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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**IN RE WAWA, INC. DATA SECURITY
LITIGATION**

This document relates to: Consumer Track

Case No. 19-6019-GEKP

CLASS ACTION

**DECLARATION OF BERNELLA
OSTERLUND RE: NOTICE
PROCEDURES AND CLAIMS
FILING**

1 I, Bernella Osterlund, declare as follows:

2 1. I am employed as a Director by KCC Class Action Services, LLC (“KCC”),
3 located at One McInnis Parkway, San Rafael, California. KCC was appointed as the Settlement
4 Administrator in this matter and is not a party to this action. I have personal knowledge of the
5 facts set forth herein and, if called as a witness, could and would testify competently thereto.
6

7 **Wawa App List**

8 2. On October 22, 2021, KCC received from Wawa a list of 633,919 names and
9 email addresses Wawa was able to identify from its internal records as individuals who signed up
10 for the Wawa mobile app before December 12, 2019. KCC formatted the list for e-mailing
11 purposes, removed duplicate records, and cleansed the e-mail addresses to remove invalid e-mail
12 addresses. A total of 575,162 names and e-mail addresses remained on the list. KCC updated its
13 proprietary database with the Wawa App List. All members of the Wawa App List are eligible to
14 automatically receive a Tier 1 Settlement Award (\$5 Gift Card) without submitting a claim unless
15 they decline the gift card or opt out of the Settlement.
16

17 **E-mail**

18 3. On December 6, 2021, KCC sent an email to the 575,162 email addresses in the
19 Wawa App List. A true and correct copy of the E-mail Notice is attached hereto as Exhibit A.
20

21 **Case Website**

22 4. On or about August 13, 2021, KCC established a website, www.WawaConsumer
23 DataSettlement.com, dedicated to this matter to provide information to Class Members and to
24 answer frequently asked questions. The Settlement Website went live on August 30, 2021. The
25 website URL was set forth in the publications created by Wawa. Visitors to the website can
26 download copies of the Notice, Claim Forms, and other case-related documents, including the
27 motion for attorney’s fees, costs, and service awards and supporting exhibits and declarations.
28

1 Visitors can also submit claims online, and, if applicable, upload supporting documentation. As
2 of December 21, 2021, the website has received visits from 258,902 users with 346,150 hits and
3 475,413 total pageviews.
4

5 **Toll-Free Telephone Number**

6 5. On or before August 29, 2021, KCC established a toll-free automated interactive
7 voice response telephone number, 866-817-4934, dedicated to answering telephone inquiries
8 from potential Class Members, allowing people to request notice packets, and providing them
9 with information about the Settlement. As of December 22, 2021, the automated telephone line
10 has received 1,367 calls for a total of 3,998.27 minutes. In the beginning, the automated voice
11 response telephone line did allow callers to punch through to the KCC live call center for
12 approximately two weeks until the line was converted to be fully automated, including referring
13 callers to contact Class Counsel at a specific telephone number for inquiries. As of the date of
14 this Declaration, the KCC live call center received and responded to a total of 85 telephone calls.
15

16 **Settlement E-mail Address**

17 6. On or before August 29, 2021, KCC established the settlement-related e-mail
18 address info@WawaConsumerDataSettlement.com. The e-mail address was posted on the
19 Settlement website and in the Class Notice. The purpose was to allow Class Members to ask
20 questions about the settlement and to file claim forms.
21

22 **Claim Forms Received**

23 7. The deadline for Class Members to file claims in this matter was November 29,
24 2021. To date a total of 8,323 claim forms were filed on the website, and 282 were filed by mail
25 or e-mail, for a total of 8,605 claims files. Of these claims, 257 are duplicate claims filed by
26 potential Class Members, and 8,348 are considered as unique filed claim. Of the unique filed
27 claims, the count and value of claims by Tier are as follows: 6,744 Tier 1 claims each with a Gift
28

1 Card face value of \$5 with a total value of \$33,720; and 683 Tier 2 claims with a \$15 Gift Card
2 face value for a total of \$10,245.00. The count of Class Member recipients of the E-Mail Notice
3 who are eligible to receive a Tier 1 \$5 Gift Card is 575,159 for a face value of \$2,875,795. The
4 total Gift Card face value for all the Tier 1 claims combined is \$2,909,515.
5

6 **Tier 3 Claims and Deficiency Mailing**

7 8. KCC has preliminarily determined the approved Tier 3 Class Member settlement
8 awards. These calculations are based on the assumptions that the maximum Tier 3 award per valid
9 claim is \$500. The total of all Tier 3 claims will be less than the \$1,000,000 cap set forth in the
10 Settlement Agreement. The total count of Tier 3 claims is 921. Of these Claims, KCC has
11 determined that 736 are deficient for not providing adequate proof of an out-of-pocket expense,
12 and 185 are valid for an estimated award total amount of \$58,164.29. Per the terms of the
13 Settlement, KCC will notify the deficient Tier 3 claimants of their deficiencies and the claimants
14 will have 30 days to cure the deficient claim, as per section 48 of the Settlement Agreement. This
15 process is ongoing and will continue to take place in the coming weeks.
16

17 **Request for Exclusion from Class**

18 9. The postmark deadline for Class Members to request to be excluded from the class
19 was November 12, 2021. As of the date of this declaration, KCC has received six (6) requests for
20 exclusion. A list of the Class Members requesting to be excluded is attached hereto as Exhibit B.
21

22 **Objections to the Settlement**

23 10. The postmark deadline for Class Members to object to the settlement was
24 November 12, 2021. As of the date of this declaration, KCC has received one (1) objection to the
25 settlement from Theodore H. Frank.
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Administration Costs

11. As of December 21, 2021, KCC estimates its total fee for administration to be \$106,500. This amount includes the fee for the email distribution that took place on December 6, 2021, and all fees incurred prior to then and anticipated to be incurred going forward.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 23rd day of December 2021 at San Rafael, California.

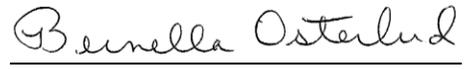

BERNELLA OSTERLUND

EXHIBIT A

First Name Last Name, ClaimID#

Subject Line: \$5 Gift Card for Recent Settlement Involving Wawa

KCC Class Action Services LLC is the claims administrator for a proposed class action settlement involving Wawa. You may be entitled to benefits under the settlement if you made a purchase from Wawa between **March 4, 2019 and December 12, 2019**. Records indicate that you were a customer of Wawa before December of 2019, although we do not know for sure whether you made a purchase between March and December of 2019. But because of the information we have, KCC will send you a \$5 electronic gift card to this email address when the settlement is finalized, which is expected in the next several months. If you do not want to be part of this settlement or receive the gift card, simply click www.WawaConsumerDataSettlement.com, follow the instructions on how to exclude yourself from the settlement, and a gift card will not be sent to this email address. Additional information about the settlement, other ways you can participate, and what it means to be part of the settlement class is available by visiting the settlement website by clicking here: www.WawaConsumerDataSettlement.com. If you have questions about the settlement, please call 1-866-817-4934 or email info@WawaConsumerDataSettlement.com.

EXHIBIT B



Wawa Inc Data Security Litigation
List of Requests to be Excluded
December 21, 2021

Count: 6

Rec	First Name	Last Name
1	Aletha R	DeBiase
2	Brian J	DeBiase
3	Eric	Frankhouser
4	John	Quinn
5	Nisa	Mutlu
6	Theophilus A	Barham