

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

IN RE: PACKAGED SEAFOOD
PRODUCTS ANTITRUST
LITIGATION

Case No. 15-MD-2670 JLS (MDD)
MDL No. 2670

**SUPPLEMENTAL DECLARATION
OF BRONYN HEUBACH
REGARDING NOTICE
ADMINISTRATION**

This document relates to:
DIRECT PURCHASER CLASS
PLAINTIFFS TRACK

1 I, Bronyn Heubach of JND Legal Administration (“JND”), having been duly sworn and
2 cautioned, testify and declare:

3 1. I am an Assistant Director at JND Legal Administration (“JND”). JND is
4 a legal administration services provider with headquarters in Seattle, Washington. JND
5 has extensive experience with all aspects of legal administration and has administered
6 settlements in hundreds of class action cases.

7 2. JND is serving as the Claims Administrator in the above-captioned litigation
8 (“Action”), as ordered by the Court in its Order Granting Direct Purchaser Plaintiffs’
9 Renewed Motion for Preliminary Approval of Settlement (“Preliminary Approval
10 Order”), dated January 26, 2022. The following statements are based on my personal
11 knowledge and information provided to me by other JND employees working under my
12 supervision, and, if called on to do so, I could and would testify competently thereto.

13 3. This Declaration is intended to supplement JND’s Supplemental
14 Declaration of Jennifer M. Keough Regarding Notice Administration, filed September
15 6, 2022 (ECF Docket 2911-274).

16 **COMMERCE VALUES**

17 4. Based on our present understanding of the subsidiary and affiliated
18 companies of the Direct Action Plaintiffs as well as the Legally Obligated Opt-Outs, the
19 total commerce remaining in the Class after deducting all opt-outs is \$1,150,642,525.

20 5. As of the date of this Declaration, the total value of commerce represented
21 by the eligible claims received by JND is \$392,449,076 (34% of total Class commerce).
22 These figures include Chicken of the Sea (“COSI”), Thai Union Group (“TUG”), Bumble
23 Bee, and StarKist commerce.

24 **CLASS MEMBER DATA**

25 6. Based on the transactional data provided by the Defendants, JND currently
26 has mailing addresses for 519 Class Members who have not already filed claims, opted out
27 of the Settlement, or filed their own direct actions against Defendants (“Potential
28 Claimants”), of which 58 were undeliverable in the Initial Notice effort. There are nine

1 Class Member records in the transactional data for which we have no mailing address
2 despite our efforts to research current contact information. As is often the case with direct
3 purchaser matters, there are instances in which the transactional data appears to include
4 multiple records for the same Class Member and/or subsidiaries/affiliates of the same Class
5 Member. It is challenging and time-consuming to determine if each Potential Claimant is
6 related to another Potential Claimant because they are generally non-public entities, and
7 the transactional data prepared by the Defendants does not necessarily contain exact
8 corporate names for the customers involved. However, as of this time, and based on JND's
9 reasonable efforts, JND has identified 44 apparently duplicative records for Potential
10 Claimants. After analyzing the data for the 519 Potential Claimants and consolidating the
11 44 apparently duplicative records, the final count of unique Potential Claimants is 475.

12 7. During the claims period, 42 unique Class Members filed a claim for
13 compensation.

14 8. Additionally, our research to date has demonstrated that at least some
15 Potential Claimants have merged with other food distributors and/or grocery chains,
16 filed for bankruptcy, and/or ceased doing business since the end of the Class Period.
17 Accordingly, we have prepared a report for COSI and TUG counsel of all Potential
18 Claimants, including the nine without any mailing addresses, so that they may provide
19 us with additional/new addresses (if any are known to COSI or TUG) in order to
20 facilitate additional noticing and new claims filings.

21 **SUPPLEMENTAL NOTICE**

22 9. To the extent that the Court would like to stimulate additional claims in
23 this Action, JND recommends sending a Supplemental Notice to Potential Claimants
24 and to extend the deadline for them to file claims. JND will send the updated Notice
25 via mail, and email where available.

26 10. The Supplemental Notice will clearly advise Potential Claimants that they
27 must file a timely claim if they wish to participate in the Settlement and receive a
28 payment. Based on experience and best practices, JND recommends a 45-day extension

1 of the claim filing deadline (following issuance of the Supplemental Notice) to provide
2 adequate time for Potential Claimants to review their records and gather supporting
3 documentation if they plan to dispute the commerce values in the Class data. A copy
4 of the proposed Supplemental Notice is attached hereto as Exhibit A.

5 11. Additionally, JND will undertake reasonable efforts to telephone Potential
6 Claimants that have commerce exceeding ten million dollars, as reflected in
7 Defendants' transactional data, in order to encourage them to file a claim.

8 12. JND anticipates that it can issue notice within 14 days of a further order
9 from the Court concerning Supplemental Notice, and that it will be able to file a further
10 declaration with an update on the results of any Supplemental Notice program
11 approximately 75 days after any such order issues.

12 13. JND has not yet completed validation of the claims received to date, and
13 it will do so promptly if the Court declines to authorize the Supplemental Notice, or
14 after the close of the Supplemental Notice period if the Court authorizes the issuance of
15 the Supplemental Notice. The validation process may include requests for additional
16 information from the Class Members. Thereafter, JND will discuss the results of its
17 validation process with class counsel and will either accept, deny, or modify the allowed
18 amount of any claim. JND will communicate its claims determinations to the Class
19 Members. JND understands that class counsel will then prepare a motion for
20 distribution of the settlement funds and file it with the Court at an appropriate time, and
21 JND will be prepared to submit a declaration in support of that motion.

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

24 Executed this 27th day of October, 2022, at Seattle, Washington.

25 
26

27 Bronyn Heubach
28 Assistant Director, JND Legal Administration

EXHIBIT A

TUNA DIRECT PURCHASER CASE SUPPLEMENTAL NOTICE

In Re: Packaged Seafood Products Antitrust Litigation
No. 15-MD-2670 DMS (MDD), MDL No. 2670 (S.D. Cal.)

DEADLINE EXTENDED:

The deadline to file a claim for payment is now [MONTH DAY], 2022.

If you purchased Packaged Tuna products directly from Bumble Bee, Chicken of the Sea, StarKist, or Thai Union Group between June 1, 2011 and July 31, 2015, you could be affected by a class action settlement.

On February 28, 2022, you were mailed a Detailed Notice regarding the Settlement in the Tuna Direct Purchaser Case. You are receiving this Supplemental Notice because you have not yet submitted a Claim Form. Settlement Class Members who make a claim will be entitled to receive cash, with the actual amount received depending on the number of claims and the volume of commerce represented in those claims.

Please use the Unique ID and PIN printed at the bottom of this Notice to log in to the online portal at www.TunaDirectPurchaserCase.com to check your claim volume. In the event that your own data suggests that a different volume of commerce is appropriate, you may provide that information along with supporting documentation, and it will be considered by the Claims Administrator, subject to audit. **The deadline to file a claim has been extended to [Month day], 2022.**

You must file a timely claim to receive a payment. If you do nothing, you will not receive a payment from the Settlement.

For more information, go to www.TunaDirectPurchaserCase.com or contact the Claims Administrator at info@TunaDirectPurchaseCase.com or 1-866-615-0970.

You should also review the Detailed Notice that was mailed to you. Please do not contact the Court.

Register at www.TunaDirectPurchaserCase.com to receive updates regarding the progress of the litigation and any resolution of claims against the non-settling Defendants. The case website will be updated as circumstances change, so check back regularly.

Unique ID: _____ PIN: _____
