

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
C.A. NO.1684-CV-03611-BLS2

MATTHEW PERLOW, on behalf of himself
and others similarly situated,

Plaintiff,

v.

ABC FINANCIAL SERVICES, INC. and
SEAS & ASSOCIATES, LLC,

Defendants.

**DECLARATION OF ADAM M. STEWART IN SUPPORT OF
PLAINTIFF'S UNOPPOSED MOTION TO APPROVE PLAN OF ALLOCATION AND
AUTHORIZE DISTRIBUTION OF THE NET SETTLEMENT AMOUNT**

I, Adam M. Stewart, hereby state the following under penalty of perjury:

1. I am a senior associate in the law firm of Shapiro Haber & Urmy LLP ("Shapiro Haber"), which represents Plaintiff Matthew Perlow and the putative class in this action.
2. I submit this Declaration in support of Plaintiff's Unopposed Motion to Approve Plan of Allocation and Authorize Distribution of the Net Settlement Amount.
3. On October 9, 2018, Defendants paid \$1,800,000 to my firm for the Settlement Fund. My firm has held that amount in its IOLTA account since that time.
4. When this Court allowed the motion for final approval of the Settlement, it authorized payment of the \$600,000 Fee Award to Class Counsel, \$10,000 as a Service Award to Plaintiff and to effectuate the Settlement pursuant to its terms. Paper No. 26.

5. To date, \$610,000 has been paid out of the Settlement Fund as follows:
 - a. The \$600,000 Fee Award has been paid to Class Counsel; and
 - b. The \$10,000 Service Award has been paid to Plaintiff.
6. The Settlement Administrator, Analytics Consulting LLC, has incurred \$39,580.72 in fees and expenses in connection with the administration of the Settlement through December 31, 2018, including the sending of notice to the Settlement Class. The Settlement Administrator anticipates incurring up to \$80,074.70 in additional costs in connection with the remaining administration of the Settlement, including the distribution of the Net Settlement Amount to the Settlement Class Members. The Settlement Administrator has agreed to cap its fees and expenses for the administration of the Settlement at that total of \$119,655.42. As a result, Plaintiff proposes to reserve that amount from the Settlement Fund for the settlement administration costs.
7. This total of \$119,655.42 for the settlement administration costs and expenses is \$34,633.58 less than initially estimated for the administration of the Settlement.
8. After accounting for the forgoing amounts, there would be \$1,070,344.58 available as the Net Settlement Amount to be distributed to the Settlement Class.
9. Under Plaintiff's proposed plan of allocation, this Net Settlement Amount would be distributed to 79,849 Settlement Class Members who made a payment to ABC and received two or more LD0 letters on a pro rata basis in relation to the total number of LD0 letters received by all Settlement Class Members.
10. Under this allocation, these 79,849 Settlement Class Members would be entitled to a payment ranging from \$9.37 for those that received two LD0 letters up to a maximum of \$145.20 for those that received 31 LD0 letters.
11. While the Settlement originally contemplated a \$10.00 *de minimis* threshold for payments to Settlement Class Members, the settlement administration costs have been less than

anticipated to date because, among other things, there were less Settlement Class Members than originally estimated once duplicate account entries were removed from the Class List. In addition, Defendants were able to provide email addresses for more Settlement Class Members than originally expected, which reduced the costs of sending notice by mail.

12. Lowering the *de minimis* threshold to allow for payments of \$9.37 will result in an additional 46,442 Settlement Class Members receiving a payment from the Net Settlement Amount than if the *de minimis* threshold were to remain at \$10.00.

13. If the Court approves the proposed plan of allocation and authorizes distribution of the Net Settlement Amount as set forth in Plaintiff's motion, my firm and the Settlement Administrator would work to effectuate the distribution promptly with the Settlement Administrator issuing checks to the eligible Settlement Class Members by mail and the checks being valid for 90 days from their issuance.

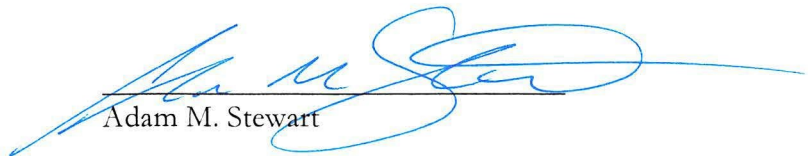
14. On October 23, 2018, pursuant to Mass. R. Civ. P. 23(e), my firm gave notice of the Settlement to the Massachusetts IOLTA Committee to allow the committee to be heard on whether it ought to be a recipient of any or all residual funds in the event the Court were to grant final approval to the Settlement and any residual funds remained following distribution. I subsequently spoke with representatives of the Massachusetts IOLTA Committee as well as representatives of the National Consumer Law Center, and those entities have agreed to and join in Plaintiffs' request that any residual funds remaining following distribution of the Net Settlement Amount be paid equally to the Massachusetts IOLTA Committee and the National Consumer Law Center.

Signed under the penalties of perjury this 7th day of March, 2019.


Adam M. Stewart (BBO#661090)
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Certificate of Service

I hereby certify that a true copy of the above document was served upon counsel of record for Defendants by e-mail on March 7, 2019. I also certify that a copy of the above document was sent to counsel for the Massachusetts IOLTA Committee and the National Consumer Law Center by e-mail on March 7, 2019.


Adam M. Stewart