

the litigation of the Action and has personal knowledge of the facts set forth below (except as to those exclusively within the knowledge of Mr. Kilgard) and, if called as a witness, could and would testify competently thereto.

2. Ron Kilgard is a partner of Keller Rohrback L.L.P. (“Keller Rohrback”), one of the two firms preliminarily approved by the Court, as Settlement Class Counsel Committee Co-Chairs for the Settlement Class, is one of the attorneys personally involved in this Action. Mr. Kilgard has personal knowledge of the facts set forth below (except as to those exclusively within the knowledge of Mr. Gyandoh) and, if called as a witness, could and would testify competently thereto.

3. The notice program in this case was robust. Pursuant to the Preliminary Approval Order, Class Notice was mailed on or before February 19, 2019, to 65,864 Settlement Class Members. *See* ECF 123-3, ¶ 13, Decl. of Abigail Schwartz for Rust Consulting, Inc. (“Rust”), dated May 3, 2019. Additionally, the Class Notice and other Settlement related documents were posted to the Settlement website by Class Counsel on the same date.

4. Rust has submitted a declaration to update its May 3, 2019 declaration. *See* Exhibit A (Supplemental Declaration of Abigail Schwartz for Rust Consulting, Inc.). According to the updated Rust Declaration, as of May 23, 2019, Rust performed 11,151 address traces on Class Notices returned as undeliverable for the first time. *Id.* at ¶ 4. Of the 11,151 traces performed, 10,354 more current addresses were obtained, and Class Notices were promptly re-mailed to those Settlement Class Members via First Class mail. *Id.* Of the 11,151 traces performed, Rust did not obtain updated addresses for 797 undeliverable Class Notices. *Id.* Of the 10,354 Class Notices mailed to a more current address identified from trace, 869 Class Notices were returned to Rust as undeliverable a second time. *Id.* As of May 29, 2019, 19 Class Notices were returned after the

May 23, 2019, objection deadline and will not be traced; therefore, 1,685 Class Notices remain undeliverable. *Id.*

5. Among other things, the Class Notice informed Class Members about their right to appeal any aspect of the Settlement, and the deadline for filing any such objections.

6. Following the February 19, 2019 mailing of Class Notice and its posting on the Settlement website (www.kellersettlements.com), Class Counsel, in particular, counsel at Keller Rohrback, have been actively involved in responding to communications from Settlement class members (“Class Members”). Since February 19, 2019, approximately 198 Class Members have emailed or called. Specifically, to date, Class Counsel has received 144 phone inquiries, and 54 email inquiries. Additionally, Class Counsel received 1 inquiry via facsimile.

7. Most of the inquiring Class Members sought a better understanding of what this case was about and how the Settlement impacted them and their pensions. Overall, the Class Members who Class Counsel spoke with support the Settlement.

8. Class Counsel has received three objections: one from Mario Sigue (ECF 126), one from Laura Gidley Feltz (ECF 127), and one from Russell O’Bannon (ECF 128). Class Counsel, in particular Mark Gyandoh and Laura Gerber of Keller Rohrback, emailed counsel for Defendants to confirm whether each of the objectors were indeed Class Members. Counsel for Defendants confirmed that each was a Class Member. Additionally, Counsel for Defendants provided additional information for each of the objectors, including their employment and Plan participation status.

9. Ms. Gidley Feltz contacted Class Counsel prior to filing an objection. She spoke twice to Ron Kilgard simply reiterating what she stated in her objection. Although the briefing in support of Plaintiffs’ motion to approve the Settlement addresses the concerns Ms. Gidley Feltz

raises in her objection, she continues to stand by her objection and in fact has indicated she will attend the Fairness Hearing.

10. Mr. Sigue did not provide a contact phone number in his objection and has not previously contacted Class Counsel. Mr. O'Bannon called Class Counsel for the first time on May 29th. He left a phone number and stated: "I'm a class member and I sent a letter. I wanted to attend the fairness hearing, and I wanted to get a confirmation. Please call at any time." I, Mark Gyandoh, called Mr. O'Bannon at 10:30 a.m. EDT on May 30th and left a voice message when Mr. O'Bannon did not pick up. I identified myself as Class Counsel, acknowledged receipt of Mr. O'Bannon's objection, and stated I wished to discuss the objection. I did not hear back from Mr. O'Bannon prior to filing this Joint Declaration or accompanying memorandum.

11. So that Mssrs. Sigue and O'Bannon receive a response to their objections, Kessler Topaz will mail a copy of the Memorandum of Law to Address Objections to the Settlement and in Further Support of Final Approval of the Settlement to the return addresses provided on their objections. Additionally, the aforementioned memorandum, as well as any decision of the Court will be posted to the Settlement website.

12. Other than the three objections that were timely filed we know of no other objections. Rust also has not received any objections to date. Exhibit A, ¶ 6.

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

Executed this 30th day of May 2019, in Radnor, Pennsylvania.

**KESSLER TOPAZ MELTZER &
CHECK, LLP**

/s/ Mark K. Gyandoh

Mark K. Gyandoh

280 King of Prussia Road

Radnor, PA 19087

Tel.: (610) 667-7706

mgyandoh@ktmc.com

Class Counsel Committee Co-Chair

Executed this 30th day of May 2019, in Phoenix, Arizona.

KELLER ROHRBACK L.L.P.

/s/ Ron Kilgard

Ron Kilgard

3101 North Central Avenue, Suite 1400

Phoenix, AZ 85012

Tel.: (602) 248-0088

rkilgard@kellerrohrback.com

Class Counsel Committee Co-Chair

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LISA FEATHER, STANLEY BEIERMANN
and HOLLY PYATT, on behalf of themselves
and all others similarly situated, and on behalf
of the SSM PENSION PLANS,

Plaintiffs,

v.

SSM HEALTH CARE CORPORATION,
d/b/a SSM HEALTH, a Missouri Non-profit
corporation, *et al.*,

Defendants.

Civil Action No.: 4:16-cv-01669-HEA

**SUPPLEMENTAL DECLARATION OF
ABIGAIL SCHWARTZ
FOR RUST CONSULTING, INC.**

I, Abigail Schwartz, declare as follows:

1. I am a Program Manager for Rust Consulting, Inc. (“Rust”). My business address is 625 Marquette Avenue, Suite 900, Minneapolis, Minnesota 55402-2469. My telephone number is (612) 359-2078. I am over twenty-one years of age and am authorized to make this declaration on behalf of Rust and myself.

2. Rust has extensive experience in class action matters, having provided services in class action settlements involving antitrust, securities fraud, property damage, employment discrimination, employment wage and hour, product liability, insurance and consumer issues. We have provided notification and/or claims administration services in more than 6,000 cases. Of these, more than 3,000 were Labor & Employment cases.

3. I submit this declaration as an update to my declaration, dated May 3, 2019 (“Rust Declaration”).

4. As of this date, Rust has received a total of 11,191 undeliverable Class Notices. This quantity of undeliverable Class Notices compared to the quantity reported in the Rust Declaration, has decreased due to prior duplicate reporting of undeliverable Class Notices that has been resolved. Of the 11,191 undeliverable Class Notices, 21 Settlement Class Members called Rust to update their address information, and Rust promptly re-mailed to those Settlement Class Members via First Class Mail. As of May 23, 2019, Rust performed 11,151 address traces on Class Notices returned as undeliverable for the first time. The address trace utilizes the Settlement Class Member's name, previous address and Social Security Number for locating a current address. Of the 11,151 traces performed, 10,354 more current addresses were obtained, and Class Notices were promptly re-mailed to those Settlement Class Members via First Class mail. Of the 11,151 traces performed, Rust did not obtain updated addresses for 797 undeliverable Class Notices. Of the 10,354 Class Notices mailed to a more current address identified from trace, 869 Class Notices were returned to Rust as undeliverable a second time. As of this date, 19 Class Notices were returned after the May 23, 2019, response deadline and will not be traced; therefore, 1,685 Class Notices remain undeliverable.

5. As of this date, 689 Class Notices were returned by the Post Office with forwarding addresses attached. Rust promptly re-mailed Class Notices to those Settlement Class Members via First Class mail.

6. As of this date, Rust received zero (0) objections.

7. The total cost for the administration of this Settlement, including fees incurred and future costs for completion of the administration is estimated to be \$82,000.00. Pursuant to the Settlement Agreement, SSM Health is paying for the total cost of administration of this Settlement.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge and that this Declaration was executed this 30th day of May 2019, at Minneapolis, MN.


ABIGAIL SCHWARTZ

the litigation of the Action and has personal knowledge of the facts set forth below (except as to those exclusively within the knowledge of Mr. Kilgard) and, if called as a witness, could and would testify competently thereto.

2. Ron Kilgard is a partner of Keller Rohrback L.L.P. (“Keller Rohrback”), one of the two firms preliminarily approved by the Court, as Settlement Class Counsel Committee Co-Chairs for the Settlement Class, is one of the attorneys personally involved in this Action. Mr. Kilgard has personal knowledge of the facts set forth below (except as to those exclusively within the knowledge of Mr. Gyandoh) and, if called as a witness, could and would testify competently thereto.

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

Executed this 30th day of May 2019, in Radnor, Pennsylvania.

**KESSLER TOPAZ MELTZER &
CHECK, LLP**

/s/ Mark K. Gyandoh

Mark K. Gyandoh

280 King of Prussia Road

Radnor, PA 19087

Tel.: (610) 667-7706

mgyandoh@ktmc.com

Class Counsel Committee Co-Chair

Executed this 30th day of May 2019, in Phoenix, Arizona.

KELLER ROHRBACK L.L.P.

/s/ Ron Kilgard

Ron Kilgard

3101 North Central Avenue, Suite 1400

Phoenix, AZ 85012

Tel.: (602) 248-0088

rkilgard@kellerrohrback.com

Class Counsel Committee Co-Chair