

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

Wendy Berry, Lorri Hulings, and Kathleen Sammons, individually and as representatives of a class of similarly situated persons, and on behalf of the FirstGroup America, Inc. Retirement Savings Plan,

Plaintiffs,

v.

FirstGroup America, Inc., FirstGroup America, Inc. Employee Benefits Committee, and Aon Hewitt Investment Consulting, Inc.,

Defendants.

Case No. 1:18-cv-00326-KLL

Judge Karen L. Litkovitz

**DECLARATION OF JEFF MITCHELL IN SUPPORT OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

I, Jeff Mitchell, declare and 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. Analytics' clients include corporations, law firms (both plaintiff and defense), the Department of Justice, the Securities and Exchange Commission, and the Federal Trade Commission, which since 1998 has retained Analytics to administer and provide expert advice regarding notice and claims processing in their settlements/distribution of funds.

3. In my capacity as Project Manager, I count among my duties responsibility for

matters relating to the settlement administration for the above-captioned litigation.

4. Analytics has been engaged in this matter to provide settlement administration services, including (among other things) the mailing of the Court-approved Notices of Settlement and CAFA notice, the establishment and maintenance of a Settlement Website and telephone call center facility, and the distribution of settlement benefits to Class Members (following final approval).

5. The Court approved Analytics as the Settlement Administrator in this matter in its Order on Plaintiffs' Motion for Preliminary Approval of Class Action Settlement ("Preliminary Approval Order"). (Dkt. 179).

Class Notice

6. On or about September 4, 2024, Analytics received a data file from the FirstGroup Defendants' counsel that contained a list of Settlement Class Member names and addresses. On September 10, 2024, Analytics received another data file containing Class Member balance data.

7. After receiving the class list, Analytics cross-referenced the Class Member addresses with the United States Postal Service National Change of Address database. The class list was then updated with any new addresses that were identified.

8. Pursuant to Paragraph 3.2(b) of the Settlement Agreement, after updating the relevant addresses, Analytics mailed the Court-approved Notices of Settlement to 29,259 Settlement Class Members. A copy of the Notice for Current Participant Class Members is attached hereto as **Exhibit 1**. A copy of the Notice for Former Participant Class Members is attached hereto as **Exhibit 2**. These Notices were mailed on September 13, 2024, in accordance with the Court's Preliminary Approval Order, by first-class mail, postage prepaid.

9. The Court-approved Former Participant Rollover Form was included with each

Notice that was sent to Former Participant Class Members. A copy of the Former Participant Rollover Form that was sent to each Former Participant Class Member is attached hereto as **Exhibit 3**.

10. Through the date of this Declaration, 192 Notices to Class Members have been returned to Analytics by the U.S. Postal Service with a forwarding address. In each case, Analytics updated the class list with the forwarding address and processed a re-mail of the Notice (and Former Participant Rollover Form, if applicable) to the updated address.

11. Through the date of this Declaration, 3,284 Notices were returned to Analytics by the U.S. Postal Service without a forwarding address. In each case, Analytics conducted a skip trace in an attempt to ascertain a valid address for the affected Class Member. As a result of these efforts, 2,529 new addresses were identified for Class Members. Analytics subsequently updated the class list with these new addresses and processed a re-mail of the applicable Notice (and Former Participant Rollover Form, if applicable) to each of those addresses. Of these, 285 were returned undeliverable a second time.

12. In total, out of 29,259 Notices of Settlement, only 1,040 (~3.55%) were ultimately undeliverable as of the date of this declaration, according to Analytics' records, despite Analytics' efforts to verify address information in advance of mailing and to update address information and re-mail the Notices if they were initially returned.

Settlement Website and Telephone Information Line

13. From September 13, 2024, to the present, Analytics also has maintained a Settlement Website relating to this action, as provided by Paragraph 3.3 of the Settlement Agreement. The internet address for this Settlement Website is www.FirstGroupERISA.com. Among other things, the Settlement Website includes: (1) a "Frequently Asked Questions" page

containing a clear summary of essential case information; (2) a “Home” page and “Important Dates” page, each containing clear notice of applicable deadlines; (3) a “Court Documents” page, which includes case and settlement documents for download (including, among other things the Complaint, Notices, Preliminary Approval Order, Settlement Agreement, and Motion for Fees); (4) contact information for Class Counsel; and (5) email, phone, and U.S. mail contact information for Analytics.

14. Analytics also created and maintained a toll-free telephone support line as a resource for Class Members seeking information about the Settlement. The toll-free telephone line employs an interactive voice response system (“IVR system”) to answer calls and provides callers the option of speaking with a live operator if they prefer. The toll-free number for the telephone support line is 1-877-336-8922. This telephone number was referenced in the Notices of Settlement and also appears on the Settlement Website.

15. As of the date of this Declaration, I am not aware of any objections to the Settlement.

Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 22, 2024

DocuSigned by:
Jeff Mitchell
13EC110C92464EC...
/s/ Jeff Mitchell