

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE KOREAN RAMEN INDIRECT)	Case No. 3:13-cv-04115
ANTITRUST LITIGATION)	Date: July 10, 2019
)	Time: 2:00
THIS DOCUMENT RELATES TO:)	Courtroom: 2, 17 th Floor
ALL INDIRECT PURCHASER ACTIONS)	Judge: Hon. William H. Orrick

DECLARATION OF ALAN VASQUEZ

I. Introduction

1. I am a Vice President of Notice at Gilardi & Co. LLC (“Gilardi”), a KCC Class Action Services (“KCC”) company. In my role, I oversee Gilardi’s in-house advertising division specializing in the design and implementation of legal notice plans to reach unknown class members in class action litigation.

2. Gilardi was established in 1984 and is one of the largest full service class action notice and claims administrators in the United States. The in-house advertising division has specialized in designing, developing and implementing legal notification plans for more than 25 years. As such, we are familiar with, and guided by, Constitutional due process provisions, rules of states and local jurisdictions, and the relevant case law relating to legal notification. Media plans designed and implemented by our group have included both domestic and international newspapers and magazines, Internet-based banners, notices and websites, wire service, radio, television, point of purchase displays and direct mail. As a Vice President of Notice, I oversee the advertising group’s activities as they relate to these notice services.

3. I have been involved in the development and implementation of media plans for class action notification for more than ten years. Prior to my engagement with Gilardi, I spent five years with another nationally recognized claims administrator serving in a similar capacity.

4. For several years, courts have accepted my expert testimony regarding our firm's quantitative and qualitative evaluation of judicially approved notice plans. I have also testified in person and was acknowledged as an expert in Larson v. Sprint Nextel Corp., No. 07-cv-5325 (D. N.J.). Media campaigns for which I have been directly responsible include, but are not limited to, Pappas v. Naked Juice, No 11-cv-08276-JAK (C.D. Cal.), Mattel, Inc., Toy Lead Paint Prods. Liab. Litig., No. 07-ML-01897 (S.D. Cal.), Pecover, et al. v. Electronic Arts Inc., No. 08-cv-02820 (N.D. Cal.), New Motor Vehicles Canadian Export Antitrust Litig., No. MDL 03-1532 (D. Me.), and SRAM Antitrust Litig., No. 07-MD-01819 (N.D. Cal.). A more comprehensive list of notable matters for which I have been personally responsible for the notice planning and implementation services is attached as Exhibit 1. I have also spoken as faculty on various CLE panels related to class action notice and related trends.

5. I submit this declaration at the request of Class Counsel for the Korean Ramen Indirect Antitrust Litigation Plaintiffs, to describe the costs that would be incurred if the Indirect Purchasers attempted to distribute the \$216,673 remaining in the Samyang settlement fund to class members instead of making a *cy pres* distribution.

6. I have personal knowledge of the matters set forth in this declaration and, if called as a witness, could and would testify competently thereto.

7. Gilardi understands that the number and identity of Samyang class members is not known. Therefore, notice would have to be given so that class members could identify themselves and request a distribution of a portion of the proceeds.

8. Gilardi was responsible for giving notice to the Samyang settlement class in 2016 in the form and manner approved by this Court. Generally, that notice included publication in newspapers, text link search advertising, banner advertising and a targeted media campaign on selected websites. The cost to the indirect purchaser class of providing notice in this manner was \$179,535. Accordingly, the cost to inform the Class of the need to submit claim forms is approximately \$179,535, meaning — regardless of the number of claimants who ultimately submit claim forms — only \$37,138 would remain to process claim forms and send checks to claimants (assuming no incentive awards for class representatives are approved).

9. In addition to providing notice, Gilardi would have to process claim forms and send checks to recipients. The cost of performing these functions would depend on the number of claim forms that were processed and checks that were issued. Based on my experience, the cost of processing, issuing and mailing checks would likely exceed \$1.00 per claimant. Therefore, if only 40,000 claims were received, it would cost approximately \$40,000 to process claim forms, issue checks, and mail them to claimants—more than the amount remaining to distribute after notice.

10. In light of the foregoing, it is my opinion that it would be impractical to distribute this small fund to Samyang class members. Giving notice alone, would consume more than 80% of the fund.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 8th day of May, 2019 at San Rafael, California.

A handwritten signature in black ink, appearing to read "Alan Vasquez", is written over a solid horizontal line.

Alan Vasquez

Exhibit - 1

NOTICE PLANS IMPLEMENTED BY ALAN VASQUEZ

Automotive

Automobile Antitrust Cases I and II , No. JCCP 4298 and 4303 (San Francisco Sup. Ct., CA)
New Motor Vehicles Canadian Export Antitrust Litigation , No. MDL 03-1532 (Dist. Court of Maine) & New Motor Vehicle Antitrust Litigation, No. 2:03-MD-1532-DBH (Dist. Court of Maine)
In Re: Automotive Parts Antitrust Litigation, Master File No. 12-md-02311 (E.D. MI, Southern Division)

Entertainment

Herbert et al. v. Endemol USA, Inc. et al. , Case No. 2:07-cv-03537-JHN-VBKx (C.D. Cal.)
Couch v. Telescope Inc., et al, Case No. 2:07-cv-03916-JHN-VBKx (C.D. Cal.)
McDonald v. RealNetworks, Inc. , No. 816666 (Orange County Sup. Ct., CA)
Pecover et al. v. Electronic Arts Inc. , No. 08-cv-02820 CW (N.D. Cal.)
In re NCAA Student-Athlete Name & Likeness Licensing Litigation, Case No. 4:09-cv-1967 CW (NC) (N.D. Cal.)

Environment

Koepf et al. v. Hanjin Shipping, Co. et al., No. CGC-07-469379 (San Francisco County Sup. Ct., CA)
Loretz et al. v. Regal Stone Limited et al., No. 07-5800-SC (N.D. Cal.)
Tarantino et al. v. Regal Stone et al., No. CGC-07-469379 (San Francisco County Sup. Ct., CA)

Government

McKesson Governmental Entities Average Wholesale Price Litigation, No. 1:08-cv-10843-PBS (D. Mass.)

Technology

SRAM Antitrust Litigation, No. 4:07-MD-01819-CW (N.D. Cal)

Telecommunications

White v. Cellco Partnership , No. RG04-137699 (Alameda County Sup. Ct., CA)
Larson v. Sprint Nextel Corp., No. 07-cv-5325 (D. N.J.)
In re Universal Service Fund Telephone Billing Practices Litig., MDL No. 1468 (D. Kan.)

Consumer Products

Natalie Pappas v. Naked Juice Co. of Glendora, Inc. Case No. LA CV 11-08276-JAK (C.D. Cal)
Barbara Marciano v. Schell & Kampeter, Inc. et al No. 12-cv-02708-SJF-AKT (E.D. NY)
Mattel, Inc., Toy Lead Paint Products Liability Litigation, No. 2:07-ML-01897-DSF-AJW (S.D. Cal.)
Gallucci v. Boiron, Inc. et al., No. 11-cv-2039-JAH (NLSx)
Nigh v. Humphreys Pharmacal, Incorporated et al., Case No. 3:12-cv-02714-MMA-DHB
In re: Bayer Corp. Combination Aspirin Products Marketing and Sales Practices Litigation, No. 09-MD-2023
Edwards v. National Milk Producers Federation, Case No. 11-CV-04766-JSW (N.D. CA)
In Re: Aurora Dairy Corp. Organic Milk Marketing and Sales Practices Litigation, Civil Litigation No. 4:08-md-01907
Eliason v. Gentek Building Products, Inc., and Associated Materials, Inc. , No. 1:10-cv-02093 (N.D. Ohio)
Hart v. Louisiana-Pacific Corporation , No. 2:08-cv-00047 (E.D.N.C.)

Debt Collection Practices

Adams, et al., v. AllianceOne Receivables Management, Inc. (Case No. 08-CV-0248)
Pepper v. Midland Credit Management, Inc. and Encore Capital Group, Inc., No. 37-2011-00088752 (San Diego Sup. Ct.)