

# EXHIBIT E

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

NATIONAL VETERANS LEGAL  
SERVICES PROGRAM, NATIONAL  
CONSUMER LAW CENTER, and  
ALLIANCE FOR JUSTICE, for themselves  
and all others similarly situated,  
*Plaintiffs,*

v.

UNITED STATES OF AMERICA,  
*Defendant.*

Case No. 1:16-cv-00745-PLF

**SUPPLEMENTAL DECLARATION OF CHRISTIE K. REED REGARDING REVISED  
NOTICE PROCEDURES**

I, Christie K. Reed, declare as follows:

1. My name is Christie K. Reed. I have personal knowledge of the matters set forth herein.

2. I am a Vice President of Legal Notification Services at KCC Class Action Services, LLC (“KCC”), a firm that specializes in comprehensive class action services, including legal notification, email and postal mailing campaign implementation, website design, call center support, class member data management, claims processing, check and voucher disbursements, tax reporting, settlement fund escrow and reporting, and other related services critical to the effective administration of class action settlements.

3. My prior declaration, Declaration of Christie K. Reed Regarding Notice Procedures (ECF#141-4), described KCC’s experience administering class-action settlements, as well as the settlement notice program proposed for the settlement in *National Veterans Legal Services Program, et al. v. United States of America*, Case No. 1:16-cv-00745-PLF. This supplemental declaration will describe the revised proposed settlement notice plan (the “Notice Plan”).

4. Unless otherwise noted, capitalized terms have the same meaning ascribed to them as in the Settlement Agreement.

**NOTICE PLAN DETAILS**

5. KCC previously used PACER billing records reflecting account-holder information to provide notice of this class action to approximately 395,081 individuals and entities who paid PACER fees between April 21, 2010 and April 21, 2016 (“Initial Class Members”) to the extent reflected in the billing records. The Parties subsequently agreed to extend the class period through May 31, 2018. The Defendant shall produce additional contact information for approximately 131,694 Class Members who paid PACER fees for the first time between April 22, 2016 and May 31, 2018 (“Additional Class Members”). KCC will identify the total number of unique Initial and Additional Class Members to create a class mailing list, removing Initial Class Members who have already opted out of the Settlement Class.

**Individual Notice**

6. The Defendant will provide to Plaintiffs the names, postal addresses, email addresses, phone numbers, PACER-assigned account numbers, and firm name of all individuals and entities with a PACER account that paid fees for the use of PACER during the class period (“Notice Data”). Defendant will also provide the “Firm Name” for each of the accountholders.

7. Upon receipt of the Notice Data, KCC will analyze the Notice Data for completeness, and notice will be mailed and emailed accordingly.

8. An email notice containing a summary of the litigation and settlement will be sent to all email addresses identified in the Notice Data. The notice content will be included in the body of the email, rather than as an attachment, to avoid spam filters and improve deliverability. The email will contain a link to the settlement website. The email delivery will be attempted three times to maximize the probability that the Class Member will receive it. Initial Class Members who previously received notice will be sent a summary of the litigation and settlement with the right to object. Additional Class Members who did not previously receive notice or a right to opt out will receive a summary of the litigation and settlement with the right to opt out or object.

9. A single-postcard notice containing a summary of the litigation and settlement will be sent to postal addresses identified in the Notice Data to Class Members: (1) without an email address; or (2) for whom email delivery was unsuccessful. Initial Class Members who did not previously opt out of the settlement will be sent a single postcard summary notice informing them of their right to object. Additional Class Members who did not previously receive notice or right to opt out will be sent a single postcard summary notice informing them that they have a right to opt out of the class or (if they elect to remain in the class) to object to the settlement. Prior to mailing, the addresses in the Notice Data will be checked against the National Change of Address (NCOA)<sup>1</sup> database maintained by the United States Postal Service (“USPS”); certified via the Coding Accuracy Support System (CASS);<sup>2</sup> and verified through Delivery Point Validation (DPV).<sup>3</sup>

10. Notices returned by USPS as undeliverable will be re-mailed to any address available through postal service forwarding order information. For any returned mailing that does not contain an expired forwarding order with a new address indicated, KCC will conduct further address searches using credit and other public source databases to attempt to locate new addresses and will re-mail these notices where possible.

#### **Publication Notice**

11. KCC will cause a notice, consisting of a headline, call to action, and link to the settlement website, to be published in the electronic newsletter of American Bankers Association (“ABA”) *Banking Journal* and *The Slant*. The *ABA Banking Journal eNewsletter* helps ABA members stay informed about timely industry topics and association news. It is issued bi-weekly

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<sup>1</sup> The NCOA database contains records of all permanent change of address submissions received by the USPS for the last four years. The USPS makes this data available to mailing firms and lists submitted to it are automatically updated with any reported move based on a comparison with the person’s name and last known address.

<sup>2</sup> Coding Accuracy Support System is a certification system used by the USPS to ensure the quality of ZIP+4 coding systems.

<sup>3</sup> Records that are ZIP+4 coded are then sent through Delivery Point Validation to verify the address and identify Commercial Mail Receiving Agencies. DPV verifies the accuracy of addresses and reports exactly what is wrong with incorrect addresses.

and delivered to over 13,250 subscribers. *The Slant* is *Bank Director's* e-newsletter, distributed weekly to over 24,000 senior bank executives, directors and thought leaders. Each newsletter provides inspirational ideas, new insights, and challenging perspectives on the banking industry from experts.

12. KCC will also cause a press release to be distributed via Cision PR Newswire. The press release will be issued nationwide to a variety of media, as well as to a curated list of journalists who have requested to receive and commonly provide news and information about the banking industry.

### **Response Mechanisms**

13. KCC will update and maintain a case-specific website, the URL of which is [www.pacerfeesclassaction.com](http://www.pacerfeesclassaction.com), to allow Class Members to obtain additional information and documents about the settlement. Class Members will also be able to view, download, and/or print the Exclusion Request form, the online Exclusion Request form, the Plaintiffs' Class Action Complaint, Defendant's Answer, the Order on the Motion for Class Certification, the Memorandum Opinion on the Motion for Class Certification, the District Court's summary judgment opinion, the Federal Circuit's summary judgment opinion, the Settlement Agreement, the Court's order preliminarily approving the settlement, certifying the class, and approving Plaintiffs' notice plan and notice documents, and any other relevant documents. The website will also include the ability for Class Members to (1) submit an Exclusion Request form online, (2) check the status of their refund check if the Court grants final approval of the settlement, and (3) update their mailing address. The website will also include the ability for accountholders to notify KCC that an entity paid PACER fees on their behalf and will include the ability for payers to notify KCC that they paid PACER fees on an accountholder's behalf.

14. KCC will establish a case-specific toll-free number to allow Class Members to call to learn more about the case in the form of frequently asked questions. It will also allow Class Members to request to have additional information mailed to them.

I, Christie K. Reed, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the

foregoing is true and correct. Executed this 12<sup>th</sup> day of April 2023, at Lakewood, California.

  
CHRISTIE K. REED