-Bowden and Carla A. Peak have worked with Class Counsel to design the "Notice Plan" (Plan) and notice documents (Notice or Notices) that follow, and will directly oversee its implementation.

Gina Intrepido-Bowden

With more than 20 years of media research, planning and buying experience, Gina brings substantive expertise to her role as Director, Legal Notification Services. A leading expert, she is responsible for the design and implementation of evidence-based legal notice campaigns.

Gina has personally designed more than 75 media campaigns across the United States and Canada for antitrust, consumer and other class action matters. As an expert witness, she provides Courts with the reach evidence they need to determine the adequacy of notice. In addition, she has successfully critiqued other notice plans causing Courts to modify programs to better meet due process obligations.

She began her advertising career working for one of New York's largest advertising agency media departments. Gina is a frequent author and speaker on class notice issues including effective reach, notice dissemination as well as noticing trends and innovations. She earned a Bachelor of Arts in Advertising from Penn State University, graduating summa cum laude.

Carla Peak

With over a decade of industry experience, Carla specializes in the design of plain language legal notice documents to effectively address the challenges of communicating complex information to class members in a manner that they can understand.

Carla's notices satisfy the plain language requirements of Rule 23 and adhere to the guidelines set forth in the Manual for Complex Litigation, Fourth and by the Federal Judicial Center (FJC), as well as applicable state laws. She has successfully provided notice in both U.S. and international markets including communications in more than 35 languages.

She has presented on and written numerous articles about class notification programs, the design of effective notice documents as well as industry trends and innovations. Carla holds a Bachelor of Arts in Sociology from Temple University, graduating cum laude.

Case Experience

Our experts have been judicially recognized for their design and implementation of notice programs targeting consumer class members. For example:

- **Poertner v. The Gillette Co. and The Procter & Gamble Co.**, No. 6:12-CV-00803 (M.D. Fla.):
 - Jusde Gregory A. Presnell (November 5, 2013): *The proposed Class Notice and Claim Form are approved as to form and content. The Court finds that the content of the Class Notice and the Claim Form satisfy the requirements of Fed. R. Civ. P. 23(c)(2), Fed. R. Civ. P. 23(e)(1), and due process and accordingly approves them. The Court finds that compliance with the Notice Plan is the best practicable notice under the circumstances and constitutes due and sufficient notice of this Order to all persons entitled thereto and is in full compliance with the requirements of Rule 23, applicable law, and due process.*
- **Beck-Ellman v. Kaz USA, Inc.**, No. 3:10-cv-02134 (S. D. Cal.)
 - Judge Marilyn Huff (June 11, 2013): *The Notice Plan has now been implemented in accordance with the Court's Preliminary Approval Order. The Publication Notice was designed to provide potential class members with information about the Settlement and their rights, in easy-to-comprehend language. The Notice Plan was specially developed to cause class members to see the Publication Notice or see an advertisement that directed them to the Settlement Website. KCC identified that the class members belong to a demographic group known as "Pain Relief Users." The Heating Pads are considered a Pain Relief product. The publications that KCC's Notice Plan used are publications and websites whose viewers and readers include a high percentage of Pain Relief product users. The Court concludes that the Class Notice fully satisfied the requirements of Rule 23(c)(2) of the Federal Rules of Civil Procedure and all due process requirements.*
 - Judge Marilyn Huff (January 7, 2013): *The proposed Class Notice, Publication Notice, and Settlement Website are reasonably calculated to inform potential Class members of the Settlement, and are the best practicable methods under the circumstances. Notice is written in easy and clear language, and provides all needed information, including: (1) basic information about the lawsuit; (2) a description of the benefits provided by the settlement; (3) an explanation of how Class members can obtain Settlement benefits; (4) an explanation of how Class members can exercise their rights to opt-out or object; (5) an explanation that any claims against Kaz that could have been litigated in this action will be released if the Class member does not opt out; (6) the names of Class Counsel and information regarding attorneys' fees; (7) the fairness hearing date and procedure for appearing; and (8) the Settlement Website and a toll free number where additional information, including Spanish translations of all forms, can be obtained. After review of the proposed notice and Settlement Agreement, the Court concludes that the Publication Notice and Settlement Website are adequate and sufficient to inform the class members of their rights. Accordingly, the Court approves the form and manner of giving notice of the proposed settlement.*
- **Stroud v. eMachines, Inc.**, No. CJ-2003-968 L (D. Ct. Cleveland Cnty, Okla.)
 - Judge Tom A. Lucas (March 27, 2013): *The Notices met the requirements of Okla. Stat. tit. 12 section 2023(C), due process, and any other applicable law; constituted the best notice practicable under the circumstances; and constituted due and sufficient notice to all persons and entities entitled thereto. All objections are stricken. Alternatively, considered on their merits, all objections are overruled.*

- Judge Tom A. Lucas (December 21, 2012): *The Plan of Notice in the Settlement Agreement as well as the content of the Claim Form, Class Notice, Post-Card Notice, and Summary Notice of Settlement is hereby approved in all respects. The Court finds that the Plan of Notice and the contents of the Class Notice, Post-Card Notice and Summary Notice of Settlement and the manner of their dissemination described in the Settlement Agreement is the best practicable notice under the circumstances and is reasonably calculated, under the circumstances, to apprise Putative Class Members of the pendency of this action, the terms of the Settlement Agreement, and their right to object to the Settlement Agreement or exclude themselves from the Certified Settlement Class and, therefore, the Plan of Notice, the Class Notice, Post-Card Notice and Summary Notice of Settlement are approved in all respects. The Court further finds that the Class Notice, Post-Card Notice and Summary Notice of Settlement are reasonable, that they constitute due, adequate, and sufficient notice to all persons entitled to receive notice, and that they meet the requirements of due process.*
- **Shames v. The Hertz Corporation**, No. 3:07-cv-02174 (S.D. Cal.)
 - Honorable Michael M. Anello (November 5, 2012): *the Court is satisfied that the parties and the class administrator made reasonable efforts to reach class members. Class members who did not receive individualized notice still had opportunity for notice by publication, email, or both. The Court is satisfied that the redundancies in the parties' class notice procedure—mailing, e-mailing, and publication—reasonably ensured the widest possible dissemination of the notice. The Court OVERRULES all objections to the class settlement.*
 - Honorable Michael M. Anello (May 22, 2012): *The Court approves, as to form and content, the Notice of Proposed Settlement of Class Action, substantially in the forms of Exhibits A-1 through A-6, as appropriate, (individually or collectively, the "Notice"), and finds that the e-mailing or mailing and distribution of the Notice and publishing of the Notice substantially in the manner and form set forth in ¶ 7 of this Order meet the requirements of Federal Rule of Civil Procedure 23 and due process, and is the best notice practicable under the circumstances and shall constitute due and sufficient notice to all Persons entitled thereto.*
- **Ko v. Natura Pet Products, Inc.**, No. 5:09cv2619 (N.D. Cal.)
 - Judge Jeremy Fogel (June 24, 2011): *The Court approves, as to form and content, the Long Form Notice of Pendency and Settlement of Class Action ("Long Form Notice"), and the Summary Notice attached as Exhibits to the Settlement Agreement, and finds that the e-mailing of the Summary Notice, and posting on the dedicated internet website of the Long Form Notice, mailing of the Summary Notice post-card, and newspaper and magazine publication of the Summary Notice substantially in the manner as set forth in this Order meets the requirements of Rule 23 of the Federal Rules of Civil Procedure, and due process, and is the best notice practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled to notice.*

See **Attachment A** for additional recognition and example cases.

Expert Services

Our Legal Notification Services include:

Pre-Settlement Consulting

- Review and advise clients of any potential obstacles relative to class definition or legal notification processes
- Develop a noticing plan strategy
- Provide judicial decisions that are relevant to the case or terms of the settlement

Demographic Analysis

- Define the target audience through research and analysis of class demographics
- Identify the geographic location of potential class members giving specific consideration to the class period
- Research class member media usage to define the communication channels that will be most effective

Notice Programs

- Create custom notice programs that incorporate media such as newspapers, magazines, trade journals, radio, television and the internet to meet due process requirements
- Develop press releases, broadcast public service announcements (PSAs), and a content-rich, case-specific website, as needed
- Track media activity to verify the adequacy of placements

Plain Language Communication

- Consider audience's level of understanding and devise communications strategy accordingly
- Design, draft and distribute plain-language notices that capture attention and are easily understood by class members
- Incorporate response mechanisms, such as a toll-free number, case website address, and/or QR code into notice documents

Expert Testimony

- Provide defensible opinions and testimony from subject-matter experts to verify the effectiveness of notice programs
- Supply proof of performance for each notice served, as required by the Courts
- Provide evidence and judicial decisions to overcome objections

Media Terms

The following provides the meaning of media terms highlighted throughout the Notice Plan:

Frequency: Estimated average number of times a population group is exposed to a media vehicle or combination of media vehicles containing a notice within a given period of time.

Impressions or Exposures: Total number of opportunities to be exposed to a media vehicle or combination of media vehicles containing a notice. It is a gross or cumulative number that may include the same person more than once. Impressions can exceed the population size.

Reach or Coverage: Net percentage of a specific population group exposed to a media vehicle or a combination of media vehicles containing a notice at least once within a given period of time. Reach factors out duplication, representing the total different/net persons.

Selectivity Index: Shows the concentration of a specific population group relative to the general adult population. For example, a publication selectivity index of 175 among men indicates that the publication's readers are 75% more likely to be men as compared to the general adult population.

Media Resources

The resources we use to quantify our plan approach include the same resources used by media professionals to guide the billions of dollars of advertising we see today:

GfK Mediamark Research & Intelligence, LLC (MRI)

MRI is a nationally accredited research firm that provides consumer demographics, product and brand usage, and audience/exposure in all forms of advertising media. Established in 1979, MRI measures the usage of nearly 6,000 product and service brands across 550 categories, along with the readership of hundreds of magazines and newspapers, internet usage, television viewership, national and local radio listening, yellow page usage, and out-of-home exposure. Based on a yearly face-to-face interview of 26,000 consumers in their homes, MRI's *Survey of the American Consumer*[™] is the primary source of audience data for the U.S. consumer magazine industry and the most comprehensive and reliable source of multi-media audience data available.

Telmar

Telmar is the world-leading supplier of computer based advertising media information services. Its software provides for survey analysis, data integration, media planning and optimization. With over 5,000 users in 85 countries, Telmar's clients include many of the world's leading advertising agencies, publishers, broadcasters and advertisers.

Program Overview

Objective

To design a notice program that will effectively reach Class members and capture their attention with notices communicated in clear, concise, plain language so that their rights and options may be fully understood. The FJC's *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide* considers 70-95% reach among class members reasonable.

Class Definition

The Class (or Class members) consists of all individuals who have had, at any time since 2005, downloaded and installed comScore's tracking software onto their computers via one of comScore's third party bundling partners.

Subclass members include all Class members not presented with a functional hyperlink to an end user license agreement before installing comScore's software onto their computers.

Case Analysis

The following known factors were considered when determining our recommendation:

1. The Class is estimated to include 10 million Class members.
2. Class members are located throughout the U.S., including large cities and rural areas.
3. Individual notice efforts are estimated to successfully reach 37.8% of the Class; however, a reasonable effort cannot identify and locate *all* Class members.
4. Effective reach and notice content is vital to convey the importance of the information affecting Class members' rights, as well as to withstand challenge and collateral review.

Target Audience

Demographic and media usage data is not readily available for individuals who downloaded and installed comScore's tracking software. Therefore, to verify the program's effectiveness, MRI data was studied among adults who have used a computer to look at the internet in the last 30 days and who have downloaded a video game, music, podcast/podcasting, TV program, or movie on the internet in the last 30 days ("Online Content Downloaders"), because this broad, over inclusive target group indicates and best represents the Class.

Strategies

The Notice Plan uses a combination of individual notice, consisting of "push" notice, email notice, and mailed notice, along with a notice placement in *People* magazine and banner notice placements on a variety of websites to effectively reach Class members. To the extent that the individual notice effort reaches less than 34.7% of the Class, the media portion of the Notice Plan will be supplemented with publication notice and possible additional banner ads, as necessary, to reach at least 70% of the Class.

Plan Delivery

The individual notice effort alone is estimated to reach 37.8% of the Class. Combined, the individual notice and proposed media effort will reach approximately 72.0% of likely Class members, on average 1.4

times each. To the extent that the individual notice effort reaches less than 34.7% of the Class, the media portion of the Notice Plan will be supplemented with additional publication notice and possibly additional banner ads, as necessary, to reach at least 70% of the Class.

Notice Design

The Notices are designed to provide a clear, concise, plain language statement of Class members' legal rights and options. To ease response, the toll-free number and website address has been provided in all printed notice documents. The website will also be accessible through a hyperlink accessible in the "push" notice and email notice, and embedded in the banner notices.

Notice Schedule

The notice schedule below could be implemented soon after preliminary approval. Supplemental media efforts will be implemented if the individual notice effort fails to reach 50% of the Class. We recommend scheduling an opt-out/exclusion date at least 30 days from the last notice appearance (i.e., 30 days after any necessary supplemental media efforts). The case website would remain active throughout the litigation.

Notice Tactic	Week 1	Week 2	Week 3	Week 4	Week 5
"Push" Notice					
Email Notice					
Mailed Notice					
<i>People Magazine</i>					
Internet Banner Notices					
Case Website					

Target Analysis

Knowing the characteristics, interests, and habits of a target group aids in the media selection process.

Demographic Highlights

Demographic highlights of Online Content Downloaders include the following:

- 92.0% have graduated from high school or beyond and 69.8% have attended or graduated from college or beyond;
- 91.0% live in a household consisting of two or more people, 71.1% live in a household consisting of 2-4 people, and 65.2% live in a household consisting of three or more people;
- 81.7% are 18-49 years old, 74.8% are 25 years of age or older, and 52.9% are 18-34 years old;
- 74.5% are white;
- 68.6% have a household income of \$50,000 or more and 61.0% have a household income of \$60,000 or more;
- 64.3% own a home; and
- 55.8% own a home valued at more than \$100,000.

On average, Online Content Downloaders:¹

- are 36 years old;
- have a household income of \$88,207; and
- own a home valued at \$268,817.

Compared to the general adult population, Online Content Downloaders are:

- 97.6% more likely to be 18-24 years old, 72.5% more likely to be 18-34 years old, and 54.6% more likely to be 25-34 years old;
- 58.2% more likely never to have married;
- 40.9% more likely to have a household income of \$150,000 or more, 30.4% more likely to have a household income between \$100,000-\$149,999, and 23.3% more likely to have a household income of \$60,000 or more;
- 37.6% more likely to work as a manager or professional;
- 31.9% more likely to be American Indian or Alaska Native, 23.0% more likely to be Asian, and 11.5% more likely to be Black/African American;
- 30.8% more likely to have lived at their current address for less than one year and 21.4% more likely to have lived at their current address for 1-4 years;
- 29.4% more likely to have graduated from college or beyond and 22.4% more likely to have attended college;
- 20.3% more likely to live in a household consisting of 3-4 people and 20.1% more likely to live in a household consisting of five or more people;
- 15.7% more likely to rent their home;

¹ The average age for U.S. adults is 46, the average household income is \$74,446, and the average home value is \$242,554.

- 10.4% more likely to be men;
- 10.1% more likely to be a working woman; and
- 10.0% more likely to own a home valued at \$500,000 or more and 9.2% more likely to own a home valued between \$200,000-\$499,999.

Source: 2012 MRI Doublebase Study

Individual Notice

“Push” or “Pop” Notice

- ComScore will “push” the Summary Notice text through its OSSProxy software to all current “panelists” by rendering a dialogue (or pop-up) box on their computer screens. This Notice will contain an active hyperlink to the case website. It is our understanding that “Pop” or “Push” efforts are available for ██████ Class members. Based on an estimated 95% successful deliverable rate, ██████ Class members or ██████ of the Class will likely be reached via these efforts.

Email Notice

- An Email Notice containing a summary of the litigation and a link to the case website will be sent to all available email addresses. It is our understanding that email addresses are available for approximately ██████ Class members, ██████ of which comScore collected through its software, ██████ of which Class members provided directly to comScore, and ██████ of which originate from social media addresses that comScore also collected through its software (e.g. FacebookIDs). Based on an estimated 80% successful deliverable rate, ██████ Class members or ██████ of the Class will likely be reached via the email effort.

Mailed Notice

- A Postcard Notice will be sent to all available postal addresses. It is our understanding that mailing addresses are available for ██████ Class members.
- Prior to mailing, the names and addresses will be:
 - Checked against the United States Postal Service (USPS) National Change of Address (NCOA)² database;
 - Certified via the Coding Accuracy Support System (CASS);³ and
 - Verified through Delivery Point Validation (DPV).⁴
- Notices returned as undeliverable will be re-mailed to any address available through postal service information.

For example, to the address provided by the USPS on returned pieces for which the automatic forwarding order has expired, but is still within the period that the USPS returns the piece with the new address indicated.
- Any returned mailing that does not contain an expired forwarding order with a new address indicated may be researched through a third party look-up service, if applicable.
- We estimate that ██████ Class members or ██████ of the Class will likely be reached via the mailed notice effort.

² The NCOA database contains records of all permanent change of address submissions received by the USPS for the last four years. The USPS makes this data available to mailing firms and lists submitted to it are automatically updated with any reported move based on a comparison with the person’s name and last known address.

³ Coding Accurate Support System is a certification system used by the USPS to ensure the quality of ZIP+4 coding systems.

⁴ Records that are ZIP + 4 coded are then sent through Delivery Point Validation to verify the address and identify Commercial Mail Receiving Agencies. DPV verifies the accuracy of addresses, and reports exactly what is wrong with incorrect addresses.

Consumer Publication Notice

To build upon the reach of the individual notice effort, we recommend placing a half page notice in *People* magazine.



- Circulation: 3,542,185
- Adult Audience: 43,204,000
- Weekly entertainment magazine featuring celebrity news, biographies and gossip
- Reaches 23.4% of Online Content Downloaders
- Readers are 25.9% more likely to be Online Content Downloaders, as compared to the general adult population
- Provides a large number of pass along readers

Internet Banner Notice

Class members are internet users; therefore, to extend reach, we recommend purchasing approximately 95 million *unique* impressions over a one month period on 24/7's Global Alliance Network. The banners will target adults and will include an embedded link to the case website.

24/7 Real media allows access to over 4,000 premium, high quality websites, reaching 180 million unique users. Sample sites include:



Supplemental Notice

To the extent that the individual notice effort reaches less than 34.7% of the Class, the media portion of the Notice Plan will be supplemented with publication notice and possible additional banner ads, as necessary, to reach at least 70% of the Class.

Response Mechanisms

Case Website

- Provides an easy to remember domain, such as www.comScoreClassAction.net
- Allows Class members the ability to obtain additional information and documents about the litigation, including the Second Amended Complaint, Answer to the Second Amended Complaint, and Class Certification Order
- Prominently displayed in all printed notice materials
- Accessible through a hyperlink in the “push” notice, email notice, and banner notices

Toll-Free Telephone Support

- Provides a simple way for Class members to obtain additional information
- Allows Class members the opportunity to learn more about the case in the form of frequently asked questions and answers
- Allows Class members to request to have more information mailed directly to them
- Prominently displayed in all printed notice materials

Notice Design Strategies

The design and content of all of the notice materials are consistent with the FJC's "illustrative" forms of model plain language notices, available at www.fjc.gov.

"Push" Notice Text

- Headline captures attention and speaks directly to Class members, alerting them that they should read the Notice and why it is important
- Legal significance is highlighted to ensure readers that the communication carries legitimate information from the court and not commercial advertising
- Concise plain language without "legalese" enhances comprehension
- Content includes all critical information in simple format
- Toll-free number and case website with functional hyperlink invite response, allowing Class members the opportunity to obtain additional information

Email Notice

- Bold headline in the beginning of the message captures attention and speaks directly to Class members
- Legal significance is highlighted to ensure readers that the communication carries legitimate information from the court and not commercial advertising
- Concise plain language without "legalese" enhances comprehension
- Content includes all critical information in simple format
- Toll-free number and hyperlink to case website invite response, allowing Class members the opportunity to obtain additional information

Postcard Notice

- Bold call-out on the front of the postcard captures attention and speaks directly to Class members, alerting them that they should read the Notice and why it is important
- Concise plain language without "legalese" enhances comprehension
- Content includes all critical information in simple format
- Toll-free number and case website invite response, allowing Class members the opportunity to obtain additional information

Summary Notice

- Bold call-out on the front of the postcard captures attention and speaks directly to Class members, alerting them that they should read the Notice and why it is important
- Concise plain language without "legalese" enhances comprehension
- Content includes all critical information in simple format
- Toll-free number and case website invite response, allowing Class members the opportunity to obtain additional information

Internet Banner Notices

- A simple rotating message alerts Class members about the litigation

- A simple click on the banner allows immediate access to the case website

Detailed Notice

- Prominent “Your Rights and Options” table on first page immediately informs readers of their rights and options in the case
- Bold headline captures attention and speaks directly to Class members, alerting them that they should read the Notice and why it is important
- Concise plain language without “legalese” enhances comprehension
- Provides more detailed information than that of a Summary Notice
- Content includes all essential information in simple format
- Toll-free number and case website invite response, allowing Class members the opportunity to obtain additional information

Draft Forms of Notice

Attachments B, C, D, E, F and G contain the draft forms of the following notice documents:

- The **“Push” Notice text** that will be “pushed” through comScore’s OSSProxy software to all current “panelists.”
- The **Email Notice** that will be sent to all Class members for whom an email address is available.
- The **Postcard Notice** that will be mailed to all Class members for whom a postal address is available.
- The **Summary Notice** that will be published in *People* magazine and other publications, if needed.
- The **Internet Banner Notices** that will be posted on a variety of web properties.
- The **Detailed Notice** that will be available at the case website, as well as mailed upon request.

Attachment A



Legal Notification Services

KCC's Legal Notification Services team provides expert legal notice services in class action, mass tort and bankruptcy settings. We specialize in the design and implementation of notice programs with plain language notices; expert opinions and testimony on the adequacy of notice; and critiques of other notice programs and notices. With over a decade of experience, our legal noticing team has been involved in more than a hundred effective and efficient notice programs reaching class members and claimants in almost every country, dependency and territory in the world, and providing notice in over 35 languages. Our programs satisfy due process requirements, as well as all applicable state and federal laws. Some case examples our experts have been involved with include:

- ***Shames v. The Hertz Corporation***, No. 3:07-cv-02174 (S.D. Cal.) A national antitrust settlement involving several million class members who rented vehicles from a variety of car rental companies.
- ***In Re: Uponor, Inc., F1807 Plumbing Fittings Products Liability Litigation***, No. 11-MD-2247 (D. Minn.) A national products liability settlement providing reimbursement, repair and replacement of affected plumbing components.
- ***In re Trans Union Corp. Privacy Litigation***, MDL No. 1350 (N.D. Ill.) Perhaps the largest discretionary class action notice campaign involving virtually every adult in the United States and informing them about their rights in the \$75 million data breach settlement.
- ***In re TJX Companies, Inc., Customer Data Security Breach Litigation***, MDL No. 1838 (D. Mass.) One of the largest U.S. and Canadian retail consumer security breach notice programs.
- ***Grays Harbor Adventist Christian School v. Carrier Corp.***, No. 05-05437 (W.D. Wash.), ***Donnelly v. United Technologies Corp.*** No. 06-CV-320045CP (Ont. S.C.J.) and ***Wener v. United Technologies Corp.*** 500-06-000425-088 (QC. Super. Ct.) Product liability class action settlements involving secondary heat exchangers in high efficiency gas furnaces, affecting class members throughout the U.S. and Canada.
- ***In re Residential Schools Litigation***, No. 00-CV-192059 (Ont. S.C.J.) The largest and most complex class action in Canadian history incorporating a groundbreaking notice program to disparate, remote aboriginal persons qualified to receive benefits in the multi-billion dollar settlement.

Our Experts

Gina M. Intrepido-Bowden

With more than 20 years of media research, planning and buying experience, Gina M. Intrepido-Bowden brings substantive expertise to her role as Director, Legal Notification Services. A leading expert, she is responsible for the design and implementation of evidence-based legal notice campaigns.

Gina has designed more than 75 judicially approved media campaigns across the United States and Canada for antitrust, consumer and other class action matters. As a legal notice expert, she provides Courts with the reach evidence they need to determine the adequacy of notice. In addition, she has successfully critiqued other notice plans, causing Courts to modify programs to better meet due process obligations.

She began her advertising career working for one of New York's largest advertising agency media departments. Gina is a frequent author and speaker on class notice issues including effective reach, notice dissemination as well as noticing trends and innovations. She earned a Bachelor of Arts in Advertising from Penn State University, graduating summa cum laude. Gina can be reached at gintrepidobowden@kccllc.com.

Carla A. Peak

With over a decade of industry experience, Carla A. Peak specializes in the design of plain language legal notice documents to effectively address the challenges of communicating complex information to class members in a manner that they can understand.

Carla's notices satisfy the plain language requirements of Rule 23 and adhere to the guidelines set forth in the Manual for Complex Litigation, Fourth and by the Federal Judicial Center (FJC), as well as applicable state laws. She has successfully provided notice in both U.S. and international markets including communications in more than 35 languages.

She has presented on and written numerous articles about class notification programs, the design of effective notice documents as well as industry trends and innovations. Carla holds a Bachelor of Arts in Sociology from Temple University, graduating cum laude. Carla can be reached at cpeak@kccllc.com.

Judicial Recognition

Following are some judicial comments recognizing the work of our expert(s):

Judge Gregory A. Presnell, *Poertner v. The Gillette Co. and The Procter & Gamble Co.*, (November 5, 2013) No. 6:12-CV-00803 (M.D. Fla.):

The proposed Class Notice and Claim Form are approved as to form and content. The Court finds that the content of the Class Notice and the Claim Form satisfy the requirements of Fed. R. Civ. P. 23(c)(2), Fed. R. Civ. P. 23(e)(1), and due process and accordingly approves them...The Court finds that compliance with the Notice Plan is the best practicable notice under the circumstances and constitutes due and sufficient notice of this Order to all persons entitled thereto and is in full compliance with the requirements of Rule 23, applicable law, and due process.

Judge Marilyn L. Huff, *Beck-Ellman v. Kaz USA, Inc.*, (June 11, 2013) No. 3:10-cv-02134 (S. D. Cal.):

The Notice Plan has now been implemented in accordance with the Court's Preliminary Approval Order. The Publication Notice was designed to provide potential class members with information about the Settlement and their rights, in

easy-to-comprehend language... The Notice Plan was specially developed to cause class members to see the Publication Notice or see an advertisement that directed them to the Settlement Website. KCC identified that the class members belong to a demographic group known as "Pain Relief Users." The Heating Pads are considered a Pain Relief product. The publications that KCC's Notice Plan used are publications and websites whose viewers and readers include a high percentage of Pain Relief product users...The Court concludes that the Class Notice fully satisfied the requirements of Rule 23(c)(2) of the Federal Rules of Civil Procedure and all due process requirements.

Judge Tom A. Lucas, *Stroud v. eMachines, Inc.*, (March 27, 2013) No. CJ-2003-968 L (D. Ct. Cleveland Cnty, Okla.):

The Notices met the requirements of Okla. Stat. tit. 12 section 2023(C), due process, and any other applicable law; constituted the best notice practicable under the circumstances; and constituted due and sufficient notice to all persons and entities entitled thereto. All objections are stricken. Alternatively, considered on their merits, all objections are overruled.

Judge Marilyn L. Huff, *Beck-Ellman v. Kaz USA, Inc.* (January 7, 2013) No. 3:10-cv-02134 (S. D. Cal.):

The proposed Class Notice, Publication Notice, and Settlement Website are reasonably calculated to inform potential Class members of the Settlement, and are the best practicable methods under the circumstances... Notice is written in easy and clear language, and provides all needed information, including: (1) basic information about the lawsuit; (2) a description of the benefits provided by the settlement; (3) an explanation of how Class members can obtain Settlement benefits; (4) an explanation of how Class members can exercise their rights to opt-out or object; (5) an explanation that any claims against Kaz that could have been litigated in this action will be released if the Class member does not opt out; (6) the names of Class Counsel and information regarding attorneys' fees; (7) the fairness hearing date and procedure for appearing; and (8) the Settlement Website and a toll free number where additional information, including Spanish translations of all forms, can be obtained. After review of the proposed notice and Settlement Agreement, the Court concludes that the Publication Notice and Settlement Website are adequate and sufficient to inform the class members of their rights. Accordingly, the Court approves the form and manner of giving notice of the proposed settlement.

Judge Tom A. Lucas, *Stroud v. eMachines, Inc.*, (December 21, 2012) No. CJ-2003-968 L (D. Ct. Cleveland Cnty, Okla.):

The Plan of Notice in the Settlement Agreement as well as the content of the Claim Form, Class Notice, Post-Card Notice, and Summary Notice of Settlement is hereby approved in all respects. The Court finds that the Plan of Notice and the contents of the Class Notice, Post-Card Notice and Summary Notice of Settlement and the manner of their dissemination described in the Settlement Agreement is the best practicable notice under the circumstances and is reasonably calculated, under the circumstances, to apprise Putative Class Members of the pendency of this action, the terms of the Settlement Agreement, and their right to object to the Settlement Agreement or exclude themselves from the Certified Settlement Class and, therefore, the Plan of Notice, the Class Notice, Post-Card Notice and Summary Notice of Settlement are approved in all respects. The Court further finds that the Class Notice, Post-Card Notice and Summary Notice of Settlement are reasonable, that they constitute due, adequate, and sufficient notice to all persons entitled to receive notice, and that they meet the requirements of due process.

Honorable Michael M. Anello, *Shames v. The Hertz Corporation*, (November 5, 2012) No. 3:07-cv-02174 (S.D. Cal.):

...the Court is satisfied that the parties and the class administrator made reasonable efforts to reach class members. Class members who did not receive individualized notice still had opportunity for notice by publication, email, or both...The Court is satisfied that the redundancies in the parties' class notice procedure—mailing, e-mailing, and publication—reasonably ensured the widest possible dissemination of the notice...The Court OVERRULES all objections to the class settlement...

Judge Ann D. Montgomery, *In Re: Uponor, Inc., F1807 Plumbing Fittings Products Liability Litigation*, (July 9, 2012) No. 11-MD-2247 (D. Minn.):

The objections filed by class members are overruled; The notice provided to the class was reasonably calculated under the circumstances to apprise class members of the pendency of this action, the terms of the Settlement Agreement, and their right to object, opt out, and appear at the final fairness hearing;...

Judge Ann D. Montgomery, *In Re: Uponor, Inc., F1807 Plumbing Fittings Products Liability Litigation*, (June 29, 2012) No. 11-MD-2247 (D. Minn.):

After the preliminary approval of the Settlement, the parties carried out the notice program, hiring an experienced consulting firm to design and implement the plan. The plan consisted of direct mail notices to known owners and warranty claimants of the RTI F1807 system, direct mail notices to potential holders of subrogation interests through insurance company mailings, notice publications in leading consumer magazines which target home and property owners, and earned media efforts through national press releases and the Settlement website. The plan was intended to, and did in fact, reach a minimum of 70% of potential class members, on average more than two notices each...The California Objectors also take umbrage with the notice provided the class. Specifically, they argue that the class notice fails to advise class members of the true nature of the aforementioned release. This argument does not float, given that the release is clearly set forth in the Settlement and the published notices satisfy the requirements of Rule 23(c)(2)(B) by providing information regarding: (1) the nature of the action class membership; (2) class claims, issues, and defenses; (3) the ability to enter an appearance through an attorney; (4) the procedure and ability to opt-out or object; (5) the process and instructions to make a claim; (6) the binding effect of the class judgment; and (7) the specifics of the final fairness hearing.

Honorable Michael M. Anello, *Shames v. The Hertz Corporation*, (May 22, 2012) No. 3:07-cv-02174 (S.D. Cal.):

The Court approves, as to form and content, the Notice of Proposed Settlement of Class Action, substantially in the forms of Exhibits A-1 through A-6, as appropriate, (individually or collectively, the "Notice"), and finds that the e-mailing or mailing and distribution of the Notice and publishing of the Notice substantially in the manner and form set forth in ¶ 7 of this Order meet the requirements of Federal Rule of Civil Procedure 23 and due process, and is the best notice practicable under the circumstances and shall constitute due and sufficient notice to all Persons entitled thereto.

Judge Anthony Powell, *Molina v. Intrust Bank, N.A.*, (May 21, 2012) No. 10-CV-3686 (18th J.D. Ct., Kan.):

The form, content, and method of dissemination of Class Notice given to the Class were adequate and reasonable, and constituted the best notice practicable

under the circumstances. The Notice, as given, provided valid, due, and sufficient notice of the proposed settlement, the terms and conditions set forth in the Settlement Agreement, and these proceedings to all persons entitled to such notice, and said notice fully satisfied the requirements of K.S.A. § 60-223 and due process.

Judge Ronald L. Bauer, *Blue Cross of California Website Securities Litigation*, (April 5, 2012) No. JCCP 4647 (Super. Ct. Cal.):

The form, content, and method of dissemination of the notice given to the Settlement Class were adequate and reasonable, and constituted the best notice practicable under the circumstances. The notice, as given, provided valid, due, and sufficient notice of the proposed settlement, the terms and conditions set forth in the Settlement Agreement, and these proceedings to all Person entitled to such notice, and said notice satisfied the requirements of California Rules of Court, Rule 3,766(e) and (f), and due process.

Judge Ann D. Montgomery, *In Re: Uponsor, Inc., F1807 Plumbing Fittings Products Liability Litigation*, (January 18, 2012) No. 11-MD-2247 (D. Minn.):

The Notice Plan detailed by KCC in the Affidavit of Gina M. Intrepido-Bowden provides the best notice practicable under the circumstances and constitutes due and sufficient notice of the Settlement Agreement and the Final Fairness Hearing to the Classes and all persons entitled to receive such notice as potential members of the Class...The Notice Plan's multi-faceted approach to providing notice to Class Members whose identity is not known to the Settling Parties constitutes 'the best notice that is practicable under the circumstances' consistent with Rule 23(c)(2)(B)...Notice to Class members must clearly and concisely state the nature of the lawsuit and its claims and defenses, the Class certified, the Class member's right to appear through an attorney or opt out of the Class, the time and manner for opting out, and the binding effect of a class judgment on members of the Class. Fed. R. Civ. P. 23(c)(2)(B). Compliance with Rule 23's notice requirements also complies with Due Process requirements. 'The combination of reasonable notice, the opportunity to be heard, and the opportunity to withdraw from the class satisfy due process requirements of the Fifth Amendment.' Prudential, 148 F.3d at 306. The proposed notices in the present case meet those requirements.

Judge Jeffrey Goering, *Molina v. Intrust Bank, N.A.*, (January 17, 2012) No. 10-CV-3686 (18th J.D. Ct. Ks.):

The Court approved the form and content of the Class Notice, and finds that transmission of the Notice as proposed by the Parties meets the requirements of due process and Kansas law, is the best notice practicable under the circumstances, and constitutes due and sufficient notice to all persons entitled thereto.

Judge Charles E. Atwell, *Allen v. UMB Bank, N.A.*, (October 31, 2011) No. 1016-CV34791 (Cir. Ct. Mo.):

The form, content, and method of dissemination of Class Notice given to the Class were adequate and reasonable, and constituted the best notice practicable under the circumstances. The Notice, as given, provided valid, due, and sufficient notice of the proposed settlement, the terms and conditions set forth in the Settlement Agreement, and these proceedings to all persons entitled to such notice, and said notice fully satisfied the requirements of Rule 52.08 of the Missouri Rules of Civil Procedure and due process.

Judge Charles E. Atwell, *Allen v. UMB Bank, N.A.*, (June 27, 2011) No. 1016-CV34791 (Cir.

Ct. Mo.):

The Court approves the form and content of the Class Notice, and finds that transmission of the Notice as proposed by the Parties meets the requirements of due process and Missouri law, is the best notice practicable under the circumstances, and constitutes due and sufficient notice to all persons entitled thereto.

Judge Jeremy Fogel, *Ko v. Natura Pet Products, Inc.*, (June 24, 2011) No. 5:09cv2619 (N.D. Cal.):

The Court approves, as to form and content, the Long Form Notice of Pendency and Settlement of Class Action (“Long Form Notice”), and the Summary Notice attached as Exhibits to the Settlement Agreement, and finds that the e-mailing of the Summary Notice, and posting on the dedicated internet website of the Long Form Notice, mailing of the Summary Notice post-card, and newspaper and magazine publication of the Summary Notice substantially in the manner as set forth in this Order meets the requirements of Rule 23 of the Federal Rules of Civil Procedure, and due process, and is the best notice practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled to notice.

Judge M. Joseph Tiemann, *Billieson v. City of New Orleans*, (May 27, 2011) No. 94-19231 (Civ. D. Ct. La.):

The plan to disseminate notice for the Insurance Settlements (the “Insurance Settlements Notice Plan”) which was designed at the request of Class Counsel by experienced Notice Professionals Gina Intrepido-Bowden and Carla A. Peak... IT IS ORDERED as follows: 1. The Insurance Settlements Notice Plan is hereby approved and shall be executed by the Notice Administrator; 2. The Insurance Settlements Notice Documents, substantially in the form included in the Insurance Settlements Notice Plan, are hereby approved.

Judge James Robertson, *In re Department of Veterans Affairs (VA) Data Theft Litig.*, (February 11, 2009) MDL No. 1796 (D.C.):

The Court approves the proposed method of dissemination of notice set forth in the Notice Plan, Exhibit 1 to the Settlement Agreement. The Notice Plan meets the requirements of due process and is the best notice practicable under the circumstances. This method of Class Action Settlement notice dissemination is hereby approved by the Court.

Judge Louis J. Farina, *Soders v. General Motors Corp.*, (December 19, 2008) No. CI-00-04255 (C.P. Pa.):

The Court has considered the proposed forms of Notice to Class members of the settlement and the plan for disseminating Notice, and finds that the form and manner of notice proposed by the parties and approved herein meet the requirements of due process, are the best notice practicable under the circumstances, and constitute sufficient notice to all persons entitled to notice.

Judge Robert W. Gettleman, *In Re Trans Union Corp.*, (September 17, 2008) MDL No. 1350 (N.D. Ill.):

The Court finds that the dissemination of the Class Notice under the terms and in the format provided for in its Preliminary Approval Order constitutes the best notice practicable under the circumstances, is due and sufficient notice for all purposes to all persons entitled to such notice, and fully satisfies the requirements of the Federal Rules of Civil Procedure, the requirements of due

process under the Constitution of the United States, and any other applicable law...Accordingly, all objections are hereby OVERRULED.

Judge William G. Young, *In re TJX Companies*, (September 2, 2008) MDL No. 1838 (D. Mass.):

...as attested in the Affidavit of Gina M. Intrepido...The form, content, and method of dissemination of notice provided to the Settlement Class were adequate and reasonable, and constituted the best notice practicable under the circumstances. The Notice, as given, provided valid, due, and sufficient notice of the proposed settlement, the terms and conditions set forth in the Settlement Agreement, and these proceedings to all Persons entitled to such notice, and said Notice fully satisfied the requirements of Fed. R. Civ. P. 23 and due process.

Judge David De Alba, *Ford Explorer Cases*, (May 29, 2008) JCCP Nos. 4226 & 4270 (Cal. Super. Ct.):

[T]he Court is satisfied that the notice plan, design, implementation, costs, reach, were all reasonable, and has no reservations about the notice to those in this state and those in other states as well, including Texas, Connecticut, and Illinois; that the plan that was approved -- submitted and approved, comports with the fundamentals of due process as described in the case law that was offered by counsel.

Judge Kirk D. Johnson, *Hunsucker v. American Standard Ins. Co. of Wisconsin*, (August 10, 2007) No. CV-2007-155-3 (Cir. Ct. Ark.):

Having admitted and reviewed the Affidavits of Carla Peak and Christine Danielson concerning the success of the notice campaign, including the fact that written notice reached approximately 86% of the potential Class Members, the Court finds that it is unnecessary to afford a new opportunity to request exclusion to individual class members who had an earlier opportunity to request exclusion but failed to do so...Specifically, the Court received and admitted affidavits from Carla Peak and Christine Danielson, setting forth the scope and results of the notice campaign. Based on the Court's review of the evidence admitted and argument of counsel, the Court finds and concludes that the Class Notice and settlement website as disseminated to members of the Settlement Class in accordance with provisions of the Preliminarily Approval Order was the best notice practicable under the circumstances to all members of the Settlement Class.

Speaking Engagements

Designing a Settlement and Notice Program to Minimize Scrutiny and Objections, AMERICAN CONFERENCE INSTITUTE (ACI), 16th National Conference on Consumer Finance Class Actions & Litigation, Gina Intrepido-Bowden presenter/panelist (July 2013).

Pitfalls of Class Action Notice and Settlement Administration, PRACTISING LAW INSTITUTE (PLI), Class Action Litigation 2013, Gina Intrepido-Bowden and Robert DeWitte presenters/panelists (July 2013).

The Fundamentals of Settlement Administration accredited CLE Program, Carla Peak and Steven Weisbrot, presented in Philadelphia at DLA Piper LLP (August 2013); Carla Peak and Robert DeWitte, presented in Illinois at Locke Lord LLP and broadcast to offices in California, Georgia, New York, Texas and London (April 2013); Gina Intrepido-Bowden and Robert DeWitte, presented in Illinois at Skadden, Arps, Slate, Meagher & Flom LLP and Wexler Wallace LLP

(January 2013); Gina Intrepido-Bowden and Robert DeWitte, presented in Illinois at Hinshaw & Culbertson LLP (October 2012); Gina Intrepido-Bowden and Rob Taylor-Manning, presented in Pennsylvania at Spector Roseman Kodroff & Willis, P.C. (December 2011).

Ethics in Legal Notification, accredited CLE Program, Gina Intrepido-Bowden, Carla Peak & Steven Weisbrot, presented in New York at Morgan Lewis & Bockius (December 2012).

Class Action Settlement Administration Tips & Pitfalls on the Path to Approval accredited CLE Program, Carla Peak, Gina Intrepido-Bowden & Robert DeWitte, presented in Illinois at Jenner & Block and broadcast to offices in Washington DC, New York and California (October 2012).

Perspectives from Class Action Claims Administrators: Innovations in Notification, CLE INTERNATIONAL, 8th Annual Class Actions Conference, Gina Intrepido-Bowden, presenter/panelist (May 2012).

Innovations in Notification, CHICAGO BAR ASSOCIATION, Class Litigation Committee Spring Seminar, Carla Peak, presenter (May 2012).

Ethical Considerations in Canadian Class Actions, accredited CLE Program, Gina Intrepido-Bowden and Robert Taylor-Manning, presented in Canada at Rochon Genova, LLP (April 2012).

Reaching Class Members & Driving Take Rates, CONSUMER ATTORNEYS OF SAN DIEGO, 4th Annual Class Action Symposium, Gina Intrepido-Bowden, presenter/panelist (October 2011).

Legal Notice Ethics, accredited CLE Program, Gina Intrepido-Bowden, Carla Peak & Elizabeth Grande, presented in New York at Cohen Milstein Sellers & Toll PLLC and Milberg LLP (May 2010), in Illinois at Miller Law LLC (May 2010), in Pennsylvania at Berger & Montague, P.C., Anapol Schwartz, Lundy Law, and Dechert LLP, which was broadcast to offices in California, New Jersey, New York, North Carolina, Texas, Washington D.C., and London and sent via video to their office in China (October 2010), and in Minnesota at Heins Mills & Olson, P.L.C., Lockridge Grindal Nauen P.L.L.P., and Chestnut Cambronne (January 2011).

Class Actions 101: Best Practices and Potential Pitfalls in Providing Class Notice, accredited CLE Program, Brian Christensen, Gina Intrepido & Richard Simmons, presented to Kansas Bar Association (March 2009).

Articles

Carla Peak and Steven Weisbrot. *How to Design Your Notice to Minimize Professional Objectors*, Class Action Lawsuit Defense: Class Action Defense News, Developments and Commentary provided by BakerHostetler (www.classactionlawsuitdefense.com) (July 20, 2012).

Carla Peak, *Is your legal notice designed to be noticed?* WESTLAW JOURNAL CLASS ACTION Vol.18 Issue 10 (2011).

John B. Isbister, Todd B. Hilsee & Carla A. Peak, *Seven Steps to a Successful Class Action Settlement*, AMERICAN BAR ASSOCIATION, SECTION OF LITIGATION, CLASS ACTIONS TODAY 16 (2008).

Todd B. Hilsee, Gina M. Intrepido & Shannon R. Wheatman, *Hurricanes, Mobility and Due Process: The "Desire-to-Inform" Requirement for Effective Class Action Notice Is Highlighted by Katrina*, 80 TULANE LAW REV. 1771 (2006); reprinted in course materials for: AMERICAN BAR ASSOCIATION, 10th Annual National Institute on Class Actions (2006); NATIONAL BUSINESS INSTITUTE, Class Action Update: Today's Trends & Strategies for Success (2006); CENTER FOR LEGAL EDUCATION INTERNATIONAL, Class Actions: Prosecuting and Defending Complex Litigation (2007).

Gina M. Intrepido, *Notice Experts May Help Resolve CAFA Removal Issues, Notification to*

Officials, 6 CLASS ACTION LITIG. REP. 759 (2005).

Todd B. Hilsee, Shannon R. Wheatman, & Gina M. Intrepido, *Do You Really Want Me to Know My Rights? The Ethics Behind Due Process in Class Action Notice Is More Than Just Plain Language: A Desire to Actually Inform*, 18 GEORGETOWN JOURNAL LEGAL ETHICS 1359 (2005).

Legal Notice Case Examples

Following is a list of cases in which our expert(s) have been involved in the design and implementation of the notice program and/or notice documents:

<i>Naef v. Masonite Corp (Hardboard Siding)</i>	Cir. Ct. Ala., CV-94-4033
<i>Williams v. Weyerhaeuser Co. (Hardboard Siding)</i>	Cal. Super. Ct., CV-995787
<i>In re Babcock and Wilcox Co. (Asbestos Related Bankruptcy)</i>	E.D. La., 00-10992
<i>Brown v. Am. Tobacco</i>	Cal. Super. Ct., J.C.C.P. 4042 No. 711400
<i>Microsoft I-V Cases (Antitrust Litig. Mirroring Justice Dept.)</i>	Cal. Super. Ct., J.C.C.P. No. 4106
<i>Scott v. Blockbuster, Inc. (Extended Viewing Fees)</i>	136 th Tex. Jud. Dist., No. D 162-535
<i>Talalai v. Cooper Tire & Rubber Co. (Tire Layer Adhesion)</i>	N.J. Super. Ct., No. MID-L-8839-00 MT
<i>Thompson v. Metropolitan Life Ins. Co. (Race Related Sales Practices)</i>	S.D. N.Y., No. 00-CIV-5071 HB
<i>Ervin v. Movie Gallery Inc. (Extended Viewing Fees)</i>	Tenn. Ch. Fayette Co., No. CV-13007
<i>Walker v. Rite Aid of PA, Inc. (PA Act 6)</i>	C.P. Pa., No. 99-6210
<i>Myers v. Rite Aid of PA, Inc. (PA Act 6)</i>	C.P. Pa., No. 01-2771
<i>Baker v. Jewel Food Stores, Inc. & Dominick's Finer Foods, Inc. (Milk Price Fixing)</i>	Cir. Ct. Ill. Cook Co., No. 00-L-9664
<i>In re Columbia/HCA Healthcare Corp. (Billing Practices Litig.)</i>	M.D. Tenn., MDL No. 1227
<i>Soders v. General Motors Corp. (Marketing Initiative)</i>	C.P. Pa., No. CI-00-04255
<i>Nature Guard Cement Roofing Shingles Cases</i>	Cal. Super. Ct., J.C.C.P. No. 4215
<i>Defrates v. Hollywood Entertainment Corp. (Extended Viewing Fees)</i>	Cir. Ct. Ill., St. Clair. Co., No. 02L707
<i>West v. G&H Seed Co. (Crawfish Farmers)</i>	27 th Jud. D. Ct. La., No. 99-C-4984-A
<i>Baiz v. Mountain View Cemetery (Burial Practices)</i>	Cal. Super. Ct., No. 809869-2
<i>Richison v. American Cemwood Corp. (Roofing Durability)</i>	Cal. Super. Ct., No. 005532
<i>Friedman v. Microsoft Corp. (Antitrust)</i>	Ariz. Super. Ct., No. CV 2000-000722
<i>Davis v. Am. Home Prods. Corp. (Norplant Contraceptive)</i>	Civ. D. Ct. La., Div. K, No. 94-11684
<i>Gordon v. Microsoft Corp. (Antitrust)</i>	D. Minn., No. 00-5994
<i>Fisher v. Virginia Electric & Power Co.</i>	E.D. Va., No 3:02-CV-431
<i>Bardessono v. Ford Motor Co. (15 Passenger Vans Outreach)</i>	Wash. Super. Ct., No. 32494
<i>Gardner v. Stimson Lumber Co. (Forestex Siding)</i>	Wash. Super. Ct., No. 00-2-17633-3SEA
<i>Nichols v. SmithKline Beecham Corp. (Paxil)</i>	E.D. Pa., No. 00-6222
<i>In re Educ. Testing Serv. PLT 7-12 Test Scoring</i>	E.D. La., 2:04md1643
<i>In re Serzone Products Liability</i>	S.D. W. Va., 02-md-1477

<i>Ford Explorer Cases</i>	Cal. Super. Ct., JCCP Nos. 4226 & 4270
<i>In re Lupron Marketing & Sales Practices</i>	D. Mass., MDL No.1430
<i>Morris v. Liberty Mutual Fire Ins. Co.</i>	D. Okla., NO. CJ-03-714
<i>Thibodeaux v. Conoco Philips Co.</i>	D. La., No. 2003-481
<i>Morrow v. Conoco Inc.</i>	D. La., No. 2002-3860
<i>Tobacco Farmer Transition Program</i>	U.S. Dept. of Agric.
<i>Froeber v. Liberty Mutual Fire Ins. Co.</i>	Cir. Ct. Ore., No. 00C15234
<i>Carnegie v. Household Int'l, Inc.</i>	N. D. Ill., No. 98-C-2178
<i>In re Royal Ahold Securities and "ERISA"</i>	D. Md., 1:03-md-01539
<i>First State Orthopaedics et al. v. Concentra, Inc., et al.</i>	E.D. Pa., No. 2:05-CV-04951-AB
<i>Meckstroth v. Toyota Motor Sales, U.S.A., Inc.</i>	24th Jud. D. Ct. La., No. 583-318
<i>In re High Sulfur Content Gasoline Products Liability</i>	E.D. La., MDL No. 1632
<i>Desportes v. American General Assurance Co.</i>	Ga. Super. Ct., No. SU-04-CV-3637
<i>In re Residential Schools Litigation</i>	Ont. Super. Ct., 00-CV-192059 CPA
<i>Turner v. Murphy Oil USA, Inc.</i>	E.D. La., No. 2:05-CV-04206-EEF-JCW
<i>Carter v. North Central Life Ins. Co.</i>	Ga. Super. Ct., No. SU-2006-CV-3764-6
<i>Spence v. Microsoft Corp. (Antitrust Litig.)</i>	Cir. Ct. Wis., No. 00-CV-003042
<i>Ciabattari v. Toyota Motor Sales, U.S.A., Inc.</i>	N.D. Cal., No. C-05-04289-BZ
<i>Peek v. Microsoft Corporation</i>	Cir. Ct. Ark., No. CV-2006-2612
<i>Reynolds v. The Hartford Financial Services Group, Inc.</i>	D. Ore., No. CV-01-1529 BR
<i>Zarebski v. Hartford Insurance Co. of the Midwest</i>	Cir. Ct. Ark., No. CV-2006-409-3
<i>In re Parmalat Securities</i>	S.D. N.Y., 1:04-md-01653 (LAK)
<i>Beasley v. The Reliable Life Insurance Co.</i>	Cir. Ct. Ark., No. CV-2005-58-1
<i>Sweeten v. American Empire Insurance Company</i>	Cir. Ct. Ark., No. 2007-154-3
<i>Gunderson v. F.A. Richard & Associates, Inc. (FARA)</i>	14th Jud. D. Ct. La., No. 2004-2417-D
<i>Gunderson v. F.A. Richard & Associates, Inc. (Focus)</i>	14th Jud. D. Ct. La., No. 2004-2417-D
<i>Hunsucker v. American Standard Ins. Co. of Wisconsin</i>	Cir. Ct. Ark., No., CV-2007-155-3
<i>Burgess v. Farmers Insurance Co., Inc.</i>	D. Okla., No. CJ-2001-292
<i>Grays Harbor v. Carrier Corporation</i>	W.D. Wash., No. 05-05437-RBL
<i>Donnelly v. United Technologies Corp.</i>	Ont. S.C.J., 06-CV-320045CP
<i>Wener v. United Technologies Corp.</i>	QC. Super. Ct., 500-06-000425-088
<i>Brookshire Bros. v. Chiquita (Antitrust)</i>	S.D. Fla., No. 05-CIV-21962
<i>Johnson v. Progressive</i>	Cir. Ct. Ark., No. CV-2003-513
<i>Bond v. American Family Insurance Co.</i>	D. Ariz., CV06-01249-PXH-DGC
<i>Angel v. U.S. Tire Recovery (Tire Fire)</i>	Cir. Ct. W. Va., No. 06-C-855
<i>In re TJX Companies Retail Security Breach</i>	D. Mass., MDL No. 1838
<i>Webb v. Liberty Mutual Insurance Co.</i>	Cir. Ct. Ark., No. CV-2007-418-3

<i>Shaffer v. Continental Casualty Co. (Long Term Care Insurance)</i>	C.D. Cal., SACV06-2235-PSG (PjWx)
<i>Palace v. DaimlerChrysler (Neon Head Gaskets)</i>	Cir. Ct. Ill., Cook Co., No. 01-CH-13168
<i>Beringer v. Certegy Check Services, Inc. (Data Breach)</i>	M.D. Fla., No. 8:07-cv-1657-T-23TGW
<i>Lockwood v. Certegy Check Services, Inc. (Data Breach)</i>	M.D. Fla., No. 2:07-CV-587-FtM-29-DNF
<i>Sherrill v. Progressive Northwestern Ins. Co.</i>	18th D. Ct. Mont., No. DV-03-220
<i>Gunderson v. F.A. Richard & Associates, Inc. (AIG)</i>	14th Jud. D. Ct. La., No. 2004-2417-D
<i>Jones v. Dominion Transmission, Inc.</i>	S.D. W. Va., No. 2:06-cv-00671
<i>Gunderson v. F.A. Richard & Associates, Inc. (Wal-Mart)</i>	14th Jud. D. Ct. La., No. 2004-2417-D
<i>In re Trans Union Corp. Privacy (Data Breach)</i>	N.D. Ill., MDL No. 1350
<i>Gunderson v. F.A. Richard & Associates., Inc. (Amerisafe)</i>	14th Jud. D. Ct. La., No. 2004-002417
<i>Bibb v. Monsanto Co. (Nitro)</i>	Cir. Ct. W.Va., No. 041465
<i>Carter v. Monsanto Co. (Nitro)</i>	Cir. Ct. W.Va., No. 00-C-300
<i>In re U.S. Department of Veterans Affairs (VA) Data Breach</i>	D. D.C., MDL 1796
<i>In re Countrywide Financial Corp. Customer Data Security Breach</i>	W.D. Ky., MDL No. 1998
<i>Dolen v. ABN AMRO Bank N.V. (Callable CDs)</i>	Nos. 01-L-454 & 01-L-493
<i>Griffin v. Dell Canada Inc.</i>	Ont. Super. Ct., No. 07-CV-325223D2
<i>Plubell v. Merck & Co., Inc.</i>	Cir. Ct. Mo., No. 04CV235817-01
<i>Billieson v. City of New Orleans</i>	Civ. D. Ct. La., No. 94-19231
<i>Anderson v. Government of Canada</i>	Sup. Ct. NL, No. 2008NLTD166
<i>Ko v. Natura Pet Products, Inc.</i>	N.D. Cal., No. 5:09cv02619
<i>Allen v. UMB Bank, N.A.</i>	Cir. Ct. Mo., No. 1016-CV34791
<i>Blue Cross of California Website Security Cases</i>	Sup. Ct. Cal., No. JCCP 4647
<i>Alvarez v. Haseko Homes, Inc.</i>	Cir. Ct. HI., No. 09-1-2691-11
<i>LaRocque v. TRS Recovery Services, Inc.</i>	D. Maine, No. 2:11cv00091
<i>In re: Zurn Pex Plumbing Products Liability Litig.</i>	D. Minn., MDL No. 08-1958
<i>Molina v. Intrust Bank, N.A.</i>	18 th Jud. D. Ct., 10-cv-3686
<i>In Re: Uponor, Inc., F1807 Products Liability Litigation</i>	D. Minn, MDL No. 2247
<i>Shames v. The Hertz Corporation</i>	S.D. Cal., No. 07cv2174-MMA
<i>Wells v. Abbott Laboratories, Inc.</i>	Sup. Ct. Cal., No.BC389753
<i>Stroud v. eMachines, Inc.</i>	D. Ct. Cleveland Cnty, Okla., No. CJ-2003-968-L
<i>Holman v. Experian Information Solutions, Inc.</i>	N.D. Cal., No. 4:11cv00180
<i>Beck-Ellman v. Kaz USA Inc.</i>	S.D. Cal., No. 10cv2134
<i>Lee v. Stonebridge Life Insurance Company</i>	N.D. Cal., No. 3:11-cv-00043
<i>Dunstan v. comScore, Inc.</i>	N.D. Ill., No. 11-cv-5807
<i>Steinfeld v. Discover Financial Services</i>	N.D. Cal., No. 3:12-cv-01118
<i>Cappalli v. BJ's Wholesale Club, Inc.</i>	D. R.I., No. 1:10cv00407

<i>Poertner v. The Gillette Co. and The Procter & Gamble Co.</i>	M.D. Fla., No. 6:12-CV-00803
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Following is a list of cases in which our expert(s) were involved with a critique of the notice program and/or notices:

<i>Barbanti v. W.R. Grace and Co. (Zonolite/Asbestos Litig.)</i>	Wash. Super. Ct., 00201756-6
<i>In re W.R. Grace Co. (Asbestos Related Bankruptcy)</i>	Bankr. D. Del., No. 01-3293-JCS
<i>In re USG Corp. (Asbestos Related Bankruptcy)</i>	Bankr. D. Del., No. 01-02094-RJN
<i>Johnson v. Ethicon, Inc. (Product Liability Litigation)</i>	Cir. Ct. W. Va., Nos. 01-C-1530, 1531, 1533, 01-C-2491 to 2500
<i>Parsons/Currie v. McDonalds</i>	Ont. S.C.J., No. 02-CV-235958CP/No. 02-CV-238276
<i>Chambers v. DaimlerChrysler Corp. (Neon Head Gaskets)</i>	N.C. Super. Ct., No. 01:CVS-1555
<i>West v. Carfax, Inc.</i>	Ohio C.P., No. 04-CV-1898 (ADL)
<i>Perrine v. E.I. Du Pont De Nemours & Co.</i>	Cir. Ct. W. Va., No. 04-C-296-2
<i>Clark v. Pfizer, Inc. (Neurontin)</i>	C.P. Pa. Phila. Co., No. 9709-3162
<i>In re Motor Fuel Temperature Sales Practices Litig.</i>	D. Kan., MDL No. 1840
<i>Gallucci v. Boiron, Inc.</i>	S.D. Ca., No. 3:11-cv-02039
<i>Tchoboian v. FedEx Office and Print Services, Inc.</i>	C.D. Cal., No.10-CV01008
<i>In re Vitamin C Antitrust Litigation</i>	E.D. N.Y., No. 1:06-md-1738

Attachment B

If you installed free software on your computer and received RelevantKnowledge or PremierOpinion as part of that download, a class action lawsuit may affect your rights.

You may be affected by a class action lawsuit claiming that comScore, Inc. (“comScore”) violated federal privacy laws by accessing information on your computer without proper consent. The lawsuit, *Dunstan v. comScore, Inc.*, No. 11-cv-5807, is in the United States District Court for the Northern District of Illinois. The Court decided this lawsuit should be a class action on behalf of a “Class,” or group of people that could include you. *There is no money available now and no guarantee that there will be.*

Am I Included? Yes, records indicate that comScore’s tracking software (*i.e.*, “RelevantKnowledge” and “PremierOpinion”) was installed on your computer sometime after 2005, and comScore collected information from your computer. Specifically the lawsuit includes a Class of people who at any time since 2005, downloaded and installed RelevantKnowledge and PremierOpinion onto their computers via one of comScore’s third party bundling partners. It also includes a Subclass of people who were not presented with a functional hyperlink to an end user license agreement before installing comScore’s software onto their computer. All Subclass Members are also Class Members, but not all Class Members are included in the Subclass.

What is the Case About? The lawsuit claims that comScore “bundled” its tracking software with other free software (like screensavers), causing people to download it onto their computers. It also claims that once downloaded, comScore used the software to access certain information stored on the computers and monitor their usage (including internet usage), and then sold the information they collected to third parties. The lawsuit seeks money damages and a Court order requiring comScore to stop or correct their software installation and tracking practices. comScore denies that it did anything wrong or violated the law, and claims that everyone who installed its tracking software consented to it. The Court has not decided who is right. The lawyers for the Class will have to prove their claims at a trial, which has not yet been scheduled.

Who Represents Me and Other Class Members? The Court has appointed a team of lawyers from Edelson LLC to represent you as “Class Counsel.” You do not have to pay Class Counsel or anyone else to participate. If Class Counsel obtains money or other benefits for the Class, they may ask the Court for attorneys’ fees and costs, which would be paid out of any money recovered for the Class or paid separately by comScore. You may hire your own lawyer to represent you at your expense. Jeff Dunstan and Mike Harris are Class Members like you, and the Court appointed them as the “Class Representatives.”

What are My Rights & Options? You have a choice of whether to stay in the Class or not. If you do nothing, you are choosing to stay in the Class. This means you will be legally bound by all orders and judgments of the Court and you won’t be able to sue or continue to sue comScore for the legal claims made in this case in a different lawsuit. If money or benefits are obtained, you will be notified about how to get a share. If you do not want to stay in the Class, you must submit a request for exclusion. If you exclude yourself, you cannot get any money or benefits from this lawsuit if any are obtained, but you will keep your right to separately sue comScore over the legal issues in this case. To ask to be excluded from the Class, send a letter to the address below postmarked by [Month 00, 2013] saying you want to be excluded from *Dunstan v. comScore, Inc.*, No. 11-cv-5807. Include your name, address, email address, and signature.

How Do I Get More Information? For a detailed notice and other documents about this lawsuit and your rights, go to www.comScoreClassAction.net, call 1-____-____-____, write to comScore Class Action Administrator, c/o KCC Class Action Services, [PO Box 0000, City, ST 00000-0000], or call Class Counsel at 1-866-354-3015.

Attachment C

To:
From: administrator@comScoreClassAction.net
Subject: Legal Notice about tracking software downloaded on your computer

If you installed free software on your computer and received RelevantKnowledge or PremierOpinion as part of that download, a class action lawsuit may affect your rights.

You may be affected by a class action lawsuit claiming that comScore, Inc. (“comScore”) violated federal privacy laws by accessing information on your computer without proper consent. The lawsuit, *Dunstan v. comScore, Inc.*, No. 11-cv-5807, is in the United States District Court for the Northern District of Illinois. The Court decided this lawsuit should be a class action on behalf of a “Class,” or group of people that could include you. *There is no money available now and no guarantee that there will be.*

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What are My Rights & Options? You have a choice of whether to stay in the Class or not. If you do nothing, you are choosing to stay in the Class. This means you will be legally bound by all orders and judgments of the Court and you won’t be able to sue or continue to sue comScore for the legal claims made in this case in a different lawsuit. If money or benefits are obtained, you will be notified about how to get a share. If you do not want to stay in the Class, you must submit a request for exclusion. If you exclude yourself, you cannot get any money or benefits from this lawsuit if any are obtained, but you will keep your right to separately sue comScore over the legal issues in this case. To ask to be excluded from the Class, send a letter to the address below postmarked by [Month 00, 2013] saying you want to be excluded from *Dunstan v. comScore, Inc.*, No. 11-cv-5807. Include your name, address, email address, and signature.

How Do I Get More Information? For a detailed notice and other documents about this lawsuit and your rights, go to www.comScoreClassAction.net, call 1-____-____-____, write to comScore Class Action Administrator, c/o KCC Class Action Services, [PO Box 0000, City, ST 00000-0000], or call Class Counsel at 1-866-354-3015.

Attachment D

LEGAL NOTICE

If you installed free software on your computer and received RelevantKnowledge or PremierOpinion as part of that download, a class action lawsuit may affect your rights.

*A Federal Court authorized this notice.
You are not being sued.
This is not a solicitation from a lawyer.*

comScore Class Action
Class Action Administrator
P.O. Box 0000
City, State 00000-0000

First-Class
Mail
US Postage
Paid
Permit #



Postal Service: Please do not mark barcode

XXX

XXX—1234567-8

First Last
C/O
Addr1 Addr2
City, St ZipCode Country

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What are My Rights & Options? You have a choice of whether to stay in the Class or not. If you do nothing, you are choosing to stay in the Class. This means you will be legally bound by all orders and judgments of the Court and you won’t be able to sue or continue to sue comScore for the legal claims made in this case in a different lawsuit. If money or benefits are obtained, you will be notified about how to get a share. If you do not want to stay in the Class, you must submit a request for exclusion. If you exclude yourself, you cannot get any money or benefits from this lawsuit if any are obtained, but you will keep your right to separately sue comScore over the legal issues in this case. To ask to be excluded from the Class, send a letter to the address below postmarked by [Month 00, 2013] saying you want to be excluded from *Dunstan v. comScore, Inc.*, No. 11-cv-5807. Include your name, address, email address, and signature.

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Attachment E

LEGAL NOTICE

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Am I Included? You are included in the Class if at any time since 2005, you downloaded and installed RelevantKnowledge and PremierOpinion onto your computers through one of comScore’s third party bundling partners. You may also be included in the Subclass if you were not presented with a functional hyperlink to an end user license agreement before installing comScore’s software onto your computer. All Subclass Members are also Class Members, but not all Class Members are included in the Subclass.

What is the Case About? The lawsuit claims that comScore “bundled” its tracking software with other free software (like screensavers), causing people to download it onto their computers. It also claims that once downloaded, comScore used the software to access certain information stored on the computers and monitor their usage (including internet usage), and then sold the information they collected to third parties. The lawsuit seeks money damages and a Court order requiring comScore to stop or correct their software installation and tracking practices. comScore denies that it did anything wrong or violated the law, and claims that everyone who installed its tracking software consented to it. The Court has not decided who is right. The lawyers for the Class will have to prove their claims at a trial, which has not yet been scheduled.

www.comScoreClassAction.net

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What are My Rights & Options? You have a choice of whether to stay in the Class or not. If you do nothing, you are choosing to stay in the Class. This means you will be legally bound by all orders and judgments of the Court and you won’t be able to sue or continue to sue comScore for the legal claims made in this case in a different lawsuit. If money or benefits are obtained you will be able to share in them. If you do not want to stay in the Class, you must submit a request for exclusion. If you exclude yourself, you cannot get any money or benefits from this lawsuit if any are obtained, but you will keep your right to separately sue comScore over the legal issues in this case. To ask to be excluded from the Class, send a letter to the address below postmarked by [Month 00, 0000] saying you want to be excluded from *Dunstan v. comScore, Inc.*, No. 11-cv-5807. Include your name, address, email address, and signature.

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1-____-____-_____

Attachment F

**If you
installed
free software
on your
computer
and received
Relevant Knowledge
or
Premier Opinion
as part of that
download,
a class action
lawsuit
may affect
your rights.**

[Learn More](#)

**If you installed
free software on your
computer and received
RelevantKnowledge
or PremierOpinion
as part of that download,
a class action lawsuit
may affect your rights.**

[Learn More](#)

If you installed free software on your computer and received RelevantKnowledge or PremierOpinion as part of that download, a class action lawsuit may affect your rights.

[Learn More](#)

Attachment G

If you installed free software on your computer and received RelevantKnowledge or PremierOpinion as part of that download, a class action lawsuit may affect your rights.

A Federal Court authorized this notice.

You are not being sued. This is not a solicitation from a lawyer.

- A class action lawsuit has been filed against comScore, Inc. (“comScore”) claiming that it violated federal privacy laws by using its tracking software to monitor and collect personal information from personal computers without proper consent.
- You may be included in this class action if, at any time since 2005, you downloaded and installed comScore’s tracking software (*i.e.*, RelevantKnowledge and PremierOpinion) onto your computer via one of comScore’s third party bundling partners.
- The Court has not yet decided whether comScore did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:	
DO NOTHING	Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you are choosing to stay in the lawsuit. You will automatically keep the possibility of getting money or benefits that may come from a trial or settlement. But, you are giving up any rights to separately sue comScore about the same legal claims in this lawsuit.
ASK TO BE EXCLUDED	Get out of this lawsuit. Get no money or benefits. Keep rights. If you ask to be excluded and money or other benefits are later awarded, you won’t be able to share in those. But, you keep any rights to separately sue comScore about the same legal claims in this lawsuit.

- If this case is not dismissed or settled before trial, lawyers must prove the claims against comScore at a trial that is scheduled to begin on [Month 00, 0000]. If you remain in the Class and money or other benefits are obtained from comScore, you will be notified about how to ask for a share.
- Your rights and options are explained in this notice. To ask to be excluded, you must act before [Month 00, 0000].

Questions? Go to www.comScoreClassAction.net or call 1- ___ - ___ - ____.

BASIC INFORMATION

1. Why was this Notice issued?

The Court authorized this Notice to explain that it has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made against comScore, on your behalf, are correct. The lawsuit is pending in the United States District Court for the Northern District of Illinois and is known as *Dunstan v. comScore, Inc.*, No. 11-cv-5807.

2. What is this lawsuit about?

This lawsuit claims that comScore distributed its tracking software under various names (RelevantKnowledge and PremierOpinion) to consumers by “bundling” it with other free software offerings (such as downloadable screensavers, photo editing software and others). The lawsuit claims that, when consumers downloaded and installed one of these free software offerings, they were also prompted to install a “bundled” version of comScore’s tracking software, and were presented with terms that explained its operation. According to the lawsuit, comScore’s tracking software violated federal law by: (1) accessing certain files and information on consumers’ computers; (2) monitoring computer usage (including internet usage); (3) collecting all accessed, monitored, and tracked information; and (4) selling that information to other businesses.

comScore denies all of the claims in the lawsuit. comScore claims that it received consent to access the information it monitored, collected, and sold to third parties.

3. What is a class action and who is involved?

In a class action, one or more people called “Class Representatives” (in this case, Jeff Dunstan and Mike Harris) sue on behalf of a group of people who have similar claims. The people together are a “Class” or “Class Members” (or sometimes a “Subclass” or “Subclass Members”). The individuals who sue are called the Plaintiffs. The company they sue (in this case, comScore, Inc.) is called the Defendant. In a class action, the court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court found, among other things, that:

- there are legal questions and facts that are common to each of the consumers tracked by comScore’s software (*i.e.*, to all consumers who have comScore’s tracking software installed on their personal computers);
- Jeff Dunstan’s and Mike Harris’s claims are typical of the claims of the rest of the Class, and Mike Harris’s claims are typical of the Subclass;
- Jeff Dunstan, Mike Harris, and the lawyers from Edelson LLC representing the Class will fairly and adequately represent the Class’s interests;

- the common legal questions and facts are more important than questions that affect only individuals; and
- this class action will be more efficient than having many individual lawsuits.

More information about why the Court is allowing this lawsuit to be a class action is in the Court’s Order Re: Class Certification, which is available in the “Court Documents” section of this website.

THE CLAIMS IN THE LAWSUIT

5. What claims does the lawsuit allege?

The lawsuit claims that comScore’s practices of allegedly installing tracking software without proper consent, accessing certain computer files and information, monitoring computer usage, collecting accessed, monitored, and tracked information, and selling the information to other businesses violated provisions of the Stored Communications Act, Electronic Communications Privacy Act, and the Computer Fraud and Abuse Act. Additionally, the lawsuit included a state law claim for “unjust enrichment,” but the Court determined that claim could not proceed as part of this class action.

You can read a copy of the Plaintiffs’ Second Amended Class Action Complaint which describes these summarized allegations in much greater detail at the case website.

6. How did comScore answer?

comScore denies that it did anything wrong or violated any law. comScore claims that everyone who downloaded a bundled version of its tracking software (that is, in conjunction with the download of another free piece of software, like a free screensaver) did so purposefully and consented to allowing comScore to track their computer usage, collect tracked information, and sell that information to other businesses. You can read a copy of comScore’s Answer to Plaintiff’s Second Amended Class Action Complaint which explains comScore’s response in greater detail at the case website.

7. Has the Court decided who is right?

The Court hasn’t decided whether the Plaintiffs or Defendant are correct. By establishing the Class and Subclass and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose the lawsuit. The Plaintiffs must prove their claims at a trial that may begin on [date] (*see* “The Trial” section below).

8. What are the Plaintiffs asking for?

The Plaintiffs are asking the Court to award each Class Member money damages for the privacy violations alleged in the lawsuit. They are also seeking an injunction from the Court which would require comScore to stop and/or correct the conduct that is being challenged in the lawsuit. They are also asking that comScore be ordered to pay their costs and attorneys fees in bringing this lawsuit.

9. Is there any money available now?

No money or benefits are available now because the Court has not decided whether comScore did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified about how to ask for a share.

WHO IS IN THE CLASS

You need to determine whether you are affected by this lawsuit.

10. Am I part of the Class?

The Court decided that there is *one* “Class” in this case, and that certain individuals within that Class are also part of a “Subclass.”

The Court found that the people in the Class are **“All individuals who have had, at any time since 2005, downloaded and installed comScore’s tracking software onto their computers via one of comScore’s third party bundling partners.”**

The Court found that the people in the Subclass are **“All Class Members not presented with a functional hyperlink to an end user license agreement before installing comScore’s software onto their computers.”**

Because all Subclass Members are a part of the larger Class, when this document refers to the “Class” or to “Class Members,” it refers to both the Class and Subclass.

11. How do I determine whether I am a part of the Class?

If you downloaded and installed a bundled version of comScore’s software—which is labeled as either RelevantKnowledge or PremierOpinion—onto your computer (or someone else downloaded and installed it to your computer) any time between 2005 and [Month 00, 2013], then you are part of the Class.

You are a Class Member regardless of whether comScore’s tracking software is currently installed on your computer or you removed it from your computer sometime after 2005 by either “uninstalling” it or removing it using another computer program, such as anti-virus or anti-spyware software.

There are many ways to determine whether the software is currently installed on your computer. For example, you may have recently received a “pop-up” notice about this lawsuit. This notice reached you because comScore attempted to send a signal to each computer currently running its tracking software. If that signal reached you, you may have seen a pop-up window open on your computer screen notifying you about this class action and stating that you have comScore’s tracking software installed on your computer and you are part of the Class.

You may have also received an email from the class action administrator, KCC Class Action Services explaining that comScore’s business records indicate that you had its tracking software installed on your computer at some point after 2005, and you are a member of the Class. KCC sent you this email because, according to comScore’s business records, you provided comScore with your email address when or after you installed its tracking software on your computer.

If you are not sure whether comScore’s tracking software is or was installed on your computer, please contact Class Counsel at 1-866-354-3015.

12. How do I determine if I am part of the Subclass?

All Subclass Members are Class Members, but only certain Class Members are Subclass Members. The Subclass consists of specific individuals who downloaded and installed comScore’s tracking software from a specific third-party software provider during a specific period of time. According to the lawsuit, people who downloaded the tracking software during these instances were not presented with a hyperlink to a full “user license agreement” (often referred to as a “ULA”) before installing the tracking software.

If you downloaded and installed the PremierOpinion version of comScore’s software that was bundled with a program called “Secret Land Screensaver” from a website called “7-art-screensavers.com,” sometime in 2009 or 2010, you may be a part of the Subclass.

13. I’m still not sure if I am included.

If you are still not sure whether you are included in either the Class or Subclass, you can get free help by calling the Plaintiffs’ lawyers in this case at 1-866-354-3015. The Plaintiffs’ lawyers and their staff can help you determine whether you installed comScore’s tracking software in the past, or help you determine whether it is currently installed on your computer.

YOUR RIGHTS AND OPTIONS

You have a choice about whether to stay in the Class or ask to be excluded before the trial, and you have to decide this now.

14. What happens if I do nothing at all?

By doing nothing you are staying in the Class. This means that regardless of whether the Plaintiffs win or lose the legal motions or trial, you will be legally bound by all of the Orders and Judgments of the Court and you will not be able to separately sue, or continue to sue comScore—as part of any other lawsuit—about the same legal claims that are the subject of this lawsuit. However, if the Plaintiffs obtain money or benefits, either as a result of any trial or settlement, you will be notified about how to apply for a share.

15. Why would I ask to be excluded?

If you exclude yourself, you cannot get any money or benefits from this lawsuit if any are obtained, but you will keep your right to separately sue comScore over the legal issues in this case.

16. How do I ask the Court to exclude me from the Class?

To exclude yourself from the Class, you must send a letter stating that you want to be excluded from *Dunstan v. comScore, Inc.*, No. 11-cv-5807. Your letter must include your name, address, email address and your signature. You must mail your exclusion request so it is postmarked no later than **[exclusion deadline]** to:

comScore Federal Privacy Class Action Administrator
c/o KCC Class Action Services

PO Box 0000
City, ST 00000-0000

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in the case?

The Court has appointed a team of lawyers from Edelson LLC as the attorneys to represent the Class. They are called “Class Counsel.” They are experienced in handling similar class action cases. More information about these lawyers, their law firm, and their experience is available at www.edelson.com.

18. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. You can hire your own lawyer, but you will have to pay that lawyer. For example, you can your lawyer to appear in Court for you if you want someone other than Class Counsel to speak for you.

19. How will the lawyers be paid?

If Class Counsel obtains money or other benefits for the Class, they may ask the Court for fees and expenses. You won’t have to pay these fees and expenses. If the Court grants Class Counsel’s request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by comScore.

THE TRIAL

The Court has scheduled a trial to decide who is right in this case.

20. How and when will the Court decide who is right?

As long as the case isn’t decided through legal motions or settled, Class Counsel will have to prove the Plaintiffs’ claims at a trial. The trial will take place at the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Courtroom 2541, Chicago, Illinois 60604, but the date of the trial has not yet been scheduled. During the trial, a Jury or the Judge will hear all of the evidence to help them reach a decision about whether the Plaintiffs or the Defendant are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win or that they will get any money for the Class.

21. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for the Plaintiffs, and comScore will present its defenses. You or your own lawyer are welcome to come at your own expense.

22. Will I get money after the trial?

If the Plaintiffs obtain money or other benefits as a result of the trial or a settlement, you will be notified about how to apply for a share or what your other options are at that time. Currently, we do not know if any benefits will be available or how long this process will take.

GETTING MORE INFORMATION

23. Where do I get more information?

The website, www.comScoreClassAction.net, contains several Court Documents that provide additional information about the case. It will be updated with the most current information about the lawsuit as it becomes available. You may also write with questions to comScore Federal Privacy Class Action Administrator, c/o KCC Class Action Services, PO Box 0000, City, ST 00000-0000. You can call the Class Action Administrator at [1-000-000-0000] or Class Counsel at 1-866-354-3015 if you have any questions. Before doing so, however, please read this full Notice carefully.