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

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

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

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

26 Date: February 1, 2018

Time: 1:30 p.m.

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.

7 **Claim Numbers Remain in Flux**

8 2. The statistics used in this declaration were current as of January 31, 2018, though KCC
9 is still receiving many timely claim forms. To be deemed timely, claims for credit monitoring or
10 alternative compensation either had to be submitted through the settlement website or postmarked by
11 January 29, 2018.

12 3. Claim Forms are still arriving in large numbers. Between January 25 and January 30,
13 2018, KCC received an additional 54,138 Claim Forms. Approximately 40% (21,606) of these Claim
14 Forms were submitted through the settlement website, while 60% (32,532) arrived through the U.S.
15 Mail. Based on our experience administering previous class action settlements, we expect to receive
16 thousands of mailed Claim Forms *per day* for the next week, with steadily diminishing numbers of
17 claims over the following week, and a very small number thereafter. Factoring for postal delays caused
18 by inclement weather in the Northeast and around our Louisville, Kentucky mail processing center, we
19 forecast that we will receive approximately 25,000 to 50,000 more timely Claim Forms over the next
20 several weeks.

21 **Credit Monitoring and Alternative Compensation Claims**

22 4. As of January 30, 2018, KCC had received a total of 1,332,912 claims. Of these, at least
23 1,176,993 request Credit Monitoring and at least 136,186 request Alternative Compensation.

24 **Out of Pocket Claims**

25 5. I am aware that the Court ordered Plaintiffs to provide “the total amount that the class
26 members have claimed in out-of-pocket reimbursement costs.” This declaration attempts to provide the
27 best data available, but KCC has not finished tabulating all out of pocket claims for the reasons
28

1 discussed below.

2 6. KCC has received approximately 19,733 claims for reimbursement of out of pocket
3 expenses. 5,808 of these claims were submitted through the settlement website and 13,925 are paper
4 claim forms sent through the U.S. Mail. Because it takes much more time to process paper claim forms,
5 we have prioritized processing the 99% of claims that were submitted electronically and on Summary
6 Notice Postcards. KCC intends to process the 13,925 paper claim forms once the other claims are
7 complete. As a result, we expect there will be a very small number of Credit Monitoring and
8 Alternative Compensation claim forms included in the 13,925 paper claims, though the vast majority of
9 such claims were submitted either electronically or on Summary Notice Postcards.

10 7. To process the paper claim forms, KCC must scan each document submitted, and then
11 manually enter the pertinent information into the claims database. Once processing is complete on all
12 timely submitted paper claims, KCC will begin the match analysis and scoring phase to eliminate
13 duplicate claims and identify Class Members who filed claims without using their Claim ID. KCC will
14 then identify Class Members who filed deficient claims and mail deficiency letters reminding them to
15 document their claims, and giving instructions on how to do so.

16 8. The following figures are based on the 5,808 out of pocket claim forms that were
17 submitted through the settlement website, which is the only data available at this time. The unadjusted
18 total amount claimed is nearly one quadrillion dollars - \$973,863,489,696. This includes many claims
19 without any documentation that seek hundreds of thousands to billions of dollars. Several hundred
20 more undocumented claims request precisely the maximum \$10,000 damages amount. Nonetheless, if
21 all claims submitted were deemed valid and capped at the \$10,000 maximum under the Settlement
22 Agreement, they would total \$10,608,579.

23 9. Despite this large figure, KCC does not expect that the out of pocket damages fund will
24 be exhausted in the near future. Our early review of electronic out of pocket claim submissions shows
25 that just 20% are accompanied by supporting documents and that many claims of \$10,000 or more do
26 not appear to be valid.

1 **Requests for Exclusion from Class**

2 10. The postmark deadline for Class Members to request to be excluded from the class was
3 December 29, 2017. KCC has received a total of 394 requests for exclusion. This includes four
4 additional exclusion requests that were postmarked after the December 29, 2017 deadline. A list of the
5 four newly received, untimely exclusions is attached hereto as Exhibit A.

6 **Objections and Comments to the Settlement**

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

9
10 I declare under penalty of perjury under the laws of the United States of America that the foregoing is
11 true and correct. Executed this 31st day of January 2018 at San Rafael, California.

12
13 
14 LANA LUCCHESI