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

IN RE: VOLKSWAGEN “CLEAN DIESEL”
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

MDL 2672 CRB

**DECLARATION OF JENNIFER
KEOUGH REGARDING NOTICE PLAN
AND CLAIM PROGRAM STATUS**

This Documents Relates to:
Porsche Gasoline Litigation

The Honorable Charles R. Breyer

1 I, Jennifer Keough, hereby declare and state as follows:

2 1. I am the Chief Executive Officer and President of JND Legal Administration LLC
3 (“JND”). As the CEO and President of JND, I oversee all facets of our company’s operations,
4 including monitoring and implementing our notice and claims administration programs. This
5 Declaration is based on my personal knowledge as well as upon information provided to me by
6 experienced JND employees, and if called upon to do so, I could and would testify competently
7 thereto.

8 2. This Declaration is a supplement to my Declaration dated August 26, 2022 (ECF
9 8032-2).

10 **DIRECT NOTICE**

11 3. As of October 11, 2022, JND sent a total of 1,096,929 email notices (not including
12 reminder emails), and a total of 572,714 postcard notices to potential Class members. As of
13 October 11, 2022, JND has tracked 55,129 notices that had been returned to JND as undeliverable
14 with no forwarding address, and 5,049 notices were returned to JND with a forwarding address.
15 JND promptly re-mailed 5,049 notices to forwarding addresses provided by the USPS. For the
16 remaining undeliverable notices, JND took reasonable efforts to identify new addresses and re-
17 mailed 1,897 postcards to an updated address. The direct notice program was a success. Through
18 the various means described here and in my August 26 Declaration, the program reached virtually
19 all Class members through direct, individual notice.

20 **REMINDER NOTICES**

21 4. In my opinion, the level of class member engagement with the notice program has
22 been very positive.

23 5. Nevertheless, to ensure the highest reasonable participation rate, JND worked with
24 Class Counsel to draft a reminder email notice (“Reminder Notice”) to potential Class members
25 who have not filed a claim , to remind them of the claim filing deadline.¹ The Reminder Notice
26 advises Class members that, if they were previously unable to file a claim because their
27

28 ¹ Reminder Notices were not sent to those who have opted out of or unsubscribed from the email campaign.

1 documentation was unavailable, they now have the option to submit their claim without
2 supporting documentation, subject to the verification of the information they provide, as further
3 detailed below. Generally speaking, I understand that the documentation requirements are not
4 rigid, and JND will continue to work with claimants to identify alternative sources of
5 documentation that may be necessary to establish when claimants possessed their Class Vehicles.

6 6. JND commenced sending email reminder notices on October 6, 2022, to 1,006,902
7 potential Class Members who have not yet submitted a claim and have not opted out of the
8 Settlement or unsubscribed from the email notice campaign. JND worked with Counsel to send
9 the reminder notice at the most optimal time, which was two weeks after a reminder email was
10 sent by Porsche directly to approximately 612,611 of its customers.

11 7. JND will continue to confer with Counsel to determine whether further reminder
12 notices may be needed.

13 **SETTLEMENT WEBSITE**

14 8. As noted in my previously declaration, the Settlement Website featured an online
15 Claim Form (“OCF”) for Class Members to file their claim and upload supporting documentation.
16 On September 16, 2022, at the direction of the Parties, JND updated the OCF to allow Class
17 members to bypass the supporting documentation upload requirement by checking a box that
18 stated “*I do not have any supporting documentation available to upload with my claim right now.*
19 *I understand that I may not receive compensation under this Settlement if the Claims*
20 *Administrator is unable to validate my claim.*” On October 6, 2022, JND further expanded the
21 Settlement Website to include an additional page that allows Class members to return to the
22 website and upload additional documentation directly to their claim. These updates to the
23 Settlement Website assist in simplifying the claim filing process for Class Members, and
24 therefore increase Class Member participation.

25 9. As of October 11, 2022, the Settlement Website has tracked a total of 363,549
26 unique users who registered 2,022,725 page views.

1 **TOLL-FREE TELEPHONE NUMBER**

2 10. As of October 11, 2022, JND has received 10,406 calls to the case telephone
3 number.

4 **EMAIL ADDRESS**

5 11. As of October 11, 2022, JND has received 5,591 emails to the case email inbox.

7 **CLAIMS RECEIVED**

8 12. As of October 11, 2022, JND has received more than 109,846 Claim Forms,
9 covering 99,491 (19.68%) unique Class VINs. 108,413 of the Claims Forms that have been
10 received were submitted electronically online and 1,433 were submitted via paper.

11 13. In addition, 13,773 class vehicles have received an Emissions Compliant Repair.
12 The owners of those vehicles will receive their settlement payments automatically, without the
13 need to submit a claim form. Of those 13,773 class vehicles, 3,549 are also the subjects of Other
14 Class Vehicle or Fuel Economy claims. This means that, as of now, and with the claim period
15 still open, payments will likely be made for at least 109,715 (21.71%) unique VINs.

16 **OBJECTIONS**

17 14. As of October 11, 2022, JND has received or is otherwise aware of three
18 objections, although one was submitted by an individual who, based on the timing of his vehicle
19 purchase, I understand is not a member of the Class.

20 **EXCLUSION REQUESTS**

21 15. As of October 11, 2022, JND has received or is otherwise aware of 27 requests for
22 exclusion, of which 11 were timely and valid. One of the timely and valid opt-out requests was
23 later withdrawn. Therefore, there are ten timely and valid opt-out requests. Attached as **Exhibit**
24 **A** is a list of all Valid Opt-Out requests.

25 **CONCLUSION**

26 16. In sum, the statistics on the direct mail and email notice to date reinforce the fact
27 that the notice program is broad in scope and designed to reach the greatest practicable number of
28 settlement Class Members. Therefore, in my opinion, the Notice Program as described herein

1 provided the best notice practicable and is consistent with, if not more robust than, other similar
2 court-approved notice programs, Rule 23 of the Federal Rules of Civil Procedure, and the FJC's
3 guidelines for Best Practicable Due Process notice. It satisfies due process and complies with the
4 requirements of Rule 23 by apprising Class Members of the Settlement Agreement and their
5 opportunity to be heard, to object, and to opt out. The Notice Program was designed to, and did,
6 reach as many Class Members as practicable and provide them with the opportunity to review a
7 plain language notice with the ability to easily take the next step and learn more about the
8 Settlement and file a claim if they so desire. The notice program was a success.

9 17. The Claim program will be also. As described above, Class members have been
10 very engaged with the settlement website and hotline, and with nearly a month left before the
11 claim submission deadline (and likely more, given the parties agreement to extend the deadline by
12 one month), more than 100,000 claims have been submitted. In my experience, this is a very
13 strong result and reflects well on the strength of the settlement and the notice plan.

14
15 I declare under penalty of perjury that the foregoing is true and correct.

16 Executed October 11, 2022, at Seattle, Washington.

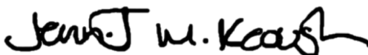
17
18 By: 
19 Jennifer M. Keough

EXHIBIT A



PORSCHE GASOLINE SETTLEMENT

Valid Exclusions

(as of October 11, 2022)

#	Name	Last 4 Digits of VIN
1	GEOFFREY LAI	1626
2	CURTIS CHISM	1739
3	MICHAEL PODOLL	3316
4	DAVID MECEY	2039
5	ROGER FULLMER	8154
6	JENNIFER ELLIOTT	5639
7	ANDREA STAMPONE	0239
8	MOHAMMAD ALBABA & DANA AL JIJAKLI	2272
9	ALLISON KLEIN	2380
10	STEPHEN MARCOM	6259