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19 *Appointed Class Counsel*

20 **CENTRAL DISTRICT OF CALIFORNIA**

21 **WESTERN DIVISION**

22) Case No. CV 11-05379-CJC (AGR_x)
23) MDL No. 2291
24) **CLASS ACTION**
25) **NOTICE OF FILING SECOND**
26) **SUPPLEMENTAL DECLARATION**
27) **OF GRETCHEN EOFF IN SUPPORT**
28) **OF FINAL APPROVAL**

IN RE CONAGRA FOODS, INC.

1 Plaintiffs hereby give notice of the filing of the Second Supplemental
2 Declaration of Gretchen Eoff in Support of Final Approval, filed pursuant to the joint
3 stipulation dated June 13, 2023. See ECF No. 826.

4
5 Dated: July 28, 2023

Respectfully submitted,

6
7 /s/ Amy Keller

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Class Counsel

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NOTICE OF FILING

I hereby certify that a copy of the foregoing was filed using this Court’s
CM/ECF service, which will send notice of such filing to all counsel of record this
28th day of July 2023.

/s/ Amy Keller
Amy Keller

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

IN RE CONAGRA FOODS, INC.

Case No. CV 11-05379-CJC (AGR)

MDL No. 2291

**SECOND SUPPLEMENTAL
DECLARATION OF GRETCHEN EOFF IN
SUPPORT OF FINAL APPROVAL**

**DATE: TBD
TIME: TBD
CTRM.: 7C
JUDGE: Hon. Cormac J. Carney**

I, Gretchen Eoff, declare as follows:

1. I am a Senior Vice President of Operations at JND Legal Administration LLC (“JND”). The following statements are based on my personal knowledge and information provided to JND by Counsel and other JND employees working under my supervision and, if called upon to do so, I could and would testify competently thereto.

2. JND previously filed a Declaration Regarding Proposed Settlement Notice Program filed September 30, 2022, Docket No. 807-2, a Declaration Regarding Notice Plan Implementation and Settlement Administration Status filed March 3, 2023, Docket 813-1, and a Supplemental Declaration Regarding Settlement Administration Status filed April 13, 2023, Docket 821 (“April 2023 Status Declaration”). This Second Supplemental Declaration in support of final approval is being filed to update the Court regarding Settlement administration status.

**SECOND SUPPLEMENTAL DECLARATION OF GRETCHEN EOFF IN SUPPORT OF
FINAL APPROVAL**

CLAIM FORMS RECEIVED

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3. Per the terms of the Settlement Agreement, the deadline for Class Members to submit a Claim Form was May 22, 2023.

4. For the Original Settlement, JND received a total of 97,880 claims for 2,792,794 units. Per the terms of the Settlement, Class Members who filed a claim in the Original Settlement were not required to file a claim in the New Settlement.

5. As of July 27, 2023, JND has received a total of 1,947,773 timely claims in the New Settlement for 22,239,311,961 units.¹ The total number of units reflects the amounts claimed and not the number of valid and verified units. Based on JND’s claims analysis, this number is inflated by certain claim filers. The largest 84 claims seek payment for between one million and one billion units each, accounting for 98.2% of all units claimed.

6. Pursuant to Paragraphs 2.35 of the Settlement Agreement, JND has reviewed claims to determine validity and completeness. Based on JND’s claims analysis, a number of claims have validity issues and raise potential fraud flags as detailed further below. These issues include: duplicate claims; claims filed in clusters from the same mailing address; claims filed from non-U.S. Internet Protocol (IP) addresses; or using slight name variations to avoid duplicate detection; and larger than expected claimed units purchased. Of the 1,947,773 New Settlement claims filed, 1,578,344 claims seek reimbursement for more than 30 units. Cumulatively these 1,578,344 claims seek reimbursement for 22,235,294,935 units.

¹ As of July 27, 2023, JND has received a total of 16 claims postmarked or received after the May 22, 2023 claim deadline. These late claims seek reimbursement for 9,495 units. Of these 16 late claims, 13 seek reimbursement for more than 30 units.

1 **SETTLEMENT WEBSITE**

2 7. As of July 27, 2023, there were 6,644,272 total views of the Settlement Website
3 pages and documents and 1,966,216 unique visitors to the Settlement Website. JND will continue
4 to maintain the Settlement Website throughout the Settlement administration process.

5 **TOLL-FREE TELEPHONE NUMBER AND EMAIL**

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7 8. As of July 27, 2023, JND has received 1,239 calls to the Settlement toll-free
8 number. In addition, JND handled 11,680 email communications received to the Settlement email
9 address. JND will continue to maintain the Settlement toll-free number and email address and
10 assist the Settlement Class throughout the Settlement administration process.

11 **OBJECTIONS**

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13 9. As of July 27, 2023, JND has not received any Settlement objections.

14 **REQUESTS FOR EXCLUSION**

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16 10. As of July 27, 2023, JND has received eight (8) valid exclusion requests and ten
17 (10) invalid exclusion requests.² Lists of the timely and valid and invalid exclusions are attached
18 hereto as Exhibits A and B, respectively.

19 **CLAIM FORM VERIFICATION**

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21 11. As detailed in my April 2023 Status Declaration, JND conducted a detailed claims
22 analysis to determine whether claims have been validly filed and are not fraudulent.

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² One previously valid exclusion request was withdrawn.

1 for payment of JND’s expenses only.

2 16. If all claimants with valid claims are paid by check as the Settlement anticipates,
3 JND estimates its unbilled expenses and expenses to complete the Settlement Administration
4 through the Settlement payment distribution will total \$499,332.20.

5 17. To preserve as much of the Settlement Fund as possible for Settlement payment
6 compensation, JND recommends paying claimants with valid claims, who provided an email
7 address, electronically by virtual prepaid card and any claimants who did not provide an email by
8 check. If we pay the majority of claimants by virtual prepaid card, JND estimates its unbilled
9 expenses and expenses to complete the Settlement Administration through the Settlement
10 payment distribution will total \$186,088.19. Issuing Settlement payments by virtual prepaid card
11 results in a savings to the Settlement Fund of \$313,244.01 as virtual pre-paid cards issue by email
12 and do not require printing or postage. Based on the current estimate of valid claims, JND
13 estimates issuing payments by virtual pre-paid card would increase each claim payment by more
14 than a dollar.
15

16 18. JND will continue to administer the Settlement through all phases of Settlement
17 administration, as required by the Settlement Agreement, Preliminary Approval Order, and
18 pursuant to any future orders of this Court.
19

20 I declare under penalty of perjury under the laws of the United States of America that the
21 foregoing is true and correct.

22 Executed on July 28, 2023 in Seattle, Washington.

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25 _____
GRETCHEN EOFF

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28 **SECOND SUPPLEMENTAL DECLARATION OF GRETCHEN EOFF IN SUPPORT OF
FINAL APPROVAL**

EXHIBIT A



WESSON OIL SETTLEMENT
(USDC CENTRAL DISTRICT OF CALIFORNIA, CASE No. 2:11-cv-05379-CJC-AGR)

TIMELY AND VALID EXCLUSIONS

	<u>JND ID NUMBER</u>	<u>NAME</u>	<u>CITY/STATE</u>	<u>POSTMARK DATE</u>	<u>SIGNATURE TYPE</u>	<u>LAW FIRM SUBMITTING</u>
1.	PBQ74WJNAM	Elsie Allen	Corydon, IN	December 7, 2022	Online Submission	N/A
2.	PLTRE93QY7	Jalisa Franklin	Little Rock, AR	December 11, 2022	Online Submission	N/A
3.	DYKABHGLWC	Ali Ratzel	Jefferson City, MO	December 20, 2022	Wet	N/A
4.	PTA7ZNX3Q8	Judy Dellinger	Lafayette, IN	January 2, 2023	Online Submission	N/A
5.	P5QNJYXVF8	Steven Littaua	Camarillo, CA	January 3, 2023	Online Submission	N/A
6.	PFCY7X4L3W	Tiffany Howard	Sycamore, IL	January 4, 2023	Online Submission	N/A
7.	PV4WSNYEBC	Charles Ravitz	Tampa, FL	January 28, 2023	Online Submission	N/A
8.	PP6QSZ3RHV	Shiva Rashedi	San Francisco, CA	March 9, 2023	Online Submission	N/A

WITHDRAWN EXCLUSIONS

	<u>JND ID NUMBER</u>	<u>NAME</u>	<u>CITY/STATE</u>	<u>POSTMARK DATE</u>	<u>SIGNATURE TYPE</u>	<u>LAW FIRM SUBMITTING</u>
1.	PR72UY3KDE	Rita Alarcon	Westminster, CA	December 13, 2022 [and December 13, 2022] [Withdrawn March 15, 2023]	Online Submission	N/A

EXHIBIT B

**WESSON OIL SETTLEMENT
(USDC CENTRAL DISTRICT OF CALIFORNIA, CASE No. 2:11-cv-05379-CJC-AGR)**

INVALID EXCLUSIONS

	<u>JND ID NUMBER</u>	<u>NAME</u>	<u>CITY/STATE</u>	<u>POSTMARK DATE</u>	<u>SIGNATURE TYPE</u>	<u>LAW FIRM SUBMITTING</u>	<u>REASON DEFECTIVE</u>
1.	PL8U4THBDS	Jake Bingen	Lemont, IL	December 4, 2022	Online Submission	N/A	Inadequate statement
2.	PZV58WUKQG	Charles Hughes	Shady Cove, OR	December 8, 2022	Online Submission	N/A	Inadequate statement
3.	PV6LHUTQN3	Daniel Walker	Evansville, IN	December 9, 2022	Online Submission	N/A	Inadequate statement
4.	P32ZDUXB84	Tanya Harris Lopez	Alsip, IL	December 13, 2022	Online Submission	N/A	Inadequate statement
5.	PVNJPHLEK6	Darryl Johnson	Downey, CA	December 14, 2022	Online Submission	N/A	Inadequate statement
6.	PF9DSKPAWM	Courtney McCallum	Tigard, OR	December 14, 2022	Online Submission	N/A	Inadequate statement
7.	PSYPLC4H5K	Teresa Wyatt	Marina, CA	December 26, 2022	Online Submission	N/A	Inadequate statement
8.	PHY3CBZDN5	Edgar Bustillo	Rosemead, CA	January 17, 2023	Online Submission	N/A	Incomplete address
9.	P9EQN5ZB8A	Ronald Pierce	Riverside, CA	January 20, 2023	Online Submission	N/A	Inadequate statement
10.	PG93HSK4ZQ	Susan Cook	San Francisco, CA	March 16, 2023	Online Submission	N/A	Inadequate statement