

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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**Post-Distribution Accounting Form**

For guidance and instruction, please see

<https://www.cand.uscourts.gov/forms/procedural-guidance-for-class-action-settlements/>

Case Number (YY-xx-#####)	4:18-cv-01060-YGR
Case Name	Daniel Berman et al., v. Freedom Financial Network, LLC et al.
Attorney Name	Jennifer Rust Murray
Nature of Action	TCPA
Attorney Email	jmurray@terrellmarshall.com
Party Represented	Plaintiffs
This is:	<input type="radio"/> An interim post-distribution accounting. Not all settlement funds have been distributed.  <input checked="" type="radio"/> A final post-distribution accounting. All settlement funds have been distributed.

1. Total settlement fund	\$9,750,000.00		
2. Number of class members	726,745		
3. Number of class members to whom notice was sent and not returned as undeliverable	672,263		
4. Number of claim forms submitted	286,324	N/A	<input type="checkbox"/>
4.1 Number of valid claim forms submitted	39,252		
5. Percentage of claim forms submitted [=Q4/Q3]	42.59%	N/A	<input type="checkbox"/>
5.1 Percentage of valid claim forms submitted	5.84%		
6. Number of opt-outs	2		
7. Percentage of opt-outs [=Q6/Q3]	0.0003%		
8. Number of objections	0		
9. Percentage of objections [=Q8/Q3]	0%		
10. Average recovery per claimant initial distribution	\$156.18		
10.1 Average recovery per claimant second distribution	\$37.80		
11. Median recovery per claimant initial distribution	\$116.77		

11.1 Median recovery per claimant second distribution		\$27.20	
12. Maximum recovery per claimant initial distribution		\$233.55	
12.1 Maximum recovery per claimant second distribution		\$55.40	
13. Minimum recovery per claimant initial distribution		\$116.77	
13.1 Minimum recovery per claimant second distribution		\$27.70	
14. Methods of notice to class members [1 or more], and percentage of success by method if known. Leave percentage blank if not known.			
<input type="checkbox"/>	71.11%	Mail	<input type="checkbox"/>
<input type="checkbox"/>	99.12%	Email	<input type="checkbox"/>
<input type="checkbox"/>	0.00%	Text	<input type="checkbox"/>
<input type="checkbox"/>	0.00%	Advertisement	<input type="checkbox"/>
<input type="checkbox"/>	0.00%	Website	<input type="checkbox"/>
<input type="checkbox"/>	0.00%	Other	<input type="checkbox"/>
15. Methods of payment to class members [1 or more], and percentage of success by method if known. Leave percentage blank if not known.			
<input type="checkbox"/>	0.00%	Direct Deposit	<input type="checkbox"/>
<input type="checkbox"/>	0.00%	Gift Card	<input type="checkbox"/>
<input type="checkbox"/>	100%	Paper Check	<input type="checkbox"/>
<input type="checkbox"/>	0.00%	Wire	<input type="checkbox"/>
<input type="checkbox"/>	0.00%	Payment App	<input type="checkbox"/>
<input type="checkbox"/>	0.00%	Other	<input type="checkbox"/>
16. Number of checks not cashed (initial & reissued checks)		4,961	
17. Total value of checks not cashed (first and second distributions)		\$167,832.88	
18. Amount of settlement funds claimed by class members (first and second distributions)		\$5,974,558.28	N/A <input type="checkbox"/>
19. Amount of settlement funds distributed to class members		\$6,142,391.15	
20. Amounts to be distributed to each <i>Cy Pres</i> recipient		Name	Amount
	1.	Public Justice Foundation	\$167,832.88
	2.		\$
	3.		\$
	4.		\$
	5.		\$
	6.		\$
	7.		\$
	8.		\$
	9.		\$
	10.		\$
21. Administrative costs		\$630,000.00	

21.1 Class Representative Awards	\$15,000.00
21.2 Taxes	\$1,200.00
22. Attorneys' fees in terms of percentage of the settlement fund	\$2,812,500.00
23. Attorneys' costs excluding expert costs	\$85,133.10
24. Expert costs	\$114,975.75
25. Attorneys' fees in terms of percentage of the settlement fund	28.8%
25.1 Attorneys' fees in terms of percentage of settlement value	25%
26. Plaintiffs' counsel's final lodestar total	\$2,638,558.50
27. Lodestar multiplier [# x.y]	1.07
28. Describe any potential fraud issues encountered, the likely causes, and how they were addressed	
<p>A.B. Data performed various programmatic and manual audits as well as quality assurance reviews of the Claim Forms received. The claims were also reviewed for the typical indications of suspicious or fraudulent activity, which from our experience includes but is not limited to: multiple claims filed from the same IP address; claims filed from IP addresses originating outside the United States; claims containing suspicious patterns in the form and substance of the information provided<sup>1</sup>; claims submitted where the time from inception to completion of the claim was faster than a human could typically complete a Claim Form; and claims containing suspicious email addresses. As a result of these reviews, 184,383 claims were determined to be likely fraudulent and were marked as deficient. A.B. Data also identified 62,637 claims that were invalid and thus denied for not containing information sufficient to reflect inclusion in the Class, were duplicative, or were otherwise defective.</p> <p>Patterns in data entry across multiple claims trigger review processes to guard against programmatic claim filing (Bot Claims). Some examples of these patterns are using European date styles, failed capitalization of names and/or address data, phone number format, and uncommon email addresses.</p> <p>A.B. Data received 49,410 online deficiency responses of these responses, 3 contained valid documentation and were approved, the remaining 49,407 submissions contained fraudulently created documentation and were denied.</p> <p>During the review of deficient and denied claims, A.B. Data located and removed an additional 241 claims that were found to be duplicates due to updated data provided in the deficiency and denial process.</p> <p>A total of 39,208 claims were determined to be valid.</p>	
29. Number of class members availing themselves of nonmonetary relief	N/A

30. Aggregate value redeemed	\$0.00
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Continued on next page.

31. Where injunctive and/or other non-monetary relief has been obtained, discuss the benefit conferred on the class.

The benefit conferred on the class was \$1,500,000.00, which is the amount that Fluent paid to implement the practices changes required by the settlement.

32. Other notes and issues required to be addressed by judge's standing order.

Interest was earned during the initial distribution period in the amount of \$13,737.79. These funds, minus \$1,200.00, for tax liabilities were distributed to the class in the second distribution.

End of form.