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16 *Attorneys for Plaintiffs and the Certified Classes*

17 **UNITED STATES DISTRICT COURT**  
18 **NORTHERN DISTRICT OF CALIFORNIA**  
19 **SAN JOSE DIVISION**

20 ABDUL NEVAREZ and PRISCILLA NEVAREZ,  
21 on behalf of themselves and all others similarly  
situated, and SEBASTIAN DEFRANCESCO,  
22 Plaintiffs,  
23 vs.  
24 FORTY NINERS FOOTBALL COMPANY, LLC,  
25 a Delaware limited liability company, et al.,  
26 Defendants.

**CLASS ACTION**

Case No.: 5:16-cv-07013-LHK (SVK)

**DECLARATION OF ALEX THOMAS RE:  
CURRENT STATUS OF SETTLEMENT  
CLAIMS AUDIT AND DISTRIBUTION OF  
PAYMENTS**

1 I, Alex Thomas, declare and state as follows:

2 1. I am a Senior Project Manager with KCC Class Action Services, LLC (“KCC”), located  
3 at 462 S. 4th Street, Louisville, Kentucky. I have personal knowledge of the matters stated herein and,  
4 if called upon, could and would testify thereto.

5 2. The purpose of this declaration is to give the court an accounting of the distribution of  
6 payments to the Damages class.

7 **MAILING AND POSTING OF THE SETTLEMENT NOTICE BY KCC**

8 3. On March 30, 2020 (the “Class Notice Date” pursuant to the Court’s Preliminary  
9 Approval Order), KCC caused the Long Form Notice (ECF No. 390-3) and Claim Form (ECF No.  
10 390-5) (collectively, the “Settlement Notice”) to be printed and mailed to the 5,779 names and mailing  
11 addresses on the Class List (or “known” class members identified in the Forty Niners’ records), along  
12 with a self-addressed, postage prepaid return envelope.

13 4. Since mailing the Settlement Notice to the names and addresses on the Class List, KCC  
14 has received 579 Settlement Notices returned by the USPS with undeliverable addresses. Through  
15 credit bureau and/or other public source databases, KCC performed address searches for these  
16 undeliverable Settlement Notices and was able to find updated addresses for 33 individuals on the  
17 Class List. KCC promptly re-mailed Settlement Notices to the found new addresses. In total, the  
18 notice mailed to 5,233 known class members was not returned as undeliverable.

19 5. On March 30, 2020, KCC caused the Settlement Notice to be emailed to the 4,789  
20 individuals on the Class List with an email address.

21 6. Also, on March 30, 2020, KCC posted the Long Form Notice and Claim Form on the  
22 settlement website: [www.LevisStadiumClassActionSettlement.com](http://www.LevisStadiumClassActionSettlement.com).

23 **REPORT ON EXCLUSION REQUESTS RECEIVED TO DATE**

24 7. The Settlement Notice informs Plaintiff Class Members that requests for exclusion from  
25 the Class must be postmarked no later than June 28, 2020. KCC received 1 request for exclusion or  
26 less than 0.02% of the known class list.

27 **OBJECTIONS TO THE SETTLEMENT**

1 8. The postmark deadline for Plaintiff Classes to object to the settlement was June 28,  
2 2020. KCC received zero (0) objections to the settlement or 0% of the known class.

3 **DISTRIBUTION OF SETTLEMENT PAYMENTS**

4 9. The net amount of funding available to distribute to class members was \$24,003,158.09.

5 10. The total number of claim forms submitted is 6,268. KCC identified 848 duplicate  
6 claims. In total there were 5,240 non-duplicative claims filed. Of those, approximately 415 were from  
7 the known class list or approximately 7.9%. The final list of approved claims after removing ineligible  
8 or rescinded claims consisted of 3,140 total valid claims.

9 11. On July 23, 2021, KCC issued 3,134 settlement checks in the amount of \$23,914,815.96  
10 with a stale date of July 23, 2022. During KCC's review, two previously accepted valid claims were  
11 discovered to not have submitted a valid TIN. KCC is attempting to solicit valid TIN information for  
12 these two claims, and is holding their payments in the fund for \$4,000 each. In final pre-distribution  
13 reviews, four class members who had submitted W-8 tax forms were determined to have submitted  
14 invalid W-8 tax forms. KCC is holding their payments to attempt to solicit valid tax forms. The total  
15 amount for those four claims that KCC is holding in the fund is \$35,928.87. Lastly, one claimant made  
16 a special request to reduce their payment down to \$6,000. Their total calculated payment was  
17 \$19,943.10. KCC is holding the balance of their payment in the settlement fund, totaling \$13,943.10.  
18 In total, KCC is holding \$57,871.97 in reserve for the payments described in this paragraph.

19 12. The minimum settlement payment issued in the distribution was \$4,000. The maximum  
20 settlement payment amount issued was for \$79,729.71. The average settlement payment issued was  
21 \$7,640.49. The median settlement payment issued was \$4,000.

22 13. As of the date of this declaration 2,901 checks remain uncashed for a total of  
23 \$22,625,336.41.

24 14. A total of \$ \$13,457,152.40 were awarded for attorneys' fees and costs, which was paid  
25 directly by defendant.

26 15. As of the date of this declaration no *cy pres* payment has been issued.

27 16. As of the date of this declaration the amount of administrative costs is \$253,636.91.

28

1 I declare under penalty of perjury under the laws of the United States and the State of  
2 California that the foregoing is true and correct. This Declaration is executed in Louisville, Kentucky  
3 on August 2, 2021.

4   
5 Alex Thomas

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