

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

KATERERINE M. CLEARY, *et. al.*,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

AMERICAN AIRLINES, INC.,

Defendant.

Civil Action No. 4:21-cv-00184

**DECLARATION OF JACK SOBCZAK**

I, Jack Sobczak, hereby declare as follows:

1. I am a Project Manager in A.B. Data, Ltd.'s Class Action Administration Division ("A.B. Data"), whose Corporate Office is located in Milwaukee, Wisconsin. I am fully familiar with the facts contained herein based upon my personal knowledge.

2. On September 2, 2022, this Court certified two classes in this action. ECF No. 66. Shortly thereafter, this Court ordered that the Certified Classes receive notice of class certification and their rights pursuant to a Class Notice Plan submitted by Class Counsel. ECF No. 131.

3. A.B. Data was retained by Class Counsel to serve and administer the Court-approved Class Notice Plan. At the request of Class Counsel and pursuant to the Court's September 2, 2021, Class Certification Order, A.B. Data provided notice of class certification by email as described below.

4. On or about February 7, 2022, Class Counsel provided A.B. Data with electronic data files containing email addresses for 2,838,895 persons, which Class Counsel obtained from defendant American Airlines, Inc. ("American"). After running the email addresses through verification software to detect which email addresses are invalid, there were a total of 2,742,203 valid email addresses to use for sending notice to the Class.

5. A.B. Data served notice on the Certified Classes consistent with the Court-approved Class Notice Plan. The notice of class certification indicated that persons within the definition of the Certified Classes could opt-out and provided the deadline and requirements for opting out. A total of 39 persons submitted timely opt-out request.

6. A.B. Data invoiced Class Counsel \$27,883.11, comprising A.B. Data's fees, costs and expenses, for its work in serving as the class notice administrator (i.e., for that stage of the case only, separate from A.B. Data's work, discussed below, regarding settlement administration).

7. On October 14, 2022, the Parties executed a class action Settlement Agreement and Release (the "Settlement" or "Settlement Agreement"). In that Settlement Agreement, the Parties agreed to propose A.B. Data as the Settlement Administrator for the Settlement, ECF No. 251 at § II.OO, with the duties and responsibilities set forth in the Settlement Agreement. *See id.* at §§ VII, VIII, IX, X. In its Order granting preliminary approval of the Settlement, the Court approved A.B. Data as the Settlement Administrator and approved the Parties' proposed Settlement Notice Plan. ECF No. 252.

8. A.B. Data is now serving as the Settlement Administrator to administer the Settlement Notice Plan, claims and review process and will eventually distribute Settlement refunds to Settlement Class Members who submit valid claims. The Settlement Notice Program includes:

- a. direct mail and email notice to the Settlement Class Members;
- b. multiple reminder emails;
- c. a reminder mail notice;
- d. publication notice in the form of a widely distributed press release;
- e. the establishment of a dedicated settlement website

([www.bagfeesettlement.com](http://www.bagfeesettlement.com)) where Settlement Class Members can obtain additional information and submit claims online and review the Court-approved notices, including the Long Form Notice (in English and Spanish); and

f. an informational Toll-Free Number (in English and Spanish).

9. American utilized its records to compile and provide to the Settlement Administrator a “Settlement Class List” that included the last known mailing address and email address information for the Settlement Class Members.

10. On November 24, 2022 (the “Notice Date” set by the Court), the Settlement Administrator sent the Email Notice to all persons on the Settlement Class Notice List for whom an email address was provided by American or located by the Settlement Administrator. The Email Notices contained a hyperlink to the Claim Form on the Settlement Website that can be completed to file a claim for a Refund and inform Settlement Class Members that a Spanish version is available on the Settlement Website.

11. Thus far, A.B. Data has sent 605,740 Email Notices to Settlement Class Members. Of the 605,740 emails, 602,963 were successful; 2,777 were undeliverable, which is a 99.6% deliverability rate. Settlement Class Members who did not receive Email Notice will be sent Mail Notice, to the extent a mailing address was provided or can be located by A.B. Data.

12. On November 29, 2022, the Settlement Administrator issued a Press Release on behalf of Class Counsel announcing and describing the terms of the Settlement, in the form approved by the Court, that explains how to obtain information about the Settlement and file claims.

13. On December 9, 2022, the Settlement Administrator mailed the Court-approved Mail Notice, including a Claim Form with prepaid postage, to all persons on the Settlement Class Notice List who had yet to submit a Claim Form and for whom a mailing address was provided by American or located by the Settlement Administrator, with appropriate steps being taken to re-mail Class Notices returned undeliverable. Thus far, A.B. Data has sent 588,654 Mail Notices to Settlement Class Members. Mail Notices that are returned as undeliverable will undergo a process whereby A.B. Data will attempt to locate a new mailing address, if one is not provided by the United States Post Office, and re-mail those Mail Notices.

14. On December 19, 2022, the Settlement Administrator will email the Reminder Email Notice to all Settlement Class Members who were sent the Email Notice, whose emails were not undeliverable, and who have not yet submitted a Claim Form.

15. On January 27, 2023, the Settlement Administrator will email a second Reminder Email Notice to all individuals who were sent the Email Notice, whose emails were not undeliverable, and who have yet to submit a Claim Form as of that time. Like the original Email Notice, the reminder Email Notices will contain a hyperlink on to the Claim Form on the Settlement Website.

16. Also on January 27, 2023, the Settlement Administrator will mail the Reminder Postcard Notice to all individuals who were sent the Mail Notice, whose notices were not returned as undeliverable, and who have yet to submit a Claim Form as of that time.

17. The Settlement Administrator established a Settlement Website, [www.bagfeesettlement.com](http://www.bagfeesettlement.com), where Settlement Class Members can obtain further information about the case and the Settlement and view key case documents, including the Settlement Agreement and provides the Long Form Notice in English and Spanish. There is also a mechanism for Settlement Class Members to submit online Claim Forms electronically via the Settlement Website. The Settlement Website has been active since October 25, 2022 with information supporting the Settlement. The Claim filing mechanism was added on November 10, 2022.

18. The Settlement Administrator has established a toll-free telephone number that Settlement Class Members can call to receive additional information about the Settlement in English or Spanish. The toll-free telephone number has been active since October 31, 2022.

19. A.B. Data's fees, costs and expenses, for its work in serving as the Settlement Administrator are estimated to be \$1,142,945.63.

20. Pursuant to the Class Action Fairness Act and this Court's Preliminary Approval Order, on October 21, 2022, American, assisted by the Settlement Administrator, provided notice of the Settlement to applicable federal and state governmental regulators. To date, A.B. Data has

not received any response or correspondence about the Settlement from any of the noticed regulators.

21. The deadline for Settlement Class Members to submit objections is January 18, 2023. As of December 16, 2022, no objections to the Settlement or Class Counsel's proposed fee request have been submitted. The deadline for Settlement Class Members to submit exclusion requests is January 18, 2023. As of December 16, 2022, A.B. Data and the Parties have received two (2) exclusion requests from Settlement Class Members.

22. The final numbers of opt-outs and objections, and complete list of timely opt-outs, will be reported to the Court in advance of the May 5, 2023 Fairness Hearing.

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

Executed on December 16, 2022 in Milwaukee, Wisconsin.

  
— Jack Sobczak —