

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**FRENZETTA WILSON, *et al.***

**PLAINTIFF**

**v.**

**Case No. 4:20-cv-00152 KGB**

**SANTANDER CONSUMER USA, INC.**

**DEFENDANT**

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

I, JENNIFER M. KEOUGH, declare and state as follows:

1. I am the Chief Executive Officer of JND Legal Administration LLC (“JND”). JND is a legal administration services provider with its headquarters located in Seattle, Washington. JND has extensive experience with all aspects of legal administration and has administered settlements in hundreds of class action cases.

2. JND is serving as the Settlement Administrator<sup>1</sup> in the above-captioned litigation (“Action”) for the purposes of administering the Settlement Agreement and Release (“Settlement Agreement”) preliminarily approved by the Court in its Order (“Preliminary Approval Order”), dated June 1, 2022.

3. This Declaration is based on my personal knowledge, as well as upon information provided to me by experienced JND employees, and if called upon to do so, I could and would testify competently thereto.

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<sup>1</sup> Capitalized terms used and not otherwise defined herein shall have the meanings given to them in the Settlement Agreement and Release.

**CAFA NOTICE**

4. In compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, JND compiled a CD-ROM containing the following documents:

- a. Class Action Complaint, including attachments, filed on February 14, 2020.
- b. Unopposed Motion for Preliminary Approval of Class Action Settlement, filed April 12, 2022.
- c. Memorandum of Law in Support of Unopposed Motion for Preliminary Approval of Class Action Settlement, filed April 12, 2022.
- d. Settlement Agreement and Release, filed April 12, 2022.
- e. CAFA Count by State.
- f. CAFA Service List.

5. The CD-ROM was mailed April 22, 2022 to the appropriate Federal and State officials identified in the attachment with an accompanying cover letter, a copy of which is attached hereto as **Exhibit A**.

**CLASS MEMBER DATA**

6. On June 9, 2022, Defendant provided JND an electronic file containing the names, mailing addresses, and other contact information for individuals identified as potential Class Members. On July 11, 2022, Defendant provided an updated file that also included number of payments and amount of payments. The class data contained a total of 35,289 records. The 35,289 records were promptly loaded into the database established for this administration.

7. Prior to commencing the Postcard Notice mailing, JND updated the contact information for 689 Class Member records using the National Change of Address (“NCOA”) database.<sup>2</sup> A mailing address could not be located for 14 Class Member records.

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<sup>2</sup> The NCOA database is the official United States Postal Service (“USPS”) technology product which makes change of address information available to mailers to help reduce undeliverable mail pieces before mail enters the mail stream. This product is an effective tool to update address changes when a person has completed a change of address form with the USPS. The address information is maintained in the database for 48 months.

**NOTICE MAILING**

8. On July 26, 2022, JND mailed the Court-approved Postcard Notice via first-class U.S. mail to the 35,289 Class Members on the Class List. A representative copy of the Postcard Notice is attached as **Exhibit B**.

9. As of August 9, 2022, JND tracked 910 Postcard Notices that were returned as undeliverable without a forwarding address, and 689 Postcard Notices that were forwarded to an updated address provided by USPS.

10. As of the date of this declaration, 35,068 Class Members were mailed a Notice which was not returned as Undeliverable, representing 99.37% of the total Class Member population.

**TOLL-FREE NUMBER**

11. On July 26, 2022, JND activated a case-specific toll-free telephone number, 1-844-202-9491, for Class Members to call to obtain information about the Settlement. The toll-free number is available 24 hours a day, seven days a week.

12. As of August 9, 2022, JND has received 528 calls to the toll-free number. JND will continue to host the toll-free number for the duration of the settlement administration.

**SETTLEMENT WEBSITE**

13. On July 26, 2022, JND established a dedicated, case-specific Settlement Website, ([www.TexasFeeSettlement.com](http://www.TexasFeeSettlement.com)), which hosts copies of important case documents including the Long Form Notice, the Complaint, the Settlement Agreement, and the Preliminary Approval Order.

14. As of August 8, 2022, JND has tracked 850 unique visitors who registered 1,874 pageviews. JND will continue to maintain the Settlement Website for the duration of the settlement administration.

**EXCLUSIONS RECEIVED**

15. The Notice states that any Class Member who would like to exclude themselves from the Settlement must submit a timely postmarked exclusion letter to the Settlement

Administrator no later than August 29, 2022.

16. As of August 9, 2022, JND has not received any exclusion requests.

**OBJECTIONS RECEIVED**

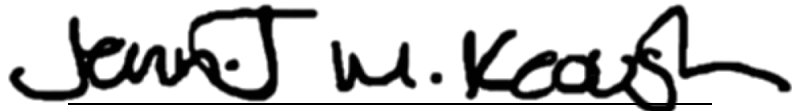
17. The Class Notice states that any Class Member may submit an objection by sending a timely postmarked objection letter to Class Counsel, Defense Counsel, and the Court by August 29, 2022.

18. As of August 9, 2022, JND has not received, and is not aware of, any objection submitted by Class Members.

**SETTLEMENT ADMINISTRATION COSTS**

19. JND estimates that it will incur \$100,382 for notice mailing, website development, distribution, and general administration responsibilities as outlined in the Settlement Agreement.

Executed on August 12, 2022 at Seattle, Washington.

A handwritten signature in black ink, appearing to read "Jennifer M. Keough", written over a horizontal line.

JENNIFER M. KEOUGH

# **EXHIBIT A**

McGuireWoods LLP  
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Tel 412.667.6000  
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www.mcguirewoods.com

McGUIREWOODS

April 22, 2022

**Class Action Fairness Act – Notice to Federal and State Officials**

**Re: *Frenzetta Wilson et al. v. Santander Consumer USA Inc.***  
**Civ. A. No. 4:20-cv-00152-KGB**

Dear Sir or Madam:

We represent Defendant Santander Consumer USA Inc. (“SC” or “Defendant”) in the above-captioned action (the “Wilson Action”). Pursuant to 28 U.S.C. § 1715, this notice is to inform you of a proposed class action settlement of the Wilson Action—a lawsuit currently pending in the United States District Court for the Eastern District of Arkansas, Central Division (Baker, J.). The lawsuit asserts allegations that SC improperly charged convenience fees to consumers who have a car loan with SC with a Texas choice of law provision each time they paid their car loan payments by telephone, IVR, or the internet. Plaintiffs asserted a single claim against SC for violation of the Texas Debt Collection Act (“TDCA”).

In accordance with 28 U.S.C. § 1715(b), settling Defendant SC states as follows:

- 1) The complaint in the Wilson Action, as well as all attachments thereto, are contained on the enclosed CD. In addition, the complaint and all other pleadings and records filed in the Wilson Action are available on the Internet through the federal government’s Pacer service at <https://ecf.ared.uscourts.gov/cgi-bin/login.pl>. Additional information about the Pacer service may be found at <https://pcl.uscourts.gov>.
- 2) At this time, the Court has not ruled on preliminary approval of the parties’ proposed class action settlement (“Preliminary Approval Order”). The motion seeking preliminary approval, along with all of the attachments to it, is included on the enclosed CD. At this time, the hearing for final approval of the settlement has not been scheduled.
- 3) The proposed form of direct notice to class members and the long-form notice that will be placed on the settlement website, both of which provide notice of the proposed settlement and each class member’s right to request exclusion from the class action, are included on the enclosed CD.

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- 4) The parties' proposed class action settlement agreement dated as of September 25, 2020, including all exhibits ("Settlement Agreement"), is included on the enclosed CD. The proposed Preliminary Approval Order asks the Court to find that the proposed settlement "falls within the range of possible judicial approval" and was the product of "extensive arm's length negotiations" between the Parties and their counsel and to preliminarily approve it as fair, reasonable, and adequate.
- 5) There are no additional agreements between class counsel and counsel for Defendant SC, other than those reflected in the Settlement Agreement.
- 6) No final judgment or notice of dismissal has yet been entered in the Wilson Action.
- 7) The whole of the share of claims at issue in the Wilson Action, as well as all of the benefits contemplated in the Settlement Agreement, pertain to all persons in the U.S. who have a car loan with SC with a Texas choice of law provision. At this juncture, it is not feasible to provide the name and state of residence for each of the estimated 35,001 class members covered by the proposed settlement, or the proportionate share of the settlement amount that each class member is eligible to receive, as that calculation remains underway.

The proportionate share of the settlement fund consisting of \$800,000 is dependent upon the Settlement Class Member's proportionate share of the Settlement Fund relative to the total dollar amount of convenience fees paid by the Settlement Class Member, certain matters to be determined by the Court at the final approval hearing (including, for example, the amount of attorneys' fees and litigation costs, if any, to award to class counsel and the amount of any class representative award to Plaintiffs), whether certain class members cannot be located, and certain other matters that will not be known until the time of the final approval hearing (including, for example, the number of class members that request exclusion from the Wilson Action).

As set forth more fully in the Settlement Agreement, SC will also request to delete the tradelines associated with any Accounts with SC, as it relates to Plaintiffs or any Settlement Class Member.

At this time, SC is able to provide an estimate of the number of class members residing in each state, which is on the enclosed CD.

- 8) No written judicial opinions have been issued relating to the proposed settlement as of this date.

\* \* \* \* \*

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If you have questions about this notice, the settlement, or the enclosed materials, or if you do not receive any of the above-listed materials, please contact us.

Thank you for your attention to this matter.

Sincerely,

**MCGUIREWOODS LLP**

/e/ K. Issac DeVyver

K. Issac DeVyver

*Counsel for Santander Consumer  
USA Inc.*

CC: All Addressees Listed in Attachment A hereto.

Attachment and Enclosure



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# **EXHIBIT B**

*Frenzetta Wilson et al.*

v.

*Santander Consumer*

*USA Inc.*

**Class Action Notice**

Opt Out Deadline:

August 29, 2022

*Frenzetta Wilson et al.*  
*Santander Consumer USA Inc.*  
c/o JND Legal Administration  
PO Box 91451  
Seattle, WA 98111



Postal Service: Please do not mark barcode

**LIST ID**

[First][Last]

[Address1]

[Address2]

[City], [State], [Zip Code]

A settlement has been reached in a class action lawsuit, *Elizabeth Wilson et al. v. Santander Consumer USA Inc.*, alleging violation of the Texas Debt Collection Act. Plaintiffs contend that Santander Consumer USA Inc. (“SC”) improperly charged customers a convenience fee each time they paid their car loan payments by telephone, IVR or the internet. SC denies that it violated any law but has agreed to the Settlement to avoid the expenses associated with continuing the litigation. This Notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please review the Settlement Agreement and “Long Form” Notice of Settlement, available at [www.texasfeesettlement.com](http://www.texasfeesettlement.com).

**Am I a Class Member?** SC’s records indicate you are a Class Member because you have a car loan with SC with a Texas choice of law provision and since January 13, 2016, you paid a convenience fee to SC for making your car loan payment by telephone, interactive voice response (IVR), or the internet.

**What Can I Get?** If the Settlement is approved by the Court, and you do not opt out, you will receive a cash payment and credit repair.

**How Do I Receive These Benefits?** If you are a Class Member and do not opt out, these benefits are automatic. You need simply wait and not exclude yourself from the Settlement Class and you will receive these benefits.

**How Would I Exclude Myself or Object?** You may exclude yourself from the Settlement Class by mailing a written notice to the Settlement Administrator by **August 29, 2022**. If you exclude yourself, then you cannot receive any settlement benefits, but you do not release any potential rights you may have relating to the legal issues in the lawsuit. In the alternative, if you do not exclude yourself, then you or your lawyer may file a written objection and/or appear before the Court and object to the Settlement. Your written objection must be filed with the Court no later than **August 29, 2022**. Specific instructions on how to object to or exclude yourself from the Settlement are available at [www.texasfeesettlement.com](http://www.texasfeesettlement.com).

**Who Represents Me?** The Court has appointed lawyers from Carney, Bates, & Pulliam, PLLC to serve as Class Counsel. They will petition to be paid their legal fees and reasonable legal expenses in pursuing the lawsuit. You may hire your own lawyer at your own expense if you so choose.

**When Will the Court Consider the Settlement?** The Court will hold a final approval hearing on **October 13, 2022** at 10.a.m. at United States District Court – Eastern District of Arkansas, 500 West Capitol Avenue, Courtroom 4D, Little Rock, AR 72201. At that hearing, the Court will hear any objections concerning the fairness of the Settlement and decide whether to approve the requested attorneys’ fees and the requested Class Representative payments.

**How Do I Get More Information?** For more information, go to [www.texasfeesettlement.com](http://www.texasfeesettlement.com) or contact the Settlement Administrator at 1-844-202-9491.