

1 ALTSHULER BERZON LLP
 EVE CERVANTEZ (SBN 164709)
 2 ecervantez@altshulerberzon.com
 DANIELLE E. LEONARD (SBN 218201)
 3 dleonard@altshulerberzon.com
 MEREDITH A. JOHNSON (SBN 291018)
 4 mjohnson@altshulerberzon.com
 TONY LOPRESTI (SBN 289269)
 5 tlopresti@altshulerberzon.com
 177 Post Street, Suite 300
 6 San Francisco, CA 94108
 Telephone: (415) 421-7151
 7 Facsimile: (415) 362-8064

8 COHEN MILSTEIN SELLERS & TOLL PLLC
 9 ANDREW N. FRIEDMAN (admitted *pro hac vice*)
afriedman@cohenmilstein.com
 10 GEOFFREY GRABER (SBN 211547)
ggraber@cohenmilstein.com
 11 SALLY M. HANDMAKER (SBN 281186)
shandmaker@cohenmilstein.com
 12 ERIC KAFKA (admitted *pro hac vice*)
ekafka@cohenmilstein.com
 13 1100 New York Ave. NW
 Suite 500, West Tower
 14 Washington, DC 20005
 Telephone: (202) 408-4600
 15 Facsimile: (202) 408-4699

16 *Co-Lead Plaintiffs' Counsel*

17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**
 19 **SAN JOSE DIVISION**

20 *In Re Anthem, Inc. Data Breach Litigation*

Case No: 15-md-02617-LHK (NC)

21 **THIRD SUPPLEMENTAL DECLARATION**
 22 **OF KCC CLASS ACTION SERVICES (LANA**
 23 **LUCCHESI) RE: UPDATED CLAIM**
 24 **INFORMATION**

25 Date: TBD
 26 Time: TBD
 Judge: Lucy H. Koh
 Crtrm: 8, 4th Floor

1 I, Lana Lucchesi, declare as follows:

2 1. I am employed as a Senior Project Manager by KCC Class Action Services, LLC
3 (“KCC”), located at 3301 Kerner Blvd., San Rafael, California. KCC was appointed as the Settlement
4 Administrator in this matter and is not a party to this action. I have personal knowledge of the facts set
5 forth herein and, if called as a witness, could and would testify competently thereto. The purpose of this
6 declaration is to provide the Court with updated claim information since my last declaration submitted
7 on January 31, 2018. The statistics used in this declaration were current as of April 17, 2018.

8 **Overall Claims Rate**

9 2. KCC has received a total of 1,376,216 claim forms it has determined to be timely. Of
10 these, 1,232,164 are Credit Monitoring claims, 137,243 are Alternative Compensation claims, and
11 6,809 are Out of Pocket Expenses claims. Based on a reported total class size of 79,150,325, the overall
12 claims rate is approximately 1.7%. The claims rate for Credit Monitoring is 1.6%, and the claims rate
13 for Alternative Compensation is .17%.

14 3. The numbers above are subject to change as KCC continues our review of claims and
15 remove potential duplicative claims.

16 **Credit Monitoring and Alternative Compensation Claims**

17 4. The proposed Settlement permits Settlement Class Members to submit claims either
18 through the settlement website or through the U.S. Mail. To be deemed timely, claims for credit
19 monitoring or alternative compensation had to be submitted through the settlement website or
20 postmarked by January 29, 2018.

21 **Out of Pocket Claims**

22 5. Under the Settlement Agreement, the deadline for submitting claims for Out of Pocket
23 Expenses is one year after the Court grants a motion for final settlement approval. KCC has, therefore,
24 deemed all submitted Out of Pocket Expenses claims as timely.

25 6. As of April 17, 2018, KCC has received approximately 6,809 Out of Pocket Expenses
26 claims. 6,624 of these claims were submitted through the settlement website and 185 are paper claim
27 forms sent through the U.S. Mail.

1 7. In its last supplemental declaration, KCC inadvertently misreported that it had received
2 approximately 19,733 claims for Out of Pocket Expenses, approximately 13,925 of which were
3 received through the U.S. Mail. As KCC reviewed and processed these documents, KCC realized that
4 its operational team was reporting the number of *pages* categorized as mailed Out of Pocket Expenses
5 claims, and not the actual number of mailed Out of Pocket Expenses claims. The figures reported in the
6 previous paragraph correct this error.

7 8. While processing the Out of Pocket Expenses claims that KCC received through the
8 mail, KCC identified a large number of duplicate claim forms, documentation to substantiate claims
9 that were previously submitted, and a few Alternative Compensation and Credit Monitoring claims that
10 were erroneously categorized as Out of Pocket Expenses claims. As the above figures show, there were
11 considerably fewer Out of Pocket Expenses claims submitted through the U.S. Mail than previously
12 reported.

13 9. KCC has not yet completed processing the paper Out of Pocket Expenses claim forms,
14 or the documentation submitted in support of some of the online Out of Pocket Expenses claim forms.
15 Based on the 6,624 Out of Pocket claim forms that were submitted through the settlement website,
16 which is the only data available at this time, the unadjusted total amount claimed is \$981,899,447,155.
17 This includes many claims without any documentation that seek hundreds of thousands to billions of
18 dollars. Several hundred more undocumented claims request precisely the maximum \$10,000 damages
19 amount. Nonetheless, if all claims submitted were deemed valid and capped at the \$10,000 maximum
20 under the Settlement Agreement, they would total \$13,872,553.97.

21 10. KCC still does not expect that the out of pocket damages fund will be exhausted in the
22 near future. Our early review of electronic Out of Pocket Expenses claim submissions shows that just
23 20% are accompanied by supporting documents and that many claims of \$10,000 or more do not
24 appear to be valid. With respect to Out of Pocket Expenses claim forms not supported by
25 documentation or otherwise initially deemed invalid, KCC will send each Settlement Class Member a
26 deficiency letter explaining exactly what the Settlement Class Member must submit to document the
27 claim and/or otherwise establish validity.

1 **Requests for Exclusion from Class**

2 11. The postmark deadline for Settlement Class Members to request to be excluded from the
3 class was December 29, 2017. KCC has received a total of 413 requests for exclusion. This includes
4 18 additional exclusion requests that were postmarked on or before the December 29, 2017 deadline,
5 but not reported to the Court earlier because they were recently discovered while KCC was reviewing
6 and processing the paper Out of Pocket Expenses claims. This also includes one additional exclusion
7 request that was postmarked after the December 29, 2017 deadline. A list of the 19 newly received
8 exclusions (18 timely and 1 untimely) is attached hereto as Exhibit A.

9 **Objections and Comments to the Settlement**

10 12. KCC has not received any additional objections or comments to the settlement, other
11 than those identified in my previous declaration.

12 **Re-Mailing Notices**

13 13. Since mailing the Summary Notice Postcards to the Settlement Class Members, KCC
14 has received many Summary Notice Postcards returned by the U.S. Postal Service with forwarding
15 addresses, and has also been able to locate new addresses through credit bureaus and/or other public
16 source data bases for Summary Notice Postcards returned by the U.S. Postal Service as undeliverable
17 without forwarding addresses. KCC continued to re-mail Summary Notice Postcards to Settlement
18 Class Members through January 29, 2018, the claims-filing deadline for Credit Monitoring Services
19 and Alternative Compensation. Altogether, KCC has re-mailed 2,233,206 Summary Notice Postcards
20 that were returned by the U.S. Postal Service.

21
22 I declare under penalty of perjury under the laws of the United States of America that the foregoing is
23 true and correct. Executed this 18th day of April 2018 at San Rafael, California.

24 
25 LANA LUCCHESI