

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SUSAN SWETZ, individually on behalf of
herself and all others similarly situated,

Plaintiffs,

v.

GSK Consumer Health, Inc.,

Defendant.

CASE NO. 7:20-cv-04731-NSR

**SUPPLEMENTAL DECLARATION OF GINA M. INTREPIDO-BOWDEN
REGARDING SETTLEMENT ADMINISTRATION**

I, GINA M. INTREPIDO-BOWDEN, declare and state as follows:

1. I am a Vice President at JND Legal Administration LLC (“JND”). 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.

2. I previously filed a Declaration Regarding Settlement Administration and Notice Plan,¹ dated August 3, 2021, ECF No. 62. This Supplemental Declaration is being filed to further update the Court regarding the Settlement Administration status.

SETTLEMENT WEBSITE

3. On June 18, 2021 and pursuant to the Preliminary Approval Order, JND established the Settlement Website, www.NationalBenefiberSettlement.com, that allows Settlement Class

¹ Capitalized terms used and not otherwise defined in this Declaration shall have the meanings given such terms in the Settlement Agreement and my previously filed Settlement Administration and Notice Plan Declaration.

Members to learn more about the Litigation and proposed Settlement.

4. As of October 29, 2021, the Settlement Website has tracked 346,980 unique visitors with 3,070,933 page views. JND will continue to update and maintain the Settlement Website throughout the Settlement administration process.

TOLL-FREE INFORMATION LINE, EMAIL, AND POST OFFICE BOX

5. On June 18, 2021, pursuant to the Preliminary Approval Order, JND established a case-specific toll-free telephone number, 1-833-636-2116, for Settlement Class Members to call to obtain information about the Settlement. The Settlement toll-free number is accessible 24 hours a day, seven (7) days a week. As of October 29, 2021, the toll-free number received 548 calls.

6. JND also maintains a Settlement email address, info@nationalbenefibersettlement.com, and a Post Office box where Settlement communications can be sent. As of October 29, 2021, JND has handled 735 emails.

REQUESTS FOR EXCLUSION

7. The Court-approved Notice of Settlement, Mail Notice, and Email Notice stated that Settlement Class Members who wished to exclude themselves from the Settlement must do so by sending a request for exclusion to JND postmarked by September 7, 2021.

8. As of the date of this Declaration, JND has received one (1) timely and valid request for exclusion which meets the requirements set forth in the Settlement Agreement. JND also received one (1) deficient request for exclusion which did not meet the requirements set forth in the Settlement Agreement because it lacked a telephone number, email address, and date of birth. Attached as Exhibit A is a report of both exclusion requests.

OBJECTIONS

9. The Court-approved Notice of Settlement, Mail Notice, and Email Notice stated that Settlement Class Members who wished to object to the Settlement or tell the Court what they didn't like about the Settlement may do so by filing a timely and valid objection with the Court (and mailing timely postmarked copies of the written objection to JND) postmarked by September 7, 2021.

10. As of the date of this Declaration, JND has not received and is not aware of any objection to the Settlement.

CLAIMS RECEIVED

11. The Court-approved Notice of Settlement, Mail Notice, and Email Notice stated that Settlement Class Members who wished to participate in the Settlement must submit a valid Claim Form received online through the Settlement Website by October 6, 2021, or by mail and postmarked by October 6, 2021.

12. As of November 1, 2021, JND has received a total of 281,509 Claim Forms (280,695 received online and 814 received by mail). JND currently is reviewing and validating the Claims received for eligibility. Based on the below Claim activity and following Claim Form validation, JND expects the Net Settlement Fund will be exhausted with a *pro rata* adjustment downward.

13. Claim Forms claiming 5 or fewer units of a Covered Product do not require Qualifying Proof of Purchase per the terms of the Settlement Agreement.

14. Of the 281,509 Claim Forms received: (a) 277,466 claimed 5 or less units of Benefiber Original, representing 865,708 claimed units; and (b) 278,952 claimed 5 or less units of Benefiber Healthy Shape, representing 857,014 claimed units.

15. Claim Forms claiming more than 5 units of a Covered Product require Qualifying Proof of Purchase for each unit claimed per the terms of the Settlement Agreement.

16. Of the 218,509 Claim Forms received, 157 claimed more than 5 units of Covered

Products supported by Qualifying Proof of Purchase in compliance with the Settlement Agreement.

17. In summary, of the Claim Forms received, 87 percent claimed 5 or more units of total Covered Products. The estimated total claimed units for Benefiber Original and Benefiber Healthy Shape is currently 873,628 and 862,605, respectively. Using these estimated units claimed, and conservatively assuming that each Claim Form will be determined valid according to the terms of the Settlement Agreement, the estimated average payment per Claim Form currently is \$15.00.

18. JND will comply with all provisions of the Settlement Agreement regarding identification and treatment of deficient claims, including allowing a 30-day process to cure deficiencies. In its efforts to identify ineligible and/or fraudulent Claim Form filings, JND will undertake steps such as de-duplication by analyzing and standardizing Claimant addresses to ensure a single Claim per-household, review supporting documentation for doctored documentation, and review of payment instructions to ensure multiple payments are not directed to a single recipient.

19. The per-unit values, and thus the average payment per Claim Form, are subject to change as JND continues to validate Claims as discussed in Paragraph 18. We expect this process will ultimately reduce the number of Claims eligible for payment, thereby increasing each Eligible Claimant's *pro rata* share of the Settlement Fund, including the amount actually paid per unit and the average payment per valid Claim Form.

20. JND will continue to administer the Settlement through all phases of Settlement administration, as required by the Settlement Agreement, Preliminary Approval Order, and any future Orders of this Court.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 12, 2021 at Philadelphia, Pennsylvania.



GINA M. INTREPIDO-BOWDEN

EXHIBIT A



National Benefiber Settlement

Swetz v. GSK Consumer Health, Inc., Case No. 7:20-cv-04731-NSR

EXCLUSIONS

Number	JND ID Number	Requestor	City/State	Postmark Date	Status
1	DDENS-RBG3W	HOLLY R. MCKITTRICK	Mobile, AL	8/10/21	Valid
2	DQLFN-ZK8GA	BERNADINE QUIRKE	Largo, FL	7/12/21	Invalid