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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE UKG INC CYBERSECURITY
LITIGATION

Case No. 3:22-cv-00346-SI

THIS DOCUMENT RELATES TO:

**SUPPLEMENTAL DECLARATION
OF SCOTT M. FENWICK OF KROLL
SETTLEMENT ADMINISTRATION
LLC IN CONNECTION WITH FINAL
APPROVAL OF SETTLEMENT**

All Actions.

Judge: Hon. Susan Illston

I, Scott M. Fenwick, declare as follows:

INTRODUCTION

1. I am a Senior Director of Kroll Settlement Administration LLC (“Kroll”),¹ the Settlement Administrator appointed in the above-captioned case, whose principal office is located at 2000 Market Street, Suite 2700, Philadelphia, Pennsylvania 19103. I am over 21 years of age and am authorized to make this declaration on behalf of Kroll and myself. The following statements are based on my personal knowledge and information provided by other experienced Kroll employees working under my general supervision.

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in that certain Settlement Agreement and Release (the “Settlement Agreement”) entered into in connection with the above-captioned Action.

1 7. At the direction of Counsel, Kroll approved more than one Claim Form per
2 Settlement Class Member if that Settlement Class Member submitted Claim Forms on behalf of
3 dependents.

4 8. As of November 15, 2023, Kroll has determined it has received 21,201 valid Claim
5 Forms. Furthermore, as of November 15, 2023, Kroll has received fifteen (15) late Claim Forms
6 through the mail with a postmark date after the October 3, 2023, Claims Deadline, thirteen (13) of
7 which are otherwise valid. Of the thirteen (13) late but otherwise valid Claim Forms, two (2) claims
8 are from the Exfiltration Subclass and eleven (11) claims are from the Nationwide Class.

9 9. Kroll has reviewed all 719 Claim Forms received that required documentation be
10 provided by Settlement Class Members to support claims for Ordinary Expenses and Extraordinary
11 Losses.

12 10. At the direction of Counsel, on October 24, 2023, Kroll caused deficiency notices
13 to be sent via email to Settlement Class Members with deficient Claim Forms. The deficiency cure
14 form was also posted to the Settlement Website. A true and correct copy of the deficiency cure
15 form available for download is attached hereto as **Exhibit A**.

16 11. The deadline to respond to such notices was October 31, 2023. Pursuant to section
17 63(b) of the Settlement Agreement, Settlement Class Members could submit documents and other
18 information through the Settlement Website to cure deficient Claim Forms.

19 12. As of November 15, 2023, Kroll has reviewed and processed the supplemental
20 documentation and information provided by Settlement Class Members for deficient Claim Forms.

21 13. As of November 15, 2023, Kroll has determined that the 21,201 Claim Forms are
22 valid² and are worth approximately \$2,392,766.30, representing 1,637 Approved Claims worth
23 approximately \$230,485.64 for identified Exfiltration Subclass Members and 19,564 Approved
24 Claims worth approximately \$2,162,280.66 for the Nationwide Class. The current Approved
25

26 ² Included in the valid claims number are thirteen (13) untimely but otherwise valid claims (two
27 late claims were invalid). These untimely valid claims represent \$1,800 in Ordinary Expenses.
28 We understand Class Counsel will be requesting the Court approve these thirteen (13) claims and
as such have included them in our calculations.

1 Claims rate for the Exfiltration Subclass is 8.2%. Kroll is now in the process of completing internal
2 quality assurance and, as such, it is possible that the final number of Approved Claims that will
3 receive a benefit may change until such process is complete.

4 **EXCLUSIONS AND OBJECTIONS**

5 14. The Objection/Exclusion Deadline was September 18, 2023.

6 15. As stated in the October 2023 Declaration, Kroll has received three (3) timely
7 exclusion requests and one (1) late exclusion request, which was postmarked on October 3, 2023.
8 As of November 15, 2023, Kroll has not received additional exclusion requests. Settlement Class
9 Members were not instructed to submit their objection to the Settlement Administrator, and none
10 have been received by Kroll.

11 **SETTLEMENT ADMINISTRATION EXPENSES**

12 16. As of November 15, 2023, Kroll has billed \$862,380.39 for Settlement
13 Administration Expenses incurred in the administration of this matter through October 31, 2023,
14 which includes media costs. Kroll estimates that it will bill an additional \$150,000.00 to complete
15 the administration of this Settlement with a lowered cap of \$1,015,000.00 from \$1,200,000.00.
16 The additional administration includes final validation of Approved Claims, issuing payments to
17 Settlement Class Members for Approved Claims, filing taxes for the Settlement Fund, maintaining
18 the Settlement Website and toll-free telephone number through the close of administration,
19 responding to Settlement Class Members inquires, and providing a post-distribution declaration to
20 Counsel and Court. The current estimate is subject to change depending on factors such as the final
21 validation of Approved Claims, the number of Settlement payments to be issued, or any Settlement
22 administration scope change not currently under consideration. This estimate is based on Kroll's
23 many years of experience administering class action settlements. Kroll will submit monthly
24 invoices of Settlement Administration Expenses from November 1, 2023, through the end of
25 administration for Class Counsel to review prior to payment.

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CERTIFICATION

I declare under penalty of perjury under the laws of the United States that the above is true and correct to the best of my knowledge and that this Declaration was executed on November 15, 2023, in Inver Grove Heights, Minnesota.

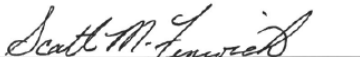

SCOTT M. FENWICK

Exhibit A

**Must be
postmarked or
submitted online
no later than
October 31, 2023**

Kronos Private Cloud Settlement
c/o Kroll Settlement Administration
P.O. Box 2253391
New York, NY 10150-5391
www.KronosPrivateCloudSettlement.com

Deficiency Cure Form

Directions: If you received a deficiency notice related to your claim, you must complete Section A, B, C, and/or D below, based on the direction provided on your deficiency notice. You must also complete required sections "Claimant Information" and "Signature".

CLAIMANT INFORMATION (REQUIRED)

Name (required) _____
 First _____ MI _____ Last _____

Current Mailing Address (required) _____
 Address 1 _____
 Address 2 (optional) _____

City _____ State _____ Zip _____

SECTION A: CASH PAYMENT FOR EXFILTRATION SUBCLASS MEMBERS

Name of Employer During December 2021 KPC Cyberattack: _____

You may also prove your membership in the Exfiltration Subclass by providing the Unique Class Member ID that was printed on the postcard notice you were sent. **Note: This will be different from the Unique Class Member ID you received in your deficiency notice.**

Unique Class Member ID: _____

If you are not a part of the Exfiltration Subclass, you may be eligible for lost time. If you spent personal time responding to issues resulting from the December 2021 KPC Cyberattack that has not been previously reimbursed by a third party, including time spent responding to interruption of applications hosted in the KPC, you may claim up to four hours of lost personal time at \$25/hour, which may include, but is not limited to, time spent: (i) dealing with impacts from delayed payments(s); (ii) dealing with interruption of access to information stored in the KPC; (iii) taking preventative measures (for example, time spent reviewing your accounts, placing or removing security freezes on your credit report, or purchasing credit monitoring or identity protection); or (iv) if you are a member of the Exfiltration Subclass, remedying fraud, identity theft, or other alleged misuse of your personal information resulting from the December 2021 KPC Cyberattack. Lost or unreimbursed wages are not lost personal time.

Number of Hours Claimed (round to the nearest hour, up to 4 hours allowed): _____

I attest and affirm that I have spent the number of hours of personal time claimed above responding to issues resulting from the December 2021 KPC Cyberattack that has not be previously reimbursed.



SECTION B: CASH PAYMENT FOR CALIFORNIA SUBCLASS MEMBERS

California Subclass Members Only: Provide the address of your California residence at the time of the December 2021 KPC Cyberattack, if any.

I believe I am entitled to the additional \$30 cash benefit as a California Subclass Member and certify that I resided in California in December of 2021, at the following address:

Address

Address 2

City State Zip

SECTION C: PAYMENT FOR UNREIMBURSED OUT-OF-POCKET EXPENSES (ORDINARY LOSSES)

If you received a deficiency notice concerning insufficient supporting documentation for unreimbursed out-of-pocket personal expenses, you must attach documents to this deficiency cure form that show what happened and how much you lost or spent.

Unreimbursed out-of-pocket expenses more likely than not caused by and fairly traceable to the December 2021 KPC Cyberattack and subsequent interruption of applications hosted in the KPC that are eligible for reimbursement include, but are not limited to, the following:

- Long distance phone charges;
- Cell phone charges (only if charged by the minute);
- Data charges (only if charged based on the amount of data used);
- Bank fees (documented);
- Credit monitoring (documented); and
- Late fees (documented).

SECTION D: PAYMENT FOR UNREIMBURSED EXTRAORDINARY LOSSES

If you received a deficiency notice concerning insufficient supporting documentation for unreimbursed Extraordinary Losses available to the Exfiltration Subclass, you must attach documents to this deficiency cure form that show what happened and how much you lost or spent.

Monetary losses for Extraordinary Losses resulting from the December 2021 KPC Cyberattack that are eligible for reimbursement may include, without limitation, the following:

- Unreimbursed costs, expenses, losses or charges you paid on or after December 2021, because of identity theft or identity fraud, falsified tax returns, or other alleged misuse of your personal information;
- Professional fees incurred in connection with addressing identity theft, fraud, or falsified tax returns.

SIGNATURE

I affirm under the laws of the United States that the information I have supplied on this form and any copies of documents that I am sending to support my claim are true and correct to the best of my knowledge.

By signing below, I understand that my cash benefit may decrease or increase depending on the number and amount of claims filed.

Signature

____ / ____ / ____
Date

Printed Name



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