

# **EXHIBIT 4**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

JULIO LOPEZ and MICHAEL OROS,

*On Behalf of Themselves and All Others  
Similarly Situated,*

Plaintiffs,

v.

VOLUSION, LLC,

Defendant.

Case No.: 1:20-cv-00761-LY

**DECLARATION OF JUSTIN R. HUGHES OF KROLL SETTLEMENT  
ADMINISTRATION LLC, IN SUPPORT OF PRELIMINARY APPROVAL**

I, Justin R. Hughes declare as follows:

1. I am a Senior Director of Kroll Settlement Administration LLC (“Kroll”). I am over twenty-one years of age and am authorized to make this declaration on behalf of Kroll and myself. The following statements are based on my personal knowledge and information provided by other experienced Kroll employees working under my supervision. This declaration is being filed in support of preliminary approval.

2. Kroll has extensive experience in class action matters, having provided services in class action settlements involving antitrust, securities fraud, labor and employment, consumer, and government enforcement matters. Kroll has provided class action services in over 3,000 settlements varying in size and complexity over the past 45 years. During the past 45 years, Kroll has distributed hundreds of millions of notices and billions of dollars in settlement funds or judgment proceeds to class members and claimants.

3. Kroll is prepared to provide a full complement of notification services for this case, including email notice and mailed notice, along with other administrative duties including creating a website to inform Class Members,<sup>1</sup> management and review of claims, having information available via a toll-free number, and should the Court approve the settlement, payments to class members.

4. It is Kroll's understanding that it will be provided with a list of all parties affected by the proposed settlement in connection with the above referenced action (the "Class List") that is to contain a combination of Class Member names, mailing addresses, and email addresses. Kroll will review all data, deduplicate and format for use, then upload into a dedicated database to maintain individual records for each class member in this matter.

#### **Direct Notice**

5. In preparation for the dissemination of Notice, Kroll has worked with the parties to finalize the language for the Email and Postcard Notice so that they provide information regarding the settlement, deadlines to act, and Class Member rights in plain language and are easy to read. Kroll will prepare a file with all Class List email addresses it was provided and upload the file to an email campaign platform. Attached as Exhibit B and C to the Settlement Agreement are the formatted Postcard Notice and Email Notice, respectively.

6. The wording of the Email Notice will be composed so as not to trigger spam filters into identifying it as potential spam and to maximize deliverability. The Email template, which will include a proposed subject line that invites the recipient to open it, will be sent via email to the parties for review. Upon approval of the subject line and email layout as prepared by Kroll for the Parties, the Email Notice campaign will begin as directed in the proposed Class Action Settlement Agreement and Release in connection with the above referenced matter (hereinafter, the "Settlement Agreement").

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Settlement Agreement.

7. As the Email Notice campaign takes place, Kroll will track and monitor emails that are not delivered. Kroll will attempt to re-send hard and/or soft bounced emails in an effort to deliver as many emails as possible. At the conclusion of the email campaign, Kroll will provide a report of the email delivery status of each record. Kroll will report to the parties the number of records that had a successful notice delivery and a count for the records that delivery failed. Kroll will also update its administration database with the appropriate status of the email campaign.

8. If the Email Notice was not reported as undeliverable, no further action will be taken with respect to the record.

9. If an attempted delivery to an email address is noted as a failed delivery, Kroll will mail a Postcard Notice to the Class Member via First Class Mail.

10. As noted above, Kroll is also to receive physical addresses for individuals on the Class List and Postcard Notice will be sent to anyone who did not have an email address or whose email bounced. The Postcard Notice will be substantially the same as the Email Notice.

11. In preparation for the Postcard Notice mailing, Kroll will run the addresses on the Class List through the United States Postal Service's (USPS) National Change of Address (NCOA) database. The NCOA process will provide updated addresses for Class Members who have submitted a change of address with the USPS in the last 48 months, and the process will also standardize the address for mailing. Kroll will then prepare a mail file of Class Members that are to receive the Postcard Notice via First Class Mail.

12. As required, Postcard Notices returned by the USPS with a forwarding address will be re-mailed to the updated addresses provided by the USPS.

13. Postcard Notices returned by the USPS as undeliverable-as-addressed will be sent through an advanced address search process in an effort to find a more current address for the record. If an updated address is obtained through this process, Kroll will re-mail the Postcard Notice to the updated address.

**Long Form Notice**

14. In preparation for the dissemination of Notice, Kroll has worked with the parties to finalize the language for the Long Form Notice so that it provides information regarding the settlement, deadlines to act, and Class Member rights in plain language and are easy to read. Kroll will post the Long Form Notice to the Settlement Website so that it can be reviewed and downloaded by Class Members. Attached as Exhibit D to the Settlement Agreement is the formatted Long Form Notice. Kroll will also mail the Long Form Notice to Class Members on request.

**Toll-Free Settlement Telephone Number**

15. As required under the Settlement, Kroll will set up a toll-free number. Class Members will be able to call the toll-free number to obtain basic information about the case via an Interactive Voice Response system which will be available 24 hours a day and 7 days a week. The toll-free number will be live prior to the Notice program beginning.

**Settlement Website**

16. As required under the Settlement, Kroll will set up a Settlement Website. Class Members will be able to access the Website to obtain information about the Settlement at [www.VolusionPrivacyClassAction.com](http://www.VolusionPrivacyClassAction.com). The Website will contain a homepage, frequently asked questions and their answers, an important documents page, a contact page, and an online portal for online claim submissions. The Settlement Website will be live prior to the Notice program beginning and will be updated as the case progresses as requested by counsel or the Court.

**Dedicated Post Office Box**

17. Kroll has procured a dedicated Post Office Box (“PO Box”) for the Settlement. All mail will be monitored and handled timely. The PO Box number will be included on all Notices sent out, noted on the IVR, and on the contact page on the Settlement website.

**Other Settlement Administration Duties**

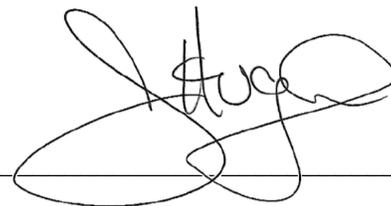
18. Kroll is also responsible for receipt and logging, and weekly reporting to Class Counsel of all written Requests for Exclusion from the Settlement. These requests will be mailed to the PO Box dedicated for communications on this Settlement.

19. Kroll participated in the preparation of the Claim Form, which is attached as Exhibit A to the Settlement Agreement. Kroll will receive and process claims submitted through the Settlement Website or by mail. Kroll will process the claim submissions and review the validity and completeness of each in order to determine eligibility. Kroll will also perform duplicate claim searches to ensure that only one claim is submitted by each Class Member.

20. Kroll will compile all information and determination on the claims process as well as its other duties and report to the Parties and the Court the outcome of its efforts.

21. As required under the Settlement, Kroll will issue all monetary payments to Settlement Class Members who make valid Claims by check or electronic payment. Each Class Member will have 90 days from the date of issuance to negotiate the check. For any check or electronic payment that remains uncashed as of 90 days after issuance, Kroll will make reasonable efforts to reach out to the Class Member to reissue the check.

I certify the foregoing statements are true and correct under penalty of perjury under the laws of the United States. Executed this 12th day of April 2022 in Oakland, California.

A handwritten signature in black ink, appearing to read "Justin R. Hughes", is written over a horizontal line. The signature is stylized and cursive.

Justin R. Hughes