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9 *Counsel for Plaintiffs and the Proposed*  
10 *Settlement Class*

11  
12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **FOR THE COUNTY OF SAN MATEO**

14 ALABAMA DOE 1, ALABAMA DOE 2,  
15 INDIANA DOE, MISSOURI DOE, AND  
16 FLORIDA DOE, Individually and on Behalf of  
17 All Others Similarly Situated,

18 Plaintiffs,

19 vs.

20 GILEAD SCIENCES, INC.,

21 Defendant.

22 Case No.: 20-CIV-03699

23 **DECLARATION OF SCOTT M.**  
24 **FENWICK OF KROLL SETTLEMENT**  
25 **ADMINISTRATION**

26 Dept: 22  
27 Judge: Hon. Danny Chou

28 CLASS ACTION

Action Filed: September 1, 2020  
Trial Date: None Set





1 envelope of appropriate and sufficient stock and with no transparent window in order to obscure the  
2 contents of the envelope; (b) using a return address on the outside of the envelope with no identifying  
3 information other than the name of the Settlement Administrator, a P.O. Box, City, State and Zip  
4 Code; (c) by including a statement on the front of the envelope stating that it contains “Confidential  
5 Legal Information – To Be Opened Only By The Addressee”; (d) using a protective cover page that  
6 folds around the Notice of Class Action Settlement and that identifies that the information being  
7 provided therein is confidential and solely for reading by the Settlement Class Member; (e) by using  
8 paper stock for the cover page that will protect the confidentiality of the contents of the envelope from  
9 being read through the envelope; and (f) for emailed notice, by using the subject line “Confidential  
10 Legal Information – To Be Read Only By The Named Email Recipient.”

#### 11 **Technical Controls, Data Security**

12 9. Kroll is an industry leader in data security. Kroll’s practices and protocols comply  
13 with all privacy laws, including the California Consumer Privacy Act (CCPA), the Health Insurance  
14 Portability and Accountability Act (HIPAA), the General Data Protection Regulation (GDPR), and  
15 the Data Protection Act of 2018. Additionally, Kroll maintains numerous industry certifications  
16 related to data security, including SOC2 and ISO 2700 certification. Kroll has technical, physical,  
17 and procedural protocols and safeguards in place to ensure the security and privacy of Settlement  
18 Class Member data. These include standards related to data retention and document destruction; fully  
19 redundant environmental systems and redundant storage; regular audits; and documented plans for  
20 both incident and crisis response, including breach protocols and physical controls. Kroll’s  
21 information security program includes vulnerability management, compliance, security monitoring  
22 and security engineering supported by a team of information security professionals, including a Chief  
23 Information Security Officer and Chief Privacy Officer.

24 10. Access to the Settlement Class Member data and the Settlement database will only be  
25 assigned/granted to Kroll employees that will be specifically assigned to administer the Settlement.  
26 Employees will be trained on the legal duties and obligations under the Settlement and will be  
27 instructed that the information they receive is to be used in accordance with federal, state and local  
28 laws and solely for the purposes of administering the Settlement.

1 **Business/Liability Insurance**

2 11. Kroll maintains standard business insurance, including professional liability  
3 insurance, cyber insurance, and crime insurance.

4 **Administrative and Ethical policies**

5 12. Kroll has administrative and ethical policies that all employees are required to follow.  
6 These include, but are not limited to:

- 7
- 8 • Pre-hire background checks;
  - 9 • Controls for accessing systems, data and applications, along with processes for  
10 assigning access;
  - 11 • Annual Code of Ethics training and certification;
  - 12 • Annual Information Security training and certification; and
  - 13 • Privacy law training for all staff.

14 **Crisis and Risk Management**

15 13. Kroll has defined and tested incident response and disaster recovery plans that it  
16 employs across the organization. Should an incident occur, Kroll will take immediate action, which  
17 will include notification to clients and claimants of the incident consistent with privacy laws and  
18 regulations or as otherwise provided in any contractual agreements with its clients. Kroll also has  
19 detailed vendor on-boarding and management policies.

20 **Physical Access Controls**

21 14. Security keycard access is required to enter Kroll's facilities. Additionally, keycard  
22 access is required for employees to use the facility elevators and to enter Kroll's office spaces.

23 **Data Collection, Retention and Destruction**

24 15. Kroll only requires the collection of data necessary to effectively administer the  
25 Settlement. Kroll does not and will not share Settlement Class Member data with third parties unless  
26 authorized or directed to do so by the parties or the Court. Internally, access to data is limited to only  
27 those employees working on the particular matter. In addition, Kroll has standard practices for data  
28 retention and destruction. However, to the extent there are data retention and destruction

1 requirements specific to the Settlement that differ from Kroll's standard policies, Kroll will follow  
2 the Settlement guidelines.

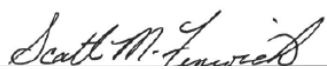
3 16. In order to comply with IRS regulations, if a Settlement Payment exceeds \$600 for an  
4 individual, Kroll is required to provide a 1099-MISC form, which requires the individual's Social  
5 Security Number.

6 **Settlements Administered**

7 17. Kroll has administered settlements similar in nature to this proposed settlement or  
8 involving highly confidential data and/or related to healthcare entities. The following is a list of  
9 exemplary healthcare settlements Kroll has administered:

- 10 • *John Doe One v. CVS Healthcare Corporation.*: Case No: 2:18-cv-00238-EAS-  
11 CMV. United States District Court, Southern District of Ohio, Eastern Division.
- 12 • *A. Doe v. A.J. Boggs & Company*: Case No.: CGC-18-565456. Superior Court of  
13 the State of California, for the County of San Francisco.
- 14 • *Dumay v. Episcopal Health Services*: Case No.: 715629/2019. Supreme Court of  
15 the State of New York, County of Queens.
- 16 • *Jeffrie Allan Summer II v. Sea Mar Community Health Centers*: Case No.: 22-2-  
17 00773-7-SEA. Superior Court of the State of Washington, in and for the King  
18 County.
- 19 • *Myshka v. Wolfe Eye Clinic, P.C.*: Case No. 02641 CVCI011151. Iowa District  
20 Court in and for Marshall County.

21 I declare under penalty of perjury under the laws of the State of California that the above is  
22 true and correct to the best of my knowledge and that this declaration was executed on December 21,  
23 2022, in Woodbury, Minnesota.

24  
25  
26   
27 Scott M. Fenwick  
28

# Exhibit A



# Settlement Administration Services

Kroll provides innovative technology and consulting services for class action, mass tort, regulatory remediation and government claims administration.

We are raising the bar in class action, mass tort, regulatory and government claims administration. With our proprietary technology, security, and global resources, coupled with our team's 50+ years of legal administration expertise, we offer unmatched solutions and capacity for even the most complex settlements anywhere in the world.

## Why partner with Kroll for your settlement administration needs?

- Unrivaled Data Security and Technology.**  
 Our cutting-edge proprietary technology platforms are built to handle any case, no matter the size or complexity. Through our innovative technology and our unrivaled data security measures, we create custom solutions, including a real-time case statistics dashboard, while providing clients with unlimited scalability in our secure, certified environment. Nothing is more important than protecting the confidentiality and integrity of customer data while meeting or exceeding regulatory requirements. Our clients can have the utmost confidence when working with Kroll on their most complex and sensitive matters.
- Industry Leading Claims Administration Team.**  
 With decades of experience across all types of settlements, our team is well-versed in every aspect of the administration process and has worked on some of the most historic and complex cases of all time. We work closely with all parties involved, often assisting clients before

## Time-tested leader in our field



Managed more than 4,000 settlements



Processed over 100 million claims



\$30 billion+ in distributions



Designed and managed 1,000+ court-approved multi-media campaigns



settlement agreements are finalized, to ensure a value-maximizing, reliable and effective administration.

- **Most Experienced Notice Media Team Globally.** Through our in-house media team, we offer superior outreach programs that are rooted in analytics, validated by third parties and highly defensible in court. Our notice media team, led by one of the industry's most distinguished legal notice and communications experts, has successfully planned and implemented thousands of court-approved notice programs, including government enforcement actions and product recalls.
- **Best-in-Class Claims Administration Processes.** With our best-in-class claims processing procedures and focus on quality, we guarantee more accurate claims handling, speed, and responsiveness. We also provide a fully digital solution from start to finish for any engagement. Our electronic administration service offering encompasses noticing, claim filing, receipt of supporting documentation, corresponding with class members, clearing deficiencies and/or rejections and digital disbursements.
- **Global Footprint with Resources and Expertise to Scale.** With 5,000 experts around the world, we provide our clients with unlimited capacity to handle any settlement administration.

## Representative class action experience

With over 50 years of experience in class action settlement administration, our team has successfully handled some of the largest and most complex settlements in history. Our cutting-edge administration solutions address matters in the evolving global regulatory framework.

For a more detailed look at our class action settlement experience, please visit [kroll.com/settlement-administration](http://kroll.com/settlement-administration).

### **Yahoo! Inc. Customer Data Security Breach Litigation, Case No. 5:16md02752, United States District Court Northern District of California**

- \$117.5 million settlement

- Over 1.3 million claims filed
- Over 924 million notices sent
- Over 194 million class members globally

### **In Re: Currency Conversion Fee Antitrust Litigation, MDL No. 1409, United States District Court for the Southern District of New York**

- \$336 million settlement
- 10.2 million claims filed
- Over 38 million notices mailed

### **Cook et al. v. Rockwell International Corp. and The Dow Chemical Co., Case No. 90cv00181, United States District Court for the District of Colorado**

- \$375 million settlement
- Over 250,000 payments made
- Over 58,000 notices mailed

### **Columbia Gas Cases, Civil Action No. 1877cv01343G, Superior Court of Massachusetts**

- \$143 million settlement
- Approx. 16,000 claims filed
- Approx. 92,000 notices mailed

### **In Re: Schering-Plough Corporation Securities Litigation, Case No. 01cv0829, United States District Court for the Southern District of New Jersey**

- \$165 million settlement
- Over 71,000 claims filed

### **Brian Warner et al. v. Toyota Motor Sales, USA, Case No. 2:15cv02171, United States District Court for the Central District of California**

- \$3.4 billion settlement
- Over 2 million notices mailed
- 1.5 million vehicles affected

## Contact

Website: [kroll.com/settlement-administration](http://kroll.com/settlement-administration)

Phone: +1 844 777 8055

#### About Kroll

As the leading independent provider of risk and financial advisory solutions, Kroll leverages our unique insights, data and technology to help clients stay ahead of complex demands. Kroll's global team continues the firm's nearly 100-year history of trusted expertise spanning risk, governance, transactions and valuation. Our advanced solutions and intelligence provide clients the foresight they need to create an enduring competitive advantage. At Kroll, our values define who we are and how we partner with clients and communities. Learn more at [Kroll.com](http://Kroll.com).