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13 *Class*

14 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**  
15 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

16 MAUREEN HARROLD, on behalf of herself  
17 and all others similarly situated,

18 Plaintiff,

19 v.

20 MUFG UNION BANK, N.A.,

21 Defendant.

CASE NO.: BC680214

CLASS ACTION

**DECLARATION OF  
PATRICK M. PASSARELLA OF  
KROLL SETTLEMENT  
ADMINISTRATION LLC IN  
CONNECTION WITH FINAL  
APPROVAL OF SETTLEMENT**

Date: July 25, 2024

Time: 10:00 AM

22 I, Patrick M. Passarella, declare as follows:

23 **INTRODUCTION**

24 1. I am a Senior Director of Kroll Settlement Administration LLC (“Kroll”),<sup>1</sup> the  
25 Settlement Administrator appointed in the above-captioned case, whose principal office is located  
26 \_\_\_\_\_

27 <sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the  
28 Amended Settlement Agreement and Releases entered into in this Action.

1 at 2000 Market Street, Suite 2700, Philadelphia, Pennsylvania 19103. I am over 21 years of age  
2 and am authorized to make this declaration on behalf of Kroll and myself. The following statements  
3 are based on my personal knowledge and information provided by other experienced Kroll  
4 employees working under my general supervision. This declaration is being filed in connection  
5 with Final Approval of the Settlement.

6 2. This declaration supplements the *Declaration of Scott Fenwick of Kroll Settlement*  
7 *Administration LLC in Connection with Final Approval of Settlement*, filed on June 10, 2024 (the  
8 “Initial Declaration”), in order to provide updated information to the Court regarding the Notice  
9 Program reach and the number of opt-out requests and objections received by Kroll. The Initial  
10 Declaration is incorporated herein by reference in its entirety.

### 11 **NOTICE PROGRAM REACH**

12 3. As described in the Initial Declaration, Kroll caused the Email Notice and Postcard  
13 Notice to be sent to the Settlement Class. Kroll also re-mailed Postcard Notices returned  
14 undeliverable with a forwarding address and for which an advanced address search produced  
15 updated addresses.

16 4. Following the Initial Declaration, an additional 112 Postcard Notices were returned  
17 undeliverable.

18 5. As of July 17, 2024, out of the 81,251 unique accounts to which Kroll sent Notice,  
19 540 Postcard Notices were unable to be traced, 254 Postcard Notices were returned undeliverable  
20 a second time, and ninety-two (92) Postcard Notices were returned following the end of the Notice  
21 Program. Therefore, Kroll has reason to believe that 80,365 of the 81,251 unique accounts for  
22 which Notice was emailed or mailed received Notice successfully. This equates to a reach rate of  
23 the direct Notice Program of approximately 98.9%. This reach rate is consistent with other court-  
24 approved, best-practicable notice programs and Federal Judicial Center Guidelines, which state that  
25 a notice plan that reaches<sup>2</sup> over 70% of targeted class members is considered a high percentage and  
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27 <sup>2</sup> FED. JUD. CTR., *Judges’ Class Action Notice and Claims Process Checklist and Plain Language*  
28 *Guide* (2010), available at <https://www.fjc.gov/sites/default/files/2012/NotCheck.pdf>. The guide suggests that the minimum threshold for adequate notice is 70%.

1 the “norm” of a notice campaign.<sup>3</sup>

2 6. As previously set forth in the Initial Declaration, Kroll established a toll-free  
3 telephone number for Accountholders in the Settlement Class to call and obtain additional  
4 information regarding the Settlement through an Interactive Voice Response (“IVR”) system. As  
5 of July 16, 2024, the IVR system has received 363 calls.

6 7. As previously set forth in the Initial Declaration, Kroll created a dedicated  
7 Settlement Website to provide information about the Settlement, including downloadable copies of  
8 the Settlement Agreement, Long Form Notice, Unopposed Motion for Final Approval of Class  
9 Action Settlement, and Unopposed Motion for Attorneys’ Fees, Costs, and Incentive Award. As of  
10 July 17, 2024, 4,148 unique users have visited the Settlement Website. Kroll has responded to  
11 ninety-eight (98) inquiries from visitors to the website. As of July 17, 2024, no requests for the  
12 Long Form Notice have been received.

13 **EXCLUSIONS AND OBJECTIONS**

14 8. The last day to submit opt-out requests/objections from Accountholders in the  
15 Settlement Class who received Notice through the initial emailing and mailing was June 25, 2024.  
16 The last day to submit opt-out requests/objections for the Accountholders in the Settlement Class  
17 associated with 2,423 unique account numbers who received Postcard Notices via remails and  
18 forwards was July 10, 2024.

19 9. As of July 17, 2024, Kroll has received no additional opt-out requests. The one opt-  
20 out request received by Kroll was included in the Initial Declaration.

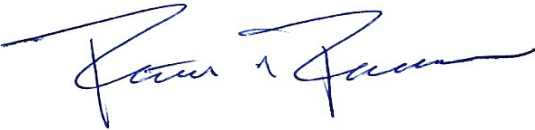
21 10. As of July 17, 2024, no objections have been received by Kroll.  
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28 <sup>3</sup> Barbara Rothstein and Thomas Willging, *Federal Judicial Center Managing Class Action  
Litigation: A Pocket Guide for Judges*, at 27 (3d Ed. 2010).

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**CERTIFICATION**

I declare under penalty of perjury under the laws of California that the above is true and correct to the best of my knowledge and that this declaration was executed on July 17, 2024, in Delaware, Ohio.



\_\_\_\_\_  
PATRICK M. PASSARELLA