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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

CHEYNE NORMAN and SOPHIE  
WESCOTT, et al.,

Plaintiff,

vs.

NISSAN NORTH AMERICA, INC.,

Defendant.

Case No. 3:18-cv-0534

CLASS ACTION

**DECLARATION OF LANA LUCCHESI  
RE: NOTICE PROCEDURES**

1 I, LANA LUCCHESI, declare and state as follows:

2  
3 1. I am a Director with KCC Class Action Services, LLC (“KCC”), located at 3301  
4 Kerner Boulevard, San Rafael CA 94901. Pursuant to the Preliminary Approval Order of Class  
5 Action Settlement (the “Preliminary Approval Order”) dated July 16, 2019, the Court appointed  
6 KCC as the Claims Administrator in connection with the proposed Settlement of the above-  
7 captioned Action.<sup>1</sup> I have personal knowledge of the matters stated herein and, if called upon,  
8 could and would testify thereto.

9 **CAFA NOTIFICATION**

10 2. In compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. Section  
11 1715, KCC compiled a CD-ROM containing the following documents: Unopposed Motion for  
12 Preliminary Approval [Dkt. No. 69], [Proposed] Preliminary Approval Order [Dkt. No. 69-1],  
13 Memorandum in Support of Preliminary Approval [Dkt. No. 70], Declaration of Cody Padgett  
14 [Dkt. No. 71], Settlement Agreement filed in this Action [Dkt. No. 71-2], Exhibit A – Expedited  
15 Resolution Notice [Dkt. No. 71-3], Exhibit B – Claim Form [Dkt. No. 71-4], Exhibit C – Long  
16 Form Notice [Dkt. No. 71-5], Exhibit D – Summary Notice [Dkt. No. 71-6], Exhibit E - Proposed  
17 Preliminary Approval Order [Dkt. No. 71-7], Exhibit F – Proposed Final Approval Order and  
18 Judgment [Dkt. No. 71-8], Declaration of KCC’s Carla Peak [Dkt. No. 74], Class Action  
19 Complaint [Dkt. No. 1], First Amended Class Action Complaint [Dkt. No. 64], and Second  
20 Amended Class Action Complaint [Dkt. No. 77], which accompanied a cover letter and Exhibit  
21 A, an identification of all CAFA recipients (collectively, the “CAFA Notice Packet”). A copy of  
22 the cover letter and identification list is attached hereto as Exhibit 1.

23 3. On June 27, 2019, KCC caused fifty-eight (58) CAFA Notice Packets to be mailed  
24 via Certified Mail from the U.S. Post Office in Memphis, Tennessee to the parties listed on  
25 Exhibit 2, *i.e.*, the U.S. Attorney General, the Attorneys General of each of the 50 States and the  
26 District of Columbia, the Attorneys General of the 5 recognized U.S. Territories, as well as

27  
28 <sup>1</sup> All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in  
the Settlement Agreement, dated June 7, 2019 (the “Settlement Agreement”) and/or the  
Preliminary Approval Order.

1 parties of interest to this Action.

2 4. In further compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C.  
3 Section 1715, KCC drafted a supplemental notification providing an estimate of potential class  
4 members by state of residence accompanied by a cover letter and Exhibit A, which identified all  
5 Supplemental CAFA recipients (collectively, the “Supplemental CAFA Notice”). A copy of the  
6 supplemental cover letter and recipient identification list are attached hereto as Exhibit 3.

7 5. On November 25, 2019, KCC caused fifty-eight (58) CAFA Notice Packets to be  
8 mailed via Certified Mail from the U.S. Post Office in Memphis, Tennessee to the parties listed  
9 on Exhibit 4, *i.e.*, the U.S. Attorney General, the Attorneys General of each of the 50 States and  
10 the District of Columbia, the Attorneys General of the 5 recognized U.S. Territories, as well as  
11 parties of interest to this Action.

12 6. On November 18, 2019, KCC received communication from the Office of the  
13 Attorney General of Washington acknowledging receipt of the original CAFA Notice Packet,  
14 mailed June 27, 2019. A copy of that communication is attached hereto as Exhibit 5.

15 7. As of the date of this declaration, KCC has received no further response to the  
16 CAFA Notice Packet or Supplemental CAFA Notice Packet from any of the recipients identified  
17 in paragraphs 3 or 5 above.

18 **CLASS LIST**

19 8. On August 1, 2019, Defendant provided KCC with Vehicle Identification Number  
20 (VIN) information for all Class Vehicles. Using this VIN information provided by Nissan, KCC  
21 utilized the services of a third-party vendor, IHS Markit, formerly known as R.L. Polk (“IHS”), to  
22 obtain mailing address data for the Settlement Class in preparation for mailing. A total of 236,337  
23 records were returned by IHS. An additional 762 records were provided by Nissan directly. These  
24 supplemental records represent the information Nissan was able to pull for the VINs for which  
25 IHS returned with missing name and/or address information. The total records on the Class  
26 Member List is 237,099.

27 9. KCC identified and withheld 6,521 records from the Notice Mailing but  
28

1 maintained in the Class Member List. These records were withheld because they were records  
2 related to a Nissan facility.

3 10. IHS caused the addresses in the Class Member List to be updated using the  
4 National Change of Address database (“NCOA”) maintained by the U.S. Postal Service  
5 (“USPS”). A total of 27,878 addresses were found and updated. Upon receipt of the mailing  
6 address data for the Settlement Class provided by IHS, KCC entered the Class Member List  
7 information into its proprietary database and prepared a data file for the initial mailing.

8 **MAILING OF THE SETTLEMENT NOTICE PACKET**

9 11. On November 1, 2019, KCC caused the Postcard Notice to be printed and mailed  
10 to the 230,578 names and mailing addresses in the Class List. A true and correct copy of the  
11 Postcard Notice is attached hereto as Exhibit 6.

12 12. Since mailing the Postcard Notice to the Class Members, KCC has received 3,553  
13 Postcard Notices returned by the USPS with forwarding addresses. KCC promptly caused  
14 Postcard Notices to be re-mailed to the forwarding addresses supplied by the USPS.

15 13. Since mailing the Postcard Notices to the Class Members, KCC has received  
16 13,923 Postcard Notices returned by the USPS with undeliverable addresses. Through credit  
17 bureau and/or other public source databases, KCC performed address searches for these  
18 undeliverable Postcard Notices and was able to find updated addresses for 1,586 Class Members.  
19 KCC promptly re-mailed Postcard Notices to the found new addresses.

20 **SETTLEMENT WEBSITE**

21 14. On or about October 30, 2019, KCC established a website  
22 [[www.JukeCVTSettlement.com](http://www.JukeCVTSettlement.com)] dedicated to this proposed settlement to provide information to  
23 the Class Members and to answer frequently asked questions. The website URL was set forth in  
24 the Postcard Notice, Long-Form Notice, and Claim Form. Visitors of the website can download  
25 copies of the Long-Form Notice, Claim Form, and other case-related documents. Visitors can  
26 also submit claims online and upload supporting documentation. As of January 23, 2020, the  
27 website has received 12,008 visits.  
28

1 **TELEPHONE HOTLINE**

2 15. KCC established and continues to maintain a toll-free telephone number (1-855-  
3 445-9433) for potential Class Members to call and obtain information about the Settlement,  
4 and/or request a Long Form Notice and Claim Form. The telephone hotline became operational  
5 on October 30, 2019, and is accessible 24 hours a day, 7 days a week. As of January 23, 2020,  
6 KCC has received a total of 3,328 calls to the telephone hotline.  
7

8 **CLAIM FORMS**

9 16. The postmark deadline for Class Members to submit a claim in this matter is  
10 January 30, 2020, or within thirty (30) days of a Qualifying Repair for which the Class Member  
11 seeks reimbursement of the portion of parts and labor actually paid by the Class Member,  
12 whichever is later. To date, KCC has received 441 timely-filed claim forms. KCC expects  
13 additional timely-filed claim forms to arrive over the next few weeks. KCC has not yet reviewed  
14 the claim forms and supporting information for validity.  
15

16 **REPORT ON EXCLUSION REQUESTS RECEIVED TO DATE**

17 17. The Notice informs Class Members that any request for exclusion from the  
18 Settlement Class must be postmarked no later than February 7, 2020. As of the date of this  
19 declaration, KCC has received six (6) requests for exclusion. A list of the Class Members  
20 requesting to be excluded is attached hereto as Exhibit 7.  
21

22 **OBJECTIONS TO THE SETTLEMENT**

23 18. The receipt deadline for Class Members to object to the settlement is February 7,  
24 2020. The Notice informs Class Members to file objections within the Court and serve the Parties  
25 through counsel. Accordingly, Class Members should not send objections to KCC. As of the date  
26 of this declaration, KCC has not received any objections to the settlement.  
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28 I declare under penalty of perjury under the laws of the United States of America that the

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foregoing is true and correct.

Executed on January 23<sup>rd</sup> at San Rafael, California.

  
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LANA LUCCHESI