

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

DAVID LEVY,

Plaintiff,

v.

CASE NO.: 3:20-cv-1037

DOLGENCORP, LLC; DOLLAR
GENERAL CORP.; DG RETAIL,
LLC,

Defendants.

**NOTICE OF FILING SUPPLEMENTAL DECLARATION OF GINA M.
INTREPIDO-BOWDEN REGARDING ADMINISTRATION AND NOTICE PLAN**

COMES NOW Plaintiff David Levy, on behalf of himself and a class of similarly situated persons, with the consent of Defendants Dolgencorp, LLC; Dollar General Corp.; and DG Retail, LLC (collectively “Defendants”) and hereby gives Notice of Filing Supplemental Declaration of Gina M. Intrepido-Bowden regarding administration and Notice Plan.

Dated: October 19, 2021

Respectfully Submitted,

By: /s/ Rachel Dapeer

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Attorneys for Plaintiff and the Class

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 19, 2021, a true copy of the foregoing was filed with the Court using the CM/ECF system.

/s/ Rachel Dapeer

Attorney

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

DAVID LEVY,

Plaintiff,

v.

DOLGENCORP, LLC; DOLLAR GENERAL
CORP.; DG RETAIL, LLC,

Defendants.

CASE NO.: 3:20-cv-01037-TJC-MCR

**SUPPLEMENTAL DECLARATION OF GINA M. INTREPIDO-BOWDEN
REGARDING SETTLEMENT ADMINISTRATION AND NOTICE PLAN**

I, GINA M. INTREPIDO-BOWDEN, declare and state as follows:

1. I am a Vice President at JND Legal Administration (“JND”). This Declaration is based on my personal knowledge, as well as upon information provided to me by experienced JND employees and, if called upon to do so, I could and would testify competently thereto.

2. JND previously filed a Declaration Regarding Settlement Administration and Notice Plan,¹ dated September 17, 2021, ECF No. 35-4 (“Notice Declaration”). This Supplemental Declaration is being filed to further update the Court regarding the Notice Plan and Settlement Administration.

¹ Capitalized terms used and not otherwise defined in this Declaration shall have the meanings given such terms in the Settlement Agreement and the previously filed Notice Declaration.

SETTLEMENT WEBSITE

3. Pursuant to the Preliminary Approval Order, on June 6, 2021, JND established a Settlement Website, www.DGInfantAcetaminophenSettlement.com, that allows Class Members to learn more about the Litigation and proposed Settlement.

4. As of October 14, 2021, the Settlement Website has tracked 145,381 unique visitors with 329,698 page views.

TOLL-FREE INFORMATION LINE, EMAIL, AND POST OFFICE BOX

5. On June 4, 2021, pursuant to the Preliminary Approval Order, JND established a case-specific toll-free telephone number, 1-833-722-0894, for Settlement Class Members to call to obtain information about the Settlement. The Settlement toll-free number is accessible 24 hours a day, seven (7) days a week. As of October 14, 2021, the toll-free number has received 39 calls.

6. JND also maintains a Settlement email address, info@DGInfantAcetaminophenSettlement.com, and a Post Office box where members of the Settlement Class may send Claim Forms, objections, and exclusion requests. As of October 14, 2021, JND has handled 125 emails.

EXCLUSIONS

7. The Court-approved Notice of Settlement, Mailed Notice, and Email Notice state that Settlement Class Members who would like to exclude themselves from the Settlement Agreement must do so by sending an exclusion request to JND stating that they wish to opt-out of the Settlement Agreement or otherwise not participate in it, postmarked by October 11, 2021.

8. As of the date of this Declaration, JND has received one (1) timely and valid request for exclusion which meets the requirements set forth in the Settlement Agreement. Attached as Exhibit A is a report of this exclusion.

OBJECTIONS

9. The Court-approved Notice of Settlement, Postcard Notice, and Email Notice state that Settlement Class Members who would like to object to the Settlement or tell the Court what they don't like about the Settlement may do so by filing a timely and valid objection with the Court (and mailing timely copies of the written objection to Class Counsel and Counsel for Defendants), by October 11, 2021.

10. As of the date of this Declaration, JND is not aware of any Settlement objections.

CLAIMS RECEIVED

11. The Court-approved Notice of Settlement, Postcard Notice, and Email Notice state that Settlement Class Members who want to participate in the Settlement must complete and sign the Claim Form and return it to JND postmarked by August 27, 2021.

12. As of October 14, 2021, JND has received a total of 28,108 Claim Forms (27,921 received online and 187 received by mail). A total of two claims have been determined to be late. (Please note that the total claims received has been revised downward from JND's earlier Notice Declaration as one item was determined to have been marked as a claim in error.)

13. JND is currently evaluating the claims received. At this time, of the 28,108 Claim Forms received, a total of 305,466,094 products have been claimed and, at \$1.70 per unit, the total value of all the claimed products would be \$519,292,359.80. A total of 22,904 Claim Forms have claimed three (3) or less products and, per the Settlement Agreement, do not require documentation. A total of 5,204 Claim forms are claiming more than three (3) products and, per the terms of the Settlement Agreement, must be documented. However only 410 of these Claim Forms received provided documentation.

14. The remaining 4,794 Claim Forms that did not provide documentation are claiming a total of 305,287,402 products, or 99.97% of all the products claimed. The parties have agreed and

advised JND to pay these claims at a rate of three (3) products per claim which is the maximum number of products that may be claimed without being required to submit documentation. In summary, JND estimates a total of 28,108 potentially valid claims representing 193,074 products (assigning three (3) products to each undocumented claim and assuming all documented claims are valid), with a total value of \$328,225.80, which is less than the estimated \$834,000 Claim Fund Balance and would therefore increase each Class Member's award proportionately until the Claim Fund Balance is exhausted.

15. JND will continue to administer the Settlement through all phases of Claims administration, as required by the Settlement Agreement, Preliminary Approval Order, and any future Orders of this Court.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 19, 2021 at Philadelphia, Pennsylvania.



GINA M. INTREPIDO-BOWDEN

- EXHIBIT A -



DG Health Infant Acetaminophen Settlement
(Levy v. Dolgencorp, LLC, Case No. 3:20-cv-01037-TJC-MCR)

TIMELY AND VALID EXCLUSIONS

Number	JND ID Number	Class Member	City/State	Postmark Date	Status
1	D3EV5-HZB4Q	ANTHONY AGUILAR	Covina, California	9/7/21	Valid