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KALIELGOLD PLLC
Jeffrey D. Kalief (SBN 238293)
1100 15th Street NW, 4th Floor
Washington, DC 20005
Telephone: (202) 280-4783
jkaliel@kalielpllc.com

KALIELGOLD PLLC
Sophia G. Gold (SBB 307971)
950 Gilman Street, Suite 200
Berkeley, CA 94710
Telephone: (202) 350-4783
sgold@kalielgold.com

Attorneys for Plaintiffs and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES – STANLEY MOSK COURTHOUSE

JEFF ROSS, ROXANNE OLIVEIRA, and
NATASHA SCOTT, on behalf of
themselves and all others similarly situated,
Plaintiffs,

v.

PANDA RESTAURANT GROUP, INC.,
and DOES 1-50, inclusive,
Defendant.

Case No. 21STCV03662
(Assigned to Hon. Lawrence P. Riff, Dept. 7)

REJECTED

CLASS ACTION

**DECLARATION OF EAMON MASON IN
SUPPORT OF PLAINTIFFS' UNOPPOSED
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: November 8, 2023
Time: 8:30 a.m.
Department: 7
Action filed: January 29, 2021
Second Amended Complaint File: December 5,
2022
Trial date: None

1 **DECLARATION OF EAMON MASON**

2 I, EAMON MASON declare as follows:

3
4 1. I am a Senior Project Manager employed by Epiq Class Action & Claims Solutions,
5 Inc. (“Epiq”). I have more than eighteen years of experience working in the legal field and over
6 eight years of experience handling all aspects of settlement administrations. The statements of fact
7 in this declaration are based on my personal knowledge and information provided to me by my
8 colleagues in the ordinary course of business, and if called on to do so, I could and would testify
9 competently thereto.

10
11 2. Epiq was appointed as the Settlement Administrator pursuant to Paragraph 6 of the
12 Court’s Order Granting Preliminary Approval of Class Action Settlement and Certifying Class for
13 Settlement Purposes, dated June 7, 2023 (the “Order”), and Paragraph 33 of the Amended Joint
14 Stipulation of Class Action Settlement, dated May 12, 2023 (the “Settlement Agreement”).¹ I submit
15 this Declaration in order to advise the Parties and the Court regarding the implementation of the
16 Court-approved Class Notice program, and to report on Epiq’s handling to date of the Settlement
17 administration, in accordance with the Order and the Settlement Agreement.

18
19 3. Epiq was established in 1968 as a client services and data processing company. Epiq
20 has administered bankruptcies since 1985 and settlements since 1993. Epiq has routinely developed
21 and executed notice programs and administrations in a wide variety of mass action contexts
22 including settlements of consumer, antitrust, products liability, and labor and employment class
23 actions, settlements of mass tort litigation, Securities and Exchange Commission enforcement
24 actions, Federal Trade Commission disgorgement actions, insurance disputes, bankruptcies, and
25 other major litigation. Epiq has administered more than 4,500 settlements, including some of the
26

27 _____
28 ¹ All capitalized terms not otherwise defined in this document shall have the same meanings ascribed to them in the Settlement Agreement.

1 largest and most complex cases ever settled. Epiq’s class action case administration services include
2 administering notice requirements, designing direct-mail notices, implementing notice fulfillment
3 services, coordinating with the United States Postal Service (“USPS”), developing and maintaining
4 notice websites and dedicated telephone numbers with recorded information and/or live operators,
5 processing exclusion requests, objections, claim forms and correspondence, maintaining class
6 member databases, adjudicating claims, managing settlement funds, and calculating claim payments
7 and distributions. As an experienced neutral third-party administrator working with settling parties,
8 courts, and mass action participants, Epiq has handled hundreds of millions of notices, disseminated
9 hundreds of millions of emails, handled millions of phone calls, processed tens of millions of claims,
10 and distributed hundreds of billions in payments.

11 **DATA TRANSFER**

12
13 4. Pursuant to Paragraph 8 of the Settlement Agreement, on June 13, 2023, Counsel for
14 Defendant provided Epiq with the Class List in electronic format containing the full name, last
15 known delivery address, last known telephone number, and last known email address for 1,385,223
16 potential Class Member records. Epiq analyzed and loaded the Class List into a database created for
17 the purpose of administration of the Settlement. Epiq assigned unique identifiers to all the records
18 it received in order to maintain the ability to track them throughout the Settlement administration
19 process.
20

21 **DISSEMINATION OF INDIVIDUAL CLASS NOTICES**

22
23 5. Pursuant to Paragraphs 10 and 11 of the Order and Paragraph 20 of the Settlement
24 Agreement, Epiq was to cause the Court-approved Notice to be formatted for electronic
25 dissemination by email to Class Members for whom a potentially valid email address was included
26 in the Class List. Attached hereto as **Exhibit A** is a template of the Notice that Epiq electronically
27 disseminated by email to Class Members (the “Email Notice”).
28

1 6. The Email Notice, which was formatted for distribution using imbedded html text,
2 provided Class Members with a link to the Settlement website. The Email Notice was formatted
3 with easy to read text without graphics, tables, images and other elements that would increase the
4 likelihood that the message could be blocked by Internet Service Providers (“ISPs”) and/or SPAM
5 filters. Epiq also followed standard email protocols, including utilizing “unsubscribe” links and
6 Epiq’s contact information in the Email Notice.

7
8 7. Upon analysis of the Class List, Epiq determined that there were 1,385,223 Class
9 Member records with at least one potentially valid email address, and 1,372,411 potentially valid
10 email addresses in total. Before sending the Email Notice, Epiq caused all 1,372,411 email addresses
11 contained in the Class List to be validated. Epiq did this by contacting the ISPs associated with each
12 email address to confirm that the email address still existed and was valid. Upon reaching out and
13 completing the validation process with each of the ISPs, Epiq was informed that 949,933 email
14 addresses in the Class List were potentially valid and received positive confirmation that 422,478
15 email addresses in the Class List were invalid or no longer existed.

16
17 8. Epiq sent the Email Notice to the 949,933 potentially valid email addresses in daily
18 batches commencing on July 6, 2023 and concluding on July 10, 2023. Each Email Notice was
19 transmitted with a unique message identifier. If the receiving e-mail server could not deliver the
20 message, a “bounce code” was returned along with the unique message identifier.

21 9. Epiq closely monitored all deliverability attempts of the Email Notice throughout the
22 Email Notice campaign. A total of 936,613 Email Notices were delivered. Of the 13,320 Email
23 Notices that could not be delivered, 3,939 of them were undeliverable because the email address no
24 longer existed, the email account was closed, or the email address had a bad domain name or address
25 error (collectively, "Hard Bouncebacks"). After three attempts, the remaining 9,381 Email Notices
26 could not be delivered due to an inactive or disabled account, the recipient's mailbox was full,
27
28

1 technical auto-replies, or the recipient server was busy or unable to deliver (collectively, "Soft
2 Bouncebacks").

3 **BANNER NOTICE ADVERTISEMENTS**

4 10. Pursuant to Paragraph 25 of the Settlement Agreement, Epiq ran online banner
5 advertisements (the "Banner Notices") commencing on July 10, 2023 and continuing for 30 days.
6 The Banner Notices allowed viewers to click on a link taking them to the Settlement website.

7
8 11. The Banner Notices were placed on the social media site *Facebook*. *Facebook* is the
9 leading social networking site in the United States with 175 million users.

10 12. The Banner Notices were distributed to a variety of target audiences, including those
11 relevant to individuals' demonstrated interests and/or likes. All Banner Notices appeared on
12 desktop, mobile, and tablet devices, and were distributed to selected targeted audiences nationwide.
13 Banner Notices were also targeted (remarketed) to people who clicked on a Banner Notice.

14 13. More details regarding the target audiences, specific ad sizes of the Banner Notices,
15 and the number of planned impressions are included in the following table:
16

17

Property	Target/Distribution	Ad Size	Delivered Impressions
<i>Facebook</i>	Adults 18+, U.S., Interest: Panda Express, Fast Food Restaurants, Food Delivery, or Chinese Cuisine	Newsfeed and Right-Hand Side	10,397,152
TOTAL			10,397,152

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23 14. Approximately 10.3 million impressions were generated by the Banner Notices,
24 which ran from July 10, 2023, through August 9, 2023, nationwide. A sample copy of the Banner
25 Notice is attached hereto as **Exhibit B**.
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SETTLEMENT WEBSITE

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2 15. Pursuant to Paragraph 11 of the Order and Paragraph 45 of the Settlement Agreement,
3 on July 5, 2023, Epiq launched a website, www.Deliveryservicefeesettlement.com, that potential
4 Class Members can visit to obtain additional information about the proposed Settlement and view
5 important documents, including the Notice, Settlement Agreement, and Order. The website contains
6 a summary of options available to Class Members, deadlines to act, and provides answers to
7 frequently asked questions. The website also provides Class Members with the ability to file a claim
8 online through the electronic Claim Form. References to the website were prominently displayed in
9 the Email Notice and the Banner Notices.
10

11 16. As of September 21, 2023, the website has been visited by 378,174 unique visitors
12 and 1,276,139 website pages have been viewed.
13

TOLL-FREE INFORMATION LINE

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15 17. On July 5, 2023, Epiq established a toll-free interactive Voice Response Unit
16 (“VRU”), 1 (855) 954-2165, to provide information and accommodate inquiries from potential
17 Class Members. Callers hear an introductory message and then are provided with scripted
18 information about the Settlement in the form of recorded answers to frequently asked questions.
19 The automated telephone system is available 24 hours per day, 7 days per week.
20

21 18. As of September 21, 2023, the toll-free number has received 114 calls representing
22 245 total minutes. Epiq will continue to maintain and update the VRU throughout the Settlement
23 administration process.
24

REQUESTS FOR EXCLUSION

25 19. Pursuant to Paragraph 15 of the Order and Paragraph 49 of the Settlement Agreement,
26 Class Members who wished to be excluded from the Settlement were required to mail a written
27 request for exclusion to Epiq postmarked on or before September 8, 2023. As of September 21,
28

1 2023, Epiq has received three (3) timely requests for exclusion. A report listing the timely requests
2 for exclusion is attached hereto as **Exhibit C**. To date, Epiq has not received and is not aware of
3 any additional requests for exclusion.

4 **OBJECTIONS**

5 20. Pursuant to Paragraph 14 of the Order and Paragraph 52 of the Settlement Agreement,
6 Class Members who wished to object to the Settlement were required to submit written objections
7 to Epiq postmarked on or before September 8, 2023. As of September 21, 2023, Epiq has not
8 received and is not aware of any objections to the Settlement.
9

10 **CLAIMS RECEIVED**

11 21. Pursuant to Paragraph 13 of the Order and Paragraph 39 of the Settlement Agreement,
12 Class Members who wish to be considered for payment under the Settlement are required to submit
13 a Claim Form to Epiq through the Settlement website no later than January 10, 2024. As of
14 September 21, 2023, Epiq has received 13,962 Claim Forms. 11,588 Class Members have elected
15 to participate in the Cash Portion of the Net Settlement Amount and 2,374 Class Members have
16 elected to receive Vouchers. As Epiq continues to receive, process, and review claims, we will
17 determine and report to the Parties as to whether each claimant is a Class Member and if each Claim
18 Form was submitted in a valid and timely fashion.
19

20 I declare under penalty of perjury under the laws of the State of California that the foregoing
21 is true and correct. Executed this October 5 , 2023, at Seattle, Washington.
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EAMON MASON

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the District of Columbia. I am over the age of 18 and not a party to the within action. My business address is 1100 15th Street NW, 4th Floor, Washington, DC 20005.

On **October 6, 2023**, I served the document(s) described as:

DECLARATION OF EAMON MASON IN SUPPORT OF UNOPPOSED MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

on the interested parties in this action by sending [] the original [or] [✓] a true copy thereof [✓] to interested parties as follows [or] [] as stated on the attached service list:

Adil M. Khan
khanad@gtlaw.com
Mark D. Kemple
kemplem@gtlaw.com
Blakeley Oranburg
oranburgb@gtlaw.com
GREENBERG TRAURIG, LLP
1840 Century Park East, Suite 1900
Los Angeles, California 90067-2121
Tel: (310) 586-3882
Fax: (310) 586-0582

Attorneys for Defendant
PANDA RESTAURANT GROUP, INC.

[X] BY NOTICE OF ELECTRONIC FILING: I electronically served the document(s) with the by using the CaseAnywhere system. Participants in the case who are registered CaseAnywhere users will be served by the CaseAnywhere system. Participants in the case who are not registered CaseAnywhere users will be served by mail or by other means permitted by the court rules.

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

Executed this **October 6, 2023**, at Los Angeles, California.

NEVA R. GARCIA
Type or Print Name



Signature