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17 **UNITED STATES DISTRICT COURT**

18 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

19 DAKOTA MEDICAL, INC., individually,  
20 and on behalf of all others similarly  
situated,

21 Plaintiff,

22 v.

23 REHABCARE GROUP, INC., *et al.*,

24 Defendants.

Case No.: 1:14-cv-02081-DAD-BAM

**Hon. Dale A. Drozd**

**Declaration of Kenneth Jue on Behalf of  
Settlement Administrator in Support of  
Motion for Final Approval**

**[Fed. R. Civ. P. 23]**

Date: Sept. 7, 2017  
Time: 9:30 A.M.  
Courtroom: 5

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26  
27  
28 ///

1 I, Kenneth Jue, declare:

2  
3 1. I am employed as a senior project manager of the Class Action Group at  
4 KCC, LLC. KCC serves as the court-appointed administrator of the *RehabCare Group*  
5 class settlement. I am responsible for overseeing the administrative services provided in  
6 this settlement. I have personal knowledge of the facts set forth herein and, if called as a  
7 witness, could and would testify competently thereto.

8  
9 2. On April 26, 2017 the parties provided a “Master Facsimile Transmission  
10 Database” of class members to KCC. The database contained 12,867 line entries  
11 populated by telephone numbers. For 11,967 line entries, there was a name and address  
12 also listed.

13  
14 3. Commencing on May 10, 2017, KCC sent the Notice and Class Member  
15 Information Form (“CMIF”) via fax to 12,867 class members at all telephone numbers  
16 listed in the MFTD. The CMIF asked members to update their contact information and  
17 included a substitute Form W-9. For class members for whom a name or address was  
18 missing in the MFTD, KCC sent an alternative version of the CMIF. The alternative form  
19 explained that because complete name and address information was missing, it was  
20 necessary for the class member to complete the form in order to receive payment under the  
21 settlement. Of the 12,867 attempted transmissions, 10,898 were successfully transmitted.

22  
23 4. KCC had or was able to obtain address information for 1,855 out of 1,969  
24 class members for whom facsimile notice was unsuccessful. On May 17, 2017, KCC  
25 mailed the Notice and CMIF to the 1,855 class members through the United States Postal  
26 Service (“USPS”).

27  
28 5. To date, the USPS has returned as undeliverable 276 mailed Notices and

1 CMIFs. KCC ran a search for an updated address for these 276 class members and  
2 updated and re-mailed the Notice and CMIF to 12 class members. To date, none of these  
3 12 re-mailed Notice and CMIFs have been returned as undeliverable.

4  
5 6. In sum, KCC delivered the Notice and accompanying CMIF to 12,489 of the  
6 12,867 class members: 10,898 by facsimile and 1,591 by mail through the USPS.

7  
8 7. On May 10, 2017, the Settlement Website, located at  
9 [www.RehabCareSettlement.com](http://www.RehabCareSettlement.com), went online. On the website, visitors can view copies of  
10 the CMIF, IRS W-9 Form, Notice, Settlement Agreement, and other court documents, as  
11 well as read Frequently Asked Questions (and their answers), and look up whether a fax  
12 number may be eligible under the settlement. On July 21, 2017, the website was updated  
13 to allow class members to submit a substitute W-9 Form electronically. As of July 31,  
14 2017, there have been 2,190 visitors to the website.

15  
16 8. On May 10, 2017, the Settlement Phone Line, 866-683-9606, became active.  
17 Callers can speak to a live operator during business hours regarding questions they have  
18 about the case. As of July 31, 2017, there have been 28 calls to the Settlement Phone Line.

19  
20 9. The deadline for class members to submit a request for exclusion (“opt-out”)  
21 from the class was July 14, 2017. To date, KCC has received a timely opt-out request  
22 from one class member, Robinson Health Care of North Little Rock, Arkansas. (Robinson  
23 was credited with 286 shares in the MFTD.)

24  
25 10. As of this date, no class member has notified KCC that he or she objects to  
26 the settlement.

27  
28 11. The deadline for class members to submit a completed CMIF to provide an

1 updated mailing address is September 7, 2017. As of July 29, 2017, KCC has received 272  
 2 CMIFs. There are 604 class members whom KCC does not have sufficient information to  
 3 provide payment because either the name or address is missing. These 604 class members  
 4 would be eligible for 22,640 shares if their names and addresses were provided.

5  
 6 12. If the distribution were held today, 12,262 class members would be sent  
 7 settlement checks from KCC. This represents the original 12,867 class members, minus  
 8 the 604 class members for whom we lack name or address information and the one  
 9 member that elected to opt-out. The 12,262 eligible class members would be credited with  
 10 a total of 2,234,675 shares under the settlement.

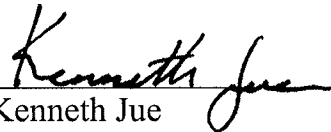
11  
 12 13. I have prepared a projection of the settlement accounting and distribution  
 13 based on current data. My estimate assumes about \$100,000 for total cost of notice and  
 14 settlement administration, and that the motions for attorneys' fees and expenses and  
 15 incentive payment to the class representative are granted in full. The following shows the  
 16 projection:

Gross settlement payment	25,000,000.00
Deductions	
Notice/settlement administration	(100,000.00)
Attorneys' fees	(8,333,333.00)
Attorneys' expenses	(137,837.54)
Class representative payment	(15,000.00)
Net distribution to class	16,413,829.46

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I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed on this thirty-first day of July 2017 at San Rafael, California.

  
Kenneth Jue

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