

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CARMELO TREVISIO, Individually and
on Behalf of All Others Similarly Situated,

Plaintiff,

v.

NATIONAL FOOTBALL MUSEUM
INC., dba PRO FOOTBALL HALL OF
FAME,

Defendant.

CASE NO. 5:17-cv-00472

JUDGE CHRISTOPHER A. BOYKO

**DECLARATION OF JULIE N. GREEN ON BEHALF OF CPT GROUP, INC.
REGARDING NOTICE PLAN**

I, Julie N. Green, declare and state as follows:

1. I am the Senior Vice President of Operations, Class Action Services of CPT Group, Inc. (“Claims Administrator” or “CPT”). The following statements are based on my personal knowledge, information provided to me by counsel for Plaintiff and by other CPT employees working on this matter, and records of CPT generated and maintained in the usual course of its business. If called on to do so, I could and would testify competently thereto.

2. For this matter, CPT is able and willing to provide notice and settlement administration services as provided in the Notice Plan, if approved to do so by the Court.

3. I have been employed by CPT for 18 years, managing the operations department and supervising multiple notice and claims administration programs. As Senior Vice President of Operations, I am responsible for the oversight, supervision and evaluation of all departments and positions related to the administration of class action matters to ensure superior quality and successful execution of each component required to complete the notice or settlement process. In

my career at CPT, I have been responsible for the design and/or implementation of hundreds of class action administration plans. I submit this declaration at the request of Plaintiff's Counsel.

CPT'S EXPERIENCE RELEVANT TO THIS CASE

4. CPT Group, Inc. is located at 50 Corporate Park, Irvine, CA 92606. CPT is a leader in the notice and settlement administration industry and has extensive experience in providing court approved notice of class actions and administering various types of notice programs and settlements. In the past 30-plus years, CPT has provided notification and/or claims administration services in thousands of class action cases. Throughout our history, CPT has disbursed billions of dollars in settlement funds, and serviced over 65,000,000 class members. CPT offers a wide range of class action administrative services for developing, managing and executing all stages of integrated notice plans. A true and correct copy of CPT's company resume ("CPT CV") is attached as **Exhibit 3**, which provides detailed information concerning our class action and claims administration qualifications and experience.

5. As a class action notice and claims administrator, CPT is accustomed to being selected by the parties and approved by both Federal and State Courts throughout the United States to provide notice and claim processing services. In this capacity, CPT provides all services related to the implementation of class action notice plans including (a) all types of legal notice, such as direct mailing, email notification, and publication programs, including digital and social media platforms; (b) establishing dedicated URL and case websites with on-line claim filing capabilities; (c) call center support with a dedicated toll-free interactive voice response (IVR) telephone number; (d) electronic and hard copy claims processing; (e) receiving/processing other communications about the case; (f) secure data management and reporting; (g) paper and electronic payment distribution through check, gift card, merchandise credits, direct deposit and other means; (h) Qualified Settlement Fund reporting and banking services; (i) filing applicable tax returns; (j) filing any required reports with the court; and (k) other tasks related to the administration of class action matters that may be requested by the parties or court.

6. CPT has been entrusted by counsel and appointed by courts to handle complex nationwide and statewide class action matters. Some of our recent multi-state representative matters include *Thompson v. 1-800 Contacts, Inc.*, Case No. 2:16-cv-01183 (D. Utah); *Broomfield v. Craft Brew Alliance, Inc.*, Case No. 5:17-cv-01027-BLF (N.D. Cal); *Mael v. Evanger's Dog and Cat Food Co., Inc.*, Case No. 3:17-cv-05469-RBL (W.D. Wash); *Livingston v. MiTAC Digital Corporation*, Case No. 3:18-cv-05993-JST (N.D. Cal); *Gold, et al. v. Lumber Liquidators, Inc.*, Case No. 3:14-cv-05373-RS (N.D. Cal.); and *Jacobo, et al., v. Ross Stores, Inc.*, Case No. 2:15-cv-04701-MWF-AGR_x (C.D. Cal). Some of our recent single-state representative matters include *Pope v Cura, Inc.*, Case No. 20CV05932, Multnomah County Circuit Court; *Krinsk, et al. v Monster Beverage Corporation, et al.*, San Diego Superior Court, Case No. 37-2014-00020192-CU-BT-CTL; *Helmick v. Air Methods Corp.*, Alameda Superior Court, Case No. RG 13665373; and *Kerr v. The New York Times Co., et al.*, San Diego Superior Court Case No. 37-2016-000010125-CU-MC-CTL.

CASE BACKGROUND

7. CPT understands the Settlement Class is defined as all persons who paid for and/or acquired tickets to the 2016 NFL Hall of Fame Game, excluding Reimbursed Class Members (as defined in the Settlement Agreement), any judge who presides over this action, as well as all past and present employees, officers and directors of Defendant.

8. CPT also understands there are approximately 3,580 class members and contact information is available for only a portion of the class (i.e., 633 members), to whom CPT disseminated notice of the Court's certification of the class and of the Phase 1 liability trial. The notice plan described in this declaration will include both direct notification through traditional means such as mail and email, as well as supplemental notification with the objective to provide adequate notice to potential members of the Settlement Class as defined above in paragraph 7 through alternative noticing efforts.

IDENTIFICATION OF TARGET AUDIENCE

9. To best reach the unidentified Settlement Class Members through a notice program, CPT Group researched and utilized MRI-Simmons¹ data. The data CPT gathered was based upon people who regularly attended Monday, Thursday or Sunday night games in the last 12 months.

10. Utilizing syndicated data like MRI is a well-accepted way of developing a notice plan, and aids in understanding the socio-economic characteristics, interests and practices of a target group. This in turn guides the proper selection of media to reach that target audience. To identify the best media outlets to deliver messages to the target audience, CPT reviewed the media quintiles,² which measure the degree to which an audience uses media relative to the general population.

NOTICE PROGRAM

11. **Direct Mail:** CPT will disseminate the Postcard Notice by mail to the potential Settlement Class Members for whom there is a mailing address available. Pursuant to the contact list provided by Defendant to CPT in May 2022, a mailing address is available for more than **90 percent** of the potential Settlement Class members on the list. CPT will disseminate the form of Postcard Notice approved by the parties to the litigation and the Court. To increase the success rate of deliverability of the Postcard Notice, prior to mailing, CPT will update the mailing addresses, first using the National Change of Address program (“NCOA”), and then a Best

¹ CPT frequently uses and relies on MRI data and based on our experience and MRI’s reputation in the industry, considers it a reliable source. MRI describes its data as follows, and CPT agrees with this description: “MRI’s Survey of the American Consumer® is the largest and most authoritative study of adult consumers in the United States. No other organization, not even the U.S. Census Bureau, can tell you more about Americans as consumers. All information collected in the Survey comes from a single set of respondents, ensuring data integrity and reliability. MRI interviews approximately 24,000 consumers every year in towns, cities, and counties across the contiguous 48 states. Crucial to the Survey’s success is the relationship MRI develops with respondents. Interviews are conducted in consumers’ homes, face-to-face, and followed up with a comprehensive self-administered survey. In a national probability study such as the Survey of the American Consumer, the higher the response rate, the more reliable the data. MRI’s highly trained interviewers consistently generate the highest response rates in the industry.” (GfK US MRI, LLC. D/B/A MRI-Simmons, 2019, p.1/para.1)

² Viewers, listeners, readers or consumers of a particular product etc. are ranked according to their usage and then divided into five equal groups, or quintiles, ranging from the heaviest to the lightest in media exposure, or product consumption.

Address (XML Lex ID) trace through Lexis Nexis on any records identified as undeliverable by NCOA. CPT will track Postcard Notices that are returned as undeliverable from the post office and will promptly re-mail any with a forwarding address. For those Postcard Notices returned without a forwarding address, CPT will run an Accurint batch skip trace in attempt to obtain a current mailing address and resend the Postcard Notice to any more current address available.

12. **Email Notice:** CPT will disseminate the Email Notice to the potential Settlement Class Members for whom there is a valid email address in our database. Pursuant to the contact list provided by Defendant in May 2022, and results from the email notice campaign for the class certification mailing in March 2023, a valid email address is available for more than approximately **75 percent** of the potential Settlement Class Members on the list. CPT will disseminate the form of Email Notice approved by the parties to the litigation and the Court. CPT will track all undeliverable emails.

13. **Text Notice:** In addition, CPT will disseminate the Text Message Notice to the potential Settlement Class Members for whom there is a valid mobile telephone number. Pursuant to the contact list provided by Defendant in May 2022, and results from the text notice campaign for the class certification mailing in March 2023, a valid mobile telephone number is available for more than **50 percent** of the potential Settlement Class Members on the list. CPT will disseminate the form of Text Message Notice approved by the parties to the litigation and the Court to the available mobile telephone numbers, which will direct the recipient to the case website for additional information. Delivery status will be available after messages are sent.

14. **Supplemental Notice:** Using research tools and methodology accepted within the advertising industry, CPT has designed a customized publication notice campaign to ensure adequate reach to the presumed target audience. Upon court approval, CPT and its strategic partner will implement a supplemental notification plan that layers a mix of media tactics and channels that includes the following:

- a. **Programmatic Display:** Using programmatic display advertising through DSP platform (accessible via desktop and mobile devices), CPT will utilize

user interests, behaviors, and affinity audiences, to serve ads on contextually relevant sites and apps to the target audiences. The display ads will run as a rotating display on these sites and will drive users to the landing page. Key targeting can include interest in the Green Bay Packers, Indianapolis Colts, NFL Stadiums, Sports Attendees, and more. CPT will also utilize Google Display Network to run targeted placement ads on websites including, but not limited to: www.packers.com, www.colts.com, www.nbcsports.com, www.espn.com, www.fantasypros.com, www.games.espn.com, and www.nfl.com.

- b. **Social Media:** Social media channels are a great audience reach extension tool. Facebook and Instagram have some of the most sophisticated and accurate audience targeting capabilities available. CPT will utilize advertising through Facebook's Ads Manager platform. Ads will appear on a rotating basis with other advertising campaigns as a Sponsored Ad. Audiences will be grouped and targeted according to their specific interests and behaviors. Key interest targeting will be determined by CPT together with counsel and may include interests such as: Green Bay Packers, Indianapolis Colts, PackersNews, Green Bay Packers Cheeseheads, Packers Fans, Packers Everywhere, Green Bay Packers Hall of Fame, Green Bay Packers Football, Green Bay Packers on 247Sports, GreenBay Packer Nation, We Are Packer Fans, 2012 Green Bay Packers season, Indianapolis Colts Football, Indianapolis Colts Cheerleaders, the players inducted in the 2016 Hall of Fame class, etc....
- c. **Paid Search:** To further increase the effectiveness of the campaign, CPT will utilize advertising through Google and Bing keyword bidding. When a user searches a relevant keyword, the text ad will have the opportunity to appear on a rotating basis with other advertising campaigns as a Sponsored

Ad. Keywords will be determined by CPT together with counsel and may include such terms as “Green Bay Packers 2016”, “Colts and Packers Class Action”, and “Hall of Fame Stadium Lawsuit”.

- d. **Press Release:** To bolster the digital notice campaign efforts and provide notice to unknown class members, CPT will disseminate a press release on PR Newswire US1 National Newswire plus micro list covering “football.” The press release should draw media attention and gain additional publicity as the release will contain sufficient information for any interested news organization or author to write a news story. The press release may contain up to 500 words.

15. **Website:** CPT will maintain and administer a dedicated settlement website at www.2016HallOfFameGameClassAction.com that will be informative and easy for potential members of the class to navigate. The website will be optimized for mobile users and maximize search engine optimization through key words and metadata to increase search engine rankings. The website will include links to the parties’ Settlement Agreement, the Court’s Order Granting Preliminary Approval of Class Action Settlement, the First Amended Complaint, the long-form class Notice, “FAQs”, all applicable deadlines, and other relevant filings and orders as instructed by the parties or the Court. In addition, the website will provide the information necessary to submit a claim electronically, and to submit an Opt-Out Request electronically. The website address or a hyperlink will also be displayed on all notifications described above.

16. **Toll-Free Number/IVR:** CPT will establish a dedicated toll-free support hotline with Interactive Voice Response (“IVR”) capabilities to provide potential Settlement Class Members with (a) general and detailed information about the Action; (b) answers to frequently asked questions, and (c) information relating to a Settlement Class Member’s options under the terms of the Settlement. Callers will have the option of speaking to a live agent during normal business hours Monday through Friday, 8:30 AM – 5:30 PM PST or to leave a voicemail, which will be returned during normal business hours.

17. **Case Email Address:** CPT will establish a dedicated case email address and inbox as an additional means of communicating with Settlement Class Members. Inquiries about the Settlement may be sent to the case email address throughout the duration of the administration.

18. The Notice Plan described above specifically targets potential class members through multiple channels, media tactics and platforms and meets the media consumption profile of the target audience. These platforms have been identified as the best resources to reach the prospective targeted audience and the most cost-effective solution. According to the Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide, "a reasonable reach is between 70-95% with a median reach on approved notice plans at 87%." This notice plan is projected to reach 85% of the target audience at a frequency of 2.5-3X over 40 days.

19. In CPT's experience, the plan as outlined within this declaration is consistent with other class action notice plans that have been approved by both state and federal courts nationwide, including: *Pope v Cura, Inc.*, Case No. 20CV05932, Multnomah County Circuit Court; *Broomfield v. Craft Brew Alliance, Inc.*, Case No. 5:17-cv-01027-BLF (N.D. Cal); *Morrison v. Ross Stores, Inc.*, Case No. 4:18-cv-02671-YGR (N.D. Cal); *Jacobo, et al., v. Ross Stores, Inc.*, Case No. 2:15-cv-04701-MWF-AGRx (C.D. Cal.); *Smith v. ANI*, Case No. 2:18-CV-04004-MDH (W.D. MO); *Bokelman v. FCH Enterprises, Inc.*, Case No. 18-cv-00209-RJB-RLP (D. Haw); and *Krinsk, et al. v Monster Beverage Corporation, et al.*, San Diego Superior Court, Case No. 37-2014-00020192-CU-BT-CTL.

NOTIFICATION TIMELINE

20. CPT will implement the Notice Plan as set forth in the following timeline:

Item Description	Date
Direct notice by mail and/or email, and/or text message.	Within 14 days of entry of Order Granting Preliminary Approval
Commencement of 40-day digital and social media notice campaign, and press release.	Within 21 days of entry of Order Granting Preliminary Approval
Notice Program complete	40 days after commencement.

CLAIMS, OBJECTIONS AND REQUESTS FOR EXCLUSION

21. CPT understands that Claim Forms may be submitted by Settlement Class Members through the settlement website or by mail up to and through the claim form deadline. Settlement Class Members who submit a valid and timely Claim Form accompanied by the required documentation are eligible for reimbursement of certain documented or undocumented expenses.

22. CPT further understands that requests for exclusion (i.e., opt-outs) may be submitted by Settlement Class Members through the mail and CPT will maintain a record of all opt-outs received keeping the parties apprised throughout the administration process.

23. Objections must be in writing and filed with the court. CPT will maintain a record of and promptly inform the parties of any objections we may receive.

CONCLUSION

24. The Notice Program as described herein is consistent with similar effective, court-approved notice programs, as referenced in paragraphs 11-19 above, and will provide the best notice practicable given the circumstances. Based on our experience with similar cases, this Notice Program is designed to provide the Settlement Class Members with notice of their legal rights and comports with due process requirements. CPT expects to reach an acceptable percentage of the target audience/settlement class through combined efforts including direct notice, digital display advertisement, social media advertisement, paid search and press release.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 3, 2023, at Irvine, California.


JULIE N. GREEN