

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ELIZABETH RUSSETT, BETH CALABRESE, and
JAN BULLARD individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

THE NORTHWESTERN MUTUAL LIFE
INSURANCE COMPANY,

Defendant.

Case No. 7:19-cv-07414-KMK

**DECLARATION OF JENNIFER M.
KEOUGH REGARDING
SETTLEMENT ADMINISTRATION**

I, JENNIFER M. KEOUGH, declare and state as follows:

1. I am the Chief Executive Officer of JND Legal Administration (“JND”). JND is a legal administration service provider with its headquarters in Seattle, Washington. JND has extensive experience with all aspects of legal administration and has administered settlements in hundreds of class actions.

2. JND is serving as the Settlement Administrator¹ in the above-captioned litigation (“Action”), as ordered by the Court in its Order Granting Preliminary Approval of Class Action Settlement, Certifying Settlement Class, Appointing Class Representatives, Appointing Class Counsel, and Approving Notice Plan dated May 28, 2020 (“Order”). This Declaration is based on my personal knowledge and information provided to me by experienced JND employees and, if called on to do so, I could and would testify competently thereto.

¹ Capitalized terms used and not otherwise defined herein shall have the meanings given such terms in the Class Action Settlement Agreement.

CLASS MEMBER DATA

3. On June 3, 2020, JND received a spreadsheet from Defendant containing the names, mailing addresses, service charge amounts, and Insurance Service Account (“ISA”) status for individuals identified as Settlement Class Members. The spreadsheet contained contact information and other identifying data for a total of 26,153 potential Settlement Class Member records.

4. JND analyzed the data to remove duplicate records. JND identified 1,197 duplicate records, resulting in 24,956 unique Class Member records (17,058 Class Members with Active ISAs and 7,898 Class Members with Closed ISAs).

5. Prior to mailing any Notices, JND updated the Settlement Class Member contact information using data from the National Change of Address (“NCOA”) database.² The Settlement Class Member data was promptly loaded into a secure database established for this Action.

NOTICE MAILING

6. Pursuant to the terms of the Class Action Settlement Agreement, on June 25, 2020, JND mailed the Court-approved single-postcard notice (“Active ISA Notice”) via USPS first-class mail to the 17,058 Class Members with an Active ISA. An exemplar of the Active ISA Notice is attached hereto as **Exhibit A**.

7. On June 25, 2020, JND mailed a double-postcard notice via USPS first-class mail to the 7,898 Class Members with a Closed ISA. On July 8, 2020, JND mailed a revised notice

² The NCOA database is the official United States Postal Service (“USPS”) technology product which makes changes of address information available to mailers to help reduce undeliverable mail pieces before mail enters the mail stream. This product is an effective tool to update address changes when a person has completed a change of address from with the USPS. The address information is maintained on the database for 48 months.

(“Closed ISA Notice”, and together with the Active ISA Notice, the “Notices”) to the 7,898 Class Members with Closed ISAs. An exemplar of the Closed Account Notice is attached hereto as **Exhibit B**.

8. As of the date of this Declaration, JND tracked 871 Notices that were returned to JND as undeliverable. Of these undeliverable Notices, JND re-mailed 170 Notices to forwarding addresses provided by the USPS. For the remaining undeliverable Notices, JND conducted advanced address searches and received updated address information for 336 Class Members. JND re-mailed Notices to the 336 Class Members and 30 re-mailed Notices were returned as undeliverable.

9. As of the date of this Declaration, 24,561 Settlement Class Members were mailed a Notice that was not returned as undeliverable, representing 98.4% of total Settlement Class Members.

SETTLEMENT WEBSITE

10. On June 5, 2020, JND established a Settlement Website (www.InsuranceServiceChargeSettlement.com), which hosts copies of important case documents, including the Fee Petition (which was uploaded on July 20, 2020, the same day it was filed), answers to frequently asked questions, provides Administrator contact information for telephone, mail or e-mail contact. The Settlement Website includes the ability to file Claim Forms online and explains that Claim Forms, if signed electronically, will be binding for purposes of applicable law.

11. As of the date of this Declaration, the Settlement Website has tracked 728 unique users who registered 1,315 page views. JND will continue to update and maintain the Settlement Website throughout the settlement administration process.

TOLL-FREE INFORMATION LINE

12. On June 5, 2020, JND established a case-specific toll-free number, 1-833-928-2554, for Settlement Class Members to call to obtain information regarding the Settlement. Callers may obtain information through an Interactive Voice Response system. The line is available 24 hours a day, seven days a week.

13. As of the date of this Declaration, the toll-free number has received 270 calls. JND will continue to maintain the toll-free number throughout the settlement administration process.

REQUESTS FOR EXCLUSION

14. The Notices informed recipients that Class Members who wanted to exclude themselves from the Settlement (“opt-out”) must mail a letter to JND stating that they desire to be excluded from the proposed Settlement, postmarked on or before August 3, 2020.

15. As of the date of this Declaration, JND has received two (2) timely opt-out requests. A list of the Class Members requesting to be excluded is attached hereto as **Exhibit C**.

OBJECTIONS

16. The Notices informed recipients that any Class Member who wished to object to the proposed Settlement could file a written objection with the Court, postmarked on or before August 3, 2020.

17. As of the date of this Declaration, JND has not received and is not aware of any objections to the proposed Settlement.

CLAIMS

18. The Notices informed recipients that Class Members with an Active ISA would automatically receive a credit to their ISA, while Class Members with a Closed ISA could

submit a Claim Form, either electronically via the Settlement Website or by mail or email to the Administrator, postmarked no later than November 20, 2020, in order to receive a payment.

19. As of the date of this Declaration, JND has received 1,747 Claim Forms (315 Claim Forms submitted electronically and 1,432 Claim Forms submitted by mail).

20. JND will continue to receive, process, and validate claim submissions, and will provide a supplemental declaration with final claim counts.

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

Executed September 18, 2020 in Seattle, Washington.



Jennifer M. Keough

Exhibit A

COURT AUTHORIZED NOTICE OF
CLASS ACTION AND PROPOSED
SETTLEMENT

OUR RECORDS INDICATE
YOU WERE CHARGED AN
ADDITIONAL FEE BY
THE NORTHWESTERN
MUTUAL LIFE INSURANCE
COMPANY BASED ON THE
METHOD BY WHICH YOU
CHOSE TO MAKE
PAYMENTS.

YOU MAY BE ENTITLED TO
A PAYMENT FROM A CLASS
ACTION SETTLEMENT.

Insurance Service Charge Settlement
c/o JND Legal Administration
P.O. Box 91306
Seattle, WA 98111

FIRST CLASS
MAIL
US POSTAGE
PAID
Permit No.

«Barcode»

Postal Service: Please do not mark barcode

«First1» «Last1»

«CO»

«Addr1»

«Addr2»

«City», «St» «Zip»

«Country»

Am I a Class Member? Our records indicate that you have an active insurance service account with Northwestern Mutual and may be a Class Member. Class Members are persons with a New York mailing address who from June 21, 2016 to and May 28, 2020 were charged by Defendant an additional rate or fee or a differential in the rate or fee based on the method by which they chose to make payments.

What Can I Get? If approved by the Court, a Settlement Fund of \$595,000.00 will be established to pay all claims to the Settlement Class, together with notice and administration expenses, approved attorneys' fees and costs, and incentive awards to the named plaintiffs. Once the Settlement becomes Final, and as long as you don't exclude yourself from the Settlement Class, you will receive a *pro rata* share of the Settlement Fund, which *pro rata* share will be based on the total amount of service charges you paid via your account.

How Do I Get a Payment? Because you have an active insurance service account with Northwestern Mutual, you will automatically receive a *pro rata* share of the Settlement Fund via a credit to your account, so long as you do not request to be excluded from the Settlement Class. If you close your insurance service account after May 28, 2020 then you will receive a *pro rata* share of the Settlement Fund in the form of a check issued to you, rather than via a credit to the account.

What are My Other Options? You may exclude yourself from the Settlement Class by sending a letter to the settlement administrator no later than **August 3, 2020**. If you exclude yourself, you cannot get a settlement payment, but you keep any rights you may have to sue the Defendant over the legal issues in the lawsuit. If you don't exclude yourself from the Settlement Class, then you and/or your lawyer also have the right to appear before the Court and/or to object to the proposed settlement, if you wish to do so. Your written objection must be filed no later than **August 3, 2020**. Specific instructions about how to object to, or exclude yourself from, the Settlement are available at www.InsuranceServiceChargeSettlement.com. If you do nothing, and the Court approves the Settlement, you will be bound by all of the Court's orders and judgments. In addition, your claims relating to the alleged unlawful additional fees in this case against the Defendant and others will be released.

Who Represents Me? The Court has appointed Bursor & Fisher, P.A. to represent the class. These attorneys are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

When Will the Court Consider the Proposed Settlement? The Court will hold the Final Approval Hearing at 10:30 a.m. on October 6, 2020 at the Charles L. Briant United States Federal Building and Courthouse, Courtroom 521, 300 Quarropas Street, White Plains, NY 10601. At that hearing, the Court will: hear any objections concerning the fairness of the Settlement; determine the fairness of the Settlement; decide whether to approve Class Counsel's request for attorneys' fees and costs; and decide whether to award the Class Representatives up to \$5,000 each from the Settlement Fund for their services in helping to bring and settle this case. Defendant has agreed that Class Counsel may be paid attorneys' fees out of the Settlement Fund in an amount to be determined by the Court. Class Counsel is entitled to seek no more than one-third of the Settlement Fund but the Court may award less than this amount.

How Do I Get More Information? For more information, including the full Notice, Claim Form and Settlement Agreement go to www.InsuranceServiceChargeSettlement.com, contact the settlement administrator at 1-833-928-2554 or Insurance Service Charge Settlement, c/o JND Legal Administration, P.O. Box 91306, Seattle, WA 98111, or call Class Counsel at 646-837-7150.

Exhibit B

COURT AUTHORIZED NOTICE OF
CLASS ACTION AND PROPOSED
SETTLEMENT

OUR RECORDS INDICATE YOU WERE
CHARGED AN ADDITIONAL FEE BY
THE NORTHWESTERN MUTUAL LIFE
INSURANCE COMPANY BASED ON
THE METHOD BY WHICH YOU CHOSE
TO MAKE PAYMENTS.

YOU MAY BE ENTITLED TO A
PAYMENT FROM A CLASS ACTION
SETTLEMENT.

**UPDATED NOTICE: Please
review carefully as this Notice
updates a previous Notice you
received. Updated information is
in red lettering. Further action is
required by November 20, 2020 to
receive a payment.**

Insurance Service Charge Settlement

c/o JND Legal Administration
P.O. Box 91306
Seattle, WA 98111

FIRST CLASS
MAIL
US POSTAGE
PAID
Permit No.

«Barcode»

Postal Service: Please do not mark barcode

«First1» «Last1»

«CO»

«Addr1»

«Addr2»

«City», «St» «Zip»

«Country»

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A settlement has been reached in a class action lawsuit claiming that Defendant, The Northwestern Mutual Life Insurance Company, unlawfully charged its customers an additional fee to pay their monthly premiums by check.

Am I a Class Member? Our records indicate that you formerly had an insurance service account with Northwestern Mutual and may be a Class Member. Class Members are persons who from June 21, 2016 to and through May 28, 2020, had a New York mailing address and were charged by Defendant an additional rate or fee or a differential in the rate or fee based on the method by which they chose to make payments.

What Can I Get? If approved by the Court, a Settlement Fund of \$595,000.00 will be established to pay all claims to the Settlement Class, together with notice and administration expenses, approved attorneys' fees and costs, and incentive awards to the named plaintiffs. You must submit a claim to receive a *pro rata* share of the Settlement Fund, which *pro rata* share will be based on the total amount of service charges you paid via your account.

How Do I Get a Payment? You must submit a timely and properly completed Claim Form **no later than November 20, 2020**. You may use the Claim Form attached to this Notice or you can submit one online at www.InsuranceServiceChargeSettlement.com.

What are My Other Options? You may exclude yourself from the Class by sending a letter to the settlement administrator no later than **August 3, 2020**. If you exclude yourself, you cannot get a settlement payment, but you keep any rights you may have to sue the Defendant over the legal issues in the lawsuit. If you don't exclude yourself from the Settlement Class, then you and/or your lawyer also have the right to appear before the Court and/or to object to the proposed settlement, if you wish to do so. Your written objection must be filed no later than **August 3, 2020**. Specific instructions about how to object to, or exclude yourself from, the Settlement are available at www.InsuranceServiceChargeSettlement.com. If you file a claim or do nothing, and the Court approves the Settlement, you will be bound by all of the Court's orders and judgments. In addition, your claims relating to the alleged unlawful additional fees in this case against the Defendant and others will be released.

Who Represents Me? The Court has appointed Bursor & Fisher, P.A. to represent the class. These attorneys are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

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THIS CLAIM FORM MUST BE SUBMITTED ONLINE OR POSTMARKED BY NOVEMBER 20, 2020 AND MUST BE FULLY COMPLETED, BE SIGNED, AND MEET ALL CONDITIONS OF THE SETTLEMENT AGREEMENT.

Instructions: Fill out each section of this form and sign where indicated.

Name (First, M.I., Last): _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Email Address (optional): _____

Contact Phone #: (____ ____) ____ ____ - ____ ____ (You may be contacted if further information is required.)

Class Member Verification: By submitting this claim form and checking the boxes below, I declare that I believe I am a member of the Settlement Class and that the following statements are true (each box must be checked to receive a payment):

I had an insurance service account with a New York mailing address between June 21, 2016 and May 28, 2020, and was charged an additional rate or fee or a differential in the rate or fee based on the method by which I chose to make payments.

Under penalty of perjury, all information provided in this Claim Form is true and correct to the best of my knowledge and belief.

Signature: _____ Date: ____/____/____

Print Name: _____

The Settlement Administrator will review your Claim Form; you may be required to submit additional documentation to validate your claim. If accepted, you will be mailed a check for a *pro rata* share of the Settlement Fund based on the total amount of service charges you paid via your insurance service account during the relevant period. This process takes time. Please be patient.

Questions, visit www.InsuranceServiceChargeSettlement.com or call 1-833-928-2554



NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 985 SEATTLE, WA

POSTAGE WILL BE PAID BY ADDRESSEE

INSURANCE SERVICE CHARGE SETTLEMENT
C/O JND LEGAL ADMINISTRATION
PO BOX 91306
SEATTLE WA 98111-9860



Exhibit C



Russet, et al v. Northwestern Mutual
Requests for Exclusion (Postmark Deadline: August 3, 2020)

	JND ID	Name	Postmark Date
1.	RNM007159	Camille Evans	7/21/2020
2.	RNM006720	William Evans	7/21/2020