

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MASHAYILA SAYERS, BRITTNEY
TINKER, JENNIFER MONACHINO,
KIMBERLY MULLINS, HILDA
MICHELLE MURPHREE, and AMANDA
JIMENEZ, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

ARTSANA USA, INC.,

Defendant.

Case No. 7:21-cv-07933-VB

Hon. Vincent L. Briccetti

**DECLARATION OF BRYAN HELLER REGARDING CLAIM
VALIDATION USING CLAIMSCORE**

DECLARATION OF BRYAN HELLER

I, Bryan Heller, do hereby declare under penalty of perjury under Section 28 U.S.C. § 1746, of the laws of the United States of America that the following is true and correct:

1. I am a Co-Founding partner and the Chief Technology Officer of ClaimScore, LLC (“ClaimScore”), a technology company that assists with claims administration. The following statements are based on my personal knowledge and information provided by other ClaimScore principals and employees working under my supervision, and if called upon to do so, I could and would testify competently about these issues.

2. I graduated from the Pennsylvania State University with a Bachelor of Science degree. Prior to ClaimScore, I spent the first 13+ years of my career at a Consulting Engineering firm, in the Environmental Services Group, with a primary focus on contaminated site remediation, landfill post-closure compliance and landfill gas to energy projects. Each of the three focus areas required the review of 100s of thousands of data points to drive federal and state compliance, as well as maximize renewable energy generation. In addition to complex data analysis, I also was required to develop custom tools to deploy complex Expert System Artificial Intelligence algorithms (which automated the data review processes), produce state and federally compliant data sets, and drive energy production optimization decisions. Both federal and state compliance required that the data be scrutinized for quality assurance and multiple lines of evidence was required to prove the data was of “known quality”.

3. In 2020, I started a technology company focused on athletic training and nutrition, and, using complex data analysis and algorithms, led the development of an Artificial Intelligence/Machine Learning training application for athletes. As part of that company, my team was also responsible for the

collection and analysis of marketing data to drive campaign decisions and optimize campaign performance.

4. In early 2022, I founded ClaimScore with a group of partners who had significant experience in consumer class actions and the administration of them. Since ClaimScore's inception, I have managed a development team and been primarily responsible for engineering the AI algorithms, scoring criteria and overseeing the development of our proprietary cloud-architecture infrastructure.

5. ClaimScore was retained by Defendant Artsana USA, Inc. (through its counsel Gibson Dunn), to review data related to the claims made in this case. The data was provided to ClaimScore by Angeion Group based on certain specific requests and categories provided by ClaimScore.

6. ClaimScore's analysis reveals that of the claims filed between March 8, 2023 and August 31, 2023, 35,081 claims fulfilled the requirements of the settlement agreement and did not exhibit other indicia of fraud, while 1,529,813 claims did not fulfill the requirements of the settlement agreement and/or exhibited other indicia of fraud described more fully below. Additionally, 3,812 claims require further review. These claims requiring further review include 6,281 products that were reportedly submitted with proof of purchase, 628 products submitted with serial numbers, and 2,027 products submitted with photos.

7. A description of ClaimScore's methodology and detailed findings is set forth below. Please note, ClaimScore requested portions of this declaration be redacted to protect the integrity of ClaimScore's proprietary Intellectual Property and prevent our system from being reverse engineered by individuals responsible for submitting fraudulent claims.

ABOUT CLAIMSCORE AND ITS SCORING METHODOLOGY

8. As noted, ClaimScore is a technology company that assists with the administration of class actions and, in particular, with the review and assessment of

claims made in the settlement of class actions. The ClaimScore team has over 40 years of class action case experience, and includes both class action attorneys, individuals with class action claim administration experience, data analysts, and a full software development team. Our founders have represented litigants on both sides of consumer (and other) class actions and have administered numerous cases in state and federal courts throughout the United States.

9. ClaimScore was developed, specifically based on its founders' education and expertise, to review and validate claims in class action settlements, individually and in real-time, based on objective criteria that is applied consistently and uniformly to all people making claims in these settlements. ClaimScore's technology combines a 20+ point expert-system artificial intelligence algorithm with a neural-network machine learning system to ensure an accurate, objective, and transparent review of each individual claim made in the settlement of consumer class actions. The platform is stacked on a complex cloud-architecture that is capable of providing real-time review of 1,000's of claims per second, or bulk review of millions of claims per hour. In addition, ClaimScore has developed a variety of tools to help optimize the claims administration process and make it significantly more cost-effective for litigants.

10. ClaimScore's validation system reviews each claim individually against each of the 20+ criteria. Additionally, all case-specific validation requirements are integrated into ClaimScore's algorithm, thus ensuring each claim is accurately evaluated against the requirements set forth in the Settlement Agreement. Each claim begins with a ClaimScore of 1,000 and is reduced each time it fails a criterion. Each criterion is weighted depending on both the correlation to fraudulent claims and correlation to valid claims. In other words, if a criterion has a high correlation to fraudulent claims and a low correlation to valid claims, that criterion is weighted more than criteria with a lower correlation to

fraudulent claims is lower, or if the correlation to valid claims is higher. Some of the criteria have fixed weights; other criterion have a sliding weight depending on the volume or frequency. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11. Claims are not rejected for single criterion unless they are specified in the Settlement Agreement. If any of the other criteria fail, the claim will lose points, but multiple failures are required before ClaimScore recommends the claim be rejected.

12. Once a claimant fails a certain number of criteria, and the ClaimScore drops below 700, ClaimScore recommends that the claim be rejected as non-compliant with the specific terms of a Settlement Agreement, including an analysis that the claim contains “indicia of fraud”. When developing the ClaimScore system, ClaimScore started with the score of 700 as the threshold for rejection, in part because most people are familiar with how the credit score system works, and the 700-metric aligns with that system. A 700-passing score was also selected because a 300-point deduction would allow claims to fail certain criteria, yet still be approved. In other words, potential claimants are provided with a certain “cushion” to ensure that they are not simply selected for exclusion based on a single criterion; the claim needs to fail multiple criteria before the score is reduced to below 700.

13. Once the 700 score was established, the weighted criteria system was built around the score. Said differently, when conducting statistical analyses to evaluate the effectiveness of the criteria at predicting fraud, that analysis was based

on the score of 700. If the combination of criteria was weighted too heavily and legitimate claims were pushed below 700, ClaimScore lessened the weights to ensure absolute fairness to the proposed claimant. When the combination of criteria was weighted too lightly and not effectively pushing illegitimate claims below 700, ClaimScore more heavily weighted the criteria.

14. As a way of testing the score to ensure in this case that the ClaimScore system was not falsely rejecting legitimate claims, ClaimScore used the direct notice claims¹ as a control group for analysis. The direct notice group in this case consisted of Artsana customers who purchased one of the booster seats at issue, and for whom Artsana had some contact information (mailing address or e-mail). There have been approximately 12,181 claims from this direct-notice group. Each of those claims were validated as legitimate based on purchasing records and data. As a result, those claims should have passed the ClaimScore system, if the system is accurate. And, it is. According to our control group analyses, 97.2% of the direct notice claimants received a ClaimScore of 700 or above. From a statistical analysis perspective, that result demonstrates that the ClaimScore system is accurate at validating legitimate claims and rejecting illegitimate claims. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

¹ 1,631 claims were removed from the control group because they failed to meet the Settlement Agreement's definition of a valid claim. For example, they were submitted outside the jurisdiction specified in the Settlement Agreement or the product submitted with the claim was invalid. Invalid products did not fail direct notice claims in the true analysis, but since for the purpose of the control study, these claims were not evaluated as direct notice, this criterion accurately caused them to fail.

15. To maximize transparency, each claim is tagged with deduction codes associated with the criteria it fails, thus ensuring that the parties, the administrator and the Court definitively know all specific reasons why each claim was rejected. This coding approach creates complete transparency for each claimant.

16. To be clear, ClaimScore does not reject claimants based on “one-off” criteria (which is the current approach utilized by many settlement administrators). ClaimScore refers to this as “group and slash”. In contrast, the ClaimScore methodology applies the criteria agreed to in the settlement agreement, and measures “other indicia of fraud” against a full set of criteria to provide each claimant with a score. That score then determines, up front, whether a claimant actually meets the definition of “class member” pursuant to the settlement agreement. Under the ClaimScore system, all claims are assessed against all of the 20+ criteria uniformly, and no single claim fails simply because it fails to meet a single criterion.

17. ClaimScore is currently being utilized for Real-Time Claims Management services in numerous state and federal court class actions. Those services use the same technology deployed in this current case (however, the claim review process happens in real-time in each of those other cases).

18. A sample of currently active class action settlements where ClaimScore has been Court-appointed to provide Real-Time Claims Management services are listed below:

- a. *Ignacio Perez v. Rash Curtis & Associates*, Case No. 4:16-cv-03396-YGR (N.D. Cal.) (Direct Notice Class of the largest Telephone Consumer Protection Act (TCPA) settlement in history with a recovery \$75.6 million for individuals who allegedly received unwanted calls from a debt collection company);

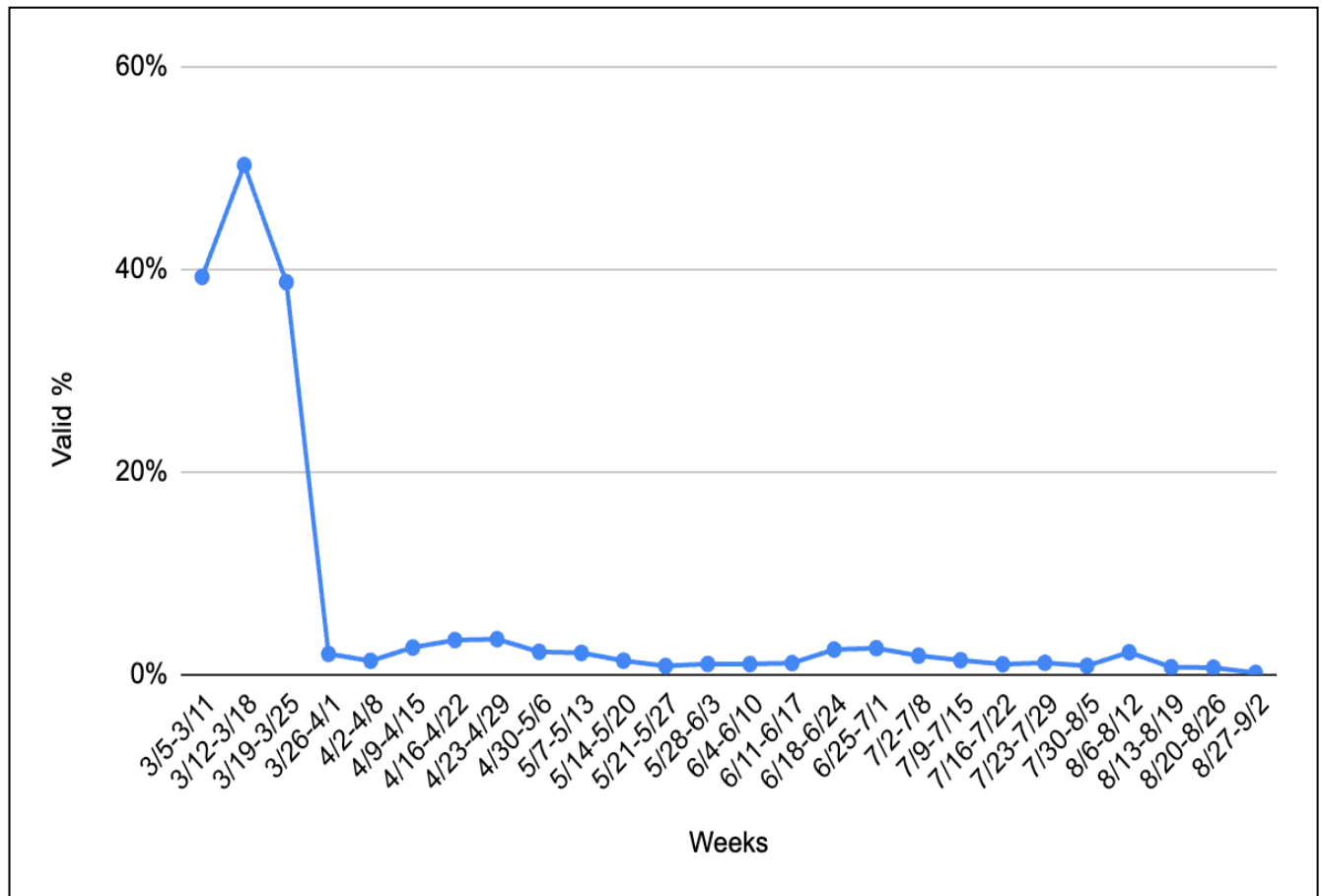
- b. *Lipsky, et al. v. American Behavioral Research Institute, LLC, d/b/a Relaxium*, Case No. 50-2023-CA-011526-XXXX-MB (Palm Beach County Cir. Court Florida) (Nationwide class of purchasers who were subject to allegedly deceptive and misleading business practices regarding the efficacy and automatic billing practices of Relaxium® - a line of supplements to promote sleep, relaxation, focus, and immune defense);
- c. *Wyland v. Woopla, Inc.*, Case No. 2023-CI-00356 (Commonwealth of Kentucky Henderson County Cir. Court) (Kentucky class of purchasers of online gambling products);
- d. *Whiting v. Yellow Social Interactive, Ltd.*, Case No. 2023-CI-00358 (Commonwealth of Kentucky Henderson County Cir. Court) (Kentucky class of purchasers of online gambling products);
- e. *Rosenfeld et al. v. AC2T, Inc.*, Case No. 506882/2023 (Supreme Court of New York, County of Kings) (Nationwide class of purchasers of mosquito repellent);
- f. *O'Malley, et al. v. FloSports, Inc.*, Case No. 3:22-cv-04920-JSC (N.D. Cal.) (Direct Notice class of purchasers who were subject to allegedly deceptive and misleading business practices regarding the efficacy and automatic billing practices of an online subscription to the FloSports platform.)

CLAIMSCORE'S FINDINGS

19. In accordance with the Settlement Agreement, the claim period began on March 8, 2023, and is scheduled to continue until December 11, 2023. The direct notice was distributed within the first several days following the start of the notice period. Paid Search ads were deployed on the first day of the claims period. Banner Ads and Social Media ads were deployed on March 24 2023. By April 22, 2023 the media notice was completed; therefore, no search, banner, or social media ads ran after this date.

The Claims

20. ClaimScore evaluated the claim submission rate based on average claims submitted per day and per week, as well as the percentage of claims that were determined to be valid during each period:



21. There was an average of approximately 12,350 claims per week, or about 1,765 claims per day from March 8, 2023 through March 28, 2023.² As shown in the chart above, approximately 41.3% of the claims in this three-week period were determined to be valid. Things changed, dramatically, thereafter.

22. On March 29, 2023, 7,343 claims were submitted. That number increased to 22,332 claims on March 30, 2023, and further increased to 25,353 claims on March 31, 2023. Approximately 1% of the claims in this three-day period were valid; which accounted for only 699 valid products.

23. 20,676 claims were submitted on April 1, 2023, and from April 2, 2023 to April 5, 2023, claim submissions averaged approximately 12,750 per day. Claims determined to be valid remained at approximately 1% during this period.

24. From April 6, 2023 through May 20, 2023, claims averaged 5,160 per day, or about 36,135 claims per week. Approximately 2.4% of the claims submitted during this period were determined to be valid.

25. Between May 21, 2023 and June 8, 2023, claims jumped back up to an average of 8,500 claims per day range, or 59,500 claims per week; and from June 9, 2023 to June 13, 2023 claims spiked again to an average of 13,450 per day, or 94,190 per week. Approximately 1% of the claims were determined to be valid during this period.

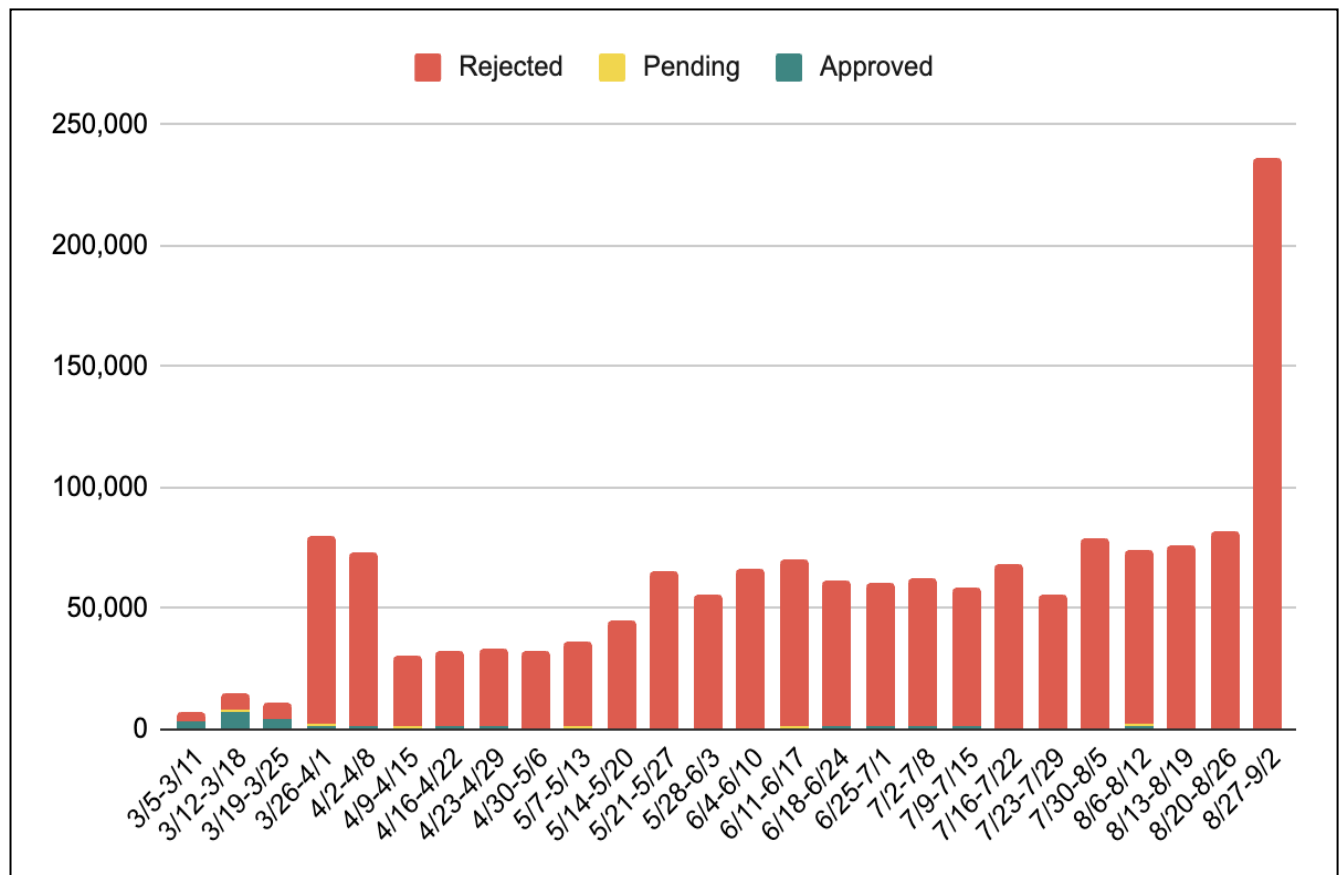
26. From June 14, 2023 to July 30, 2023, claims returned to an average of about 8,630 claims per day, or 60,407 claims per week. Approximately 1.7% of the claims were determined to be valid during this period.

² March 10, 2023 was the exception. On that day, there were approximately 2,500 claim submissions.

27. From July 31, 2023 and August 26, 2023, claims jumped again to an average of about 11,180 claims per day, or 78,265 claims per week. Approximately 1.1% of the claims were determined to be valid during this period.

28. Between August 27, 2023 and August 31, 2023 the claim submission rates reached an all-time high average of approximately 47,270 per day, or 330,920 claims per week. During this phase less than 0.2% of the claims were determined to be valid.

29. Here is that data as shown in a bar chart, with the green portion showing the approved claims, the yellow the pending claims, and the red the rejected invalid claims.



30. The data shows that, beginning on March 29, at least 97% of the claims submitted in each time period described above were rejected as invalid. See chart below.

Time Period	Percentage of Rejected Claims
3/8/23 – 3/28/23	58.7%
3/29/23 – 3/31/23	99.0%
4/1/23 – 4/5/23	99.0%
4/6/23 – 5/20/23	97.6%
5/21/23 – 6/13/23	99.0%
6/14/23 – 7/30/23	98.3%
7/31/23 – 8/26/23	98.9%
8/27/23 – 8/31/23	99.8%

ClaimScore's Review

31. ClaimScore understands that, at present, the claim rate is over 250% of the products that were the subject of the case. ClaimScore further understands that the claim period currently does not end until December 11, 2023.

32. As a result of the completely egregious claim rate, and the substantial number of fraudulent claims, Artsana retained ClaimScore (at its own expense) to assess the case data using ClaimScore's proprietary algorithm, to ensure that each claimant was universally assessed in the same manner, and to provide Artsana with data showing why claimants were being rejected from participating in the settlement.

33. Artsana facilitated the transfer of claim submission data for 1,568,706 claims, which included 1,637,547 products, from the settlement administrator to

ClaimScore via several CSV files.³ Once ClaimScore received all of the data, it consolidated it using the unique IDs provided within each file. The data was cleaned to fix all inconsistencies amongst columns. Before ClaimScore began reviewing the data, it was provided with the Settlement Agreement and other publicly available documents from the settlement website (<https://www.artsanaboosterseatsettlement.com/>).

34. ClaimScore incorporated the case specific parameters, as set forth in the Settlement Agreement, along with other case specific validation requirements into its algorithm to evaluate each claim submission against the validation criteria specified in the Settlement Agreement. Again, all class members were universally reviewed against all that criteria to ensure objectivity.

35. ClaimScore ran the claims through its algorithm, which included the case specific validation requirements. After running the data, ClaimScore discovered that this case contained a substantial amount of [REDACTED]

[REDACTED]

³ 88 additional claims were received; however, these claims purported to have product counts greater than 500, were assumed to be data errors, and were not processed.

[REDACTED]

38. The Settlement Agreement specified the procedures for putative class members to submit claims. Claimants with proof of purchase (such as a receipt or a registration with Artsana) are eligible to receive \$50. ECF 42-1 ¶ 46. Class Members without proof of purchase were asked to corroborate their purchase of the Products by satisfying at least two of four requirements: (1) identifying the serial number, (2) identifying the model of the Eligible Product they purchased and either the primary and/or secondary colors of the seat, (3) identifying the retailer from which they purchased, as well as the approximate month (or season) and year of purchase, or (4) if the Eligible Product was not purchased online, identifying the municipality and state in which the Eligible Product was purchased and attaching a

[REDACTED]

picture of the Eligible Product. *Id.* ¶ 47. The parties later agreed that a valid serial number alone was sufficient for a claimant to be eligible to receive \$25.

39. Each product was validated against this criterion and was determined to either pass or fail. If a claim contained multiple products, the products were evaluated together for each claim. If a claim contained products that failed, points would be deducted, and the deduction code “Invalid Product” was applied.

260,563 claims passed this criterion. Of that number, 33,270 claims also passed the remaining criteria, received a ClaimScore above 700, and were therefore determined to be valid. Additionally, 1,811 claims were submitted as “login” claims which did not require additional product information but chose to provide it and failed the criteria but ultimately were determined to be valid claimants. The 35,018 total valid claims (i.e., those receiving a ClaimScore in excess of 700) contained 43,154 products with an average rate of 1.23 products/valid claim. The 35,081 total valid claims had a median ClaimScore of 900 and an average ClaimScore of 906.

40.

[REDACTED]

[REDACTED]

43. In summary, 765,127 claims passed this criterion, of which 22,670 were determined to be valid claimants (i.e., received a ClaimScore of above 700 after being reviewed against the 20+ criteria) and 739,960 were rejected based on their results of the remaining criteria.

[REDACTED]

[REDACTED] This criterion has a strong correlation to fraud and a low correlation to valid claimants and is weighted accordingly. 123,447 claims passed this criterion, of which 32,550 were determined to be valid claimants (i.e., received a ClaimScore of above 700 after being reviewed against the 20+ criteria), and 87,273 were rejected based on their results of the remaining criteria.

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 383,939 claims passed this criterion, of which 33,967 were determined to be valid claimants (i.e., received a ClaimScore of above 700 after being reviewed against the 20+ criteria) and 346,272 were rejected based on their results of the remaining criteria.

47. There are several other criteria that individually may have some correlation to valid class members, but the more of the criteria the claim fails, the greater the correlation to fraud and the lower the correlation to valid claims. These criteria may fail in a wide variety of combinations. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

48. Of the 1,529,813 claims which had a ClaimScore below 700, our analysis indicated that 1,484,216, or 97%, had at least three of the above indicators, and 1,352,627, or 88.4%, had at least four or more.

ClaimScore Results vs Administrator's Preliminary Findings

49. On September 14, 2023, the Settlement Administrator provided a list of Claim IDs and associated products that were preliminary marked as eligible as of August 28, 2023. Angeion had reported that 153,244 products were preliminarily identified as "eligible products," but noted that these products would be "subjected to final audits at the close of the claim period." ClaimScore conducted a data analysis that compared those results with the ClaimScore results⁵.

50. ClaimScore and the Settlement Administrator agree on the results of 26,881 claims, which account for 31,020 products.

⁵ 114 products marked preliminarily eligible by the settlement administrator were associated with the 88 claims ClaimScore did not analyze (see footnote 3, above).

51. The Settlement Administrator failed 3,674 claims that ClaimScore believes are legitimate claimants, which account for 4,226 products⁶.

52. The Settlement Administrator initially passed 114,738 claims that received a ClaimScore below 700 and, therefore which ClaimScore would exclude. 88.2% of these claims failed at least three of the indicators described above, and 74.7% had at least four or more. These 114,738 claims accounted for 120,728 products⁷.

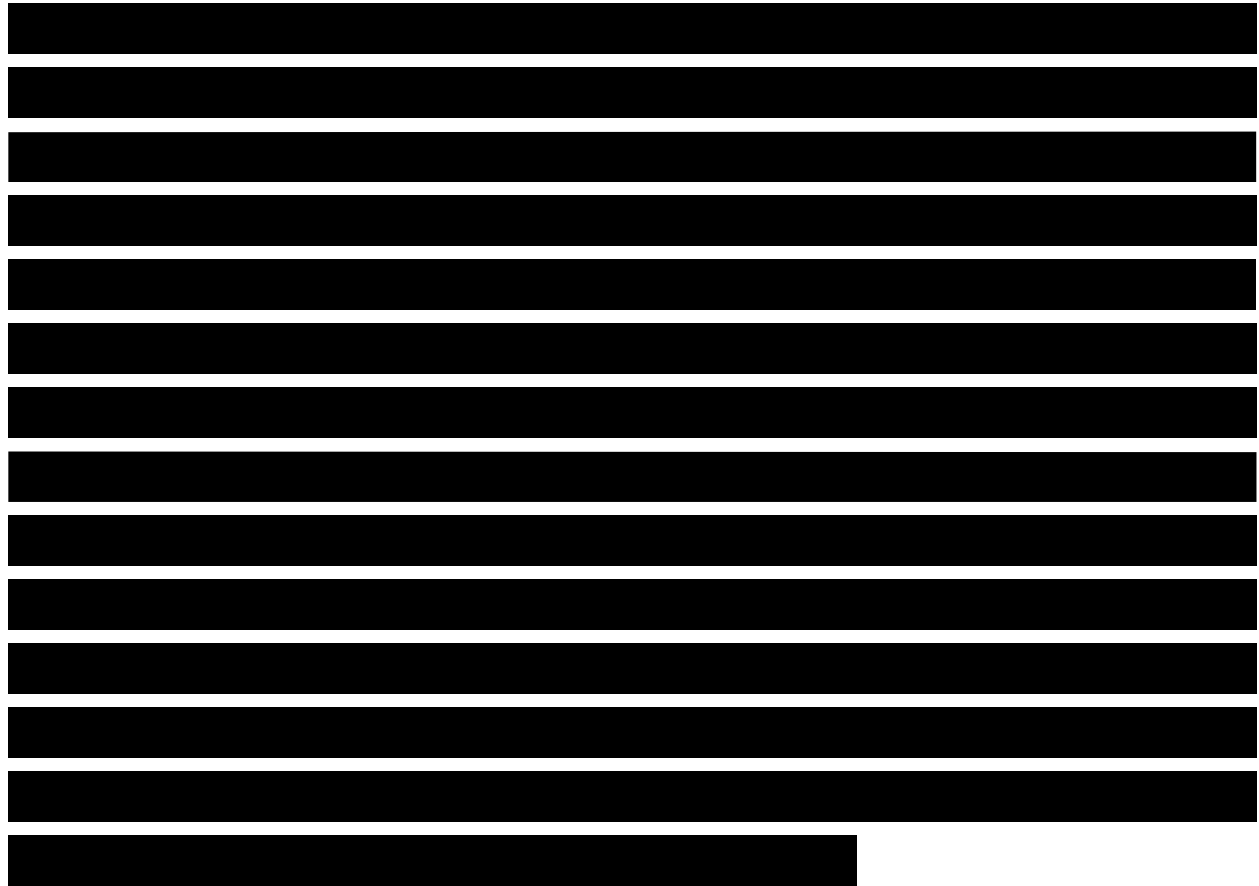
53. Many of these claims were obviously fraudulent, based on a simple analysis. For example, below are claims that were randomly selected amongst the data set. They were submitted on July 12, 2023 between 5:06am and 5:25am.

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100

54. Each of the claims presented were passed by Angeion (as noted in the 2nd from right column); ClaimScore's results are presented in the far-right column.

⁶ 2,078 products were rejected by the Settlement Administrator but have been marked by ClaimScore as pending further review.

⁷ 1,222 claims associated with 1,382 products were approved by the Settlement Administrator but have been marked by ClaimScore as pending further review.



55. Attached as Exhibit A, presented under seal, is a spreadsheet that identifies the 153,130⁸ products that Angeion previously determined to be preliminarily eligible, and details which ClaimScore criteria the claims passed and failed and their overall ClaimScore.

⁸ The settlement administrator marked an additional 114 products as preliminarily eligible that were associated with the 88 claims ClaimScore did not analyze (see footnote 3 & 5, above).

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

Executed on September 24, 2023

By: 
Bryan Heller

Exhibit A

(Filed Under Seal)