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Class Counsel

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

DEBORAH JORDAN, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

WP COMPANY LLC, d/b/a THE
WASHINGTON POST,

Defendant.

Case No. 3:20-cv-05218-WHO

**DECLARATION OF JENNIFER M.
KEOUGH REGARDING
SETTLEMENT ADMINISTRATION**

Date: November 17, 2021

Time: 2:00 p.m.

Courtroom: 2, 17th Floor

Judge: Hon. William H. Orrick

1 I, JENNIFER M. KEOUGH, declare as follows:

2 1. I am the Chief Executive Officer of JND Legal Administration (“JND”). JND is a
3 legal administration service provider with its headquarters in Seattle, Washington. JND has
4 extensive experience with all aspects of legal administration and has administered settlements in
5 hundreds of class action matters.

6 2. JND is serving as the Settlement Administrator¹ in the above-captioned litigation
7 (the “Action”), pursuant to the Court’s Order Granting Preliminary Approval of Class Action
8 Settlement Agreement, Conditionally Certifying Settlement Class, Appointing Class
9 Representative, Appointing Class Counsel, and Approving Notice Plan dated July 8, 2021 (the
10 “Order”). This Declaration is based on my personal knowledge and information provided to me by
11 experienced JND employees and, if called on to do so, I could and would testify competently
12 thereto.

13 **CAFA NOTICE**

14 3. In compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715,
15 JND compiled a CD-ROM with the following documents (collectively, the “CAFA Notice
16 Packet”):

- 17 a. Class Action Complaint, filed July 29, 2020;
- 18 b. First Amended Class Action Complaint, filed October 5, 2020;
- 19 c. Plaintiff’s Notice of Motion and Unopposed Motion for Preliminary Approval of
20 Class Action Settlement; Supporting Memorandum of Points and Authorities, filed
21 May 28, 2021;
- 22 d. Declaration of Frederick J. Klorczyk, filed May 28, 2021, and including:
- 23 i. Stipulation of Class Action Settlement and Release; including
- 24 1. Exhibit A, Proposed Settlement Claim Form;
- 25 2. Exhibit B, Proposed Short Form Notice;
- 26 3. Exhibit C, Proposed Postcard Notice to Active Subscribers;
- 27

28 ¹ Capitalized terms used and otherwise not defined in this Declaration shall have the meanings given to such terms in the Settlement Agreement.

- 1 4. Exhibit D, Proposed Postcard Notice to Inactive Subscribers;
- 2 5. Exhibit E, Proposed Long Form Notice;
- 3 6. Exhibit F, Stipulation Regarding Undertaking re: Attorneys' Fees
- 4 and Costs;
- 5 7. Exhibit G, Proposed Order Granting Preliminary Approval of
- 6 Proposed Class Action Settlement;
- 7 8. Exhibit H, Proposed Final Approval Order and Judgment.
- 8 ii. Bursor & Fisher P.A. Firm Resume;
- 9 iii. *NWM* Hearing Tr.;
- 10 iv. *Moses* Preliminary Approval Brief;
- 11 v. *Moses* Preliminary Approval Order.
- 12 e. [Proposed] Order Granting Preliminary Approval of Class Action Settlement
- 13 Agreement, Conditionally Certifying Settlement Class, Appointing Class
- 14 Representative, Appointing Class Counsel, and Approving Notice Plan.

15 4. The CD-ROM was mailed on June 4, 2021 to the appropriate Federal and State
16 officials identified in the attachment with an accompanying cover letter, a copy of which is
17 attached hereto as **Exhibit A**.

18 5. As of the date of this declaration, JND has received no response to the CAFA
19 Notice Packet from any of the recipients identified in paragraph 4 above.

20 **CLASS MEMBER DATA**

21 6. On July 22, 2021, JND received a spreadsheet containing the names, addresses,
22 and/or e-mail addresses where available for individuals and entities identified as Settlement Class
23 Members. The spreadsheet contained contact information and other identifying data for a total of
24 319,395 potential Settlement Class Members.

1 24. As of the date of this declaration, JND has received a total of 10,808 Claim Forms
2 (10,658 Claim Forms submitted electronically and 150 Claim Forms submitted by mail, including
3 four (4) untimely claims postmarked after the filing deadline). Assuming all claims are valid, and
4 that the requested attorneys’ fees and costs, administration costs, and incentive awards are
5 approved by the Court, JND estimates that each Annual Class Member claimant will receive an
6 award of approximately \$36.72, and each Four-Week Class Member claimant will receive an
7 award of approximately \$18.36.

8 25. JND will continue to receive, process, and validate claim submissions, and can
9 provide a supplemental declaration with final claim counts.

10
11
12 I declare under penalty of perjury that the foregoing is true and correct.

13 Executed on November 3rd, 2021, at Seattle, Washington.

14 

15 _____
16 JENNIFER M. KEOUGH

EXHIBIT A



June 4, 2021

CAFA Coordinator
Office of the Attorney General
Consumer Protection Section
455 Golden Gate Ave., Ste 11000
San Francisco, CA 94102-7004

RE: CAFA Notice of Proposed Class Action Settlement

Dear Sir or Madam:

This Notice is being provided to you in accordance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715 on behalf of WP Company LLC, d/b/a The Washington Post, the defendant in the below-referenced class action (“the Action”). Plaintiffs’ Notice of Motion and Unopposed Motion for Preliminary Approval of Class Action Settlement; Supporting Memorandum of Points and Authorities was filed with the Court on May 28, 2021. The Court has scheduled an approval hearing to take place on July 7, 2021 at 2:00 p.m.

Case Name: *Deborah Jordan v. WP Company LLC, d/b/a The Washington Post*
Case Number: *3:20-cv-05218-WHO*
Jurisdiction: *United States District Court for the Northern District of California*
Date Settlement filed with Court: *May 28, 2021*

Copies of all materials filed in the above-named actions are electronically available on the Court’s Pacer website found at <https://pcl.uscourts.gov>. Additionally, in compliance with 28 U.S.C. § 1715(b), the enclosed CD-ROM contains the following documents filed in the Action:

- 01 - Complaint.pdf**
Class Action Complaint, filed July 29, 2020
- 02 - Amended Complaint.pdf**
First Amended Class Action Complaint, filed October 5, 2020
- 03 - Notice of Motion for Preliminary Approval.pdf**
Plaintiffs’ Notice of Motion and Unopposed Motion for Preliminary Approval of Class Action Settlement; Supporting Memorandum of Points and Authorities, filed May 28, 2021
- 04 - Declaration of Frederick J Klorczyk.pdf**
Declaration of Frederick J Klorczyk, filed May 28, 2021, and attaching
 - 1. Stipulation of Class Action Settlement and Release**
 - a. Exhibit A, Proposed Settlement Claim Form**
 - b. Exhibit B, Proposed Short Form Notice**
 - c. Exhibit C, Proposed Post Card Notice to Active Subscribers**
 - d. Exhibit D, Proposed Post Card Notice to Inactive Subscribers**
 - e. Exhibit E, Proposed Long Form Notice**

- f. **Exhibit F, Stipulation Regarding Undertaking Re: Attorney's Fees and Costs**
- g. **Exhibit G, Proposed Order Granting Preliminary Approval of Proposed Class Action Settlement**
- h. **Exhibit H, Proposed Final Approval Order and Judgment**

2. **Bursor & Fisher P.A. Firm Résumé**

3. **NWM Hearing Tr.**

4. **Moses Preliminary Approval Brief**

5. **Moses Preliminary Approval Order**

05 - Proposed Preliminary Approval Order.pdf

[Proposed] Order Granting Preliminary Approval of Class Action Settlement Agreement, Conditionally Certifying Settlement Class, Appointing Class Representative, Appointing Class Counsel, and Approving Notice Plan

Pursuant to 28 U.S.C. § 1715 (b)(7), as of the date of this Notice, a list of class members residing in each state is not available. However, it is assumed most if not all class members reside within the state of California, and the number of class members in any single state other than California is de minimis.

There are no other settlements or agreements made between Counsel for the parties related to the class defined in the proposed settlement, and as of the date of this Notice, no Final Judgment or notice of dismissal has been entered in this case.

There is not yet any final judgment or notice of dismissal and no written judicial opinions are currently on record with respect to the materials in subparagraphs (3) through (6) of 28 U.S.C. § 1715(b).

If you have any questions regarding the details of the case and settlement, please contact Defense Counsel's representative at:

Jacob Sommer
ZwillGen PLLC
1900 M Street NW, Suite 250
Washington, DC 20036
Phone: 202-706-5205
Email: Jake@zwillgen.com

For questions regarding this Notice, please contact JND at:

JND Class Action Administration
1100 2nd Ave, Suite 300
Seattle, WA 98101
Phone: 800-207-7160

Regards,

JND Legal Administration

Encl.



June 4, 2021

Merrick Garland
Office of the U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530-0001

RE: CAFA Notice of Proposed Class Action Settlement

Dear Sir:

This Notice is being provided to you in accordance with the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715 on behalf of WP Company LLC, d/b/a The Washington Post, the defendant in the below-referenced class action ("the Action"). Plaintiffs' Notice of Motion and Unopposed Motion for Preliminary Approval of Class Action Settlement; Supporting Memorandum of Points and Authorities was filed with the Court on May 28, 2021. The Court has scheduled an approval hearing to take place on July 7, 2021 at 2:00 p.m.

Case Name: *Deborah Jordan v. WP Company LLC, d/b/a The Washington Post*
Case Number: *3:20-cv-05218-WHO*
Jurisdiction: *United States District Court for the Northern District of California*
Date Settlement filed with Court: *May 28, 2021*

Copies of all materials filed in the above-named actions are electronically available on the Court's Pacer website found at <https://pcl.uscourts.gov>. Additionally, in compliance with 28 U.S.C. § 1715(b), the enclosed CD-ROM contains the following documents filed in the Action:

01 - Complaint.pdf

Class Action Complaint, filed July 29, 2020

02 - Amended Complaint.pdf

First Amended Class Action Complaint, filed October 5, 2020

03 - Notice of Motion for Preliminary Approval.pdf

Plaintiffs' Notice of Motion and Unopposed Motion for Preliminary Approval of Class Action Settlement; Supporting Memorandum of Points and Authorities, filed May 28, 2021

04 - Declaration of Frederick J Klorczyk.pdf

Declaration of Frederick J Klorczyk, filed May 28, 2021, and attaching

1. Stipulation of Class Action Settlement and Release

- a. **Exhibit A, Proposed Settlement Claim Form**
- b. **Exhibit B, Proposed Short Form Notice**
- c. **Exhibit C, Proposed Post Card Notice to Active Subscribers**
- d. **Exhibit D, Proposed Post Card Notice to Inactive Subscribers**
- e. **Exhibit E, Proposed Long Form Notice**

- f. **Exhibit F, Stipulation Regarding Undertaking Re: Attorney's Fees and Costs**
- g. **Exhibit G, Proposed Order Granting Preliminary Approval of Proposed Class Action Settlement**
- h. **Exhibit H, Proposed Final Approval Order and Judgment**

2. **Bursor & Fisher P.A. Firm Résumé**

3. **NWM Hearing Tr.**

4. **Moses Preliminary Approval Brief**

5. **Moses Preliminary Approval Order**

05 - Proposed Preliminary Approval Order.pdf

[Proposed] Order Granting Preliminary Approval of Class Action Settlement Agreement, Conditionally Certifying Settlement Class, Appointing Class Representative, Appointing Class Counsel, and Approving Notice Plan

Pursuant to 28 U.S.C. § 1715 (b)(7), as of the date of this Notice, a list of class members residing in each state is not available. However, it is assumed most if not all class members reside within the state of California, and the number of class members in any single state other than California is de minimis.

There are no other settlements or agreements made between Counsel for the parties related to the class defined in the proposed settlement, and as of the date of this Notice, no Final Judgment or notice of dismissal has been entered in this case.

There is not yet any final judgment or notice of dismissal and no written judicial opinions are currently on record with respect to the materials in subparagraphs (3) through (6) of 28 U.S.C. § 1715(b).

If you have any questions regarding the details of the case and settlement, please contact Defense Counsel's representative at:

Jacob Sommer
ZwillGen PLLC
1900 M Street NW, Suite 250
Washington, DC 20036
Phone: 202-706-5205
Email: Jake@zwillgen.com

For questions regarding this Notice, please contact JND at:

JND Class Action Administration
1100 2nd Ave, Suite 300
Seattle, WA 98101
Phone: 800-207-7160

Regards,

JND Legal Administration

Encl.

EXHIBIT B

LEGAL NOTICE

IF YOU WERE A CALIFORNIA RESIDENT WHO ENROLLED IN AND WAS AUTOMATICALLY BILLED FOR A WASHINGTON POST SUBSCRIPTION AT ANY TIME BETWEEN JULY 29, 2016 AND APRIL 1, 2021, YOU MAY BENEFIT FROM A PROPOSED CLASS ACTION SETTLEMENT

Jordan v. WP Company LLC, Case No. 3:20-cv-05218-WHO (N.D. Cal.)

WHAT IS THIS NOTICE ABOUT?

A Proposed Settlement has been reached in a class action lawsuit in the United States District Court, Northern District of California (the “Action”) against WP Company LLC (“WaPo”) that may affect your rights. California subscribers to WaPo’s four-week and annual digital subscription offerings (collectively, the “WaPo Subscriptions”) allege that WaPo automatically renewed their subscriptions and charged their payment methods without first providing certain disclosures and obtaining the requisite authorizations, in violation of California law. WaPo denies these claims. The Court has not ruled in favor of Plaintiff or WaPo. Instead, the parties agreed to a Proposed Settlement to avoid the expense and risks of continuing the lawsuit.

AM I A MEMBER OF THE CLASS?

The class is defined as all persons who, from July 29, 2016, to and through April 1, 2021, enrolled in an automatically renewing digital WaPo Subscription using a California billing and who, during that time period, were charged and paid one or more automatic renewal fee(s) in connection with such subscription.

WHAT DOES THE SETTLEMENT PROVIDE?

Subject to Court approval, the parties have agreed to a Settlement under which WaPo will provide class members with a total value of \$6,762,480 in cash and non-cash benefits. You may either (1) do nothing and receive an Automatic Account Credit Code for either four (4) or eight (8) weeks of a free Washington Post digital subscription, depending on whether your most recent subscription renewed on a four-week or annual basis, or (2) submit a valid claim and obtain a prorated cash payment, instead of an Automatic Account Credit Code, which Class Counsel estimates, based on expected claims rates, to be \$20 for subscribers whose most recent subscription was an annual subscription and \$10 for subscribers whose most recent subscription was a four-week subscription. The claim amount may be subject to *pro rata* increase or decrease depending on the number of claims submitted.

WHAT ARE MY RIGHTS?

You have a choice of whether to stay in the Class or not, and you must decide this now. If you stay in the Class, you will be legally bound by all orders and judgments of the Court, and you won’t be able to sue, or continue to sue, WaPo as part of any other lawsuit involving the same facts or claims that are in this lawsuit. This is true even if you do nothing by not submitting a claim.

1. **File a Claim and Receive Cash.** Class Members who wish to receive cash instead of an Automatic Account Credit Code **must** make an election to receive cash by submitting a valid Claim Form to the Settlement Administrator by September 19, 2021. You can get a Claim Form on the Internet at www.CANewspaperRenewalSettlement.com. Read the instructions carefully, fill out the form, and submit it online on or before September 19, 2021. Alternatively, you may also submit a Claim Form by mailing it to the following address:

CA Newspaper Renewal Settlement
c/o JND Legal Administration
P.O. Box 11035 Seattle
WA 98111

It must be postmarked no later than September 19, 2021.

2. **Do Nothing and Receive an Automatic Account Credit Code.** Class Members who do nothing will receive to the email address on file for your WaPo Subscription an Automatic Account Credit Code for either four (4) or eight (8) weeks of a free Washington Post digital subscription, depending on whether your most recent WaPo Subscription renewed on a four-week or an annual basis. If your most recent subscription was an annual WaPo Subscription, you will receive an Automatic Account Credit Code for eight (8) weeks of a free Washington

Post digital subscription, valued at \$20.00. If your most recent subscription was a four-week WaPo Subscription, you will receive an Automatic Account Credit Code for four (4) weeks of a free Washington Post digital subscription, valued at \$10.00. If you were an active WaPo subscriber as of April 1, 2021, your Automatic Account Credit Code will provide free weeks of your then-current WaPo digital subscription. If you were an inactive WaPo subscriber as of that date, your Automatic Account Credit Code will provide free weeks of a WaPo premium digital subscription. The Automatic Account Credit Code will be sent to the email address on file for your WaPo Subscription, can be redeemed online to receive your free weeks of a digital subscription, never expire, and are freely transferrable. If an active class member (as of April 1, 2021) whose WaPo Subscription was purchased on or through a third-party platform or service (the Apple App Store, the Google Play Store, or Amazon) is unable to redeem an Automatic Account Credit Code, WaPo may provide that active class member with substitute compensation of equal value.

3. You Can Object to the Settlement. If you believe the Settlement is unsatisfactory, you may file a written objection with the Clerk of the Court for the Northern District of California and send copies to the following Counsel representing the Class and WaPo:

<u>Plaintiff's Counsel</u>	<u>WaPo's Counsel</u>
Frederick J. Klorczyk III	Jacob Sommer
Neal J. Deckant	Zachary Lerner
Julia K. Venditti	Alexei Klestoff
Bursor & Fisher, P.A.	ZwillGen PLLC
1990 N. California Blvd.	1900 M Street NW
Suite 940	Suite 250
Walnut Creek, CA 94596	Washington, DC 20036

4. You Can "Opt Out" of the Settlement. If you exclude yourself from the Class – which is sometimes called “opting-out” of the Class – you won’t get any Settlement Benefits from the Proposed Settlement. You will also be responsible for any attorney’s fees and costs you incur if you choose to pursue your own lawsuit. Such notice must include your name, current address, signature, and a statement that you want to be excluded from *Jordan v. WP Company LLC*, Case No. 3 :20-cv-05218-WHO (N.D. Cal.), no later than September 19, 2021. Send the written notice to:

CA Newspaper Renewal Settlement
c/o JND Legal Administration
P.O. Box 11035 Seattle
WA 98111

THE FAIRNESS HEARING

On November 17, 2021, at 2:00 p.m., the Court will hold a hearing in the United States District Court for the Northern District of California to determine: (1) whether the Proposed Settlement is fair, reasonable, and adequate and should receive final approval; and (2) whether the application for Plaintiff’s attorneys’ fees of up to \$2,000,000.00, inclusive of reimbursement of out-of-pocket expenses, should be granted. Objections to the Proposed Settlement by Class Members will be considered by the Court if such objections are filed in writing with the Court and sent to Plaintiff’s and WaPo’s counsel by September 19, 2021, as explained above. Class Members who support the Proposed Settlement need not appear at the hearing or take any other action to indicate their approval. You may hire your own lawyer to appear in Court for you if you wish, but if you do, you will be responsible for paying that lawyer on your behalf.

HOW CAN I GET MORE INFORMATION?

If you have questions or want a detailed notice or other documents about this lawsuit and your rights, visit the website at www.CANewspaperRenewalSettlement.com. You may also contact the Settlement Administrator by email at info@canewspaperrenewalsettlement.com, or by writing to: CA Newspaper Renewal Settlement, c/o JND Legal Administration, P.O. Box 11035 Seattle, WA 98111.

By order of the United States District Court for the Northern District of California.

EXHIBIT C

COURT AUTHORIZED NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

**OUR RECORDS INDICATE YOU
WERE CHARGED AND PAID
AN AUTOMATIC RENEWAL FEE
BY THE WASHINGTON POST.
YOU MAY BENEFIT FROM A
CLASS ACTION SETTLEMENT.**

By Order of the Court Dated: July 8, 2021

A proposed settlement has been reached in a class action lawsuit alleging that Defendant WP Company LLC d/b/a *The Washington Post* (“WaPo”) unlawfully charged its California customers automatic renewal fees in connection with their WaPo Subscriptions without providing the disclosures required by California law. WaPo denies the claims in the lawsuit and contends that it did nothing wrong. The Court did not resolve the claims and defenses raised in this action. Nor has the Court determined that WaPo did anything wrong. The parties have agreed to settle the dispute to avoid the cost and risk of a trial.

CA Newspaper Renewal Settlement
c/o JND Legal Administration
P.O. Box 11035
Seattle, WA 98111

«Barcode»

Postal Service: Please do not mark barcode
Active Class Member ID: «Refnum»

«FirstName»«LastName»

«BusinessName»

«Address»

«Address2»

«City», «ST» «Zip»-«zip4»

Am I a Class Member?

Our records indicate that you had an **active** automatic renewal subscription with WaPo as of April 1, 2021, and therefore may be a Class Member. Class Members are all persons who, from July 29, 2016, to and through April 1, 2021, enrolled in any digital WaPo Subscription using a California billing address and who, during that time period, were charged and paid one or more automatic renewal fee(s) in connection with such subscription.

What Can I Get?

If approved by the Court, the Settlement will provide a total of \$6,762,480 in cash and non-cash benefits to the Settlement Class, including payment of all claims, all notice and administration expenses, approved attorneys’ fees and costs, and an incentive award to the named plaintiff. You may submit a valid claim and receive a *pro rata* cash payment from the Settlement Fund via check once the Settlement becomes final, depending on whether your most recent WaPo Subscription was Annual or Four-Week. Based on the expected claims rates, Class Counsel estimates that your cash payment will be for \$20 if your most recent subscription was an Annual WaPo Subscription, or for \$10 if your most recent subscription was a Four-Week WaPo Subscription. Alternatively, if you do nothing, and as long as you don’t exclude yourself from the Settlement Class, you will receive an Automatic Account Credit Code for either four (4) or eight (8) free weeks of your then-current WaPo Subscription, depending on whether your most recent subscription renewed on a Four-Week or Annual basis. If you were an Active Four-Week Subscriber as of April 1, 2021 and do nothing, you will receive an Automatic Account Credit Code for an additional four (4) free weeks of your then-current WaPo Subscription, valued at \$10. If you were an Active Annual Subscriber as of April 1, 2021 and do nothing, you will receive an Automatic Account Credit Code for an additional eight (8) free weeks of your then-current WaPo Subscription, valued at \$20. The Automatic Account Credit Code will be sent to the email address on file for your WaPo Subscription, can be redeemed online to receive your free weeks of a digital subscription, never expire, and may be freely transferred. If an active class member (as of April 1, 2021) whose WaPo Subscription was purchased on or through a third-party platform or service (the Apple App Store, the Google Play Store, or Amazon) is unable to redeem an Automatic Account Credit Code, WaPo may provide that active class member with substitute compensation of equal value.

Class Members who wish to receive cash instead of an Automatic Account Credit Code **must** make an election to receive cash by submitting a valid Claim Form to the Settlement Administrator by **September 19, 2021**. If you fail to submit a timely Claim Form electing to receive cash and do not exclude yourself from the Settlement, then you will receive an Automatic Account Credit Code for either four (4) or eight (8) weeks of a free Washington Post digital subscription, depending on whether you were a Four-Week or Annual Subscriber. In either case, the Automatic Account Credit Code will be provided to the email address on file for your WaPo Subscription. You do not need to do anything to receive an email with your Automatic Account Credit Code.

What are My Other Options?

You may exclude yourself from the Settlement Class by sending a letter to the Settlement Administrator, **postmarked no later than September 19, 2021**. If you exclude yourself, you cannot get a settlement cash payment or an Automatic Account Credit Code, but you keep any rights you may have to sue WaPo over the legal issues in the lawsuit. If you don't exclude yourself from the Settlement Class, then you and/or your lawyer also have the right to appear before the Court, at your own cost, to object to the proposed settlement, if you wish to do so, but you don't have to. **Your written objection must be filed and postmarked no later than September 19, 2021**. Specific instructions about how to object to, or exclude yourself from, the Settlement are available at www.CANewspaperRenewalSettlement.com. If you do nothing, and the Court approves the Settlement, you will be bound by all of the Court's orders and judgments, and your claims relating to the fees charged by WaPo will be released.

Who Represents Me?

The Court has appointed Bursor & Fisher, P.A. to represent the class. These attorneys are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

When Will the Court Consider the Proposed Settlement?

The Court will hold the Final Approval Hearing at **2:00 p.m. on November 17, 2021**, at the San Francisco United States Courthouse, Courtroom 2, 450 Golden Gate Avenue, San Francisco, CA 94102. At that hearing, the Court will: hear any objections concerning the fairness of the Settlement; determine the fairness of the Settlement; decide whether to approve Class Counsel's request for attorneys' fees and costs; and decide whether to award the Class Representative up to \$5,000 from the Settlement Fund for her services in helping to bring and settle this case. WaPo has agreed that Class Counsel may be paid attorneys' fees out of the Settlement Fund in an amount to be determined by the Court. Class Counsel is entitled to seek no more than \$2,000,000.00, but the Court may award less than this amount.

How Do I Get More Information?

This is only a summary. For more information, including the full Notice, Claim Form, and Settlement Agreement go to: www.CANewspaperRenewalSettlement.com, contact the Settlement Administrator at **1-888-691-3208** or CA Newspaper Renewal Settlement, c/o JND Legal Administration, PO Box 11035 Seattle, WA 98111.

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www.CANewspaperRenewalSettlement.com

1-888-691-3208

COURT AUTHORIZED NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

OUR RECORDS INDICATE YOU WERE CHARGED AND PAID AN AUTOMATIC RENEWAL FEE BY THE WASHINGTON POST. YOU MAY BENEFIT FROM A CLASS ACTION SETTLEMENT.

By Order of the Court Dated: July 8, 2021

A proposed settlement has been reached in a class action lawsuit alleging that Defendant WP Company LLC d/b/a *The Washington Post* (“WaPo”) unlawfully charged its California customers automatic renewal fees in connection with their WaPo Subscriptions without providing the disclosures required by California law. WaPo denies the claims in the lawsuit and contends that it did nothing wrong. The Court did not resolve the claims and defenses raised in this action. Nor has the Court determined that WaPo did anything wrong. The parties have agreed to settle the dispute to avoid the cost and risk of a trial.

CA Newspaper Renewal Settlement
c/o JND Legal Administration
P.O. Box 11035
Seattle, WA 98111

«Barcode»

Postal Service: Please do not mark barcode
Inactive Class Member ID: «Refnum»

«FirstName»«LastName»

«BusinessName»

«Address»

«Address2»

«City», «ST» «Zip»-«zip4»

Am I a Class Member?

Our records indicate that you **formerly** had an automatic renewal subscription with WaPo as of April 1, 2021, and therefore may be a Class Member. Class Members are all persons who, from July 29, 2016, to and through April 1, 2021, enrolled in any digital WaPo Subscription using a California billing address and who, during that time period, were charged and paid one or more automatic renewal fee(s) in connection with such subscription.

What Can I Get?

If approved by the Court, the Settlement will provide a total of \$6,762,480 in cash and non-cash benefits to the Settlement Class, including payment of all claims, all notice and administration expenses, approved attorneys’ fees and costs, and an incentive award to the named plaintiff. You may submit a valid claim and receive a *pro rata* cash payment from the Settlement Fund via check once the settlement becomes final, depending on whether your most recent WaPo Subscription was Annual or Four-Week. Based on the expected claims rates, Class Counsel estimates that your cash payment will be for \$20 if your most recent subscription was an Annual WaPo Subscription, or for \$10 if your most recent subscription was a Four-Week WaPo Subscription. Alternatively, if you do nothing, and as long as you don’t exclude yourself from the Settlement Class, you will receive an Automatic Account Credit Code for either four (4) or eight (8) weeks of a free Washington Post premium digital subscription, depending on whether your most recent WaPo Subscription renewed on a Four-Week or Annual basis. Inactive Annual Class Members will receive an Automatic Account Credit Code for eight (8) weeks of a free Washington Post premium digital subscription (valued at \$20.00), and Inactive Four-Week Class Members will receive an Automatic Account Credit Code for four (4) weeks of a free Washington Post premium digital subscription (valued at \$10.00). In either case, there is no expectation or obligation to continue using or paying for the services beyond the free period. The Automatic Account Credit Code will be sent to the email address on file for your WaPo Subscription, can be redeemed online to receive your free weeks of a digital subscription, never expire, and may be freely transferred.

How Do I Get My Payment?

Class Members who wish to receive cash instead of an Automatic Account Credit Code **must** make an election to receive cash by submitting a valid Claim Form to the Settlement Administrator by **September 19, 2021**. If you fail to submit a timely Claim Form electing to receive cash and do not exclude yourself from the Settlement, then you will receive an Automatic Account Credit Code for either four (4) or eight (8) weeks of a free Washington Post premium digital subscription, depending on whether you were a Four-Week or Annual Subscriber. In either case, the Automatic Account Credit Code will be provided to the email address on file for your WaPo Subscription. You do not need to do anything to receive an email with your Automatic Account Credit Code.

What are My Other Options?

You may exclude yourself from the Settlement Class by sending a letter to the Settlement Administrator, **postmarked no later than September 19, 2021**. If you exclude yourself, you cannot get a settlement cash payment or an Automatic Account Credit Code, but you keep any rights you may have to sue WaPo over the legal issues in the lawsuit. If you don't exclude yourself from the Settlement Class, then you and/or your lawyer also have the right to appear before the Court, at your own cost, to object to the proposed settlement, if you wish to do so, but you don't have to. **Your written objection must be filed and postmarked no later than September 19, 2021**. Specific instructions about how to object to, or exclude yourself from, the Settlement are available at www.CANewspaperRenewalSettlement.com. If you do nothing, and the Court approves the Settlement, you will be bound by all of the Court's orders and judgments, and your claims relating to the fees charged by WaPo will be released.

Who Represents Me?

The Court has appointed Bursor & Fisher, P.A., to represent the class. These attorneys are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

When Will the Court Consider the Proposed Settlement?

The Court will hold the Final Approval Hearing at **2:00 p.m. on November 17, 2021**, at the San Francisco United States Courthouse, Courtroom 2, 450 Golden Gate Avenue, San Francisco, CA 94102. At that hearing, the Court will: hear any objections concerning the fairness of the Settlement; determine the fairness of the Settlement; decide whether to approve Class Counsel's request for attorneys' fees and costs; and decide whether to award the Class Representative up to \$5,000 from the Settlement Fund for her services in helping to bring and settle this case. WaPo has agreed that Class Counsel may be paid attorneys' fees out of the Settlement Fund in an amount to be determined by the Court. Class Counsel is entitled to seek no more than \$2,000,000.00, but the Court may award less than this amount.

How Do I Get More Information?

This is only a summary. For more information, including the full Notice, Claim Form, and Settlement Agreement go to: www.CANewspaperRenewalSettlement.com, contact the Settlement Administrator at **1-888-691-3208** or CA Newspaper Renewal Settlement, P.O. Box 11035, Seattle, WA 98111.

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www.CANewspaperRenewalSettlement.com

1-888-691-3208

EXHIBIT D

Subject Line: IMPORTANT REMINDER - CA Renewal Newspaper Class Action Settlement

From: Jennifer@CANewspaperRenewalSettlement.com

Dear [Name],

REMINDER NOTICE

IF YOU WERE A CALIFORNIA RESIDENT WHO ENROLLED IN AND WAS AUTOMATICALLY BILLED FOR A WASHINGTON POST SUBSCRIPTION AT ANY TIME BETWEEN JULY 29, 2016 AND APRIL 1, 2021, YOU MAY BENEFIT FROM A PROPOSED CLASS ACTION SETTLEMENT

Unique ID: [Unique ID]

CLICK HERE TO FILE A CLAIM

www.CANewspaperRenewalSettlement.com

The deadline to file a claim, exclude yourself, or object to the Settlement is **September 19, 2021. If you already submitted a claim, you do not need to submit another claim form.**

You may file a claim online at www.CANewspaperRenewalSettlement.com, or you may download a copy of the claim form or exclusion form and mail it to the Settlement Administrator (postmarked by September 19, 2021).

If you have questions or want a detailed notice or other documents about this lawsuit and your rights, visit the website at www.CANewspaperRenewalSettlement.com. You may also contact the Settlement Administrator by email at info@CANewspaperRenewalSettlement.com, or by writing to: CA Newspaper Renewal Settlement, c/o JND Legal Administration, PO Box 11035, Seattle, WA 98111.

Jordan v. WP Company LLC, Case No. 3:20-cv-05218-WHO (N.D. Cal.)

EXHIBIT E



*Jordan v. WP Company LLC, d/b/a The
Washington Post*

Timely Requests for Exclusion (Deadline: September 19, 2021)

	Name	City/State
1.	Jason Cain	Sunnyvale, CA
2.	Allen Hall	Del Mar, CA
3.	Jean R. Decker	Loomis, CA
4.	Claire Wrigley	Berkeley, CA
5.	Christopher Bergeron	San Francisco, CA
6.	Eric J. Ehrenfeld	La Mesa, CA
7.	Alice Torlano	Oxnard, CA
8.	Bill Falls	San Francisco, CA
9.	Jeanne Miller	Berkeley, CA
10.	Roger B. Treskunoff	San Francisco, CA
11.	Sharon Fuller	Capistrano Beach, CA
12.	Michelle Polchow	Woodland, CA