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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE INTUIT DATA LITIGATION

Master Docket No. 15-CV-1778-EJD

THIS DOCUMENT RELATES TO:

DECLARATION OF JENNIFER M. KEOUGH REGARDING ADMINISTRATION OF NOTICE PROGRAM

ALL ACTIONS

Judge: Edward J. Davila

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

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

2. JND is serving as the Settlement Administrator in the above-captioned litigation (“Action”) for the purposes of administering the Settlement Agreement preliminarily approved by the Court in its Order Granting Preliminary Approval of Class Action Settlement (the “Order”) dated October 4, 2018. The following statements are based on my personal knowledge and information provided to me by other JND employees working under my supervision, and if called on to do so, I could and would testify competently thereto.

1
2 3. JND is one of the leading legal administration firms in the country, and the principals
3 of JND, including myself, collectively have over 75 years of experience in class action legal and
4 administrative fields. JND's class action division provides all services necessary for the effective
5 implementation of class action settlements including: (1) all facets of legal notice, such as outbound
6 mailing, email notification, and the design and implementation of media programs, including through
7 digital and social media platforms; (2) website design and deployment, including on-line claim filing
8 capabilities; (3) call center and other contact support; (4) secure class member data management; (5)
9 paper and electronic claims processing; (6) calculation design and programming; (7) payment
10 disbursements through check, wire, Paypal, merchandise credits, and other means; (8) qualified
11 settlement fund tax reporting; (9) banking services and reporting; and (10) all other functions related to
12 the secure and accurate administration of class action settlements. JND has been recognized by various
13 publications, including the National Law Journal and the Legal Times, and most recently, the New
14 York Law Journal, for excellence in class action administration.

15 **CLASS LIST COMPILATION**

16 4. On November 7, 2018, Counsel for the Defendants provided JND with the initial
17 Class Member data of individuals identified as Class Members.

18 5. For Class Members who, according to Intuit's records, were current or former
19 TurboTax customers ("Customer Class Members"), Intuit provided JND with names and email
20 addresses. Intuit provided JND with 449,569 names/email addresses.

21 6. For Class Members who, according to Intuit's records, have never been TurboTax
22 customers ("Non-Customer Class Members"), Intuit provided JND with names and social security
23 numbers. Intuit provided JND with 433,373 names/social security numbers. JND thereafter
24 provided the data to the Skip Trace Provider who conducted a reverse look-up (i.e., skip trace) to
25 attempt to locate a mailing address for each Non-Customer Class Member. The Skip Trace
26 Provider successfully furnished JND with 418,837 mailing addresses prior to removing duplicate

1 records (or mailing addresses for over 96 percent of the names/social security numbers originally
2 provided).

3
4 7. Prior to sending notices, JND analyzed the raw data to remove duplicate records.
5 After this review, JND identified 861,352 unique Settlement Class Members of whom 449,569
6 were Customer Class Members with valid email addresses and 397,247 were Non-Customer Class
7 Members with an identified postal address. Of the total unique Class Members, 14,536 of them
8 had neither an email address nor mailing address, making delivery of the Notice impossible. The
9 Settlement Class Member data was promptly loaded into a database established for this Action, and
10 notice was sent to these 846,816 Settlement Class Members via email/mail as described below.

11 **EMAIL NOTICE**

12 8. JND uses industry-leading email solutions in order to achieve the most efficient
13 email notification campaigns. Our Data Team is staffed with email experts and software solution
14 teams to tailor-make each notice program. JND provides individualized support during the program
15 and manages our sender reputation with the Internet Service Providers (“ISPs”). For each of our
16 programs, we analyze the program’s data and monitor the ongoing effectiveness of the notification
17 campaign, making adjustments to the campaign as needed. These actions ensure the highest
18 possible deliverability of the email campaign so that more potential Class Members receive notice
19 of the proposed Settlement.

20 9. Prior to sending the email campaign, JND evaluated the email for potential spam
21 language to improve deliverability. This process included running the email through spam testing
22 software, URL shortening, reverse DNS lookup, and hostname evaluation. Additionally, we
23 checked the send domain against the 25 most common IPv4 blacklists.

24 10. For each email campaign, including this one, JND utilizes a verification program to
25 eliminate invalid email and spam traps that would otherwise negatively impact deliverability. We
26 then clean the list of email addresses for formatting and incomplete addresses to further identify all

1
2 invalid email addresses. The email content is then formatted and structured in a way that receiving
3 servers expect, allowing the email to pass easily to the recipient.

4 11. To ensure readability of the Email Notice, our team reviewed and formatted the
5 body content into a structure that is applicable to all email platforms. Before sending the campaign,
6 we emailed a test email to multiple ISPs and opened the email on multiple devices (iPhones,
7 Android phones, desktop computers, tablets, etc.) to ensure the email opened as expected.
8 Additionally, JND added an “unsubscribe” link at the bottom of the Email Notice to allow Class
9 Members to opt out of any additional email notices from JND. This step is essential to maintain
10 JND’s good reputation among the ISPs and reduce complaints relating to the email campaign.

11 12. On November 21, 2018, JND commenced sending the Email Notice, substantially
12 in the form attached hereto as **Exhibit A**, to each of the 449,569 Customer Class Members on the
13 Class List, at the email address listed for them in the Class List. The Email Notice was sent with
14 the sender title “Intuit Data Litigation Administrator” and the subject line “*In re: Intuit Data*
15 *Litigation.*”

16 **MAIL NOTICE**

17 13. On November 21, 2018, JND mailed the Postcard Notice to each of the 397,247 Non-
18 Customer Class Members for whom mailing addresses were identified as described above. A
19 representative copy of the Postcard Notice is attached as **Exhibit B**.

20 14. Prior to mailing, JND certified the mailing data via the Coding Accuracy Support
21 System in order to ensure the consistency of the contact information in the database. JND also
22 updated 15,680 Non-Customer Class Member addresses using the United States Postal Service
23 National Change of Address (NCOA) database¹ to ensure that the mailing information reflected the
24 most recent addresses for members of the Class.

25 _____
26 ¹ The NCOA database is the official United States Postal Service (“USPS”) technology product
which makes change of address information available to mailers to help reduce undeliverable mail

Footnote continued on next page

WEBSITE

15. On November 20, 2018, JND established a Settlement Website, www.intuitdatalitigation.com, to provide additional information to the Class Members, answer frequently asked questions, and allow Class Members to enroll electronically in the credit monitoring services being provided pursuant to the Settlement. Viewers of the website can download a copy the Settlement Agreement, the operative complaint in the Action, the Long-Form Notice, and a printable Claim Form for enrolling in the credit monitoring services, as well as other case-related documents. The Notice and Claim Form are also provided in Spanish. The Settlement Website also provides educational resources for Class Members who experience identity theft or fraud. The Settlement Website is optimized for display on mobile devices. JND will continue to maintain the Settlement Website at least until the Effective Date.

16. As of December 14, 2018, the website has received 27,234 page views.

TOLL-FREE NUMBER

17. On November 20, 2018, JND established a case-specific toll-free number (1-833-288-5308), which individuals may call to obtain additional information regarding the Settlement. The toll-free number is available 24 hours a day, seven days a week in both English and Spanish. JND will continue to maintain the toll-free telephone number at least until the Effective Date.

18. As of December 14, 2018, the toll-free number has received 1,352 calls.

CLAIM FORMS

19. The deadline for Class Members to enroll in the credit monitoring services, being provided pursuant to the Settlement, is January 22, 2019. As of December 14, 2018, JND has received 7,654 Claim Forms. Class Members can enroll in free TransUnion credit monitoring

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 form with the USPS. The address information is maintained in the database for 48 months.

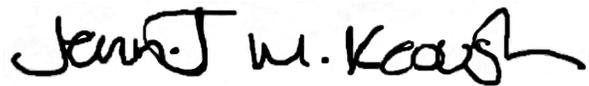
1
2 services through the Settlement Website, by returning a Claim Form to JND via mail or email, or
3 by returning the Claim Form attached to the Postcard Notice. These numbers are subject to
4 updating until the conclusion of the claim filing period and JND's claim validation process is
5 complete.

6 **OBJECTIONS**

7 20. The Email and Postcard Notices inform Class Members that any Class Member may
8 object to the Settlement, Class Counsel's application for attorneys' fees and expenses, and/or the
9 request for Plaintiff service awards. The detailed requirements for objecting are outlined in the
10 Long-Form Notice. Objections must be filed in person or mailed to the Clerk of Court and also
11 mailed to the Settlement Administrator, filed or postmarked on or before January 7, 2019. As of
12 December 14, 2018, JND has received three objections, each of which have been docketed (Dkt.
13 Nos. 180-182).

14
15 I declare under the penalty of perjury pursuant to the laws of the United States of America
16 that the foregoing is true and correct.

17 Executed on December 17, 2018 at Seattle, Washington.

18
19 

20 JENNIFER M. KEOUGH

EXHIBIT A

Class Action Settlement Notice

You can get two years of Free Credit Monitoring Services and other benefits from a class action settlement.

To claim the Free Credit Monitoring Services, click [here](#).

For more information, visit www.IntuitDataLitigation.com or call toll-free 1-833-288-5308

WHAT IS THIS NOTICE? A Settlement has been reached in a class action lawsuit (*In re Intuit Data Litigation*, Case No. 15-cv-1778-EJD (N.D. Cal.)) about taxpayers whose identities were used to file fraudulent federal tax returns by someone else using Intuit's TurboTax service for tax years 2014, 2015, and 2016 (for which tax returns were filed in calendar years 2015, 2016 and 2017, respectively). The lawsuit claims that Intuit failed to adequately prevent the filing of these fraudulent tax returns in their names. Intuit denies any wrongdoing and **the Court has not ruled that Intuit did anything wrong or violated any law. This Notice is not intended to be an expression of any opinion by the Court with respect to the truth of the allegations in this action or the merits of the claims or defenses asserted.**

WHO IS INCLUDED? The "Class" includes all persons in the United States in whose identities fraudulent federal tax returns for the tax years 2014, 2015, and/or 2016 were filed using TurboTax, as determined by the United States Internal Revenue Service. If you received this notice, Intuit's records indicate that you are part of the Class and part of the Settlement.

WHAT DOES THE SETTLEMENT PROVIDE? The Settlement provides two years of TransUnion credit monitoring services, free of charge, for every class member who [enrolls](#), and Intuit already has adopted numerous security measures it believes have reduced the incidence of fraud. For more information, visit www.IntuitDataLitigation.com.

HOW DO I RECEIVE THE FREE CREDIT MONITORING SERVICES? **You must enroll to receive the two years of free credit monitoring services.** There are two ways to enroll: (1) Enroll [online](#), at www.IntuitDataLitigation.com; or (2) Print a claim form, available at www.IntuitDataLitigation.com, fill it out, and mail it (with postage) to the address listed on the claim form. There is no cost to enroll or to receive the services. **The deadline to enroll is January 22, 2019.**

YOUR OTHER OPTIONS. The Court will hold a Final Approval Hearing in this case (*In re Intuit Data Litigation*, Case No. 15-cv-1778-EJD) on February 7, 2019 at 10:00 a.m. to consider whether to approve: (1) the Settlement; (2) attorneys' fees and costs of up to two million eight hundred twenty thousand dollars for Class Counsel, to be paid by Intuit in addition to the benefits provided to class members; and (3) service awards of five thousand dollars each for the six plaintiffs who have served as class representatives in this case. You may object to the Settlement and/or the request for attorneys' fees, costs or service awards. The detailed class notice, available at www.IntuitDataLitigation.com, explains how to object. You may appear at the Final Approval Hearing, but you don't have to. The Court has appointed attorneys (called "Class Counsel") to represent the class members. These attorneys are listed in the detailed class notice. You may hire your own attorney to appear for you, but you will have to pay that attorney.

WHERE CAN I GET MORE INFORMATION? For more information, visit www.IntuitDataLitigation.com or call toll-free 1-833-288-5308.

A federal court authorized this notice. This isn't a solicitation from a lawyer. You aren't being sued.

www.IntuitDataLitigation.com

1-833-288-5308

EXHIBIT B

Your Personal ID #: [Name Number]

In re Intuit Data Litigation
c/o JND Legal Administration
PO Box 91348
Seattle, WA 98111

Class Action Settlement Notice

You can get two years of Free Credit Monitoring Services and other benefits from a class action settlement. Read on for more information.

To claim the Free Credit Monitoring Services, go to www.IntuitDataLitigation.com or return the attached claim form.

Toll-free: 1-833-288-5308

*Para una notificación en Español,
llamar o visitar nuestro sitio web.*

Electronic Service Requested

[Barcode]

Postal Service: Please do not mark barcode
Claim No.:

[fname] [lname]

[address]

[address2]

[city], [state] [zip]

Case 5:15-cv-01778-EJD Document 185-7 Filed 12/17/18 Page 11 of 13

What is this Notice? A Settlement has been reached in a class-action lawsuit about taxpayers whose identities were used to file fraudulent federal tax returns by someone else using Intuit's TurboTax service for tax years 2014, 2015, and 2016 (for which tax returns were filed in calendar years 2015, 2016 and 2017, respectively). The lawsuit claims that Intuit failed to adequately prevent the filing of these fraudulent tax returns in their names. Intuit denies any wrongdoing and **the Court has not ruled that Intuit did anything wrong or violated any law.**

Who is Included? The "Class" includes all persons in the United States in whose identities fraudulent federal tax returns for the tax years 2014, 2015, and/or 2016 were filed using TurboTax, as determined by the United States Internal Revenue Service. If you received this notice, Intuit's records indicate that you are part of the Class and may participate in the Settlement.

What Does the Settlement Provide? The Settlement provides two years of TransUnion credit monitoring services, free of charge, for every class member who enrolls, and Intuit already has adopted numerous security measures it believes have reduced the incidence of fraud. For more information, visit www.IntuitDataLitigation.com.

How Do I Receive the Free Credit Monitoring Services? **You must enroll to receive the two years of free credit monitoring services.** There are two ways to enroll: (1) enroll online at www.IntuitDataLitigation.com; or (b) complete and return the attached claim form. There is no cost to enroll or to receive the services. **The deadline to enroll is January 22, 2019.**

Your Other Options: The Court will hold a Final Approval Hearing in this case (*In re Intuit Data Litigation*, Case No. 15-cv-1778-EJD) on February 7, 2019 at 10:00 a.m. to consider whether to approve: (1) the Settlement; (2) attorneys' fees and costs of up to \$2,820,000 for Class Counsel, to be paid by Intuit in addition to the benefits provided to class members; and (3) service awards of \$5,000 each for the six plaintiffs who are serving as class representatives in this case. You may object to the Settlement and/or the request for attorneys' fees, costs or service awards. The detailed class notice, available at www.IntuitDataLitigation.com, explains how to object. You may appear at the Final Approval Hearing, but you don't have to. The Court has appointed attorneys (called "Class Counsel") to represent the class members. These attorneys are listed in the detailed class notice. You may hire your own attorney to appear for you, but you will have to pay that attorney.

Where can I get more information? For more information, visit www.IntuitDataLitigation.com or call toll-free 1-833-288-5308.

To receive the two (2) years of free TransUnion credit monitoring services through the settlement in *In re Intuit Data Litigation*, you must enroll. There is no cost to enroll or to receive the services. You have two options for enrolling:

- (1) Enroll Online. Enroll online at www.IntuitDataLitigation.com; or
- (2) Enroll by Mail: Fill out, sign, and return this form to: In re Intuit Data Litigation, c/o JND Legal Administration, PO Box 91348, Seattle, WA 98111.

IMPORTANT: THE DEADLINE TO ENROLL IS JANUARY 22, 2019.

Your Name _____

Street Address _____

City _____ State _____ ZIP _____

Email Address: _____

By signing below, I am requesting to be enrolled in two (2) years of free TransUnion credit monitoring services through the settlement in *In re Intuit Data Litigation*. The Settlement Administrator will confirm your eligibility.

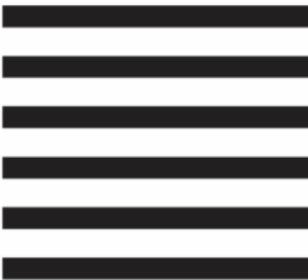
Your Signature

Date

Personal ID #: [Name Number]



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



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

POSTAGE WILL BE PAID BY ADDRESSEE



IN RE INTUIT DATA LITIGATION
C/O JND LEGAL ADMINISTRATION
PO BOX 91348
SEATTLE WA 98111-9862