

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

SARAH CONTE, JOANNE TOUCHBERRY,
TEKISHA L. NICHOLSON, TOBY BELIVEAU,
ALEXANDER CARLISLE and EARLENE N.
HUNTER, Individually and on Behalf of the
WakeMed 403(b) Plan and All Others Similarly
Situated,

Plaintiffs,

vs.

WAKEMED,

Defendant.

CASE NO. 5:21-CV-00190-D

CLASS ACTION

**SUPPLEMENTAL
DECLARATION OF JEFFREY
MITCHELL OF ANALYTICS
CONSULTING, LLC
REGARDING
IMPLEMENTATION OF
NOTICE PROGRAM**

I, Jeffrey Mitchell, pursuant to 28 U.S.C. § 1746, state as follows:

1. I am currently a Project Manager for Analytics Consulting, LLC (hereinafter “Analytics”), located at 18675 Lake Drive East, Chanhassen, Minnesota, 55317. Analytics provides consulting services to the design and administration of class action and mass tort litigation settlements and notice programs. The settlements Analytics has managed over the past twenty-five years range in size from fewer than 100 class members to more than 40 million, including some of the largest and most complex notice and claims administration programs in history.

2. This Declaration has been prepared and executed to supplement my prior Declaration dated November 23, 2021 (ECF No. 23-9).

3. In total, the Notice was emailed to 20,675 Settlement Class Members and mailed by First-Class Mail to 3,013 Settlement Class Members (including 685 to Settlement Class

Members whose original email bounced). The total number of Settlement Class Members is 23,003.

4. To date, 70 Settlement Notices sent to Settlement Class Members were returned to Analytics by the U.S. Postal Service with a forwarding address. In each case, Analytics updated the Settlement Class list with the forwarding address and processed a re-mail of the Settlement Notice (and Former Participant Claim Form, if applicable) to the updated address.

5. To date, 282 Settlement Notices that were mailed to Settlement Class Members were returned to Analytics by the U.S. Postal Service without a forwarding address. Analytics conducted a skip trace in an attempt to ascertain a valid address for the affected Settlement Class Members. As a result of these efforts, 180 new addresses were identified for Settlement Class Members. Analytics subsequently updated the Settlement Class list with these new addresses and processed a re-mail of the applicable Settlement Notice (and for Former Participants, a Former Participant Claim Form) to each of those addresses. Analytics' records estimate that the Settlement Notice was successfully delivered to over 98% of the Settlement Class.

Settlement Website and Telephone Information Line

6. Analytics continues to maintain a Settlement Website relating to this action. The internet address for this Settlement Website is www.WakeMedERISASettlement.com. The website includes prominent instructions on how Settlement Class Members can access the Final Approval Hearing telephonically. Plaintiffs' counsel's opening papers are also posted on the website.

7. Analytics also continues to maintain a toll-free telephone support line as a resource for Settlement Class Members seeking information about the Settlement (1-888-845-0364). To date, there have been 469 calls received, with 274 callers requesting to speak with a live agent.

Response to Settlement Notice

8. As of the date of this Declaration, I am not aware of any objections from Settlement Class Members to the Settlement.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed in Hennepin County, MN, this 3rd day of January, 2022.

DocuSigned by:

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Jeffrey Mitchell