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11 Attorneys for Plaintiffs

12 **UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
14 **OAKLAND DIVISION**

15 DANIEL BERMAN, STEPHANIE
16 HERNANDEZ, and ERICA RUSSELL,

17
18 Plaintiffs,

19 v.

20
21 FREEDOM FINANCIAL NETWORK, LLC,
22 FREEDOM DEBT RELIEF, LLC, FLUENT,
23 INC., and LEAD SCIENCE, LLC,

24 Defendants.
25

Case No. 4:18-cv-01060-YGR

**SUPPLEMENTAL DECLARATION
OF ERIC SCHACHTER IN SUPPORT
OF MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Judge: Yvonne Gonzalez Rogers
Courtroom:

1 I, Eric Schachter, declare under penalty of perjury:

2 1. I am a Senior Vice President with A.B. Data, Ltd. ("A.B. Data"). A.B. Data has
3 been selected by the parties to act as the Settlement Administrator in this case after a competitive
4 bidding process. I am fully familiar with the facts contained herein based upon my personal
5 knowledge, and if called as a witness, could and would testify competently thereto.

6 2. I submit this declaration as a supplement to my previous Declaration of Eric
7 Schachter in Support of Motion for Preliminary Approval of Class Action Settlement filed with
8 the Court on March 17, 2023 (the "Initial Schachter Declaration") (ECF 340). At the request of
9 the parties and pursuant to the Court's requests for additional information, this Declaration
10 provides an update on the required notifications sent out pursuant to the Class Action Fairness Act
11 ("CAFA"), 28 U.S.C. § 1715, an updated banner ad to be used for the digital media campaign, and
12 additional information on the expected number of claims to be submitted.

13 3. In compliance with CAFA, on March 27, 2023, A.B. Data caused CAFA Notices
14 to be sent via either UPS or USPS Priority Mail to the U.S. Attorney General, the Attorneys
15 General of each of the 50 States and the District of Columbia, and the Attorneys General of the
16 recognized U.S. Territories. Attached as **Exhibit 1** is a true and correct copy of the CAFA
17 notification. As of the date of this declaration, there have been no inquiries or requests for
18 additional information in response to the CAFA notifications.

19 4. As detailed in the Initial Schachter Declaration, A.B. Data will design and
20 implement a digital media campaign by causing approximately 50 million banner advertisement
21 impressions to be distributed over desktop and mobile devices via the Google Display Network,
22 Google AdWords, Facebook, Instagram and YouTube. The impressions will be targeted to
23 potential Class Members using the known demographics and contact information. A revised
24 banner advertisement is attached as **Exhibit 2**.

EXHIBIT 1



March 27, 2023

via USPS Priority Mail

Re: *Daniel Berman et al., v. Freedom Financial Network, LLC et al., Case No. 4:18-cv-01060-YGR*
28 U.S.C. § 1715(b) Notification

Dear Sir or Madam:

Settlement Administrator A.B. Data, Ltd., on behalf of the Defendant in the above-referenced action (the “Action”), provides the notice as specified in the Class Action Fairness Act of 2005, 28 U.S.C. § 1715(b).

The Action is pending before U.S. District Court Judge Yvonne Gonzalez Rogers in the United States District Court for the Northern District of California. On March 17, 2023, counsel for the Plaintiff(s) filed an unopposed motion for preliminary approval of a Class Action Settlement Agreement (the “Settlement Agreement”).

In accordance with 28 U.S.C. § 1715(b), please see the below information and find copies of the following documents associated with this Action on the enclosed CD.

1. Fourth Amended Complaint for Damages and Injunctive Relief, filed on June 10, 2022. *See* 28 U.S.C. § 1715(b)(1).
2. The hearing on the Preliminary Approval Motion has been scheduled for April 25, 2023 at 2:00 pm PT. The hearing seeking final approval of the proposed settlement has not yet been set by the Court. *See* 28 U.S.C. § 1715(b)(2).
3. A copy of the proposed Long-Form Notice, Email Notice, Postcard Notice, and Claim Form. *See* 28 U.S.C. § 1715(b)(3). The proposed class notices are subject to judicial review and approval.
4. The Class Action Settlement Agreement, executed on March 16, 2023, and all exhibits. *See* 28 U.S.C. § 1715(b)(4).
5. There are no contemporaneous agreements between Plaintiffs’ Counsel and Defendants’ Counsel in conjunction with the proposed Settlement other than the enclosed Settlement Agreement. *See* 28 U.S.C. § 1715(b)(5).
6. At this time, no final judgment or notice of dismissal with prejudice has been entered in the Action. *See* 28 U.S.C. § 1715(b)(6).
7. It is not feasible at this time to include a list containing names of Settlement Class Members that reside in each State because the reverse-append process to locate name-and-address information has not yet been completed. Attached to this letter as Appendix A is a breakdown of class members that are estimated to reside in each State and the estimated proportionate share of claims of class members. *See* 28 U.S.C. § 1715(b)(7).

8. There are currently no written judicial opinions relating to the materials described in items (3) through (6) above. The Proposed Order Granting Plaintiffs' Motion for Preliminary Approval of Class Action Settlement and Proposed Final Approval Order *See* 28 U.S.C. § 1715(b)(8).

9. The Plaintiff's Motion for Preliminary Approval of Class Action Settlement filed on March 17, 2023.

The foregoing information is provided based upon what is currently available to date and the status of the proceedings at the time of the submission of this notice and is also available via the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.mdd.uscourts.gov>.

Sincerely,

A.B. Data, Ltd.

Settlement Administrator on behalf of Defendant

EXHIBIT 2



If You Received Prerecorded CALLS Selling

**Freedom Financial Network or
Freedom Debt Relief Products**

from 5/17/17 - 4/17/18

**YOU MAY BE ENTITLED TO
BENEFITS FROM A
CLASS ACTION SETTLEMENT**

LEARN MORE HERE

WebsiteURL.com