

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

In Re: DISPOSABLE CONTACT LENS ANTITRUST LITIGATION	Case No. 3:15-md-2626-HES-LLL Judge Harvey E. Schlesinger Magistrate Judge Laura Lothman Lambert
THIS DOCUMENT RELATES TO: All Class Actions	

**PLAINTIFFS' MOTION TO AUTHORIZE DISTRIBUTION OF
NET SETTLEMENT FUNDS TO CLAIMANTS**

I. INTRODUCTION

Plaintiffs and Class Counsel move this Court for an Order authorizing the distribution of the net settlement funds to Class Members that have filed valid proofs of claims in the settlements reached with Alcon Vision, LLC (“Alcon”), Johnson & Johnson Vision Care, Inc. (“JJVCI”), CooperVision (“CVI”), Bausch & Lomb (“B&L”), and ABB Optical Group (“ABB”) (the “Settlements”).

A. The Litigation and Settlements

After nearly eight years of litigation, the Court is well aware of the underlying allegations, litigation, and settlements, and Plaintiffs incorporate by reference the procedural history as detailed in previous settlement-related briefing and orders. *See* ECF Nos. 781, 830, 831, 841, 1011, 1037, 1039, 1046, 1136-39, 1145, 1164, 1207, 1215-16, 1218, 1224, 1241-44, 1249, 1252, 1256-58, 1330-31, 1334, 1337, 1343, 1348-51, 1353, 1357, 1362-64.

B. Class Notice

As part of the Court’s approval of the Settlements, the Court also approved Plaintiffs’ proposed notice plans. ECF Nos. 940, 1046, 1224, 1343. Accordingly, notice programs consisting of over seven million direct notice documents mailed to potential class members; paid media in national newspapers and targeted websites; and dedicated settlement websites were implemented by the court-appointed Claims Administrator, Epiq Class Action & Claims Solutions (“Epiq”).

From the launch of this settlement administration process through its May 10, 2023, conclusion, Epiq received 17,888 email communications from potential

Class Members. Decl. of Jeanne Chernila Regarding Claim Adjudication, ¶ 27 (hereinafter “Epiq Declaration”). Each email has been reviewed, researched, and responded to as required. *Id.*

From July 22, 2022 through May 10, 2023, Epiq received 2,919 calls to the Interactive Voice Recognition (“IVR”) system, representing 10,053 minutes of use. *Id.*, ¶ 28. From the launch of this settlement administration through May 10, 2023, 12,197 calls to Epiq’s live call center were received. *Id.*, ¶ 29.

From July 22, 2022 through May 10, 2023, the dedicated settlement website (www.contactlenssettlement.com) received 275,055 unique visits with 977,330 individual page views. *Id.*, ¶ 30. Epiq continues to research and respond to all inquiries received and will continue to do so through the conclusion of the claims administration process. *Id.*, ¶ 31.

C. The Claims Administration Process

1. *The Claims Periods*

There were three separate rounds of claim filing: (1) December 2, 2019 through March 31, 2020 for the B&L and CVI settlements (“Round One”); (2) January 8, 2021 through April 7, 2021 for the ABB settlement (“Round Two”); and (3) and June 23, 2022 through September 19, 2022 for the Alcon and JJVCI settlements (“Round Three”). *Id.*, ¶ 6. There were 36,635 claims filed in Round One, 45,528 claims filed in Round Two, and 67,487 claims filed in Round Three. *Id.* Across all three rounds, a total of 149,650 claims were filed. *Id.* The aggregate amount claimed for these 149,650 claims was \$143,521,533.05. *Id.*

Of the 149,650 claims received by Epiq, 903 were disallowed due to being late or a foreign-entity submission, reducing the allowed claim count to 148,747. *Id.* Of these allowed claims, Epiq determined that two (2) also had associated timely exclusions requested, 2,071 were duplicates of other claims, 18,331 were incomplete and partially payable, and 128,343 were complete and entered into review processing. *Id.* A total of 86,133 supporting documents were submitted and reviewed. *Id.*

2. Quality Control and Auditing

Epiq conducted extensive electronic and manual review of claim and supporting documentation submissions, including an intricate multi-layered approach involving multiple teams to ensure proper handling, recordation, and dissemination of claim information. *Id.*, ¶ 8. After its initial review of the claims, on November 19, 2022, Epiq sent email communications to 14,231 Claimants with valid email addresses advising them that their claims appeared to be deficient, and of the nature of their claim’s deficiency. These claims were delineated into two respective groups: (1) 14,059 claims were for individuals who did not have any or insufficient supporting documentation for claimed amounts in excess of \$2,000; and (2) 172 claims were from business Claimants.¹ Claimants were given thirty (30) days to respond and cure their respective deficiencies. *Id.*²

¹ Per the terms of the Settlement Agreements, only purchases of products for personal use and not for resale where the prices for such contact lenses were subject to a “Unilateral Pricing Policy” were designated for inclusion in the Class.

² The deficiency notice templates Epiq used for business claims are attached as Exhibit 1 to the Epiq Declaration.

Epiq conducted an additional review and audit of 2,232 claims with unsubstantiated products' purchase amounts. *Id.*, ¶ 9. All Claimants in this group had valid email addresses and an email was sent to each on January 6, 2023 advising them that their claim appeared to be deficient and of the nature of their claim's deficiency. *Id.* As with the initial deficiency notification, Claimants were given thirty (30) days to respond and cure their deficiencies. *Id.*³

Based on information provided by Claimants in response to these deficiency notices, Epiq determined that 644 of these claims were partially or fully substantiated. *Id.*, ¶ 10. Four (4) business Claimant responses received were sent to Class Counsel and those businesses ultimately voluntarily withdrew their claims. *Id.*

In total, Epiq denied 81,422 claims for being late, duplicates, submitted by a business (*i.e.*, not for personal use) or foreign entity, or lacking any Eligible Product Purchases claimed. *Id.*, ¶ 11. Epiq will notify these Claimants that their claims have been denied prior to disbursement. *Id.*⁴

3. Claims Processing Results

In total, 68,229 Class Members with Eligible Product Purchase Amount totaling \$67,582,036.61 will receive award payments from one or more net

³ The supplemental deficiency notice template Epiq used for these individuals is attached as Exhibit 2 to the Epiq Declaration.

⁴ The email claim denial template Epiq will use is attached as Exhibit 3 to the Epiq Declaration.

settlement funds. *Id.*, ¶¶ 14-17.⁵ Below are the results of the above-described Claims process, broken down by Settlement:⁶

- CVI Settlement: Epiq determined that 19,083 claims, with an aggregate Eligible Product Purchase amount of \$8,389,846.54, to be valid. *Id.*, ¶ 14.
- B&L Settlement: Epiq determined that 17,326 claims, with an aggregate Eligible Product Purchase⁷ amount of \$7,479,317.46, to be valid. *Id.*, ¶ 13.
- ABB Settlement: Epiq determined that 40,355 claims, with an aggregate Eligible Product Purchase amount of \$18,275,788.87, to be valid. *Id.*, ¶ 15.
- Alcon and JJVCI Settlements: Epiq determined that 68,229 claims, with an aggregate Eligible Product Purchase amount of \$33,437,083.74, to be valid. *Id.*, ¶¶ 16 & 17.

As shown below, the total amount of money that Epiq will distribute to Approved Class Members is \$67,200,621.96. *Id.*, ¶ 19. This means that each of the

⁵ Class Counsel will provide the Court with Class Member-by-Class Member payment amounts, *in camera*, if requested to do so.

⁶ As this Court is aware, Class Members may participate in some Settlements but not others, dependent upon when they submitted their Claim Forms as well as if they excluded themselves from any of the Settlements. Additionally, per the terms of the Settlements (and because this is an antitrust case with joint and several liability), Class Members can receive payments from a Defendant's settlement fund even if they made no purchases from that Defendant, except that CVI eligible product purchases are not eligible for participation in the B&L Settlement Fund.

⁷ "Eligible Product Purchases" is the total amount of Claimed Purchases for products covered by the Settlement Agreements recommended for payment.

68,229 Approved Class Members with one or more qualifying purchases will receive, on average, a check for approximately \$984.93.

D. Class Counsel's Proposed Distribution

The gross, aggregate amount of the Settlements was one hundred eighteen million, five hundred dollars (\$118,500,000.00). As of May 25, 2023, and after (a) deducting court-approved notice and administration expenses, taxes, attorneys' fees, incentive awards, and litigation expenses; (b) adding interest earned on these funds, and (c) accounting for a holdback of \$2,821,627.31 to account for unpaid notice and administration costs and taxes, as well as a reserve for any unanticipated expenses,⁸ *id.*, ¶ 20, the total aggregate available to be disbursed to Approved Class Members is \$67,200,621.96. *Id.*, ¶ 19. This is comprised of \$535,922.73 from the CVI settlement fund, \$2,901,043.91 from the B&L settlement fund, \$18,923,468.03 from the ABB settlement fund, \$12,709,817.23 from the Alcon settlement fund, and \$34,951,997.37 from the JJVCI settlement fund, *id.*, ¶ 18,⁹ less the holdback amount, which will be allocated to each

⁸ The Court previously approved the payment of up to \$4 million from the various settlement funds to cover notice and administration expenses. *See* ECF Nos. 841, 1037, 1258, & 1343. To date, Epiq has been paid roughly \$2.3 million from the settlement funds for its work in this case. In addition, to the additional notices and administration expenses that Epiq has or will incur for its work in this case, taxes will be owed for interest earned on these settlement funds, and Epiq, based on its expertise and experience, recommends holding back an additional amount to account for unexpected expenses. Based on calculations provided by Epiq, Class Counsel proposes holding back \$906,082.31 for unpaid notice and administration expenses, \$165,545.00 for potential tax liability, and \$1,750,000.00 (roughly 2.5% of the combined settlement funds) for unanticipated expenses.

⁹ To the extent there are funds remaining after payment of these administration costs, Class Counsel will move the Court for either a second distribution to Approved Class Members or a *cy pres* distribution of those funds (if a second distribution is not economically feasible).

settlement fund on a *pro rata* basis. *Id.*, ¶ 19.¹⁰

Should the Court approve the disbursement, award payments will be made based on *pro rata* calculations. *Id.*, ¶ 20. Specifically, Epiq has determined the *pro rata* amount that will be paid on each of these valid claims on a settlement fund-by-settlement fund basis by calculating each Eligible Product Purchase price percentage of the total allowed covered Eligible Product Purchases and applying that percentage to the total dollar value for each applicable net settlement fund available for distribution. *Id.*, ¶¶ 18, 20. Approved Class Member claims where the award amount is less than \$10.00 will have a *de minimis* applied, with the lowest award amount being \$14.25. *Id.*

In addition, should the Court approve disbursement, the net settlement funds will be combined into a single distribution account from which checks will be issued in order to ensure each individual only receives one check (thereby reducing administration expenses). Epiq will prepare and mail distribution checks to Approved Class Members by prepaid First-Class US Mail. *Id.*, ¶ 21. Epiq will issue replacement checks upon request and respond to inquiries from Approved Class Members about claim and check calculations. *Id.*, ¶ 22. To encourage Approved Class Members to cash their award checks promptly and to avoid or reduce future expenses relating to uncashed checks, all award checks will bear the notation “Void if not negotiated within ninety (90) days of date of issue.” *Id.*, ¶ 23.

¹⁰ The *pro rata* holdback amounts are as follows: \$21,595.62 from the CVI settlement fund; \$116,900.91 from the B&L settlement fund; \$762,542.97 from the ABB settlement fund; \$512,156.75 from the Alcon settlement fund; and \$1,408,431.05 from the JJVCI settlement fund.

For Approved Class Members whose checks are returned as undeliverable, Epiq will attempt to locate new addresses by running the undeliverable addresses through online databases. *Id.*, ¶ 24. If a new address is located, Epiq will update the database accordingly and re-issue the award check to the Approved Class Member at the new address. *Id.*¹¹

Payments to Approved Class Members will be made approximately 30 days after the Court approves disbursement. *Id.*, ¶ 26.

II. CONCLUSION

For the foregoing reasons, Class Counsel respectfully requests the Court order as follows:

- (1) Approve the Claims Administrator's administrative determinations concerning the claims submitted;
- (2) Prohibit any additional claims to these Settlements and finally and forever bar any further claims against the Net Settlement Funds;
- (3) Approve the proposed distribution of *pro rata* claims, with a *de minimus* payment of \$14.25 for claims valued at \$10.00 or less;
- (4) Approve a hold back of up to \$2,821,627.31 from distribution to pay notice and administration expenses, taxes, and any unanticipated expenses, attributed to each settlement fund on a *pro rata* basis.
- (5) Approve the transfer of funds for distribution, less the approved

¹¹ In the event a Class Member loses or damages their check or otherwise requires a new check, Epiq will issue replacement upon receiving written instructions from the Class Member, provided that they return the first check where appropriate. *Id.*, ¶ 25.

holdback amount, from the individual settlement funds to a distribution fund;

- (6) Approve the payment of settlement funds to Approved Class Members from the distribution fund;
- (7) Release of claims against persons involved in the claims administration process for claims arising out of such involvement; and
- (8) Reiteration of the Court's continued jurisdiction over the administration of these Settlements.

Dated: May 30, 2023

/s/ Michael E. Lockamy

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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA**

In Re: DISPOSABLE CONTACT LENS ANTITRUST LITIGATION	Case No. 3:15-md-2626-HES-LLL Judge Harvey E. Schlesinger Magistrate Judge Laura Lothman Lambert
THIS DOCUMENT RELATES TO: All Class Actions	

**DECLARATION OF JEANNE CHERNILA REGARDING CLAIM
ADJUDICATION**

I, Jeanne Chernila, declare as follows:

1. I am a Project Manager employed by Epiq Class Action & Claims Solutions (“Epiq”) in Beaverton, Oregon. I am familiar with the actions taken by Epiq with respect to the settlements reached in this case between Plaintiffs and the Alcon Vision LLC f/k/a Alcon Laboratories, Inc. (“Alcon”), Johnson & Johnson Vision Care, Inc. (“JJVCI”), Bausch & Lomb, Inc. (“B&L”), and Cooper Vision, Inc. (“CVI”), and ABB Optical Group, LLC (“ABB”) (collectively the “Defendants”), and the corresponding Claim Forms submitted and the processing of the Claim Forms. This Declaration is based upon my personal knowledge and information provided to me by Plaintiffs’ counsel, and associates and staff under my supervision, and is accurate and truthful to the best of my knowledge.

2. Epiq is a full-service data processing company and has been administering bankruptcies since 1985 and settlements since 1993, including settlements of class actions, mass tort matters, SEC and FTC disgorgement actions, and other major litigation. Our associates include technology experts, attorneys,

paralegals, MBAs, and CPAs. Epiq has administered more than 1,000 settlements, including some of the largest and most complex cases ever settled.

3. Epiq is a firm with more than twenty (20) years of experience in data processing, claims processing, and settlement administration. Epiq's class action case administration services include coordination of all notice requirements, design of direct-mail notice, receipt and processing of opt-outs and objections by potential class members, coordination with the United States Postal Service, claims database management, claim adjudication, fund management, and distribution services. Epiq works with the settling parties, the Court, and the settlement class members in a neutral facilitation role, taking the negotiated terms of a settlement and implementing settlement administration services.

4. In its capacity as Settlement Administrator, Epiq was retained to receive, review, and process the Claim Forms that were submitted, to handle communications and inquiries from potential Class Members, audit claims when necessary, and to otherwise assist Settlement Class Counsel in the administration process.

5. This declaration provides updated administrative information to previous declarations submitted by Cameron Azari.

SUMMARY OF CLAIM FORMS RECEIVED

6. There were three separate rounds of claim filing: December 2, 2019, through March 31, 2020, for the B&L and CVI settlements ("Round One"), January 8, 2021, to April 7, 2021, for the ABB settlement ("Round Two"), and June 23, 2022, through September 19, 2022, for the Alcon and JJVCI settlements ("Round Three"). 36,635 claims were filed in Round One, 45,528 claims were filed in Round Two, and 67,487 claims were filed in Round Three, with all three rounds totaling 149,650 claim submissions. The aggregate amount claimed for these 149,650 claims was \$143,521,533.05. Of the 149,650 claims received by Epiq, 903 claims were disallowed

due to late or foreign entity submission. Of the 148,747 allowed claims, two (2) also had associated timely exclusions requested, 2,071 were determined to be complete duplicate submissions, 18,331 were incomplete and partially payable, and 128,343 were complete and entered into review processing. A total of 86,133 supporting documents were submitted and reviewed.

7. Claim submissions were determined to be incomplete if any of the product purchases claimed were not covered under any Settlement Agreement but other product purchases claimed were Eligible Product Purchases.

DEFICIENCY AND AUDIT PROCESSES

8. Epiq conducted extensive electronic and manual review of claim and supporting documentation submissions, including an intricate multi-layered QA/QC approach involving multiple teams to ensure proper handling, recordation, and dissemination of claim information. After our review of the claim submissions, on November 19, 2022, Epiq sent email communications to 14,231 Claimants with valid email addresses advising them that their claims appeared to be deficient, and of the nature of their claim's deficiency. These Claims were delineated into two respective groups: 14,059 claims were for individuals who did not have any or insufficient supporting documentation for claimed amounts in excess of \$2,000 and 172 claims were from business Claimants. Per the terms of the Settlement Agreements, only purchases of products for personal use and not resale where the prices for such contact lenses were subject to a "Unilateral Pricing Policy" designated inclusion in the Class. Claimants were given thirty (30) days to respond and cure their respective deficiencies. Samples of the templates Epiq used for these deficiency letters are attached as **Exhibit 1**.

9. Additional review and audit of claim submissions identified an additional 2,232 claim submissions with unsubstantiated products' purchase amounts. All Claimants in this group had valid email addresses and email communications were sent

to each individual on January 6, 2023, advising them that their claims appeared to be deficient, and of the nature of their claim's deficiency. As with the initial deficiency notification, Claimants were given thirty (30) days to respond and cure their deficiencies. The template Epiq for this supplemental deficiency letter is attached as **Exhibit 2**.

10. Of the responses to both deficiency notifications received, 644 individual Claimant responses resulted in some claims being partially or fully substantiated. Four business Claimant responses received were sent to Class Counsel and ultimately led to those Four claims being withdrawn.

11. 81,422 claim submissions have been denied for late submission, duplicate submission, submission by business entity, submission by foreign entity, or for lacking any Eligible Product Purchases claimed. Email notifications regarding denial of submission will be sent to claimants with valid email addresses prior to disbursement. The template Epiq used for this email denial notification is attached as Exhibit 3. For claimants without a valid email address, denial notification letters will be sent via regular U.S. mail.

CLAIMS PROCESSING RESULTS

12. As used herein, "Claimed Purchases" refers to the total of all covered product purchases listed on a Claim Form. "Recommended Disallowed Purchases" refers to Claimed Purchases that Epiq recommends be disallowed for one or more of the following reasons: (1) the Claimant failed to provide required information or documentation in support of the purchases; (2) the purchases were made from non-defendants; (3) the purchases were of non-eligible products; (4) the Claimant withdrew its claim; and (5) the purchases were duplicative. "Eligible Product Purchases" is the total amount of Claimed Purchases for products covered by the Settlement Agreements that Epiq recommends for payment, and Claimants with Eligible Product

Purchases are referred to as “Authorized Class Members.” Claimants may participate in some settlements but not others, dependent upon when they submitted their Claim Forms as well as if they excluded themselves from any of the settlements. Additionally, per the terms of this settlement, Claimants can receive payments from a Defendant’s Settlement Fund even if they made no purchases from that Defendant. CVI eligible product purchases are not eligible for participation in the B&L Settlement Fund.

13. For the B&L settlement, 17,326 Claimant submissions were determined to be eligible for participation, with an aggregate Eligible Product Purchase amount of \$7,479,317.46.

14. For the CVI settlement, 19,083 Claimant submissions were determined to be eligible for participation, with an aggregate Eligible Product Purchase amount of \$8,389,846.54.

15. For the ABB settlement, 40,355 Claimant submissions were determined to be eligible for participation, with an aggregate Eligible Product Purchase amount of \$18,275,788.87.

16. For the Alcon settlement, 68,229 Claimant submissions were determined to be eligible for participation, with an aggregate Eligible Product Purchase amount of \$33,437,083.74.

17. For the JJVCI settlement, 68,229 Claimant submissions were determined to be eligible for participation, with an aggregate Eligible Product Purchase amount of \$33,437,083.74.

18. Award payments for Approved Class Members will be made from five (5) separate Net Settlement Funds: the B&L Settlement Fund (\$2,901,043.91), the CVI Settlement Fund (\$535,922.73), the ABB Settlement Fund (\$18,923,468.03), the Alcon Settlement Fund (\$12,709,817.23), and the JJVCI Settlement Fund (\$34,951,997.37). A total of 68,229 Approved Class Members will receive award payments from one (1)

or more Settlement Funds, depending on which settlement(s) to which they made a claim.

19. The total amount of funding to be distributed to these 68,229 Approved Class Members is \$67,200,621.96, which is \$70,022,249.27 (the sum of the amounts set forth in Paragraph 18 above), less the holdback amount of \$2,821,627.31 (described in Paragraph 20 below), which will be distributed to the above Settlement Funds on a *pro rata* basis. This means each Approved Class Member will receive, on average, approximately \$984.93 based on the distribution methodology described herein.

20. Should the Court approve the disbursement, award payments will be made based on *pro rata* calculations for each individual net settlement (*i.e.*, after payment of Court-approved Attorney Fees and Costs, Named Plaintiff Service Awards, and notice and administration expenses, and taxes; and after receipt of interest earned on the Settlement Funds), less a holdback of \$2,821,627.31 to account for not-yet-paid administration and tax expenses in addition to a reserve for any unanticipated expenses.¹ Epiq has calculated the *pro rata* distribution amount for each claim by calculating each Eligible Product Purchase price percentage of the total allowed covered Eligible Product Purchases and applying that percentage to the total dollar value for each applicable Net Settlement Fund available for distribution. Approved Class Member claims where the award amount is less than \$10.00 will have a *de minimis* applied, with the lowest award amount being \$14.25. Epiq is willing to provide these calculations to the Court *in camera* if requested to do so.

21. Epiq will prepare and mail distribution checks to Approved Class

¹ To date, Epiq has been paid roughly \$2.3 million from the Settlement Funds for its work in this case. In addition to the additional notice and administration expenses that Epiq has or will incur for its work in this case, taxes will be owed for interest earned on these Settlement Funds, and Epiq, based on its expertise and experience, recommends holding back an additional amount to account for unexpected expenses. Specifically, and based on Epiq's calculations, Epiq recommends that Class Counsel hold back \$906,082.31 for unpaid notice and administration expenses, \$165,545.00 for potential tax liability, and \$1,750,000.00 (roughly 2.5% of the combined Settlement Funds) for unanticipated expenses.

Members by prepaid First-Class US Mail.

22. Epiq will issue replacement checks upon request by Approved Class Members and respond to inquiries from Approved Class Members about claim and check calculations.

23. To encourage Approved Class Members to cash their award checks promptly and to avoid or reduce future expenses relating to uncashed checks, all award checks will bear the notation “Void if not negotiated within ninety (90) days of date of issue.”

24. For Approved Class Members whose checks are returned as undeliverable, Epiq will attempt to locate new addresses by running the undeliverable addresses through online databases. If a new address is located, Epiq will update the database accordingly and re-issue the award check to the Approved Class Member at the new address.

25. In the event an Approved Class Member loses or damages its check or otherwise requires a new check, Epiq will issue replacement upon receiving written instructions from the Approved Class Member, provided that the Approved Class Member returns the first check where appropriate.

26. Payments to Approved Class Members will be made approximately 30 days after the Court approves disbursement. Award checks will be valid for ninety days after issuance.

CLAIMANT COMMUNICATION

27. From the launch of this settlement administration through May 10, 2023, Epiq has received 17,888 email communications from potential Class Members. Each email has been reviewed, researched, and responded to as required.

28. From July 22, 2022 through May 10, 2023, Epiq has received 2,919 calls to the Interactive Voice Recognition (“IVR”) system, representing 10,053 minutes of

use.

29. From the launch of this settlement administration through May 10, 2023, 12,197 calls to our live call center have been received.

30. From July 22, 2022 through May 10, 2023, the dedicated settlement website (www.contactlenssettlement.com) has received 275,055 unique visits with 977,330 individual page views.

31. Epiq continues to research and respond to all inquiries received and will continue to do so through the conclusion of administration.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on May 30, 2023, at Rio Nido, California.

Jeanne Chernila

Jeanne Chernila

Exhibit 1

Email Notice

Notice of Insufficient Information Submitted

Name: \$\$Key_Name\$\$

Tracking Number: \$\$Tracking_Number\$\$

Total Number of Purchases: \$\$Remark_1\$\$

Total Value Claimed: \$\$Total_RL\$\$

The claim you submitted in connection with class action settlements reached in *In re Disposable Contact Lens Antitrust Litigation* has been reviewed and determined to be incomplete.

Please provide documentation which supports the total number of purchases and total value claimed as noted above. Appropriate documentation includes copies of receipts showing the specific product(s) purchased as well as purchase date, or invoices showing itemized purchases. Any supporting documentation that does not clearly show the product(s) purchased and amount paid for each product will not be accepted. Failure to submit proper supporting documentation will result in the denial of your claim.

Please submit your supporting documentation, along with a copy of this email communication, no later than **December 19, 2022** to the Settlement Administrator at:

Disposable Contact Lens Settlement Administrator

P.O. Box 2995

Portland, OR 97208-2995

Late responses will not be considered.

For more information, call toll-free 1-877-253-3649 or visit www.ContactLensSettlement.com.

Email Notice

Notice of Insufficient Information Submitted

Name: \$\$Key_Name\$\$

Tracking Number: \$\$Tracking_Number\$\$

Total Number of Purchases: \$\$Remark_1\$\$

Total Value Claimed: \$\$Total_RL\$\$

The claim you submitted in connection with class action settlements reached in *In re Disposable Contact Lens Antitrust Litigation* has been reviewed and determined to be incomplete.

Please provide documentation which supports the total number of purchases and total value claimed as noted above. Appropriate documentation includes copies of receipts showing the specific product(s) purchased as well as purchase date, or invoices showing itemized purchases. Any supporting documentation that does not clearly show the product(s) purchased and amount paid for each product will not be accepted. Multi-year invoices are not acceptable supporting documentation. Documentation must show that purchases made were for personal use and not for resale purposes. Failure to submit proper supporting documentation will result in the denial of your claim.

Additionally, as per the Settlement Agreement, you are a member of one or more of the Classes if you purchased disposable contact lenses manufactured by one of the Defendant Manufacturers **for your personal use** (i.e., not for resale), the purchase(s) occurred during the period when the Unilateral Pricing Policy, or UPP, was in effect, and those disposable contact lenses were subject to a UPP. Please provide documentation showing that purchases made were on behalf of and for employee use and not for resale.

Please submit your supporting documentation, along with a copy of this email communication, no later than **December 19, 2022** to the Settlement Administrator at:
Disposable Contact Lens Settlement Administrator
P.O. Box 2995
Portland, OR 97208-2995

Late responses will not be considered.

For more information, call toll-free 1-877-253-3649 or visit www.ContactLensSettlement.com.

Exhibit 2

Email Notice

Notice of Insufficient Information Submitted

Name: \$\$Key_Name\$\$

Tracking Number: \$\$Tracking_Number\$\$

Total Number of Purchases: \$\$Remark_1\$\$

Total Value Claimed: \$\$Total_RL\$\$

The claim you submitted in connection with class action settlements reached in *In re Disposable Contact Lens Antitrust Litigation* has been reviewed and determined to be incomplete.

Please provide documentation which supports the total number of purchases and total value claimed as noted above. Appropriate documentation includes copies of receipts showing the specific product(s) purchased as well as purchase date, or invoices showing itemized purchases. Any supporting documentation that does not clearly show the product(s) purchased and amount paid for each product will not be accepted. Failure to submit proper supporting documentation will result in the denial of your claim.

Please submit your supporting documentation, along with a copy of this email communication, no later than **February 6, 2023** to the Settlement Administrator at:

Disposable Contact Lens Settlement Administrator

P.O. Box 2995

Portland, OR 97208-2995

Late responses will not be considered.

For more information, call toll-free 1-877-253-3649 or visit www.ContactLensSettlement.com.

Exhibit 3

Email Notice

Notice of Claim Determination

Name: \$\$Key_Name\$\$

Tracking Number: \$\$Tracking_Number\$\$

We received the Claim Form(s) you submitted in connection with class action settlements reached in *In re Disposable Contact Lens Antitrust Litigation*. We have determined, based on our review of your Claim(s), that the Claim(s) is/are denied for the reasons identified below. **PLEASE NOTE: This is the only notice you will receive with respect to your Claim(s). This determination is final, irreversible, and cannot be appealed.**

Your Claim(s) has been denied because you either claimed ineligible product purchases, did not meet the criteria for Settlement Class inclusion, did not provide substantiating documentation when requested, or you submitted your Claim(s) after the filing deadline(s).

There is no opportunity to amend your Claim submission at this time, and the Court has approved the final distribution list.

Thank you,
Disposable Contact Lens Settlement Administrator
P.O. Box 2995
Portland, OR 97208-2995
1-877-253-3649
www.ContactLensSettlement.com.