

# **Exhibit A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

REBECCA KAIN, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

THE ECONOMIST NEWSPAPER NA, INC.,

Defendant.

Case No. 4:21-cv-11807-MFL-CI

Hon. Matthew F. Leitman

**DECLARATION OF RYAN BAHRY REGARDING SETTLEMENT  
ADMINISTRATION**

I, RYAN BAHRY, declare and state as follows:

1. I am a Director at JND Legal Administration (“JND”). JND is a legal administration service provider with its headquarters located in Seattle, Washington. JND has extensive experience with all aspects of legal administration and has administered settlements in hundreds of class action cases.

2. JND is serving as the Settlement Administrator<sup>1</sup> in the above-captioned litigation (“Action”), for the purposes of administering the Class Action Settlement Agreement (“Settlement Agreement”), preliminarily approved by the Court in its Order Granting Preliminary Approval of Class Settlement Agreement, Certifying Settlement Class, Appointing Class Representative, Appointing Class Counsel, and Approving Notice Plan, dated December 15, 2022 (“Order”).

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<sup>1</sup> Capitalized terms used and not otherwise defined herein shall have the meanings given such terms in the Class Action Settlement Agreement (“Settlement Agreement”).

3. This Declaration is based on my personal knowledge and information provided to me by experienced JND employees and, if called on to do so, I could and would testify competently thereto.

**CAFA NOTICE**

4. In compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, JND compiled a CD-ROM with the following documents:

- a. Class Action Complaint and Jury Trial Demanded, filed August 5, 2021;
- b. Plaintiff’s Unopposed Motion for Preliminary Approval of Class Action Settlement, filed June 17, 2022;
- c. Class Action Settlement Agreement, filed June 17, 2022;
- d. [Proposed] Email Notice, filed June 17, 2022;
- e. [Proposed] Postcard Notice, filed June 17, 2022;
- f. [Proposed] Long Form Notice, filed June 17, 2022;
- g. [Proposed] Claim Form for Unidentified Class Members, filed June 17, 2022; and
- h. [Proposed] Order Granting Preliminary Approval of Class Action Settlement Agreement, Certifying Settlement Class, Appointing Class Representative, Appointing Class Counsel, and Approving Notice Plan, filed June 17, 2022.

5. The CD-ROM was mailed on June 27, 2022, to the appropriate Federal and State officials identified in the attachment with an accompanying cover letter, a copy of which is attached hereto as **Exhibit A**.

### **CLASS MEMBER DATA**

6. On November 16, 2022, JND received a spreadsheet from Defendant containing the names, mailing addresses, e-mail addresses (where available), and subscription numbers for 23,041 potential Settlement Class Members.

7. Prior to mailing notices, JND analyzed the raw data to remove duplicate records and determined a total of 22,987 unique Settlement Class Member records. JND updated the Settlement Class Member contact information using data from the National Change of Address (“NCOA”) database.<sup>2</sup> The Settlement Class Member data was promptly loaded into a secure database established for this Action.

### **POSTCARD NOTICE**

8. Pursuant to the terms of the Settlement Agreement, on January 12, 2023, JND mailed the Court-approved postcard notice (“Postcard Notice”) via USPS first-class mail to all 22,987 Settlement Class Members. A representative sample of the Postcard Notice is attached hereto as **Exhibit B**.

9. As of the date of this Declaration, JND tracked 3,682 Postcard Notices that were returned to JND as undeliverable. Of these 3,524 undeliverable Postcard Notices, 72 were re-mailed to forwarding addresses provided by the USPS and JND conducted additional advanced address research through TransUnion and received updated address information for an additional 2,084 Class Members. JND promptly re-mailed Postcard Notices to these 2,084 Class Members (of which 93 were returned as undeliverable).

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<sup>2</sup> The NCOA database is the official United States Postal Service (“USPS”) technology product which makes changes of address information available to mailers to help reduce undeliverable mail pieces before mail enters the mail stream. This product is an effective tool to update address changes when a person has completed a change of address from with the USPS. The address information is maintained on the database for 48 months.

**E-MAIL NOTICE**

10. Pursuant to the terms of the Settlement Agreement, between February 6, 2023 and February 17, 2023, JND sent the customized, Court-approved e-mail notice (“E-mail Notice”) to 815 unique Settlement Class Members with a valid e-mail address whose Postcard Notice was returned to JND as undeliverable (and for whom JND could not locate an alternative mailing address). A representative sample of the E-mail Notice is attached hereto as **Exhibit C**.

11. As of the date of this Declaration, JND tracked 62 E-mail Notices that were returned to JND as undeliverable.

12. As of the date of this Declaration, 21,854 Class Members were e-mailed or mailed a notice that was not returned as undeliverable, representing 95.1% of total Settlement Class Members.

**SETTLEMENT WEBSITE**

13. On December 22, 2022, JND established a Settlement Website ([www.EconomistNewspaperSettlement.com](http://www.EconomistNewspaperSettlement.com)), which hosts copies of important case documents, answers to frequently asked questions, and contact information for the Administrator. Additionally, the Settlement Website allowed Class Members to submit an Election Form, Claim Form, or Exclusion Request electronically.

14. On February 6, 2023, Class Counsel filed Plaintiff’s Motion for Attorneys’ Fees, Costs, Expenses, and Service Award, and all papers pertaining to that Motion were posted to the Settlement Website on the same day.

15. As of the date of this Declaration, the Settlement Website has tracked 27,646 unique users with 144,203 page views. JND will continue to update and maintain the Settlement Website throughout the administration process.

**TOLL-FREE INFORMATION LINE**

16. On December 22, 2022, JND established a case-specific toll-free number (1-877-415-0642) for Settlement Class Members to call to obtain information regarding the Settlement. Callers have the option to listen to the Interactive Voice Response (“IVR”) system, or to speak with a live agent. The toll-free number is accessible 24 hours a day, seven days a week.

17. As of the date of this Declaration, the toll-free number has received 61 incoming calls. JND will continue to maintain the toll-free number throughout the settlement administration process.

**REQUESTS FOR EXCLUSION**

18. The Notices informed recipients that any Class Member who wished to exclude themselves from the proposed Settlement (“opt-out”) must do so by submitting an exclusion request electronically on the Settlement website or by mailing an exclusion letter to the Settlement Administrator, postmarked or submitted on or before February 20, 2023.

19. As of the date of this Declaration, JND has received two (2) timely exclusion requests from Class List Members Timothy Patton (Michigan City, IN) and Robert Davis (Grand Blanc, MI); and two (2) timely exclusion from Non-Class List Members Emma Dunning (Richmond, VA) and Chaunessey Pate (San Jose, CA).

**OBJECTIONS**

20. The Notices informed recipients that any Class Member who wished to object to the proposed Settlement could do so by filing a written objection with the Court, postmarked on or before February 20, 2023.

21. As of the date of this Declaration, JND has not received, and is not aware of, any objections.

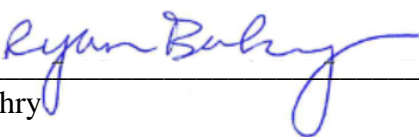
**ELECTION/CLAIM FORMS RECEIVED**

22. The Notices informed recipients that, while Class Members do not need to do anything to receive an award in the event the Settlement is approved, those wishing to elect the method in which they receive the payment must file an Election Form and submit it to JND electronically on or before April 12, 2023. Additionally, unidentified Class Members that did not receive an E-Mail or Postcard Notice were required to submit a Claim Form to JND electronically or by mail on or before April 12, 2023.

23. As of the date of this Declaration, JND has received 90 Election and Claim Form submissions from individuals matching the Class List. JND is in the process of receiving, reviewing, and validating Election and Claim Form submissions.

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

Executed February 24, 2023 in Seattle, Washington.

  
\_\_\_\_\_  
Ryan Bahry

# **EXHIBIT A**





June 27, 2022

United States Attorney General  
and the Appropriate Officials  
Identified in Attachment A

**RE: CAFA Notice of Proposed Class Action Settlement**

Dear Sir or Madam:

This Notice is being provided to you in accordance with the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715 on behalf of The University of Tampa, the defendant in the below-referenced class action ("the Action"). Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement was filed with the Court on June 17, 2022. As of the date of this Notice, the Court has not scheduled an approval hearing.

**Case Name:** *Kain v. The Economist Newspaper NA, Inc.*  
**Case Number:** 4:21-cv-11807-MFL-CI  
**Jurisdiction:** United States District Court, Eastern District of Michigan  
**Date Settlement filed with Court:** June 17, 2022

Copies of all materials filed in the above-named actions are electronically available on the Court's Pacer website found at <https://pcl.uscourts.gov>. Additionally, in compliance with 28 U.S.C. § 1715(b), the enclosed CD-ROM contains the following documents filed in the Action:

**01 - Complaint.pdf**

Class Action Complaint and Jury Trial Demanded, filed August 5, 2021

**02 - Motion for Preliminary Approval.pdf**

Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement, filed June 17, 2022

**03 - Settlement Agreement.pdf**

Class Action Settlement Agreement, filed on June 17, 2022

**04 - Email Notice.pdf**

[Proposed] Email Notice, filed on June 17, 2022

**05 - Postcard Notice.pdf**

[Proposed] Postcard Notice, filed on June 17, 2022

**06 - Long Form Notice.pdf**

[Proposed] Long Form Notice, filed on June 17, 2022

**07 - Claim Form.pdf**

[Proposed] Claim Form for Unidentified Class Members, filed on June 17, 2022

**08 - Preliminary Approval Order.pdf**

[Proposed] Order Granting Preliminary Approval of Class Action Settlement Agreement, Certifying Settlement Class, Appointing Class Representative, Appointing Class Counsel, and Approving Notice Plan, filed on June 17, 2022

It is not possible to provide a breakdown of the Settlement Class in accordance with 28 U.S.C. § 1715 (b)(7) at this time. However, we anticipate that the Settlement Class is sufficiently numerous as to include Class Members residing in numerous U.S. states, principally in the Northeast, as well as the District of Columbia, and may include Class Members residing in U.S. territories and associated states.

There are no other settlements or agreements made between Counsel for the parties related to the class defined in the proposed settlement, and as of the date of this Notice, no Final Judgment or notice of dismissal has been entered in this case.

If you have any questions regarding the details of the case and settlement, please contact Defense Counsel's representatives at:

Sharon L. Schneier  
Davis Wright Tremaine LLP  
1251 Avenue of the Americas, 21st Floor  
New York, NY 10020  
Phone: (212) 489-8230  
Email: sharonshneier@dwt.com

For questions regarding this Notice, please contact JND at:

JND Class Action Administration  
1100 2nd Ave, Suite 300  
Seattle, WA 98101  
Phone: 800-207-7160

Regards,

JND Legal Administration

Encl.

CAFA Notice - Attachment A - Service List

Treg R. Taylor  
Office of the Attorney General  
1031 W 4th Ave  
Ste 200  
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Steve Marshall  
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Leslie Rutledge  
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Office of the Attorney General  
Consumer Protection Section  
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San Francisco, CA 94102

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State of Florida  
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Des Moines, IA 50319

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100 W. Randolph St  
Chicago, IL 60601

CAFA Notice - Attachment A - Service List

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6 State House Station  
Augusta, ME 04333

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Lansing, MI 48933

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445 Minnesota St  
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207 W High St  
Jefferson City, MO 65101

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550 High St Ste 1200  
Jackson, MS 39201

Austin Knudsen  
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215 N. Sanders  
Helena, MT 59601

Josh Stein  
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Raleigh, NC 27603

Drew H. Wrigley  
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State Capitol, 600 E Boulevard Ave  
Dept. 125  
Bismarck, ND 58505

CAFA Notice - Attachment A - Service List

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Richard J. Hughes Justice Complex  
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Trenton, NJ 08611

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408 Galisteo Street  
Santa Fe, NM 87501

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Office of the Attorney General  
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Pierre, SD 57501

Herbert H. Slatery, III  
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Nashville, TN 37219

CAFA Notice - Attachment A - Service List

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Utah State Capitol Complex  
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202 N. Ninth St.  
Richmond, VA 23219

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Montpelier, VT 05609

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Office of the Attorney General  
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Olympia, WA 98501

Josh Kaul  
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Madison, WI 53707

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Cheyenne, WY 82002

Karl A. Racine  
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Washington, DC 20001

Merrick Garland  
Office of the U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave NW  
Washington, DC 20530

Fainu'ulelei Falefatu Ala'ilima-Utu  
Department of Legal Affairs  
Exec Ofc Bldg, 3rd Fl  
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Utulei, AS 96799

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Administration Division  
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Edward Manibusan  
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Saipan, MP 96950

Domingo Emanuelli Hernández  
Dpto. de Justicia de Puerto Rico  
Calle Teniente César González 677  
Esq. Ave. Jesús T. Piñero  
San Juan, PR 00918

CAFA Notice - Attachment A - Service List

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St. Thomas, VI 00802

Joses R. Gallen  
Department of Justice  
P.O. Box PS-105  
Palikir  
Pohnpei State, FM 96941

Richard Hickson, Attorney General  
C/O Marshall Islands Embassy  
2433 Massachusetts Ave NW  
Washington, DC 20008

Ernestine K. Rengiil  
Office of the Attorney General  
P.O. Box 1365  
Koror, PW 96940

# **EXHIBIT B**



COURT AUTHORIZED NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

**OUR RECORDS INDICATE YOU HAVE SUBSCRIBED TO THE ECONOMIST PUBLICATION AND MAY BE ENTITLED TO A PAYMENT FROM A CLASS ACTION SETTLEMENT.**

By Order of the Court Dated:  
December 15, 2022

Unique ID: «NameNumber»

**Economist Newspaper Settlement**  
c/o JND Legal Administration  
P.O. Box 91231  
Seattle, WA 98111



Postal Service: Please do not mark barcode

«Fullname»  
«AddressLine1»  
«AddressLine2»  
«AddressLine3»  
«AddressCity», «AddressState»  
«AddressPostalCode»

**THE ECONOMIST SETTLEMENT**

A settlement has been reached in a class action lawsuit claiming that Defendant, publisher The Economist Newspaper NA, Inc. (“The Economist”), disclosed its customers’ subscription information to third parties, which is alleged to violate Michigan privacy law. **While The Economist believes that its practices were in compliance with Michigan law, The Economist chose to settle this case, without admitting liability, to focus time, effort and resources on continuing to provide valued content to its readers, and not on additional legal fees and the uncertainty of litigation.**

**Am I a Class Member?** Our records indicate you are a Class Member. Class Members are persons with a Michigan street address who subscribed to a The Economist Publication for delivery to a Michigan street address or electronically between February 4, 2015, and July 30, 2016.

**What Can I Get?** If approved by the Court, a Settlement Fund of \$9,500,000.00 has been established to pay all claims to the Settlement Class, together with notice and administration expenses, approved attorneys’ fees and costs to Class Counsel, and a service award to Plaintiff. Once the Settlement becomes Final, you will receive a *pro rata* share of the Settlement Fund, which Class Counsel estimates will be approximately \$261 per class member, although the final amount you receive will also depend on the number of requests for exclusion submitted.

**How Do I Get a Payment?** If you are a Class Member, you will automatically receive a *pro rata* share of the Settlement Fund, so long as you do not request to be excluded from the Settlement Class. Your payment will come by check, sent to the following address: «AddressLine1» «AddressLine2», «AddressCity», «AddressState» «AddressPostalCode». If you no longer reside at this address or are planning to change addresses prior to **April 12, 2023**, please complete and submit a change of address form accessible on the Settlement Website so that your check is sent to the correct address. If you wish to receive your payment via PayPal or Venmo, you may do so by submitting an Election Form on the Settlement Website.

**What are My Other Options?** You may exclude yourself from the Class by submitting an online form to the Settlement Website no later than **11:59 p.m. on February 20, 2023** or by sending a letter to the settlement administrator postmarked no later than **February 20, 2023**. If you exclude yourself, you cannot get a settlement payment, but you keep any rights you may have to sue the Defendant over the legal issues in the lawsuit. You and/or your lawyer have the right to appear before the Court and/or object to the proposed settlement. Any written objection must be filed no later than **February 20, 2023**. Specific instructions about how to object to, or exclude yourself from, the Settlement are available at [www.EconomistNewspaperSettlement.com](http://www.EconomistNewspaperSettlement.com). If you do nothing, and the Court approves the Settlement, you will be bound by all of the Court's orders and judgments. In addition, your claims relating to the alleged disclosure or subscriber information in this case against the Defendant and others will be released.

**Who Represents Me?** The Court has appointed Joseph I. Marchese and Philip L. Fraietta of Bursor & Fisher, P.A., Frank S. Hedin and Arun G. Ravindran of Hedin Hall LLP, and E. Powell Miller of The Miller Law Firm, P.C. to represent the class. These attorneys are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

**When Will the Court Consider the Proposed Settlement?** The Court will hold the Final Approval Hearing at **9:30 a.m. EST on March 15, 2023** at the Theodore Levin United States Courthouse, Room 249, 231 W. Lafayette Blvd., Detroit, MI 48226. At that hearing, the Court will: hear any objections concerning the fairness of the settlement; determine the fairness of the settlement; decide whether to approve Class Counsel's request for attorneys' fees and costs; and decide whether to award the Class Representative \$5,000 from the Settlement Fund for her services in helping to bring and settle this case. Defendant has agreed Class Counsel may apply to the Court for payment of reasonable attorneys' fees from the Settlement Fund in an amount to be determined by the Court. Class Counsel is entitled to seek no more than 35% of the Settlement Fund, but the Court may award less than this amount.

**How Do I Get More Information?** For more information, including the full Notice, Claim Form and Settlement Agreement go to [www.EconomistNewspaperSettlement.com](http://www.EconomistNewspaperSettlement.com), contact the settlement administrator by calling (877) 415 0642 or writing to Economist Newspaper Settlement, c/o JND Legal Administration, P.O. Box 91231, Seattle, WA 98111, or contact Class Counsel by calling (646) 837-7150.

# EXHIBIT C

From: Jennifer@economistnewspapersettlement.com  
To: JonQClassMember@domain.com  
Re: Legal Notice of Class Action Settlement

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

*Kain v. The Economist Newspaper NA, Inc.*, Case No. 4:21-cv-11807-MFL-CI  
(United States District Court for the Eastern District of Michigan)

This notice is to inform you of the settlement of a class action lawsuit with publisher The Economist Newspaper NA, Inc. (“The Economist”), the Defendant in this case. Plaintiff Rebecca Kain alleges that Defendant disclosed its customers’ subscription information to third parties which is alleged to violate Michigan privacy law. **While The Economist believes that its practices were in compliance with Michigan law, The Economist chose to settle this case, without admitting liability, to focus time, effort and resources on continuing to provide valued content to its readers, and not on additional legal fees and the uncertainty of litigation.**

**Am I a Class Member?** Yes. Our records indicate you are a Class Member. Class Members are persons with a Michigan street address who subscribed to a The Economist Publication for delivery to a Michigan street address or electronically between February 4, 2015, and July 30, 2016.

**What Can I Get?** A Settlement Fund of \$9,500,000.00 has been established to pay all claims to the Settlement Class, together with notice and administration expenses, approved attorneys’ fees and costs to Class Counsel, and a service award to the Plaintiff. Unless you received a postcard Notice concerning the Settlement sent to you by postal mail, you **must** submit a Claim Form (see instructions below) in order to receive a share of the Settlement Fund. **If you submit a Claim Form**, you will receive a *pro rata* share of the Settlement Fund, which Class Counsel estimates will be for approximately \$261 per class member. The exact amount of the share of the Settlement Fund that you will receive depends on the number of requests for exclusion that are received.

**How Do I Get a Payment?** Unless you received a postcard Notice concerning the Settlement sent to you by postal mail, you **must** complete and submit a Claim Form to receive a *pro rata* share of the Settlement Fund, which Class Counsel estimates will be approximately \$261. You may submit a Claim Form either electronically on the Settlement Website by clicking [here](#), or by printing and mailing in a paper Claim Form, copies of which are available for download [here](#). Claim Forms must be submitted online by **11:59 p.m. EST on April 12, 2023** or postmarked and mailed by **April 12, 2023**.

**What are My Other Options?** You may exclude yourself from the Class by sending a letter to the settlement administrator postmarked no later than **February 20, 2023**. If you exclude yourself, you cannot get a settlement payment, but you keep any rights you may have to sue the Defendant over the legal issues in the lawsuit. You and/or your lawyer have the right to appear before the Court and/or object to the proposed settlement. Your written objection must be filed no later than **February 20, 2023**. Specific instructions about how to object to, or exclude yourself from, the Settlement are available at [www.EconomistNewspaperSettlement.com](http://www.EconomistNewspaperSettlement.com). If you do nothing, and the Court approves the Settlement, you will be bound by all of the Court’s orders and judgments. In

addition, your claims relating to the alleged disclosure of subscriber information in this case against the Defendant will be released.

**Who Represents Me?** The Court has appointed Joseph I. Marchese and Philip L. Fraietta of Bursor & Fisher, P.A., Frank S. Hedin and Arun G. Ravindran of Hedin Hall LLP, and E. Powell Miller of The Miller Law Firm, P.C. to represent the class. These attorneys are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

**When Will the Court Consider the Proposed Settlement?** The Court will hold the Final Approval Hearing at **9:30 a.m. EST on March 15, 2023** at the Theodore Levin United States Courthouse, Room 249, 231 W. Lafayette Blvd., Detroit, MI 48226. At that hearing, the Court will: hear any objections concerning the fairness of the settlement; determine the fairness of the settlement; decide whether to approve Class Counsel's request for attorneys' fees and costs; and decide whether to award the Class Representative \$5,000 from the Settlement Fund for her services in helping to bring and settle this case. Defendant has agreed that Class Counsel may apply to the Court for payment of reasonable attorneys' fees from the Settlement Fund in an amount to be determined by the Court. Class Counsel is entitled to seek no more than 35% of the Settlement Fund, but the Court may award less than this amount.

**How Do I Get More Information?** For more information, including a more detailed Notice, a copy of the Settlement Agreement and other documents, go to [www.EconomistNewspaperSettlement.com](http://www.EconomistNewspaperSettlement.com), contact the settlement administrator by calling (877) 415 0642 or by writing to Economist Newspaper Settlement, c/o JND Legal Administration, P.O. Box 91231, Seattle, WA 98111, or contact Class Counsel by calling (646) 837-7150.