

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

OSHONYA SPENCER,
CHARLES STRICKLAND and
DOUGLAS MCDUFFIES, on behalf of
Themselves and all others similarly situated,

Plaintiffs,

v.

No. 3:05CV1681 (JCH)

THE HARTFORD FINANCIAL SERVICES
GROUP, INC., HARTFORD LIFE, INC.,
HARTFORD LIFE INSURANCE
COMPANY, HARTFORD ACCIDENT
AND IDEMNITY COMPANY,
HARTFORD CASUALTY INSURANCE
COMPANY OF THE MIDWEST and
HARTFORD FIRE INSURANCE
COMPANY,

Defendants.

**DECLARATION OF STEPHANIE AMIN-GIWNER IN SUPPORT OF
MOTION FOR FINAL DISTRIBUTIONS OF CLASS SETTLEMENT FUND**

I, Stephanie Amin-Giwner, declare and state as follows:

1. I am an Assistant Director of Operations for Garden City Group, LLC (“GCG”), the Claims Administrator in connection with the settlement of the above-captioned action (the “Action”)¹. The following statements are based on my knowledge and information provided by other experienced GCG employees working under my supervision.

2. By its Settlement Order and Final Judgment Approving Settlement, Awarding Attorneys’ Fees and Expenses, Awarding Class Representative Incentive Awards, Approving

¹ All capitalized terms not otherwise defined in this document shall have the meaning ascribed to them in the Stipulated Settlement Agreement and Release dated June 3, 2010 (ECF No. 233) (the “Settlement Agreement”).

Plan of Allocation, and Ordering Dismissal as to All Defendants (“Settlement Order and Final Judgment”) entered on September 21, 2010 (ECF No. 258), this Court approved the Settlement as fair, reasonable and adequate.

THE INITIAL DISTRIBUTION

3. Pursuant to the Court’s October 22, 2010 Order Granting the Motion for Approving Distribution of Net Class Settlement Proceeds (ECF No. 273, the “Distribution Order”) directing that the net sum of \$49,675,964.46 be distributed to members of the plaintiff class in accordance with the Court-Approved Plan of Allocation, GCG conducted an initial distribution of the Settlement Fund to Settlement Class Members (the “Initial Distribution”). On December 9, 2010, a total of 21,118 claims were issued payment via check totaling approximately \$49,675,957.55.

4. After this Initial Distribution of payments, GCG monitored the status of all checks issued. In order to ensure that the maximum number of checks that had been issued were cashed, GCG implemented a calling campaign and e-mail campaign to follow up with Settlement Class Members whose checks were initially uncashed, either because they were returned to GCG as undeliverable or because the Settlement Class Member simply had not cashed the check. If the Settlement Class Member did not provide a telephone number, GCG used various local and national directories to locate telephone numbers. GCG also performed a National Change of Address search for Settlement Class Members whose checks were returned to GCG by the United States Postal Service as undeliverable. In connection with GCG’s calling campaign, GCG urged Settlement Class Members to cash their checks and offered Settlement Class Members the opportunity to have their checks reissued if they lost or damaged their check or otherwise required a new check. GCG reissued checks upon written instruction from the

Settlement Class Members and requested that the Settlement Class Member return the first check where appropriate. If a check was deemed lost, GCG voided the initial check prior to reissuing a substitute check.

5. On February 23, 2015, the Court granted Class Counsel's Motion For Order Directing Defendants to Provide Class Counsel with Social Security Nos. of Certain Class Members Whose Settlement Checks Were Undeliverable or Remain Uncashed, directing The Hartford to disclose social security numbers and last known addresses for Settlement Class Members whose Initial Distribution checks were returned to GCG as undeliverable or who had failed to cash their Initial Distribution checks. ECF No. 291. Using the social security numbers provided by The Hartford, GCG performed Advanced Address Searches² and, as a result, obtained updated addresses for more than 2,700 Settlement Class Members. On October 27, 2016, GCG reissued a total of 2,733 checks for a total of \$4,893,268.19.

6. As a result of GCG's efforts described above, payments totaling \$45,040,966.65 or approximately 91% of the amount distributed in the Initial Distribution have been cashed by Settlement Class Members. As of July 31, 2018, after accounting for earned interest, the total amount of cashed checks from the Initial Distribution, and other authorized payments made to GCG for fees and expenses in connection with its administering the Settlement Fund up to this date³, \$4,473,451.69 remains in the Settlement Fund.

FINAL DISTRIBUTIONS

7. Following the payment of GCG's outstanding and estimated fees and expenses

² GCG uses an Advanced Address Search ("AAS") database that pulls information from one of the largest collections of public and proprietary records available. The search tool pulls from over 40 billion public record filings from over 10,000 sources, and includes over 11.6 billion consumer records to locate the most current addresses for individuals.

³ On February 24, 2015, the Court authorized a second payment to GCG in the amount of \$208,722.72 (ECF No. 292).

described in paragraph 15 below, there would be approximately \$4,258,395.63 remaining in the Settlement Fund. GCG, in consultation with Class Counsel, agreed that a second distribution, and most likely a third distribution, would be beneficial to the Settlement Class Members and would be economically feasible.

8. Based on GCG's preliminary calculations, we expect and recommend to Class Counsel to issue approximately 18,500 checks to Settlement Class Members who negotiated their Initial Distribution payment and would receive a check for at least \$10.00 (the "Second Distribution").

9. In order to encourage Settlement Class Members to cash their Second Distribution checks promptly and to avoid or reduce future expenses relating to outstanding payments, all Second Distribution checks will bear the following notation "CASH PROMPTLY-- VOID AND SUBJECT TO RE-DISTRIBUTION IF NOT CASHED WITHIN 90 DAYS AFTER ISSUE DATE."

10. In an effort to have as many Settlement Class Members as possible cash their Second Distribution checks, GCG will perform extensive follow-up with those Settlement Class Members whose checks are initially uncashed, either because they are returned to GCG as undeliverable or because the Settlement Class Member simply did not cash the check after a period of time elapses (the "Outreach Program"). For Settlement Class Members whose checks are returned as undeliverable, GCG will endeavor to locate new addresses by running the undeliverable addresses through the US Postal Service National Change of Address database and, where appropriate, via outreach to the Settlement Class Members. Where a new address is located, GCG will update the database accordingly and re-issue a distribution check to the Settlement Class Member at the new address. For any Settlement Class Members whose

distributions are not returned but who simply do not cash their checks, GCG will use a mix of automated and personalized telephone calls to urge such Settlement Class Members to cash their distribution checks.

11. In the event a Settlement Class Member loses or damages his, her or its check, or otherwise requires a new check, GCG will issue replacements. Distribution re-issues will be undertaken only upon written instructions from the Settlement Class Member. GCG will void the initial payment check prior to re-issuing a payment. Consistent with GCG policies and practice, should any distribution re-issues be requested due to the death of the Settlement Class Member, GCG will additionally require a copy of the Settlement Class Member's death certificate and either the Settlement Class Member's will, probate documents, or other documentation listing the Settlement Class Member's beneficiaries.

12. In order not to delay further distributions to Settlement Class Members who have timely cashed their checks, GCG's Outreach Program shall end 30 days after the initial void date. Settlement Class Members will be informed that, if they do not cash their Second Distribution checks within the 90 days from the mail date, or they do not cash check reissues within 30 days of the mailing of such reissued check, their check will lapse, their entitlement to recovery will be irrevocably forfeited, and the funds will be re-allocated to other Settlement Class Members. Reissue requests for lost or damaged checks will be granted after GCG ends its Outreach Program, however, void dates on such reissues will be adjusted so that all such checks will no longer be negotiable 30 days after the end of the Outreach Program. Requests for reissued checks in connection with any subsequent distributions will be handled in the same manner.

13. If any balance remains in the Net Settlement Fund six months after the Second

Distribution or once all checks issued in the Second Distribution have been tendered for payment, whichever occurs first, such funds shall be used: (i) first, to pay any additional notice and administration costs incurred in administering the Settlement including tax preparation and filing; (ii) second, to pay any taxes due on the Settlement Fund; and (iii) finally, to make a subsequent distribution to Settlement Class Members who cashed their checks from the Second Distribution and who would receive at least \$10.00 from such subsequent distribution, after payment of the estimated costs or fees to be incurred in administering the Net Settlement Fund and in making this subsequent distribution, if such subsequent distribution is economically feasible.

14. The redistribution process outlined in paragraphs 9-13 will continue until the Net Settlement Fund is exhausted by combined notice and administration costs, tax payments, and payments to Settlement Class Members, as approved by Class Counsel, without any requirement for further Court approval.

FEES AND DISBURSEMENTS

15. As of July 31, 2018, GCG's current outstanding fees and expenses total \$110,050.50 for work performed through that date, which is attributed to the additional volume related to claimant inquiries, requests for check reissues and outreach to those claimants with uncashed/undeliverable checks, including but not limited to those activities outlined in paragraph 5. Invoices reflecting these outstanding fees and expenses as well as an estimate of GCG's fees and expenses of approximately \$105,005.56 to conduct the Second and Third Distributions for a total of \$215,056.06 are annexed hereto as Exhibit A.

Executed in Lake Success, New York on August 30, 2018.

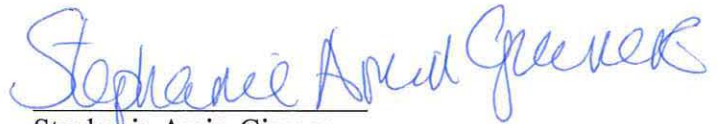

Stephanie Amin-Giwner
Stephanie Amin-Giwner

EXHIBIT A



INVOICE

| INVOICE DATE | INVOICE NUMBER |
|--------------|----------------|
| 6/8/2018 | 24095 |
| PERIOD START | THROUGH DATE |
| 4/1/2018 | 5/31/2018 |

Peter Kahana, Esq.
 Berger & Montague, P.C.
 1622 Locust Street
 Philadelphia, PA 19103

| Project Name: Spencer v. The Hartford Financial Services Group, Inc. Settlement | | | |
|--|----------|----------|-------------------|
| Description | Quantity | Rate | Amount |
| Fees | | | |
| Notice Dissemination | | | |
| Printing of Notice Packet | 0.4 Hrs. | | \$22.00 |
| Enter name and address records into database (hard copy) | 1 | \$0.45 | \$0.45 |
| Imaging, Document Management & Storage | | | |
| Sort Mail | 1 | \$0.45 | \$0.45 |
| Prep Mail | 0.1 Hrs. | | \$5.50 |
| Scan Mail (per img.) | 4 | \$0.12 | \$0.48 |
| Document Storage - Paper (per box/per month) | 18 | \$1.50 | \$27.00 |
| Document Storage - Electronic (per img./record per month) | 54,458 | \$0.008 | \$435.66 |
| Contact Services | | | |
| IVR (per minute) | 244 | \$0.49 | \$119.56 |
| Monthly maintenance charge | 2 | \$100.00 | \$200.00 |
| Handling of class member communications | 1.2 Hrs. | | \$70.70 |
| Website Services | | | |
| Monthly maintenance charge | 2 | \$200.00 | \$400.00 |
| Distribution Services | | | |
| Check reissues | 2 | \$1.95 | \$3.90 |
| Project Management | | | |
| Project Management/Systems Support/Quality Assurance | 5.3 Hrs. | | \$858.00 |
| Total Fees | | | \$2,143.70 |
| Total Project Expenses (See Exhibit A) | | | \$4.34 |
| Sub Total | | | \$2,148.04 |



INVOICE

Project Name: Spencer v. The Hartford Financial Services Group, Inc. Settlement

| Description | Quantity | Rate | Amount |
|--|----------|------|---------------------|
| Fees | | | |
| Outstanding Balance Prior Invoice #19276 | | | \$26,815.95 |
| Outstanding Balance Prior Invoice #20021 | | | \$6,592.38 |
| Outstanding Balance Prior Invoice #20441 | | | \$3,608.59 |
| Outstanding Balance Prior Invoice #21147 | | | \$8,455.24 |
| Outstanding Balance Prior Invoice #21840 | | | \$32,160.10 |
| Outstanding Balance Prior Invoice #22248 | | | \$7,001.38 |
| Outstanding Balance Prior Invoice #22443 | | | \$1,751.14 |
| Outstanding Balance Prior Invoice #23146 | | | \$5,907.19 |
| Outstanding Balance Prior Invoice #23676 | | | \$5,347.95 |
| Outstanding Balance Prior Invoice #23773 | | | \$3,626.71 |
| Outstanding Balance Prior Invoice #24045 | | | \$890.93 |
| Grand Total | | | \$104,305.60 |



EXHIBIT A

| Project Name: Spencer v. The Hartford Financial Services Group, Inc. Settlement | |
|--|---------------|
| Description | Amount |
| <u>Project Expenses</u> | |
| For the period: Apr 01, 2018 through May 31, 2018 | |
| Postage | \$0.94 |
| PACER Charges | \$3.40 |
| Total | \$4.34 |

| Please Remit To : | | |
|---|------|--|
| Garden City Group, LLC 1985 Marcus Avenue, Suite 200 Lake Success, NY 11042 | -Or- | Garden City Group, LLC Operating A/C Signature Bank 900 Stewart Ave., 3rd Floor Garden City, NY 11530 ABA # - 026013576 A / C # - 1501168781 Tax ID # - 58-0506554 Swift Code - SIGNUS33 |



INVOICE

| INVOICE DATE | INVOICE NUMBER |
|--------------|----------------|
| 8/30/2018 | HAT JULY |
| PERIOD START | THROUGH DATE |
| 6/1/2018 | 7/31/2018 |

Peter Kahana, Esq.
 Berger & Montague, P.C.
 1622 Locust Street
 Philadelphia, PA 19103

| Project Name: Spencer v. The Hartford Financial Services Group, Inc. Settlement | | | |
|--|-----------|----------|---------------------|
| Description | Quantity | Rate | Amount |
| Fees | | | |
| Imaging, Document Management & Storage | | | |
| Sort Mail | 1 | \$0.45 | \$0.45 |
| Prep Mail | 0.2 Hrs. | | \$11.00 |
| Scan Mail (per img.) | 4 | \$0.12 | \$0.48 |
| Document Storage - Paper (per box/per month) | 18 | \$1.50 | \$27.00 |
| Document Storage - Electronic (per img./record per month) | 54,470 | \$0.008 | \$435.76 |
| Contact Services | | | |
| IVR (per minute) | 109 | \$0.49 | \$53.41 |
| Monthly maintenance charge | 2 | \$100.00 | \$200.00 |
| Management of call center | 0.3 Hrs. | | \$24.00 |
| Handling of class member communications | 1.5 Hrs. | | \$87.80 |
| Website Services | | | |
| Monthly maintenance charge | 2 | \$200.00 | \$400.00 |
| Project Management | | | |
| Project Management/Systems Support/Quality Assurance | 27.7 Hrs. | | \$4,425.00 |
| Total Fees | | | \$5,664.90 |
| Total Project Expenses (See Exhibit A) | | | \$80.00 |
| Sub Total | | | \$5,744.90 |
| Estimate for 2nd and 3rd Distribution (See Exhibit B) | | | \$105,005.56 |
| Sub Total | | | \$110,750.46 |



INVOICE

Project Name: Spencer v. The Hartford Financial Services Group, Inc. Settlement

| Description | Quantity | Rate | Amount |
|--|----------|------|---------------------|
| Fees | | | |
| Outstanding Balance Prior Invoice #19276 | | | \$26,815.95 |
| Outstanding Balance Prior Invoice #20021 | | | \$6,592.38 |
| Outstanding Balance Prior Invoice #20441 | | | \$3,608.59 |
| Outstanding Balance Prior Invoice #21147 | | | \$8,455.24 |
| Outstanding Balance Prior Invoice #21840 | | | \$32,160.10 |
| Outstanding Balance Prior Invoice #22248 | | | \$7,001.38 |
| Outstanding Balance Prior Invoice #22443 | | | \$1,751.14 |
| Outstanding Balance Prior Invoice #23146 | | | \$5,907.19 |
| Outstanding Balance Prior Invoice #23676 | | | \$5,347.95 |
| Outstanding Balance Prior Invoice #23773 | | | \$3,626.71 |
| Outstanding Balance Prior Invoice #24045 | | | \$890.93 |
| Outstanding Balance Prior Invoice #24095 | | | \$2,148.04 |
| Grand Total | | | \$215,056.06 |



EXHIBIT A

| Project Name: Spencer v. The Hartford Financial Services Group, Inc. Settlement | |
|--|----------------|
| Description | Amount |
| <u>Project Expenses</u> | |
| For the period: Jun 01, 2018 through Jul 31, 2018 | |
| Tax Consulting | \$80.00 |
| Total | \$80.00 |

| Please Remit To : | |
|---|---|
| Garden City Group, LLC 1985 Marcus Avenue, Suite 200 Lake Success, NY 11042 | -Or- |
| | Garden City Group, LLC Operating A/C Signature Bank 900 Stewart Ave., 3rd Floor Garden City, NY 11530 ABA # - 026013576 A /C # - 1501168781 Tax ID # - 58-0506554 Swift Code - SIGNUS33 |

EXHIBIT B

SPENCER V. THE HARTFORD FINANCIAL SERVICES GROUP, INC. ESTIMATE OF FEES AND EXPENSES FOR SECOND & THIRD DISTRIBUTION AS OF AUGUST 1, 2018

| | | |
|-------------|---|----------------------------|
| I. | <u>2nd Check Distribution- Fees</u> | |
| | Print Checks 18,500 @ \$1.25 | \$23,125.00 |
| | Project Management | \$6,250.00 |
| | Quality Assurance | \$3,000.00 |
| | Systems Support | \$2,250.00 |
| | Banking Services | <u>\$1,250.00</u> |
| | <i>Subtotal of 2nd Check Distribution Fees</i> | \$35,875.00 |
| | <u>Check Distribution- Expenses</u> | |
| | Postage | <u>\$8,602.50</u> |
| | <i>Subtotal of 2nd Check Distribution Expenses</i> | \$8,602.50 |
| | <i>Subtotal of 2nd Check Distribution Fees & Expenses</i> | \$44,477.50 |
| | | |
| II. | <u>3rd Check Distribution- Fees</u> | |
| | Print Checks 3,700 @ \$1.25 | \$4,625.00 |
| | Project Management | \$3,000.00 |
| | Quality Assurance | \$1,500.00 |
| | Systems Support | \$1,500.00 |
| | Banking Services | <u>\$750.00</u> |
| | <i>Subtotal of 3rd Check Distribution Fees</i> | \$11,375.00 |
| | <u>Check Distribution- Expenses</u> | |
| | Postage | <u>\$1,720.50</u> |
| | <i>Subtotal of 3rd Check Distribution Expenses</i> | \$1,720.50 |
| | <i>Subtotal of 3rd Check Distribution Fees & Expenses</i> | \$13,095.50 |
| | | |
| III. | <u>Post-Distribution Work- Fees (Assumes 12 months)</u> | |
| | Reissue Checks 665 @ \$1.95 | \$1,296.75 |
| | Handle Undeliverable checks 1,110 @ \$5.00 | \$5,550.00 |
| | In-bound Claimant Correspondence | |
| | ~IVR Minutes 10,000 minutes @ \$0.49 per minute | \$4,900.00 |
| | ~Monthly Maintenance Charge (\$100 per month) | \$1,200.00 |
| | ~Handling of class member communications | \$11,750.00 |
| | Website Monthly Maintenance Charge (\$200 per month) | \$2,400.00 |
| | Project Management | \$4,500.00 |
| | Quality Assurance | \$1,500.00 |
| | Systems Support | \$1,500.00 |
| | Banking Services | <u>\$4,375.00</u> |
| | <i>Subtotal of Post-Distribution Work Fees</i> | \$38,971.75 |
| | <u>Post-Distribution Work- Expenses</u> | |
| | Postage | \$332.50 |
| | FedEx, Copies, Line Charges | <u>\$300.00</u> |
| | <i>Subtotal of Post-Distribution Work Expenses</i> | \$632.50 |
| | <i>Subtotal of Post-Distribution Work Fees & Expenses</i> | \$39,604.25 |
| | | |
| IV. | <u>Ancillary Services- Fees</u> | |
| | Prepare and file tax return [2018, 2019] | \$5,000.00 |
| | Paper Storage, 9 boxes @ \$1.50 per box per month for 12 months | \$162.00 |
| | Electronic Storage- 27,235 @ \$0.008 per image/record per month for 12 months | <u>\$2,614.56</u> |
| | <i>Subtotal of Ancillary Fees</i> | \$7,776.56 |
| | <u>Ancillary Services- Expenses</u> | |
| | Disposal of files | <u>\$51.75</u> |
| | <i>Subtotal of Ancillary Expenses</i> | \$51.75 |
| | <i>Subtotal of Ancillary Fees & Expenses</i> | \$7,828.31 |
| | | |
| | GRAND TOTAL FEES AND EXPENSES: | <u>\$105,005.56</u> |