

EXHIBIT A

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

In Re: Dial Complete Marketing and Sales
Litigation (MDL No. 2263)

MDL Docket No. 11-md-2263-SM
ALL CASES

**DECLARATION OF STEVEN
WEISBROT IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

DECLARATION OF STEVEN WEISBROT, ESQ.

I, Steven Weisbrot, hereby declare under penalty of perjury pursuant to 28 U.S.C.

§ 1746 that the following is true and correct:

1. I am a partner at the class action notice and settlement administration firm Angeion Group, LLC (“Angeion”). I am fully familiar with the facts contained herein based upon my personal knowledge.
2. My credentials were previously reported to this Court in my prior declaration that was filed with the *Joint Motion for Preliminary Approval of Proposed Class Action Settlement, Certification of Settlement Class for Settlement Purposes Only, Approval of Notice Plan and Settlement Notice and Appointment of Notice and Claims Administrator and Lead Counsel for the Settlement Class* (Dkt. No. 239) (the “Original Declaration”).
3. The purpose of this declaration is to provide the Court with a summary of the work performed related to the Notice Plan as outlined in my Original Declaration and to provide a summary of the claims filing statistics to date.

CAFA NOTICE

4. On January 7, 2019, pursuant to 28 U.S.C. §1715, Angeion caused Notice of this Settlement and related materials (“CAFA Notice”) to be sent to the Attorneys General of all U.S.

states and territories, as well as the Attorney General of the United States. A copy of the CAFA Notice is attached hereto as **Exhibit A**.

MEDIA NOTICE

5. Beginning January 12, 2019 through February 10, 2019, Angeion implemented a comprehensive media notice program that was designed to deliver an approximate 70.42% reach with an average frequency of 3.81 times by serving approximately 9,596,000 digital banner ad impressions and publication via *People Magazine*. It is important to note that the 70.42% reach the Notice Plan was designed to deliver does *not* include the sponsored listings on class action websites, the media earned as a result of the press release, the informational website and toll-free hotline (which aid in informing Class Members of their rights and options under the Settlement discussed in greater detail below) all of which are difficult to measure in terms of reach percentage.

6. Here, the internet banner ad notice ran for four consecutive weeks and resulted in serving 10,014,314 impressions, which was 417,317 more impressions than those described in the above paragraph which resulted in a 70.83% reach with an average frequency of 4.29 times each. Copies of the internet banner ads used in this campaign are attached hereto as **Exhibit B**.

7. Further, on January 12, 2019, Angeion implemented a custom Facebook digital campaign that specifically targets people with an interest in Dial and/or who meet the demographic and/or psychographic profile of a typical class member. This portion of the Notice Plan ran concurrently with the internet banner ad campaign described above and served 4,665,105 impressions, which exceeds the 3 million impressions that the campaign was originally designed to serve. A true and accurate copy of the Facebook ad is attached hereto as **Exhibit C**.

8. Angeion also caused the settlement to be promoted on Twitter. Our methodology includes an “active listening” component wherein we monitor Twitter traffic for discussion of the settlement, and actively provide notice, and/or answers to frequently asked questions via Twitter

as appropriate. This service is not measurable in terms of reach and frequency but provides an invaluable service to those Class Members seeking information about the instant Settlement via Twitter.

PRINT PUBLICATION

9. Angeion caused a true and correct copy of the publication notice to be published in a half page black and white ad in the February 11, 2019 national edition of *People Magazine*. The national edition of *People Magazine* has a circulation of 3,423,322. A true and accurate copy of the publication is attached hereto as **Exhibit D**.

PURCHASED AND EARNED MEDIA

10. Angeion caused the Settlement to be listed and promoted through two leading class action settlement websites, www.topclassactions.com and www.classaction.org. These sites are known to create awareness of pending settlements among consumers and while not measured in terms of the reported reach percentage, these websites are instrumental in seeding and disbursing news of the underlying settlement. Evidence of the listing on these sites is attached hereto as **Exhibit E**.

11. To further boost awareness of the Settlement, gain online visibility, and gain media pickup, on January 17, 2019, Angeion caused a national Press Release to be issued via a Business Wire, using Business Wire's "Major Market's Circuit" which focuses on major media points in all 50 States, including daily newspapers. We coupled this with Business Wire's "Cosmetics and Home Goods Circuit", which directs the release towards media in those trades. Issuing a press release helps to create earned media via press coverage, which drives credibility and engagement among Settlement Class Members and beyond. A copy of the press release is attached hereto as **Exhibit F**.

12. Neither promotion via the class action settlement websites nor the press release are capable of precise reach calculations and are thus not included in the reach and frequency figures. Nonetheless, these mechanisms serve an important function in that they help stimulate interest in the Settlement and drive Class Members to the dedicated settlement website to read and understand their rights under the Settlement.

RESPONSE MECHANISMS

13. On January 11, 2019, Angeion established the following case-specific website, www.SoapSettlement.com (“Settlement Website”). Class Members can file a claim and upload supporting documentation, view general information about this class action, review relevant Court documents including the Long Form Notice (attached hereto as **Exhibit G**) and view important dates and deadlines pertinent to the lawsuit via the Settlement Website. The Settlement Website also contains a “Contact Us” page whereby Class Members can send an email with any additional questions to a dedicated email address.

14. As of April 25, 2019, the Settlement Website has had 369,302 unique visitors and 1,068,760 page views.

15. On January 11, 2019, Angeion also established a toll-free hotline devoted to this case to further apprise Class Members of the rights and options in the Settlement: 1-888-576-8327. The toll-free hotline utilizes an interactive voice response (“IVR”) system to provide Class Members with responses to frequently asked questions and provide essential information regarding the Settlement. This hotline is accessible 24 hours a day, 7 days a week.

16. As of April 25, 2019, the toll-free hotline has received 158 calls totaling 867 minutes.

SUMMARY OF THE NOTICE PLAN

17. There was no direct notice program because Dial did not have personal information about unnamed Settlement Class Members; accordingly, the best notice practicable was achievable via the above-described methods.

18. The Notice Plan delivered an approximate 70.83% reach with an average frequency of 4.29 times each. This 70.83% reach *exceeded* the 70.42% reach the Notice Plan was originally targeted, resulting in additional Notice of the Settlement being provided to Class Members. The 70.83% reach does not include the sponsored listings on two class action settlement websites, the press release, Settlement Website and toll-free hotline.

19. Although the Notice Plan achieved a higher reach than projected, there was no material change to budget resulting from the increased reach. Due to the higher volume of Claims received from Class members, the budgeted amount in our initial proposal to mail Class members checks for settlement funds claims was exceeded. The total amount of postage necessary to mail Class members' checks will be approximately \$143,241.45.

20. Angeion's costs related to Notice and Claims administration are \$686,402.01 as of March 31, 2019. These costs relate to: CAFA Notice, providing notice to the class including publication, issuing a press release, internet banner ads and additional media; design, maintenance and upkeep of the settlement website and toll-free line; Class Member communications; and additional claims processing and review for fraudulent and duplicative claims.

Claim Forms, Requests for Exclusion and Objections

21. As of April 18, 2019, Angeion has received a total of 349,232 Claim Forms. Of the Claim Forms received, 331,969 were submitted via the Settlement website, 849 were submitted by mail and 16,417 were submitted by a claim aggregator. The deadline to submit a Claim Form was April 12, 2019.

Claims from Claim Aggregator

22. On April 11, 2019 Angeion received an excel spreadsheet, claim form and agreement from a claim aggregator purporting to represent 16,417 Class Members. Angeion reviewed the documentation provided and determined that the claims submitted were deficient for the following reasons;

- a. The spreadsheet did not contain the required name and address information for each claimant which is necessary to perform the verification and deduplication process;
- b. The claim forms were electronically signed by the president of the claim aggregator and not by the claimant. The Settlement requires that each Class Member execute an attestation that the information provided is true and accurate and a third party can not attest to the information provided by the claimant.
- c. In conjunction with 22(b) above, the process by which a claimant joined the claim aggregator and submitted a claim through the claim aggregator did not require any attestation as to the accuracy of the information provided¹.

23. On April 11, 2019 Angeion informed the claim aggregator that the attestation and address information was missing and on April 15, 2019 Angeion informed the claim aggregator that all claims submitted were denied for failure to provide the requested address and attestation data. The claim aggregator stated that they were in possession of the requested information and were compiling that information to be provided. Angeion informed the claim aggregator that the information must be received no later than April 19, 2019. As of April 28, 2019, no additional information has been provided and all claims submitted by the claim aggregator have been deemed to be denied, resulting in a total of 332,815 claims which were reviewed as discussed below.

¹ Brian Devery, a Project Manager for Angeion completed the claims process for two other class action claims using the claim aggregator's website. The process to complete the claim as well as the agreement between the claimant and claim aggregator does not contain any language attesting to the accuracy of the information provided in those cases.

24. As of April 18, 2019, Angeion has received 2 requests for exclusion from the class. Redacted copies of the exclusion requests are attached hereto as **Exhibit H**. Angeion has not received any objections from Class Members. The deadline to postmark exclusion requests or file an objection to the Settlement Agreement was March 13, 2019.

Claims Review

25. Class Members were not required to provide proof of purchase for claims comprising 30 products or less; however, Class Members were required, pursuant to the terms of the Settlement to attest to the accuracy of claim forms for claims comprising 30 products or less under penalty of perjury. Angeion has received 332,164 claims for 30 products or less and 651 Claims representing the purchase of more than 30 products, which require supporting documentation. Documentation submitted in support of claims in excess of 30 products is reviewed for the required information to prove the class member purchased the claimed products, as well as reviewed for potentially fraudulent documentation. Claims for 30 products or less are reviewed to ensure that the claim form is accurately completed and executed.

Claims for More Than 30 Products

26. Angeion has processed and reviewed 651 Claim Forms where Class Members have claimed more than 30 products claiming a total of 1,576,316 products. Of these, 8 claims, totaling 609 products, contained the required documentation and were approved for the additional products. 392 claims totaling 1,153,013 products were rejected for providing fraudulent or fake documentation, 243 claims totaling 314,528 products failed to provide adequate documentation wherefore the number of products claimed was reduced to the maximum of 30 products per claim resulting in total products of 7,290 and 8 claims for 108,166 products were rejected for other reasons such as not being in the United States or being a duplicate of another claim.

Claims for Thirty (30) Products or Less

27. Angeion has processed and reviewed 332,164 Claim Forms where Class Members have claimed 30 products or less. Of these, 260,188 claims totaling 7,031,519 products were approved; 1,592 claims, totaling 36,121 products were determined to be fraudulently filed² and denied; 70,133 claims totaling 1,885,318 products were determined to be duplicate filings³ and denied; and 251 claims totaling 6,339 products were rejected for other reasons such as not being in the United States.

Claims Totals

28. In total Angeion has preliminarily determined that 260,439 claims are valid and timely filed representing a total of 7,039,418 products. Each payable class member averages 27 products per claim.

29. In total Angeion has preliminarily determined that 72,376 claims are invalid representing a total of 3,188,957 products. Each invalid claim averages 44 products per claim.

30. Due to the number of claims and short time between the claim filing deadline and the date of this declaration, Angeion continues to review the claims received and implement internal quality control procedures to increase accuracy. Wherefore the above reported numbers may differ slightly from the final result.

² Angeion reviews claims filed and compares claims data against its proprietary list of known fraudulent filers. Additionally, Angeion manually reviews all claims filed for patterns and indicia of fraud. Upon discovery of such claims, the information is reviewed, and a determination is made to allow or exclude the claims.

³ Angeion reviews claims filed and compares the claim form information against the remainder of the claims data to establish a correlation between claims which may indicate that the claim is a duplicate. Where it is determined that multiple claims have been filed for the same Class Member and the data does not reflect indicia of fraud, all but one claim for the Class Member is marked as a duplicate.

Distribution and Remaining Tasks

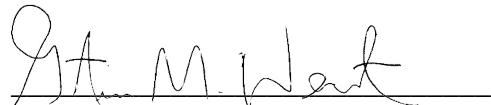
31. After the final review of all claims filed and achieving the Final Effective date of this Court's anticipated order finally approving the Settlement, Angeion will calculate each Class Member's gross award by multiplying the number of products claimed by \$0.27, less the reduction required by any pro rata distribution, including such pro rata distribution as would be required to fund the additional cost of mailing checks to more Class members than anticipated. If the aggregate of the gross awards, as calculated, exceeds the Net Settlement Fund, gross awards will be reduced on a pro rata basis. Checks will then be issued and mailed to those Class Members who have been determined to have filed a valid and timely claim.

32. Checks issued as described above will bear a time limitation for negotiation based on the agreement of the parties or as direct by this Court. Any check that is returned to Angeion with a forwarding address will be forwarded to the new address provided by the United States Postal Service. Checks returned without a forwarding address will be subjected to a skip trace and where a new address located, checks shall be reissued and mailed to the updated address.

CONCLUSION

33. It is my opinion that the Notice Plan described herein met the requirements of Rule 23 and due process requirements as the best notice that is practicable under the circumstances and is fully compliant with Rule 23 of the Federal Rules of Civil Procedure.

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


STEVEN WEISBROT

Dated: April 29, 2019