

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

JAMES THOMPSON, III, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

RYDER SYSTEM, INC.,

Defendant.

CASE NO.: 1:22-cv-20552-
ALTONAGA/Torres

**DECLARATION OF AMERICAN LEGAL CLAIM SERVICES, LLC
REGARDING DUE DILIGENCE IN NOTICING**

I, Mark Unkefer, declare as follows:

1. I am a competent adult, over the age of eighteen, and this declaration is based on my personal knowledge.
2. I am a Case Manager for American Legal Claim Services, LLC (“ALCS”).
3. **Class Action Fairness Act (“CAFA”) Notice:** On March 27, 2023, ALCS mailed, via certified mail, a CAFA Notice pursuant to 28 U.S.C. § 1715 to the Attorneys General of the 50 states and the territory of Puerto Rico, the Attorney General of the United States, the District of Columbia’s Corporate Counsel, the Attorney General for Guam, the Attorney General for American Samoa, the Attorney General for the United States Virgin Islands, and the Attorney General for the Northern Mariana Islands. The CAFA Notice package contained a cover letter on behalf of the Defendant Ryder System Inc. as well as a CD-ROM that included the following exhibits: 1) Class Action Complaint, 2) First Amended Class Action Complaint, 3) Proposed Short Form Notice for Mailing, 4) Proposed Long Form Notice for Website, 5) Class Action Settlement Agreement, and 6) Order Granting Preliminary Approval of Class Action Settlement.
4. **Class List Receipt and Processing:** On or about April 10, 2023, ALCS processed the mailing list (“Class List”) containing names and street addresses, where available. ALCS reviewed and processed the data and identified a total of 24,707 rows in the class data. The final Noticing List contained 23,340 class members as 1,367 duplicates were merged. Throughout the noticing process, ALCS utilized several means of ensuring the most accurate mailing addresses for class members. These methods included National Change of Address through the USPS, skip-tracing, and manual updates from class members.
5. **Initial Class Notice:** On April 14, 2023, ALCS mailed the Notice of Class Action (“Notice”) substantially in the form approved by the Court (attached hereto as Exhibit A), to 23,340 class members.

6. **Returned Mail Handling:** ALCS processed all Notices returned by USPS. A minority of the return mail included an updated address provided by USPS. For these, the class member addresses were updated, and the Notice was re-mailed to the updated address provided. The remainder of the mail returned by USPS did not contain an updated address (“UAA”). For these, ALCS conducted address searches using a nationally recognized location service to attempt to locate new addresses for these class members. Of the 23,340 Initial Notices mailed, 1,275 were returned by USPS as of the date of this declaration. Of those 1,275 returned, 1,009 were remailed to updated addresses. 113 of those remails were returned by USPS. 379 Notices were deemed undeliverable.
7. **Noticing Campaign Summary:** The following is a summary of the noticing, as of the date of this Declaration:
 - Total Class Members: 23,340
 - Initial Notice of Class Action Settlement mailed via USPS: 23,340
 - Notice of Class Action Settlement returned by USPS: 1,275
 - Notice of Class Action Settlement remailed via USPS: 1,009
 - Remailed Notice of Class Action Settlement returned by USPS: 113
 - Notice of Class Action Settlement deemed undeliverable: 379
 - Percentage of Notice of Class Action Settlement deemed delivered: **98.38%**
8. **Exclusions:** The Notice instructed those who wish to opt out of the proposed settlement to mail a written exclusion request to the Settlement Administrator. It further states that an exclusion request must be sent by June 16, 2023. As of the date of this declaration, ALCS has received 5 exclusion requests for this case (attached hereto as Exhibit B).
9. **Objections:** The Notice instructed those who wish to object to the proposed settlement to file a written objection with the Court and to send a copy to the Settlement Administrator. It further states that objections must be sent by June 16, 2023. As of the date of this declaration, ALCS has not received any objections to the proposed settlement.
10. **Website:** ALCS created a case website www.thompsonclassaction.com that provided further information as stated in the Notice. The website contained sections for important Court documents, key dates, and answers to frequently asked questions. Class members also had an opportunity to update their address.
11. **Toll-Free Telephone:** ALCS established a toll-free telephone line (800-564-5820) for Class members to contact with questions about the settlement or to update their address.

I declare under penalty of perjury pursuant to the laws of the State of Florida that the foregoing is true and correct to the best of my knowledge. Executed on June 1, 2023, in Jacksonville, Florida.



Mark Unkefer

Exhibit A

Thompson v. Ryder System, Inc.

COURT ORDERED NOTICE

Thompson
v.
Ryder System, Inc.

c/o Settlement Administrator
PO Box 23668
Jacksonville, FL 32241-3668

Class Action Notice



Postal Service: Please do not mark barcode
<<noticeid>> – <<keyline>>

Settlement has been reached in a proposed class action lawsuit in which Named Plaintiff, James Thompson (“Named Plaintiff”), alleges that Ryder System, Inc. (“Defendant”) collectively the “Parties”), provided him and other putative class members with a notice that did not adequately inform class members how to exercise their right to elect continuation health coverage under the Consolidated Omnibus Reconciliation Act of 1985 (“COBRA”).

1 * 1
<<fname>> <<lname>>
<<businessname>>
<<addrline1>>
<<addrcity>> <<addrstate>> <<addrzip>>

Defendant denies Named Plaintiff’s allegations and denies that it violated any law or regulation (nor has the Court found that Defendant violated any law or regulation). Defendant has, at all times, affirmatively asserted that all of its COBRA Notices complied with applicable laws, but has agreed to the Settlement to avoid the uncertainties and expenses of continuing the case. Defendant is agreeing to deposit \$390,000 into a Settlement Account and, after deducting amounts for the Named Plaintiff’s reasonable attorneys’ fees and costs, settlement administration costs, and a general release payment to the Named Plaintiff, each Settlement Class Member will receive a *pro rata* share of the remaining net settlement proceeds. There are approximately 23,200 Settlement Class Members.

Am I a Class Member? Defendant’s records indicate you are a member of the settlement class defined as follows: “All participants and beneficiaries in the Defendant’s Health Plan who were sent a COBRA notice by Defendant, in the same or substantially similar form sent to Plaintiff, from February 24, 2018 to February 24, 2022, as a result of a qualifying event, as determined by Defendant’s records, and did not elect continuation coverage” (referenced herein as the “Settlement Class”).

What Will the Settlement Mean for Me? If the Court approves the Settlement, you will receive a payment by check. After deducting expenses, the Gross Settlement amount of will be divided equally on a *pro rata* basis among all Settlement Class Members who do not opt out of the Settlement. The gross amount payable to each Settlement Class Member (assuming all potential members participate) will be approximately \$16.81. However, certain deductions will be made from the Settlement Account, as approved by the Court. Specifically, Class Counsel will ask the Court to approve (1) Class Counsel’s attorneys’ fees equivalent to one-third of the Settlement Account; (2) Class Counsel’s litigation costs; (3) settlement administration costs; (4) general release payment to the Named Plaintiff. If the Court awards the amounts, the net amount to each Settlement Class Member will be approximately \$7.50 to \$10.00.

In exchange for their *pro rata* shares of the net settlement proceeds, each Settlement Class Member will be releasing Defendant, the Plan, the COBRA administrator and other administrators for the Plan, and other related entities (the “Released Parties”) from the claims brought in this action with respect to the COBRA Notice sent to each Settlement Class Member at issue in Named Plaintiff’s First Amended Class Action Complaint. If approved by the Court, the Named Plaintiff and all Settlement Class Members who have not opted out of the Settlement Class, shall fully and forever release, waive, acquit, and discharge each of the Released Parties from the claims in this lawsuit only. No claims by class members for benefits under ERISA are subject to this waiver except to the extent the claim for benefits or disputed benefits relate to the alleged failure to receive a proper COBRA Notice.

What Do I Need to Do to Receive a Payment? To receive a settlement payment, you do not need to do anything. You will receive your pro-rata portion of the net Settlement Fund provided you do not opt-out of the Settlement, as described in further detail below.

Who Represents Me? The Court appointed lawyers Luis A. Cabassa, Brandon J. Hill, and Amanda Heystek, from Wenzel Fenton Cabassa, P.A., and Chad Justice from Justice Litigation Associates, PLLC, to represent the Settlement Class. As Class Counsel, they will seek to be paid legal fees out of the Settlement Account as described above, plus litigation costs. You may hire and pay for a lawyer at your own expense if you do not wish to be represented by Class Counsel, but you are not required to retain your own counsel.

What If I Don't Like the Settlement? You may exclude yourself from participating in the Settlement or object to its terms. To exclude yourself ("opt out") and keep any individual rights you may have against Defendant concerning the COBRA Notice at issue in this lawsuit (and Defendant will keep any defenses it has against your claims), you must specifically state in writing that you want to opt out of the Settlement and send your written opt-out request to the Settlement Administrator by June 16, 2023. Your written opt-out request must (i) state the case name and; (ii) state your name, address, telephone number, and email address; and (iii) include your personal signature. If you do not opt out of the Settlement, you may still object to the terms of the proposed Settlement by filing a written objection with the Court and sending a copy of your objection to the Settlement Administrator by June 16, 2023. If you object to the Settlement, your written objection must (i) state the case name and number; (ii) provide the specific grounds for your objection; and (iii) state whether your objection pertains to just you individually, or all or some of the proposed Settlement Class (iv) state your name, address, telephone number, and email address; (v) state whether you intend to appear at the Final Approval Hearing, either with or without your own counsel; and (vi) include your personal signature (and your legal counsel's signature, if you have your own representation).

When Will the Court Consider the Proposed Settlement? The Court will hold the Final Approval Hearing on June 16, 2023 at 9:00 a.m. at the Wilkie D. Ferguson, Jr. United States Courthouse for the Southern District of Florida, Miami Division, 400 North Miami Avenue, Miami, Florida 33128, in Courtroom 13-3. The hearing may be postponed to a later date so you should visit the website listed below for updates prior to the hearing date. It may also be conducted via telephone or by Zoom due to COVID without further notice. If the Court approves the settlement, there may be appeals or objections that must be resolved before the settlement will become effective. Settlement payments to members of the Settlement Class will be made only if the settlement is finally approved by the Court and only after all appeals or objections are resolved. This may take some time, so please be patient. You may check on the status of this approval process by visiting this website www.ThompsonClassAction.com.

How May I Get More Information? For more information, please visit www.ThompsonClassAction.com, or write to: Thompson v Ryder c/o Settlement Administrator, PO Box 23668, Jacksonville, FL, 32241-3668, or send e-mails to info@ThompsonClassAction.com, or call (800) 564-5820.

Please use this section to update your address

<<noticedid>> <<keyline>>

NAME _____

ADDRESS _____

CITY, STATE, ZIP _____

PLACE
STAMP
HERE

Thompson v. Ryder System, Inc.
c/o Settlement Administrator
PO Box 23668
Jacksonville, FL 32241-3668

Exhibit B

April 25, 2023

Opt Out of Case: Thompson v. Ryder System, Inc.

Notice ID: 22638969

Pin: [REDACTED]

Name: Steven D. Sanchez Jr.

Address: [REDACTED]

Phone number: [REDACTED]

E-mail: [REDACTED]



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THOMPSON v RYDER SYSTEM



EXCLUSION 90005

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MAY 15 2023

American Express

CAVIN D. SANCTUARY



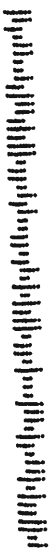
SN BERNARDINO CA 923
10 MAY 2023PM 7 L



THOMPSON V. RYDER SYSTEM
c/o SETTLEMENT ADMIN

PO BOX 23668
JACKSONVILLE, FL 32241-
3668
MAY 15 2023

32241-366888



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Please use this section to update your address

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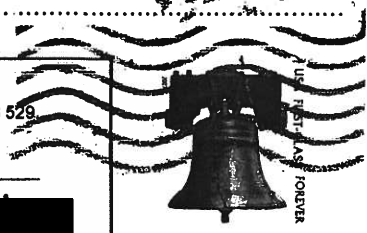
8 MAY 2023 PM 4 L

NAME: Chet Jenkins

ADDRESS: [REDACTED]

CITY, STATE, ZIP: [REDACTED]

email: [REDACTED]



Thompson v. Ryder System, Inc.

c/o Settlement Administrator

PO Box 23668

FL 32241-3668

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THOMPSON V RYDER SYSTEM

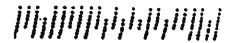


EXCLUSION 900004

RECEIVED

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American Legal Mail



CASE NAME:

Thompson v. Ryder System, Inc.

COURT ORDERED NOTICE

c/o Settlement Administrator
PO Box 23668
Jacksonville, FL 32241-3668

Thompson
v.
Ryder System, Inc.



51323-FC-010246
Postmaster: Do Not Mark Barcode

Notice ID: 22642566
PIN: 745 508 529

PRSR FIRST CLASS
U.S. POSTAGE
PAID
MAILED FROM
ZIP CODE 32216
PERMIT NO 584

OPT-OUT

Class Action Notice

A Settlement has been reached in a proposed class action lawsuit in which Named Plaintiff, James Thompson ("Named Plaintiff"), alleges that Ryder System, Inc. ("Defendant") (collectively the "Parties"), provided him and other putative class members with a notice that did not adequately inform class members how to exercise their right to elect continuation health coverage under the Consolidated Omnibus Reconciliation Act of 1985 ("COBRA").

52 * 16258

NAME: JENKINS, CHET

Address: [REDACTED]



email: [REDACTED]

signature: Chet Jenkins

2

Defendant denies Named Plaintiff's allegations and denies that it violated any law or regulation (nor has the Court found that Defendant violated any law or regulation). Defendant has, at all times, affirmatively asserted that all of its COBRA Notices complied with applicable laws, but has agreed to the Settlement to avoid the uncertainties and expenses of continuing the case. Defendant is agreeing to deposit \$390,000 into a Settlement Account and, after deducting amounts for the Named Plaintiff's reasonable attorneys' fees and costs, settlement administration costs, and a general release payment to the Named Plaintiff, each Settlement Class Member will receive a *pro rata* share of the remaining net settlement proceeds. There are approximately 23,200 Settlement Class Members.

Am I a Class Member? Defendant's records indicate you are a member of the settlement class defined as follows: "All participants and beneficiaries in the Defendant's Health Plan who were sent a COBRA notice by Defendant, in the same or substantially similar form sent to Plaintiff, from February 24, 2018 to February 24, 2022, as a result of a qualifying event, as determined by Defendant's records, and did not elect continuation coverage" (referenced herein as the "Settlement Class").

What Will the Settlement Mean for Me? If the Court approves the Settlement, you will receive a payment by check. After deducting expenses, the Gross Settlement amount of will be divided equally on a *pro rata* basis among all Settlement Class Members who do not opt out of the Settlement. The gross amount payable to each Settlement Class Member (assuming all potential members participate) will be approximately \$16.81. However, certain deductions will be made from the Settlement Account, as approved by the Court. Specifically, Class Counsel will ask the Court to approve (1) Class Counsel's attorneys' fees equivalent to one-third of the Settlement Account; (2) Class Counsel's litigation costs; (3) settlement administration costs; (4) general release payment to the Named Plaintiff. If the Court awards the amounts, the net amount to each Settlement Class Member will be approximately \$7.50 to \$10.00.

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05/03/2023

Thompson v. Ryder System, Inc.

c/o. Settlement Administrator

P.O. Box 23668

Jacksonville, Fl. 32241-3668

Re: Thompson v. Ryder System Inc.

Dear Administrator:

I wish to OPT OUT of this settlement: 22642737 and pin: [REDACTED].

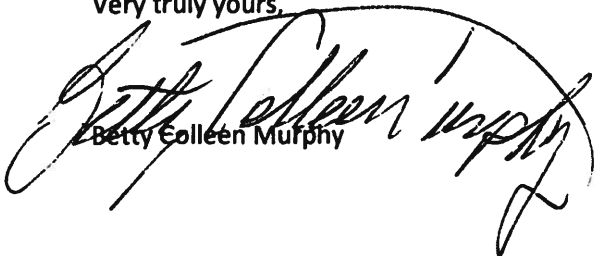
I did not have health insurance with Ryder at that time. I purchased my own insurance

With Kaiser. Please take my name out of this settlement.

Betty Colleen Murphy [REDACTED] phone [REDACTED] and

Email: [REDACTED]

Very truly yours,


Betty Colleen Murphy

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THOMPSON V RYDER SYSTEM



EXCLUSION 900003

RECEIVED

MAY 05 2023

American Legal Group



Betty Murphy



American Legal Center

RECEIVED
MAY 05 2023

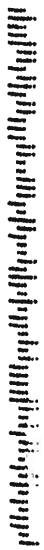
32241-36668

DENVER CO 802
3 MAY 2023 PM 3 L



Thompson v. Ryder System, Inc.

c/o Settlement Administrator
PO Box 23668
Jacksonville, FL 32241-3668



POST FIRST CLASS
U.S. POSTAGE
PAID
MAILED FROM
ZIP CODE 32216
PERMIT NO 584

Thompson v. Ryder System, Inc.
c/o Settlement Administrator
PO Box 23668
Jacksonville, FL 32241-3668



COURT ORDERED
NOTICE

Thompson
v.
Ryder System, Inc.

51323-FC-020591
Postmaster: Do Not Mark Barcode

Class Action Notice

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12 * 3164
THOMAS-DAVIS, ANTOINETTE
1053 LANCASTER CLOSE
LAWRENCEVILLE, GA 30043-5343



*Opt out 4/20/23
Antoinette Thomas-Davis*

Notice ID: 22680596

PIN: [Redacted]

MAY 04 2023

American Postal Directory

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THOMPSON V RYDER SYSTEM



EXCLUSION 900002

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|---|-------------|
| Please use this section to update your address | |
| 22660596 | 566 821 423 |
| NAME _____ | |
| ADDRESS _____ | |
| CITY, STATE, ZIP _____ | |

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Thompson v. Ryder System, Inc.
c/o Settlement Administrator
PO Box 23668
Jacksonville, FL 32241-3668

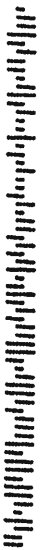
Antoinette Thomas-Davis



RECEIVED
MAY 04 2023

To: Thompson V. Ryder System Inc
c/o Settlement Administration
P.O. Box 23668
Jacksonville, FL 32241-3668

32241-3668



ATLANTA METRO 301
MAY 04 2023



el John Spiewak wish to
opt out of Case Thompson v.
Ryder System Inc.

Thank You.

John Spiewak

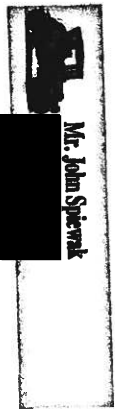
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THOMPSON v RYDER SYSTEM



EXCLUSION 900001

APR 25 2023



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Thompson V. Rydler Systems, Inc.
c/o Settlement Administrator
P.O. Box 23668
Jacksonville FL
APR 25 2023
32241-3668

32241-36688

