

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

IN RE HP PRINTER FIRMWARE UPDATE  
LITIGATION

Case No. 5:16-cv-05820-EJD-SVK

**DECLARATION OF LINDSEY MARQUEZ ON  
CLAIMS PROCESSING ADMINISTRATION**

I, Lindsey Marquez, declare as follows:

1. My name is Lindsey Marquez. I am over the age of 21 and have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am a Project Manager employed by Epiq Class Action & Claims Solutions, Inc. (“Epiq”), the Settlement Administrator in the above-captioned case. I received my Master of Business Administration degree from Boise State University. I am familiar with the actions taken by Epiq with respect to the settlement administration in this case, as described below.

3. Epiq was established in 1968 as a client services and data processing company. Epiq has administered bankruptcies since 1985 and settlements since 1993, including settlements of class actions, mass tort litigation, Securities and Exchange Commission enforcement actions, Federal Trade Commission disgorgement actions, insurance disputes, bankruptcies, and other major litigation. Epiq has administered more than 1,000 settlements, including some of the largest and most complex cases ever settled. Epiq’s class action case administration services include, administering notice requirements, designing direct-mail notices, implementing notice fulfillment services, coordinating with the United States Postal Service (“USPS”), developing and maintaining notice websites and dedicated telephone

numbers with recorded information and/or live operators, processing exclusion requests, objections, claim forms and correspondence, maintaining class member databases, adjudicating claims, managing settlement funds, and calculating claim payments and distributions. Epiq works with the settling parties, the court, and the class members as a neutral facilitator to implement settlement administration services based on the negotiated terms of a settlement.

4. The facts in this declaration are based on what I personally know, as well as information provided to me in the ordinary course of my business by my colleagues at Epiq with knowledge of that information.

5. This declaration provides updated administration statistics regarding claims processing. Cameron R. Azari previously filed with the Court his *Declaration of Cameron R. Azari, Esq. on Implementation and Adequacy of Settlement Notice Plan*, executed on February 7, 2019, which detailed Epiq's implementation of the Notice Plan.

***Case Website and Toll-free Telephone Number***

6. The informational settlement website ([www.HPPrinterFirmwareLawsuit.com](http://www.HPPrinterFirmwareLawsuit.com)), established and hosted by Epiq, continues to be available 24 hours per day, 7 days per week. As of April 10, 2019, there have been 150,672 unique visitors to the case website. Over 456,148 web pages have been presented to visitors.

7. The website was updated on February 8, 2019 to include Plaintiffs' motion for final approval, Plaintiffs' motion for attorney's fees, expenses, and service awards, and all accompanying declarations and proposed orders filed therewith.

8. The toll-free number (1-877-861-1101), set up and hosted by Epiq, continues to be available 24 hours per day, 7 days per week. As of April 10, 2019, the toll-free number has

handled 2,442 calls for 14,243 minutes of use. Live operators have handled 885 in-bound calls, representing 10,285 minutes of use, as well as 118 outbound calls representing 260 minutes.

***Exclusion Requests and Objections***

9. The deadline to request exclusion was March 13, 2019. As of April 10, 2019, Epiq has received 19 timely requests for exclusion from the settlement. Epiq may receive additional requests for exclusion that are timely because they were mailed by the postmark deadline. Epiq will continue to process all exclusion requests received and will provide an updated report to counsel as needed. The current Exclusion Report is included as **Attachment 1**.

10. The deadline to file an objection was March 26, 2019. Class members were instructed to send objections to the Court. Epiq is not aware of any objections that may have been accidentally sent to Epiq by Class members.

***Claims Processing***

11. On February 13, 2019, the Postcard Notice was sent to a population of 163,358 claimants whose emails were undeliverable, but for whom a physical address was available. The current number of undeliverable postcards is 15,299.

12. Prior to the mailing of the Postcard Notice, all mailing addresses were checked against the National Change of Address (“NCOA”) database maintained by the USPS.<sup>1</sup> Any addresses that were returned by the NCOA database as invalid were updated through a third-party address search service.

13. The claim-filing deadline was March 8, 2019. As of April 10, 2019, Epiq has received 23,613 claims, of which 2,770 included supporting documentation. After a first-round

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<sup>1</sup> The NCOA database contains records of all permanent change of address submissions received by the USPS for the last four years. The USPS makes this data available to mailing firms, and lists submitted to it are automatically updated with any reported move based on a comparison with the person’s name and known address.

review, we estimate that the documented web claims represent approximately 5,493 Class Printers, and that the total amount of documented losses does not exceed \$325,540.70. We estimate that the web claims without documentation represent approximately 26,802 Class Printers. This preliminary review takes into account a first-round review for duplicate or fraudulent submissions, and identifies instances where multiple claim forms were submitted. The claims are subject to continued review and further auditing by Epiq as claims processing is still ongoing. Paper claims, of which there are fewer than 404, have not yet been reviewed.

14. Epiq is analyzing the Claim Form submissions received for compliance with the requirements of the Plan of Allocation. Claims that do not comply with the valid claim requirements will be denied in whole or in part. Each claimant with a curable deficiency will be notified and given an opportunity to remedy any curable deficiencies before final claim determination.

15. If the settlement is approved shortly after the Final Fairness Hearing, the settlement fund will be distributed in full to claimants in a single distribution. The distribution is expected to take place in late July or early August.

#### *Expenses*

16. Through March 2019, Epiq has incurred \$278,343.20 in expenses associated with identifying and notifying Class Members and administering the Settlement. The estimated case duration for our internal purposes is twelve months. Preliminary Approval was granted in November 2018; we estimate a case-closure date of November 2019. The case-closure date is dependent on the effective date of Final Approval.

17. The estimate of costs through case completion is estimated to be \$392,933.42. Administrative costs are dependent on the effective date of Final Approval. Notice and administrative expenses are still being incurred and are subject to case duration and complexity.

18. As provided in the Settlement Agreement, the expenses incurred to date have been paid by HP upon receipt of monthly invoices from Epiq.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 11, 2019, at Beaverton, Oregon.

/s/ Lindsey Marquez  
Lindsey Marquez

# **ATTACHMENT 1**

**HP Printer Firmware Update Litigation**  
Case No. 5:16-cv-05820-EJD-SVK (N.D. Cal.)  
Requests for Exclusion

	Name
1	PRISCILLA PERKINS
2	ELENA DUCKETT
3	JAMES THOMPSON
4	APRIL VANBUSKIRK
5	GERI MARTINEZ
6	MARY LOU YINDRA
7	CHRIS MORGAN
8	ROSE MARIE HILEBLINK
9	KATHY LECHMAN
10	GERTRUDE MCGUIRE
11	JUDITH FISCHER
12	THOMAS PRUDENTE
13	CHERYL MCCAFFREY
14	GEORGE DOWNES
15	PATRICIA WALLER
16	ARTHUR SCOTT PRELLE
17	RICHARD RAPHAEL
18	FRED NISSLEY
19	MELODIE BRISSON