

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

CHERYL SLADE, Individually  
and on behalf of others similarly  
situated,

CASE NO.: 6:11-cv-02164

V.

PROGRESSIVE  
SECURITY  
INSURANCE,

JUDGE MICHAEL J. JUNEAU  
MAGISTRATE JUDGE CAROL  
WHITEHURST

Defendant

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**UNOPPOSED MOTION TO APPOINT SPECIAL MASTER AND CLAIMS  
ADMINISTRATOR**

Plaintiffs Cheryl Slade, Cernelius Borel-Minix, and Denis Stevens (collectively “Plaintiffs”), individually and on behalf of the Class (defined in the “Settlement Agreement”), and Defendant Progressive Security Insurance Company (“Progressive Security” or “Defendant”) have entered into a Settlement Agreement (the “Settlement Agreement”) to resolve all claims asserted and all claims that could have been asserted in the Action, as defined in the Settlement Agreement. Plaintiffs, with no opposition of Progressive Security, and pursuant to the terms of the Settlement Agreement hereby move this Court to appoint Randi S. Ellis as Special Master and Postlethwaite & Netterville, APAC, (P&N) as Claims Administrator.

Randi S. Ellis has extensive experience serving as Special Master, as demonstrated by her attached CV. *See Exhibit 1* Randi Ellis CV. As set forth in her affidavit, Ms. Ellis has proposed an equitable means of allocating the settlement fund among class members according to the merits of their individual claims, as determined from claims data previously produced in discovery. *See Exhibit 2* Affidavit of Randi S. Ellis. Accordingly, Plaintiffs request the Court enter an order appointing Randi S. Ellis to assist in the administration and implementation of their settlement with Progressive Security as defined in the Settlement Agreement, and authorize her to perform the functions outlined in her attached affidavit. *Id.*

Similarly, P&N has significant claims administration experience, as demonstrated by its attached CV. *See Exhibit 3* P&N CV. P&N also has familiarity with the issues presented in the Settlement Agreement, having performed certain analyses for Plaintiffs' expert Dr. Johnette Hassell. P&N assisted Dr. Hassel in generating samples for her damage opinions. Thus, P&N is uniquely situated to assist proposed Special Master Randi S. Ellis in her task of creating and implementing an allocation model for settlement awards. *See Exhibit 2* Affidavit of Randi S. Ellis. Accordingly, Plaintiffs request the Court enter an order appointing P&N as Claims Administrator.

Simultaneous to filing this Motion to Appoint, Plaintiffs have moved the Court for preliminary approval of the Settlement Agreement. Plaintiffs are filing this motion in anticipation that this Court will grant preliminary approval of the Settlement Agreement. Approving the Special Master and Claims Administrator will allow them to begin allocation and administrative procedures immediately, and thus will expedite disbursement of settlement funds. As per the Settlement Agreement, the Special Master and Claims Administrator will be paid from settlement fund. However, in the event final approval is denied, Plaintiffs' counsel will be responsible for any costs of the Special Master and Claims Administrator services incurred in the interim between preliminary approval and final approval.

### CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court appoint Randi S. Ellis as the Special Master and P&N as Claims Administrator to aid in the execution of the settlement pursuant to the Settlement Agreement and enter an order in the form submitted herewith.

Dated this 4th day of February, 2021.

Respectfully submitted,

/s/ Stephen B. Murray, Jr.

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## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this date I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a Notice of Electronic Filing to all counsel of record that are registered with the Court's CM/ECF system.

/s/ Stephen B. Murray, Jr.  
Stephen B. Murray, Jr.

**Randi S. Ellis**  
**Randi S. Ellis, LLC**  
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Randi holds both a bachelor's degree in arts and sciences (1994) and a law degree (1997) from Louisiana State University. She completed the Harvard Law School Program on Negotiation. Before going into private practice, Randi clerked for the Honorable Christine Noland of the U.S. District Court for the Middle District of Louisiana and for the Honorable William Morvant of the Nineteenth Judicial District Court of Louisiana. She also served as an attorney for the Louisiana Legislature Civil Law Committee. Randi worked in private practice for over 12 years before opening her own firm in 2016.

**Special Master, Mediation, and Attorney Chair Experience**

- Appointed by many Courts and selected by the parties to serve as Special Master, Settlement Master, Arbitrator, Neutral, Facilitator, Guardian ad Litem, and Mediator in several Multidistrict Litigation, federal, and state cases throughout the United States
- Served as Special Master in matters involving:
  - Case management
  - Pretrial discovery, including resolution of privilege issues
  - Allocating settlement funds to class and mass tort claimants (including development and implementation of methodology)
  - Reviewing reasonableness of attorneys' fees (including resolution of Common Benefit Fund issues)
  - Lien Resolution
  - Pharmaceutical, personal injury, and property damage class and mass actions
- Served as arbitrator and mediator in both federal and state cases both by court appointment and by private party selection
- Appointed to serve as attorney chair for medical malpractice cases by plaintiffs and defendants (presided over more than 250 cases)

**Professional Licenses**

Admitted to Bar: Louisiana, 1997; U.S. District Court for the Eastern and Middle Districts of Louisiana

Harvard Law School Program on Negotiation

## **Randi S. Ellis's Special Master, Mediation, and Settlement Allocation Assignments**

### **Multidistrict Litigation**

- *In re: Roundup Products Liability Litigation*, MDL No. 2741 (N.D. Ca. J.P.M.L.) Special Master selected by the parties for allocation concerning products liability claims alleging cancer after exposure to glyphosate-based herbicides
- *In re: Testosterone Replacement Therapy Litigation*, MDL No. 2545 (N.D. Ill. J.P.M.L.) Court-Appointed Settlement Master for mediation and allocation concerning products liability claims alleging arterial cardiovascular injuries or injuries related to blood clots in the veins as a result of taking prescription testosterone replacement therapy drugs
- *In re: Cook Medical, Inc., IVC Filters Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2570 (S.D. Id. J.P.M.L.) Special Master selected by the parties for allocation concerning products liability claims alleging injuries after IVC filter was placed in the inferior vena cava to catch blood clots
- *In re: Sorin 3T Heater-Cooler System Products Liability Litigation*, MDL 2816 (M.D. Pa. J.P.M.L.) Court-Appointed Settlement Master for allocation of personal injury claims alleging serious infections and deaths following invasive surgeries
- *In re: Pradaxa (Dabigatran Etexilate) Products Liability Litigation*, MDL No. 2385 (S.D. Ill. J.P.M.L.) Court-Appointed Special Master for mediation and allocation; allocated \$650 million settlement fund to claimants alleging injuries related to anticoagulant pharmaceutical use; mediated and allocated MDL Common Benefit Fees and Expenses; Mediator and allocated state court settlements for CT and CA
- *In re: Coloplast Corp. Pelvic Support Systems Products Liability Litigation (Vaginal Mesh)*, MDL No. 2387 (S.D. W.Va. J.P.M.L.) Mediator concerning products liability claims arising out of vaginal mesh use; Court-Appointed Special Master to allocate aggregate settlement funds for claims against American Medical Services, Boston Scientific, CR Bard, Covidien, Ethicon, and Mentor
- *In re: DePuy Orthopaedics Inc. ASR Hip Implant Products Liability Litigation*, MDL 2197 (N.D. Oh. J.P.M.L.) Special Master selected by the parties for allocation concerning products liability claims alleging injuries after being implanted with ASR hip device

- *In re: Actos (Pioglitazone) Products Liability Litigation*, MDL No. 2299 (W.D. La. J.P.M.L.) Served as Special Master to allocate aggregate settlement funds to claimants alleging injuries related to bladder cancer
- *In re: Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico, on April 20, 2010*, MDL No. 2179 (E.D. La. J.P.M.L.) Court-Appointed Mediator for personal injury claims; appointed Court-Designated Neutral for resolution of various matters; developed methodology for allocating \$2.3 billion settlement fund to thousands of Gulf of Mexico seafood harvesters who alleged economic damage as a result of the BP oil rig disaster
- *In re: Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Litigation*, MDL No. 2100 (S.D. Ill. J.P.M.L.) Court-Appointed Mediator and Special Master concerning products liability claims arising out of contraceptive use
- *In re: Chinese-Manufactured Drywall Products Liability Litigation*, MDL No. 2047 (E.D. La. J.P.M.L.) Court-Appointed Mediator; secured commitments from more than 600 defendants to global settlement; assisted Special Master with allocation responsibilities for \$1.1 billion in settlement for case in which homeowners alleged defendants were responsible for installation of defective drywall
- *In re FEMA Trailer Formaldehyde Products Liability Litigation*, MDL No. 1873 (E.D. La. J.P.M.L.) Deputy Special Master in federal Multidistrict Litigation case to allocate multiple settlement funds to several thousand claimants who alleged chemical exposure while occupying temporary housing after Hurricane Katrina
- *In re Denture Products Liability Litigation*, MDL No. 2051 (S.D. Fla. J.P.M.L.) selected by group of settling products liability plaintiffs to allocate aggregate settlement fund

#### **Other Federal Court Litigation**

- *In re: Essure Birth Control Device Products Liability Litigation*, E.D. Pa. and Ca. state court, Special Master selected by the parties for allocation concerning side effects of coils causing women to experience complications after receiving the birth control device
- *Mass Depakote Litigation*, 12-cv-52, etc. (S.D. Ill.) Court-Appointed Mediator and Special Master for settlement and allocation of claims alleging birth defects arising out of pharmaceutical use
- *Hale, et al. v. State Farm Mutual Automobile Insurance Company, et al.*, 3:12-cv-660 (S.D. Ill.) Court-Appointed Mediator in 4.7 million member class action alleging violations of



the Racketeer Influenced Corrupt Organizations Act (“RICO”) and deprivation of an impartial forum

- *Suchanek, et al. v. Strum Foods, Inc. et al.*, 3:11-cv-565 (S.D. Ill.) Court-Appointed Mediator to resolve and allocate attorney fee dispute in class action settlement alleging consumer fraud and unjust enrichment
- *Medtronic Infuse Litigation* (multiple jurisdictions) Mediator for products liability claims arising out of bone graft product use; as well as Court-Appointed Special Master for allocation of aggregate settlement fund
- *McClurg et al v. Mallinckrodt, Inc. et al.*, 4:12-cv-00361 (E.D. Mo.) Court-Appointed Mediator and Special Master for settlement and allocation for consolidated actions seeking damages for injuries allegedly sustained as a result of multiple decades of exposure to hazardous, toxic, and radioactive substances
- *In re: Just For Men® Mass Tort Litigation*, 3:16-cv-00638 (S.D. Ill.) Court-Appointed Mediator Facilitator and Special Master for settlement and allocation for mass action involving claimants alleging adverse reactions and personal injuries suffered from product use
- *St. Jude Medical Spinal Cord Stimulator Products* (multiple jurisdictions) Mediator and Allocation Neutral for claims arising out of the use of spinal cord stimulator systems
- *In re: Swift Energy Company, et al.*, 13-05552 (E.D. La.) Mediator and Settlement Administrator for claims alleging property damage from oil release to oyster leases
- *Avandia Deceptive Marketing Litigation* (multiple jurisdictions) Mediator for products liability claims by certain attorneys general arising out of allegations of deceptive marketing of diabetes pharmaceutical
- *Ian Pollard, et al. v. Remington Arms Co., et al.*, 4:13-00086 (W.D. Mo.) Mediator for products liability claims arising out of gun use
- *Jeff Simmons, et al. v. Sabine River Authority of Louisiana, et al.*, 2:11-cv-00588 (W.D. La.) Special Master for allocation of class settlement funds to claimants who alleged that they had suffered flood damages due to the opening of a nearby dam
- *John Burford, et al. v. Cargill, Inc.*, 05-0283 (W.D. La.) assisted Special Master to disburse nationwide class settlement funds to thousands of farmers in 47 states who used allegedly defective dairy feed product

## State Court Litigation

- *Risperdal and Invega Product Liability Cases* (Pa. and Ca.) Mediator for actions pending in state courts alleging personal injury arising out of pharmaceutical use
- *Paul Thompson, et al. v. Williams Companies, Inc. and Bailey, et al v. Williams Olefins, LLC, et al.*, 72,701 (La. 18<sup>th</sup> J.D.C.) Mediator and Court Appointed Special Master for settlement and allocations for claims arising out of personal injuries from plant explosion
- *Jane Doe No. 1, et al. v. The Johns Hopkins Health System Corporation, d/b/a The Johns Hopkins Hospital, et al.*, 24-C-13-00141 (Md. Baltimore City Cir. Ct.) Mediator for claims arising out of claims of physician misconduct
- *Noretta Thomas, et al. v. A. Wilbert & Sons, L.L.C., et al.*, 55,127 (La. 18<sup>th</sup> J.D.C.) Special Master for allocation of class settlement funds to several thousand of residents of and visitors to trailer park in settlement with trailer park owner for ground water contamination claims; Court-Appointed Special Master to allocate attorneys' fees; Court-Appointed Special Master to allocate class settlement funds to several thousand landowners in settlement with chemical plant owner for chemical pollution claims
- *Toussaint Battley, Sr., et al. v. Pointe Coupee Parish Police Jury, et al.*, 41,792 (La. 18<sup>th</sup> J.D.C.) Special Master for allocation of class settlement funds to property owners damaged by flood
- *Carey C. Abbott, et al v. Waste Management, Inc., et al.*, 87,182 (La. 21<sup>st</sup> J.D.C.) Special Master for allocation of settlement funds to residents affected by environmental contamination
- *Mark S. Creech, et al. v. Acadian Ambulance Service, Inc.*, 61,236 (La. 18<sup>th</sup> J.D.C.) Court-Appointed Special Master for allocation of settlement funds to insurance policyholders in class action requesting payment reimbursement
- *Keisha Desselle, et al. v. Acadian Ambulance Service, Inc.*, 2010-5885 (La. 12<sup>th</sup> J.D.C.) Court-Appointed Special Master for allocation of settlement funds to insurance policyholders in class action requesting payment reimbursement
- *Rita H. Holzenthal, et al. v. Sewerage & Water Board of New Orleans*, 2001-16969 (La. C.D.C.) assisted Special Master to allocate settlement to persons allegedly affected by New Orleans Sewerage and Water Board project

- *Kristen M. Rhodes v. BG Estate Servs., Inc., et al.*, 2001-18355 (La. C.D.C.) assisted Special Master to allocate class settlement funds to persons allegedly affected by mold exposure
- *Arthur Schexnayder, Jr., et al. v. Entergy Louisiana, Inc., et al.*, 28,907 (La. 23<sup>rd</sup> J.D.C.) assisted Special Master to allocate of class settlement funds to property owners in more than 20 parishes against utility company for alleged trespass claims
- *Ivan Guidry, et al. v. City of Denham Springs*, 28,907 (La. 21<sup>st</sup> J.D.C.) assisted Court-Appointed Arbitrator to allocate settlement funds among claimants who were allegedly affected by waste water contamination
- *In re Honeywell, July 20, 2003 Chlorine Release*, 511,626 (La. 19<sup>th</sup> J.D.C.) assisted Special Master to allocate class settlement funds to several thousand persons allegedly affected by two separate releases from chemical plant; assisted Special Master to allocate attorneys' fees

Additional case information and references available.

## Introduction

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Postlethwaite & Netterville, APAC, (P&N) offers technical experience and diverse resources that are unique to the class action settlement administration space.

**Experience:** Since 1999, P&N has successfully administered numerous class action settlements in state court and federal court (including multidistrict litigation). Our team has processed and reviewed claims and managed distributions for settlements involving billions of dollars in settlement funds.

**Breadth, Depth and Flexibility of Resources:** Our approach to settlement administration provides a dedicated core team that is able to draw upon numerous specialized resources across diverse service areas within our firm of over 400 employees as needs arise.

We leverage the knowledge and experience of professionals holding the following designations, among others:

- Juris Doctor (JD)
- Project Management Professional (PMP)
- Certified Public Accountant (CPA)
- Certified Internal Auditor (CIA)
- Certified Information Systems Auditor (CISA)
- Certified Fraud Examiner (CFE)
- Certified in Financial Forensics (CFF)
- Certified Information Systems Security Professional (CISSP)
- Certified Security Engineer (CSE)
- Certified Information Security Manager
- Certified in Risk and Information Systems Control

**Capabilities and Experience Rooted in Quality and Objectivity:** As a 65+ year old accounting and business advisory firm, objectivity, integrity, and quality have been the cornerstones of our sustained success. These principles drive our work product, our decision-making, and our interactions with clients and team members. ***Our teams are well-versed in the development of and adherence to stringent quality assurance and quality control standards across a variety of disciplines.***



## Notable Claims Administration Experience

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Our team has significant claims administration experience, including the following notable project experience:

### **In Re: Cathode Ray Tube (CRT) Antitrust Litigation (MDL 1917)**

**Nature of Work:** In cooperation with our project partner, The Notice Company, Inc., P&N performs claims administration services for indirect purchaser class action settlements in this multidistrict litigation totaling over \$619,750,000 to date. The scope of P&N's services includes (1) custom website and database application development and maintenance, (2) claim data acquisition and management, (3) claims processing and validation, (4) claims deficiency and audit processing, (5) quality control and fraud, waste, and abuse monitoring, (6) custom reporting, (7) call center support and claimant communications, (8) claim allocation determination and distribution, and (9) project management services.

### **In Re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico (MDL 2179)**

**Nature of Work:** P&N was approved by the United States District Court for the Eastern District of Louisiana to process business economic loss and seafood harvester claims within the Deepwater Horizon Economic and Property Damages Settlement. P&N participated in determining over \$1 billion in eligible claims within the first six months of the program and approximately \$10 billion to date. P&N committed a significant multi-city team of 400+ accounting and finance professionals to the ongoing effort, providing claim eligibility review, economic damages calculations, and claimant communications for over 100,000 businesses and seafood harvesters with representation from 2,000+ law and accounting firms.

### **In Re: Testosterone Replacement Therapy Products Liability Litigation (MDL 2545)**

**Nature of Work:** P&N provides claims administration services related to custom technology development, project management, and attorney communications support. In coordination with the Court-appointed Special Master, Randi S. Ellis, P&N has developed secure, customized, web-based technology applications that are the framework for claim filing and document management efforts for over 130 participating law firms. Our claims platform also serves as both the central repository for personal injury claims adjudication and allocation functions of the Special Master.

"I have worked with P&N on multiple large settlement projects in my role as Special Master. We are currently working together to administer a mass tort settlement where their technology platform has been able to streamline the claims process and securely manage sensitive claimant data. They are always willing to brainstorm with me when I need assistance which is why they have become a trusted partner and my first call! "

*Randi Ellis, Court-Appointed Special Master*

## In Re: E.I. du Pont de Nemours and Company C8 Personal Injury Litigation (MDL 2433)

**Nature of Work:** P&N developed a secure, customized, web-based database application that served as the framework for claim filing and document management efforts for approximately 3,700 personal injury claims. In cooperation with the Special Master, Daniel J. Balhoff, P&N also provided project management services to facilitate the logistics of the claims process life cycle. Our claims database technology also served as both the central repository for claims determinations and allocation reporting to the Plaintiff Steering Committee and Lien Resolution Administrator.

"P&N was tasked with building out a user friendly settlement submission web-based platform, training the law firms on how it would be used, coordinating with the Special Master and Claims Administrator reviewers, exchanging information with the third party lien resolution group, and providing responsive updates and reporting to the litigation lead counsel and individual participating law firms. P&N did a phenomenal job in all respects.

Throughout the process, P&N provided personalized and immediately responsive service. Reporting was routinely updated and modified based upon new requests from lead counsel and the individual submitting firms were provided one-on-one service when needed. Based on my experiences with P&N, I would certainly recommend them and will actively seek to include project bids from them in any future resolution programs in which I have a part."

*Jon C. Conlin, Plaintiffs' Co-Lead Counsel*

## In Re: FEMA Trailer Formaldehyde Products Liability Litigation (MDL 1873)

**Nature of Work:** P&N provided full scale notice and claims administration services for this multi-settlement MDL involving over \$45,000,000 in settlement funds. The scope of P&N's services includes (1) notice administration, (2) custom website and database application development and maintenance, (3) claim data acquisition and management, (4) claims processing and deficiency curing, (5) call center support and claimant communications, (6) claim allocation determination and distribution, and (7) quality control and project management services.

"In serving as a Court-appointed Special Master, I have worked with P&N's claims administration team on several occasions. I have always found them to be extremely attentive to detail, responsive, and committed to a high quality work product. Furthermore, they are proactive – once I tell them my goals, they come up with creative solutions to get there. The bottom line is that I can trust them to do the job right in a timely and efficient manner."

*Daniel J. Balhoff, Court-Appointed Special Master*

## P&N Claims Administration Experience

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### SAMPLE JUDICIAL COMMENTS

- ***Fabricant v. Amerisave Mortgage Corporation***, No. 19-cv-04659-AB-AS (C.D. Cal.) Judge Andre Birotte, Jr. on November 25, 2020:

*The Class Notice provided to the Settlement Class conforms with the requirements of Fed. Rule Civ. Proc. 23, the California and United States Constitutions, and any other applicable law, and constitutes the best notice practicable under the circumstances, by providing individual notice to all Settlement Class Members who could be identified through reasonable effort, and by providing due and adequate notice of the proceedings and of the matters set forth therein to the other Settlement Class Members. The notice fully satisfied the requirements of Due Process. No Settlement Class Members have objected to the terms of the Settlement.*

- ***Snyder, et al. v. U.S. Bank, N.A., et al.***, No. 1:16-CV-11675 (N.D. Ill), Judge Matthew F. Kennelly on June 18, 2020:

*The Court makes the following findings and conclusions regarding notice to the Settlement Class:*

*a. The Class Notice was disseminated to persons in the Settlement Class in accordance with the terms of the Settlement Agreement and the Class Notice and its dissemination were in compliance with the Court's Preliminary Approval Order; b. The Class Notice: (i) constituted the best practicable notice under the circumstances to potential Settlement Class Members, (ii) constituted notice that was reasonably calculated, under the circumstances, to apprise Settlement Class Members of the pendency of the Consolidated Litigation, their right to object or to exclude themselves from the proposed Settlement, and their right to appear at the Final Approval Hearing, (iii) was reasonable and constituted due, adequate, and sufficient individual notice to all persons entitled to be provided with notice, and (iv) complied fully with the requirements of Fed. R. Civ. P. 23, the United States Constitution, the Rules of this Court, and any other applicable law.*

- ***Edward Makaron et al. v. Enagic USA, Inc.***, 2:15-cv-05145 (C.D. Cal.), Judge Dean D. Pregerson on January 16, 2020:

*The Court makes the following findings and conclusions regarding notice to the Class:*

*a. The Class Notice was disseminated to persons in the Class in accordance with the terms of the Settlement Agreement and the Class Notice and its dissemination were in compliance with the Court's Preliminary Approval Order;*

*b. The Class Notice: (i) constituted the best practicable notice under the circumstances to potential Class Members, (ii) constituted notice that was reasonably calculated, under the circumstances, to apprise Class Members of the pendency of the Action, their right to object or to exclude themselves from the proposed Settlement, and their right to*

*appear at the Final Approval Hearing, (iii) was reasonable and constituted due, adequate, and sufficient individual notice to all persons entitled to be provided with notice, and (iv) complied fully with the requirements of Fed. R. Civ. P. 23, the United States Constitution, the Rules of this Court, and any other applicable law.*

- **Kimberly Miller et al. v. P.S.C, Inc., d/b/a Puget Sound Collections**, 3:17-cv-05864 (W. D. Wash.), Judge Ronald B. Leighton on January 10, 2020:

*The Court finds that the notice given to Class Members pursuant to the terms of the Agreement fully and accurately informed Class Members of all material elements of the settlement and constituted valid, sufficient, and due notice to all Class Members. The notice fully complied with due process, Rule 23 of the Federal Rules of Civil Procedure, and all other applicable law.*

- **John Karpilovsky and Jimmie Criollo, Jr. et al v. All Web Leads, Inc.**, 1:17-cv-01307 (N.D. Ill), Judge Harry D. Leinenweber on August 8, 2019:

*The Court hereby finds and concludes that Class Notice was disseminated to members of the Settlement Class in accordance with the terms set forth in the Settlement Agreement and that Class Notice and its dissemination were in compliance with this Court's Preliminary Approval Order.*

*The Court further finds and concludes that the Class Notice and claims submission procedures set forth in the Settlement Agreement fully satisfy Rule 23 of the Federal Rules of Civil Procedure and the requirements of due process, were the best notice practicable under the circumstances, provided individual notice to all Settlement Class Members who could be identified through reasonable effort, and support the Court's exercise of jurisdiction over the Settlement Class as contemplated in the Settlement and this Order.*

- **Paul Story v. Mammoth Mountain Ski Area, LLC**, No. 2:14-cv-02422 (E.D. Cal.), Judge John A. Mendez on March 13, 2018:

*The Court finds that the Settlement Administrator delivered the Class Notice to the Class following the procedures set forth in the Settlement Agreement; that the Class Notice and the procedures followed by the Settlement Administrator constituted the best notice practicable under the circumstances; and that the Class Notice and the procedures contemplated by the Settlement Agreement were in full compliance with the laws of the United States and the requirements of due process. These findings support final approval of the Settlement Agreement.*

- **John Burford, et al v. Cargill, Incorporated**, No. 05-0283 (W.D. La.), Judge S. Maurice Hicks, Jr. on November 8, 2012:

*Considering the aforementioned Declarations of Carpenter and Mire as well as the additional arguments made in the Joint Motion and during the Fairness Hearing, the*



*Court finds that the notice procedures employed in this case satisfied all of the Rule 23 requirements and due process.*

- ***In RE: FEMA Trailer Formaldehyde Product Liability Litigation***, MDL No. 1873, (E.D. La.), Judge Kurt D. Engelhardt on September 27, 2012:

*After completing the necessary rigorous analysis, including careful consideration of Mr. Henderson's Declaration and Mr. Balhoff's Declaration, along with the Declaration of Justin I. Woods, the Court finds that the first-class mail notice to the List of Potential Class Members (or to their attorneys, if known by the PSC), Publication Notice and distribution of the notice in accordance with the Settlement Notice Plan, the terms of the Settlement Agreement, and this Court's Preliminary Approval Order:*

*(a) constituted the best practicable notice to Class Members under the circumstances;*  
*(b) provided Class Members with adequate instructions and a variety of means to obtain information pertaining to their rights and obligations under the settlement so that a full opportunity has been afforded to Class Members and all other persons wishing to be heard;*

*(c) was reasonably calculated, under the circumstances, to apprise Class Members of: (i) the pendency of this proposed class action settlement, (ii) their right to exclude themselves from the Class and the proposed settlement, (iii) their right to object to any aspect of the proposed settlement (including final certification of the settlement class, the fairness, reasonableness or adequacy of the proposed settlement, the adequacy of representation by Plaintiffs or the PSC, and/or the award of attorneys' fees), (iv) their right to appear at the Fairness Hearing - either on their own or through counsel hired at their own expense - if they did not exclude themselves from the Class, and (v) the binding effect of the Preliminary Approval Order and Final Order and Judgment in this action, whether favorable or unfavorable, on all persons who do not timely request exclusion from the Class;*

*(d) was calculated to reach a large number of Class Members, and the prepared notice documents adequately informed Class Members of the class action, properly described their rights, and clearly conformed to the high standards for modern notice programs;*

*(e) focused on the effective communication of information about the class action. The notices prepared were couched in plain and easily understood language and were written and designed to the highest communication standards;*

*(f) afforded sufficient notice and time to Class Members to receive notice and decide whether to request exclusion or to object to the settlement;*

*(g) was reasonable and constituted due, adequate, effective, and sufficient notice to all persons entitled to be provided with notice; and*

*(h) fully satisfied the requirements of the Federal Rules of Civil Procedure, the United States Constitution, including the Due Process Clause, and any other applicable law.*

## Class Action & Mass Tort Administration Experience

P&N provides end-to-end class action claims administration and notice services in connection with lawsuits and settlements programs pending in courts around the United States. Since 1999, P&N has processed billions of dollars in settlement claims, ranging in class size from a few hundred to hundreds of thousands. Our team successfully administers a wide variety of settlements, and our ability to innovate enables us to navigate the complexity of class settlements and legal notice programs.

### CASE EXPERIENCE

Our case experience includes the following:

- In Re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico (MDL 2179)
- In Re: Cathode Ray Tube (CRT) Antitrust Litigation (MDL 1917)\*
- In Re: Testosterone Replacement Therapy Products Liability Litigation (MDL 2545)<sup>†</sup>
- In Re: E.I. du Pont de Nemours and Company C8 Personal Injury Litigation (MDL 2433)<sup>†</sup>
- In Re: FEMA Trailer Formaldehyde Products Liability Litigation (MDL 1873)
- In Re: Chevron Refinery Fire Cases
- Story v. Mammoth Mountain Ski Area, LLC
- Sanchez et al v. Texas Brine, LLC et al.
- John Karpilovsky, et al. v. All Web Leads, Inc.
- Farruggio et al. v. g18 James Receiver, LLC et al.
- Hughes et al. v. AutoZone Parts Inc. et al.
- Howard, et al. v. Union Carbide Corporation
- Duhe, Jr., et al. v. Texaco, Inc., et al.
- Schexnayder Jr, et al. v. Entergy Louisiana, Inc., et al.
- Burford et al. v. Cargill, Incorporated
- Burmaster et al. v. Plaquemines Parish Government, et al.
- Hollis Law Firm ASR Settlement Fund
- Sullivan, et al. v. The Worley Companies, et al.
- In Re: Vulcan Litigation - April 2001 Incidents
- Pierce vs. Olinde's Hardware & Supply Co.
- Noretta Thomas, et al. v. A. Wilbert & Sons, LLC, et al.
- In Re: Honeywell July 2003 Release Settlement
- Travis Cooper, et al. v. Louisiana Department of Public Works
- Neftali Aldana, et al. v. Joiner Liquidating Trust, et al.
- Oldham, et al. v. The State of Louisiana, Through the Department of Health and Hospitals
- In Re: Alliedsignal Southworks Release
- In Re: Cedarcrest Boron Trifluoride Release
- In Re: Kirby Inland Marine, LP (Brusly Barge)
- Wallace Acey, Jr., et al. v. Reddy Ice Corporation
- Mildred Hall, Lee White, Willie Mae Williams, et al. v. Zen-Noh Grain Corporation
- In Re: I-110 South DSI, Inc. Spill
- DSI Chippewa Street Spill
- Georgia Gulf Mass Tort
- Louisiana Norm Site Cleanup
- Louisiana Mobile Home Sales Tax Refund
- PCS Nitrogen - Geismar Release
- Rathborne Settlement Group Escrow Fund
- Vietnamese Fisherman License Refund
- Adriana Garcia, et al. v. Sun West Mortgage Company, Inc.
- United States v. PRG Real Estate Management, Inc.
- Makaron v. Enagic USA, Inc.
- Kimberly Miller, et al. v. P.S.C., Inc. d/b/a Puget Sound Collections
- Theodore Strong v. Numerica Credit Union
- Aaron Van Fleet, et al. v. Trion Worlds Inc.
- Wilmington Trust TCPA (Snyder, et al. v. U.S. Bank, N.A., et al.)
- Deutsche Bank National Trust TCPA (Snyder, et al. v. U.S. Bank, N.A., et al.
- Jones et al. v. Monsanto Co.
- Terry Fabricant v. AmeriSave Mortgage Corp.
- Cajuns for Clean Water, LLC et al. v. Cecilia Water Corporation, et al.
- Bailey, et al. v. Grays Harbor County Public Hospital No. 2
- Hymes et al. v. Earl Enterprises Holdings Inc.
- Siddle et al. v. The Duracell Co. et al.
- Richard Winters v. Two Towns Ciderhouse, Inc.

\*Services provided in cooperation with The Notice Company, Inc.

<sup>†</sup>Services provided in cooperation with the Court-Appointed Special Master

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

**CHERYL SLADE, INDIVIDUALLY  
AND ON BEHALF OF OTHERS  
SIMILARLY SITUATED**

**CIVIL ACTION NO. 6:11-CV-02164**

**VERSUS**

**JUDGE JUNEAU**

**PROGRESSIVE SECURITY  
INSURANCE CO**

**MAGISTRATE JUDGE WHITEHURST**

**AFFIDAVIT OF RANDI S. ELLIS**

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

RANDI S. ELLIS, being duly sworn, deposes and says:

1. I am an attorney at law licensed to practice law in the State of Louisiana.
2. I was admitted to the Louisiana Bar in 1997. I am in good standing.
3. I have a full-time neutral practice and I have been appointed by several Federal Courts in Multi-District Litigation, Class Actions, and Mass Torts.
4. Current and prior Special Master, Mediator, and Settlement Master appointments are attached hereto with my Curriculum Vitae.
5. I have reviewed certain pleadings and preliminary data concerning this class action.
6. If appointed by this Court to serve as Special Master, I will endeavor to devise an allocation plan that is fair, reasonable, and appropriate for the circumstances of this case. At all times I will be mindful of the costs and time necessary to efficiently resolve all matters.



7. For consideration in developing a settlement award allocation methodology, I plan to: Collect and review data from the WorkCenter Total Loss (WCTL) product utilized by Progressive to determine values and consider relevant data regarding negative or other condition adjustments for each total loss vehicle (TLV);

Collect and review data from the National Automobile Dealers Association (NADA) online interface for each total loss vehicle including its Clean Retail Base value, mileage adjustments, and applicable options adjustments;

Compare WCTL values to NADA values to calculate a monetary damage amount for each TLV;

Create base awards for claims with potential penalties (independent of monetary damages);

Create an allocation model based on a points system and award certain points for base awards and additional points for monetary damages, thereafter, converting points to dollars for settlement awards based on a pro rata apportionment; and

If necessary, outline and oversee objection and appeal processes. As needed, create a reserve with certain funds set aside to account for potential errors and omissions.

8. I am familiar with the issues involved in this case captioned above and as a result of my knowledge, I can attest and affirm that there are no grounds for disqualification that would prevent me from serving as a Special Master. I will use the information and my experience in performing my duties as Special Master.

Sworn to and subscribed  
Before me, Notary Public,  
Sworn to and subscribed  
This 14<sup>th</sup> day of January 2021.

  
NOTARY PUBLIC



RANDI S. ELLIS

**Brandon A. Lagarde**  
Notary Public  
Parish of Ascension  
State of Louisiana  
My Commission is for Life  
LA Bar Roll No. 29302