

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

Benjamin Reetz, individually and as the representative of a class of similarly situated persons, and on behalf of the Lowe’s 401(k) Plan,

Plaintiff,

v.

Lowe’s Companies, Inc., Administrative Committee of Lowe’s Companies, Inc., and Aon Hewitt Investment Consulting, Inc.,

Defendants.

Case No. 5:18-cv-00075-KDB-DCK

**DECLARATION OF
JEFF MITCHELL IN SUPPORT
OF PLAINTIFF’S MOTION FOR
FINAL APPROVAL OF PARTIAL
CLASS ACTION SETTLEMENT
WITH LOWE’S DEFENDANTS**

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. 234 at ¶ 6.*

CAFA Notice

6. On June 7, 2021, Analytics served CAFA notice to the 51 Attorneys General identified by the Lowe's Defendants as proper recipients, as well as the Acting Attorney General of the United States, pursuant to 28 U.S.C. §1715.

Class Notice

7. On or about June 15, 2021, Analytics received a data file from the Lowe's Defendants' counsel that contained a list of Settlement Class Member names and addresses.

8. 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.

9. Pursuant to Paragraph 2.2 of the Settlement Agreement, after updating the relevant addresses, Analytics mailed the Court-approved Notices of Settlement to 74,724 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 July 9, 2021, in accordance with the Court's Preliminary Approval Order, by first-class mail, postage prepaid.

10. 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**.

11. Through the date of this Declaration, 758 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.

12. Through the date of this Declaration, 2,326 Notices were returned to Analytics by the U.S. Postal Service without a forwarding address. In each case, Analytics conducted a skip trace in attempt to ascertain a valid address for the affected Class Member. As a result of these efforts, 1,864 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.

13. In total, out of 74,724 Notices of Settlement, only 462 (~0.62%) 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

14. From July 9, 2021, to the present, Analytics also has maintained a Settlement Website relating to this action, as provided by Paragraph 3.3 of the Settlement. The internet address for this Settlement Website is www.lowes401kclassaction.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 Settlement Agreement, Notices of Settlement, Former Participant Rollover Form, First Amended Complaint (“FAC”), Defendants’ Answers to the FAC, the Court’s Preliminary Approval Order, and Plaintiff’s Motion for Approval of Attorneys’ Fees and Costs, Administrative Expenses, and Class Representative Service Award and related documents); (4) contact information for Class Counsel and the Lowe’s Defendants’ Counsel; and (5) email, phone, and U.S. mail contact information for Analytics.

15. 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 1-877-319-3102. This telephone number was referenced in the Notices of Settlement and also appears on the Settlement Website.

16. As of the date of this Declaration, I am not aware of any objections to the Settlement other than the objection that is attached to Class Counsel’s declaration.

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

Dated: August 10, 2021

DocuSigned by:

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Jeff Mitchell