

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

In re:

MYFORD TOUCH CONSUMER LITIGATION

CASE NO. 3:13-cv-03072-EMC

**SUPPLEMENTAL DECLARATION OF SETTLEMENT ADMINISTRATOR JENNIFER
M. KEOUGH REGARDING DISTRIBUTION OF SETTLEMENT BENEFITS AND
FINAL ACCOUNTING**

I, Jennifer M. Keough, declare and state as follows:

1. I am the Chief Executive Officer (“CEO”) of JND Legal Administration (“JND”). I have more than 20 years of legal experience creating and supervising notice and claims administration programs and have personally overseen over 500 matters.
2. As CEO of JND, I am involved in all facets of our Company’s operations, including monitoring the implementation of our notice and claims administration programs.
3. The following statements are based on my personal knowledge and information provided to me by counsel and experienced JND employees working under my supervision and, if called on to do so, I could and would testify competently thereto.
4. This Supplemental Declaration is intended to supplement the Declaration of Jennifer M. Keough Regarding Notice Administration, dated November 7, 2019, Declaration of Jennifer M. Keough Regarding Claims Administration, dated November 20, 2019, and Supplemental Declaration of Jennifer M. Keough Regarding Claims Administration, dated November 26, 2019 (together, the “Declarations”). The Declarations provided details regarding, among other things, the notice mailing in this matter, claims received, exclusions received, and objections received. The Declarations are incorporated by reference herein and pertinent information in the Declarations is summarized in the

Post-Distribution Accounting, attached hereto as Exhibit A, which provides the information required by the Northern District of California’s Procedural Guidance for Class Action Settlements. See <https://www.cand.uscourts.gov/forms/procedural-guidance-for-class-action-settlements>, at Post-Distribution Accounting, ¶ 1 (requiring specific information about the settlement distribution process be provided in an easy-to-read chart). This chart will be posted on the Settlement Website – www.MyFordTouchClassAction.com – as required by the Procedural Guidance for Class Action Settlements. See id., ¶ 1.b.

COURT APPROVAL OF DISTRIBUTION

5. On December 17, 2019, the Court entered the Final Order and Judgment and Further Order Granting Plaintiffs’ Motion for Attorneys’ Fees approving the Settlement.

CLASS COUNSEL FEES AND EXPENSES

6. On December 17, 2019, the Court awarded Class Counsel \$10,199,464.94 in attorneys’ fees and \$5,800,535.06 in expenses in its Further Order Granting Plaintiffs’ Motion for Attorneys’ Fees. Class Counsel fees and expenses were paid directly by Ford.

CLASS REPRESENTATIVE SERVICE AWARDS

7. On December 17, 2019, the Court approved Service Awards of \$7,500 each for Named Plaintiffs Jennifer Whalen; Jason Connell; William Creed; Joe D’Aguanno; Michael Ervin; Daniel Fink; Leif Kirchoff; Joshua Matlin; Jeffrey Miller; Henry Miller-Jones; Jerome Miskell; Debra J. Mitchell, as Trustee of the Thomas E. Mitchell Living Trust; Nuala Purcell; Russ Rizzo; Jose Randy Rodriguez; James Sheerin; Darcy Thomas-Maskrey; and Richard Decker Watson; and a Service Award of \$9,000 for Named Plaintiff Center for Defensive Driving. Service Awards were paid directly by Ford.

ADMINISTRATIVE EXPENSES

8. JND's fees and expenses for this administration are paid directly by Ford and do not impact the settlement fund.

BENEFIT DISTRIBUTION

9. In accordance with the Settlement Agreement, JND calculated the Total Payment Amount, which was the sum of the total dollar amount of valid claims for monetary compensation under Section II.B.1 and the total dollar amount of unilateral payments under Section II.B.2. Under Section II.B.1, 14,573 valid claims for monetary compensation were filed for a total dollar amount of \$1,606,779.96. Under Section II.B.2, JND determined 309,199 unilateral payments for a total dollar amount of \$12,188,965.00. A summary of valid claims is shown below:

Claim Type	Number of Valid Claims	Claim Value	Total Amount
Option 1 with 1 repair	4,338	\$100.00	\$433,800.00
Option 1 with 2 repairs	1,596	\$250.00	\$399,000.00
Option 1 with 3 or more repairs	1,079	\$400.00	\$431,600.00
Option 2	23	\$139.78 (average)	\$3,214.96
Option 3	7,537	\$45.00	\$339,165.00

10. The Settlement Agreement contained a Guaranteed Minimum Payment, whereby if the Total Payment Amount is less than \$17 million, Ford will distribute the difference between the Total Payment Amount and \$17 million to Members of the Settlement Class who filed valid claims for monetary compensation on a *pro rata* basis. As the sum of \$1,606,779.96 and \$12,188,965.00 is less than \$17 million, an additional \$3,204,255.04 needed to be distributed on a *pro rata* basis, making the total paid to valid claims for monetary compensation under Section II.B.1 \$4,811,035.00. \$4,811,035.00 distributed under Section II.B.1 plus \$12,188,965.00 distributed

under Section II.B.2 is a total distribution of \$17,000,000.00. A summary of award values following the *pro rata* adjustment under the Guaranteed Minimum Payment is shown below:

Claim Type	Initial Value	Residual Value	Final Award Value
Option 1 with 1 repair	\$100.00	\$199.42	\$299.42
Option 1 with 2 repairs	\$250.00	\$498.55	\$748.55
Option 1 with 3 or more repairs	\$400.00	\$797.68	\$1,197.68
Option 2	\$139.78 (average)	\$278.76 (average)	\$418.54 (average)
Option 3	\$45.00	\$89.74	\$134.74

11. JND commenced distribution to Members of the Settlement Classes on November 25, 2020. Throughout December 2020, 209,413 Visa cards were mailed for a total of \$11,092,816.12. An additional \$1,790,160.41 was paid by Ford via wire transfer on December 18, 2020 to a fleet class member who submitted claims for 6,294 vehicles. During April 2021, 108,065 Visa cards were mailed to businesses and P.O. Box addresses for a total of \$4,117,023.47, with completion on April 19, 2021.

12. For six months after the Effective Date of Settlement, from January 17, 2020 to July 17, 2020, Members of the Settlement Classes were able to obtain a free update of the most current compatible version of MFT software, version 3.10. Members of the Settlement Classes could download the software update from a link provided on the Settlement Website, www.MyFordTouchClassAction.com, and install the software themselves, or present a certificate to an Authorized Ford Dealer for installation at no cost. On January 21, 2020, JND mailed notice of the availability of this software update to Members of the Settlement Classes. Ford is unable to determine how many Members of the Settlement Classes installed the software themselves. According to Ford's records, the number of Members of the Settlement Classes who obtained a free Dealer-installed MFT software update is 16,421.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on the 10th day of May 2021, at Seattle, Washington.

By: 

Jennifer M. Keough

EXHIBIT A

Exhibit A – Post-Distribution Accounting

Guaranteed Minimum Payment	\$17,000,000.00
Total Number of Potential Members of the Settlement Class ¹	387,902
Total Number of Potential Members of the Settlement Class to Whom Notice Was Sent and Not Returned as Undeliverable	374,396
Total Number of Claim Forms (submitted by Members of the Settlement Class and Non-Members of the Settlement Class)	64,902
Number of Opt-Out Requests Received	170
Percentage of Members of the Settlement Class Opting-Out of Settlement	0.044%
Number of Objections Received ²	1
Percentage of Members of the Settlement Class Objecting to Settlement	0.00026%
Mean Settlement Payment	\$52.51
Median Settlement Payment	\$55.00
Largest Amount Paid to a Member of the Settlement Class ³	\$1,790,160.41
Smallest Amount Paid to a Member of the Settlement Class	\$20.00
Methods of Notice	Mail and Email
Total Number of Mailed Notices to Potential Members of the Settlement Class	387,902
<ul style="list-style-type: none"> Number of Potential Members of the Settlement Class with a Mailed Notice Not Returned as Undeliverable 	373,596
<ul style="list-style-type: none"> Total Undeliverable Mailed Notices 	14,306
Total Number of Emailed Notices to Potential Members of the Settlement Class	166,097
<ul style="list-style-type: none"> Number of Potential Members of the Settlement Class with Delivered Email Notices 	142,186
<ul style="list-style-type: none"> Number of Potential Members of the Settlement Class with Undeliverable Email Notices 	23,911
Methods of Payment to Members of the Settlement Class	Visa Card, Wire
Total Number of Members of the Settlement Class Sent Payment	323,772
Number of Members of the Settlement Class Who Received a Free Dealer-Installed MFT Software Update	16,421
Approximate Value of Free Dealer-Installed MFT Software Update (based on estimate of dealer labor costs of approximately \$80-100 for each installation of an update)	\$1,313,680- \$1,642,100
Total Administration Costs	Not Applicable
Class Representative Service Awards	\$144,500.00
Approved Attorneys' Fees	\$10,199,464.94
Approved Attorneys' Expenses	\$5,800,535.06
Attorney's Fees as a Percentage of Settlement Fund	Not Applicable

¹ A precise calculation of the total number of Members of the Settlement Class is not possible because neither Ford's data nor data available from the state Departments of Motor Vehicles reflect whether a used vehicle was purchased at an Authorized Ford Dealer, as set forth in the class definition.

² The objection was subsequently withdrawn.

³ Paid to a fleet owner, who submitted valid claims on behalf of 6,294 vehicles.