

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

AH KIT TOO, Individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

ROCKWELL MEDICAL, INC.,
ROBERT L. CHIOINI, and
THOMAS E. KLEMA,
Defendants.

Lead Case No. 1:18-cv-04253

Honorable Allyne R. Ross
Honorable Ramon E. Reyes, Jr.

**SUPPLEMENTAL DECLARATION OF JOSEPHINE BRAVATA
CONCERNING: (A) MAILING OF THE POSTCARD NOTICE;
(B) REPORT ON REQUESTS FOR EXCLUSION AND OBJECTIONS; AND
(C) REPORT ON VOLUME OF CLAIMS RECEIVED TO DATE**

I, Josephine Bravata, declare as follows:

1. I am the Quality Assurance Manager of Strategic Claims Services (“SCS”), a nationally recognized class action administration firm. I have over eighteen years of experience specializing in the administration of class action cases. SCS was established in April 1999 and has administered over four-hundred (400) class action cases since its inception. I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein.

UPDATE ON MAILING OF POSTCARD NOTICE

2. Pursuant to the Court’s Order Preliminarily Approving Settlement and Providing for Notice, dated September 12, 2019 (the “Preliminary Approval Order”), SCS was approved as Claims Administrator in connection with the Settlement¹ in the above-captioned action.

¹ All capitalized terms not otherwise defined herein have the meanings set forth in the Stipulation and Agreement of Settlement, dated as of August 6, 2019 (the “Stipulation”).

3. As noted in the Declaration of Josephine Bravata Concerning (A) the Mailing of the Postcard Notice; (B) Publication of the Summary Notice; and (C) Report on Requests for Exclusion and Objections, dated January 21, 2020 (the “Bravata Declaration”), SCS mailed or emailed 1,312 letters to the Nominee Account Holders and Institutional Groups contained on SCS’s master mailing list. SCS then mailed 7,650² Postcard Notices to potential Settlement Class Members or nominees. Since the Bravata Declaration was filed, no additional Postcard Notices were mailed due to responses from Nominee Account Holders and Institutional Groups. A total of 7,650 Postcard Notices have been mailed to date. Additionally, SCS was notified by one of the nominees that they emailed 2,416 of their customers to notify them of this settlement and provide direct links to the Notice and Claim Form on the settlement website.

UPDATE ON TOLL-FREE PHONE LINE

4. The Bravata Declaration noted that SCS maintains a toll-free telephone number (1-866-274-4004) for Settlement Class Members to call and obtain information about the Settlement and/or request a Notice and Claim Form. SCS has promptly responded to each telephone inquiry and will continue to address Settlement Class Member inquiries.

UPDATE ON WEBSITE

5. The Bravata Declaration also noted that on October 7, 2019, SCS established a dedicated website for the Settlement, www.rockwellsecuritiessettlement.com, which is accessible 24 hours a day, 7 days a week. SCS continues to maintain the website. The website contains a home page with a summary and important deadlines; an important documents page with the Complaint, the Stipulation, the Preliminary Approval Order, the Postcard Notice, the Notice, and

² Out of the 7,650 Postcard Notices mailed, we received 77 requests from the potential Settlement Class Members to mail them the Notice of (I) Pendency of Class Action and Proposed Settlement; (II) Settlement Hearing; and (III) Motion for an Award of Attorneys’ Fees and Reimbursement of Litigation Expenses (“Notice”) and Proof of Claim and Release Form (“Claim Form”).

the Claim Form; an online claim filing page; a frequently asked questions page; a nominees page; and a contact us page.

6. After Lead Plaintiffs' Motion for Final Approval of Class Action Settlement and Plan of Allocation, Lead Counsel's Motion for an Award of Attorneys' Fee and Reimbursement of Litigation Expenses, and the Declaration of Austin P. Van and Casey E. Sadler in support of these motions were filed with the Court on January 22, 2020, SCS posted downloadable copies of these papers to the website.

7. To date, the website has received 6,782 page views from 1,392 unique users.

UPDATE ON REPORT ON EXCLUSIONS AND OBJECTIONS

8. The Postcard Notice, Notice, Summary Notice, and the dedicated website informed potential Settlement Class Members that written requests for exclusion are to be mailed to SCS such that they are received no later than February 5, 2020. SCS has been monitoring all mail delivered for this case. As of the date of this Declaration, SCS has received no exclusion requests.

9. According to the Notice, Settlement Class Members seeking to object to the Settlement, the proposed Plan of Allocation or Lead Counsel's motion for an award of attorneys' fees and reimbursement of Litigation Expenses are required to submit their objection in writing such that the request is received by Lead Counsel and Defendants' Counsel, as well as filed with the Court, no later than February 5, 2020. As of the date of this Declaration, SCS has not received any objections.

CLAIMS RECEIVED TO DATE

10. As of the date of this declaration, SCS has received 1,160 claims. Of these, approximately 801 claims were filed electronically by or on behalf of institutions and approximately 359 claims were submitted by or on behalf of individuals.

11. Some of the Claims contain deficiencies, which will be addressed during the normal course of administration. Claim Forms that do not meet the submission requirements may be rejected. Prior to rejecting a Claim, in whole or in part, SCS will communicate with the Claimant in writing, to give the Claimant the chance to remedy any curable deficiencies in the Claim Form submitted. SCS will notify, in a timely fashion and in writing, all Claimants whose Claim SCS proposes to reject, in whole or in part, setting forth the reasons, and shall indicate in such notice that the Claimant whose Claim is to be rejected has the right to a review by the Court if the Claimant so desires. If a dispute concerning a Claim cannot be otherwise resolved, Lead Counsel shall thereafter present the request for review to the Court.

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

Signed this 18th day of February 2020, in Media, Pennsylvania.


Josephine Bravata