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21 on behalf of themselves and all others similarly situated

22 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
23 **COUNTY OF ORANGE**

24 MADLEN DYE, an individual; GRANT
25 CAIN, an individual; DEBORAH CAIN, an
26 individual, on behalf of themselves and all
27 others similarly situated,

28 Plaintiffs,

vs.

29 RICHMOND AMERICAN HOMES OF
30 CALIFORNIA, INC., a Corporation;
31 M.D.C. HOLDINGS, INC., a Corporation;
32 PLUMBING CONCEPTS, INC., a
33 Corporation; MUELLER INDUSTRIES,
34 INC., a Corporation; and DOES 1-100,

35 Defendants.

36 **AND RELATED**
37 **CROSS-CLAIMS.**

Case No. 30-2013-00649415-CU-CD-CXC

Assigned for all purposes to:

Judge: Hon. Peter Wilson

Dept.: CX-101

**DECLARATION OF JND LEGAL'S
REED BAESSLER IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Hearing Date: February 23, 2023

Time: 2:00 p.m.

Dept.: CX-101

Complaint Filed: 05/09/201

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE, CIVIL COMPLEX CENTER

MADLEN DYE, an individual; GRANT CAIN,
an individual; DEBORAH CAIN, an individual,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

RICHMOND AMERICAN HOMES OF
CALIFORNIA, INC., a Corporation;
M.D.C. HOLDINGS, INC., a Corporation;
PLUMBING CONCEPTS, INC., a
Corporation; MUELLER INDUSTRIES,
INC., a Corporation; and DOES 1-100,

Defendants.

Case No. 30-2013-00649460-CU-CD-CXC

**DECLARATION OF
REED BAESSLER REGARDING
NOTICE ADMINISTRATION**

I, REED BAESSLER, declare and state as follows:

1. I am an Assistant Director of JND Legal Administration (“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. JND is a legal administration services provider with its headquarters located in Seattle, Washington. JND has extensive experience in all aspects of legal administration and has administered settlements in hundreds of cases. As an Assistant Director of JND, among my responsibilities is to monitor the implementation of our notice and claim administration programs. I have more than 10 years of experience with such programs.

3. JND was engaged by the Parties for the purpose of providing the class notice, opt-out form, and first questionnaire to homeowners in the chain of title.

4. This Declaration is being filed to report on work performed.

1 **CLASS LIST DATA**

2 5. On December 30, 2021, JND received a data file from Class Counsel, which contained
3 the property addresses for the homes included in the Class, along with the names of homeowners in
4 the chain of title, among other information.

5 6. JND conducted independent research to verify chain of title and ensure all owners of
6 record were included on the Class List. JND then researched updated mailing addresses for Class
7 Members using the USPS National Change of Address database (“NCOA”).¹ For Class Members
8 whose addresses were not updated through NCOA, JND conducted advanced address research (“skip
9 trace”).

10 7. The Settlement Class Member data was promptly loaded into a database established for
11 this Action.

12 **MAILED NOTICE**

13 8. On March 28, 2022, JND mailed the class notice, opt-out form, and first questionnaire to
14 709 homeowners. 2 notice packets were forwarded by USPS to updated addresses and 53 notice packets
15 were returned as undeliverable. Of the 709 notice packets mailed, 658 were delivered, a rate of 92.5%.

16 **SETTLEMENT WEBSITE**

17 9. On March 28, 2022, JND established a Settlement Website for the Action,
18 www.DyeCopperPipeClassAction.com, which informed Settlement Class Members about the Action;
19 hosted copies of relevant case documents, including the Notice, Questionnaire, Opt-Out Form, and
20 Order Granting Class Certification; provided answers to frequently asked questions; and listed contact
21 information for JND by telephone, email address, and mailing address. Prior to the filing deadline, the
22 Settlement Website allowed Settlement Class Members to submit Questionnaires electronically.

23 10. As of May 6, 2022, the Settlement Website tracked 172 unique visitors and 1,010
24 pageviews.

25 11. The website was transferred to ILYM Group, Inc., the Settlement Administrator, on
26 September 9, 2022.

27 _____
28 ¹ The NCOA database is the official United States Postal Service (“USPS”) technology product which makes changes of
address information available to mailers to help reduce undeliverable mail pieces before mail enters the mail stream.

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COMMUNICATIONS

12. March 21, 2022, JND launched a toll-free telephone number, 1-877-389-2128, for Class Members to call for information related to the Action. The telephone line was available 24 hours a day, 7 days a week. As of May 6, 2022, JND received 3 calls.

13. JND also established a project email address, info@DyeCopperPipeClassAction.com, for Class Members to email for information related to the Action. As of May 6, 2022, JND received 17 emails.

HOMEOWNER QUESTIONNAIRES RECEIVED

14. The notice states that any Settlement Class Member who wants to receive a Settlement Payment must submit a completed Claim Form to the Settlement Administrator online via the Settlement Website or by mail. Claims Forms must have been submitted online or postmarked by November 1, 2022 to be considered timely.

15. As of May 6, 2022, JND received a total of 75 homeowner questionnaires, 45 online and 30 by mail or email.

EXCLUSIONS RECEIVED

16. The Notice informed Settlement Class Members that to request exclusion from the Action, they must submit their exclusion request to JND, and the request must be emailed or postmarked by November 1, 2022.

17. As of May 6, 2022, JND received four timely and complete exclusion requests.

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

Executed on January 31, 2023, at Seattle, Washington.



REED BAESSLER

SERVICE LIST
Dye v. Richmond American Homes, et al.
Orange County Superior Court Case No.: 30-2013-00649460

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