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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE RH, INC. SECURITIES
LITIGATION,

Case No. 4:17-00554-YGR

ECF CASE

**DECLARATION OF ERIC J. MILLER
REGARDING DISTRIBUTION
OF SETTLEMENT FUNDS**

1 I, ERIC J. MILLER, hereby declare under penalty of perjury as follows:

2 1. I am a Senior Vice President of A.B. Data, Ltd.'s Class Action Administration
3 Company ("A.B. Data"), which has its corporate office in Milwaukee, Wisconsin. I am over 21
4 years of age and am not a party to this action. A.B. Data was retained by Lead Counsel to serve as
5 the Claims Administrator in connection with the Settlement of the above-captioned action (the
6 "Action").¹ The following statements are based on my personal knowledge and information
7 provided by other A.B. Data employees working under my supervision, and if called on to do so, I
8 could and would testify competently thereto.

9 2. On March 17, 2020, A.B. Data conducted the Initial Distribution of the Net
10 Settlement Fund in this Action, as approved by the Court's February 14, 2020 Order Approving
11 Distribution to Authorized Claimants (ECF No. 158) (the "Distribution Order"). The Initial
12 Distribution was conducted in the manner set forth in the Miller Distribution Declaration.

13 3. In the Initial Distribution, \$39,688,348.15 was sent on March 17, 2020, by check or
14 wire transfer, to 6,845 Authorized Claimants, whose claims were approved for payment in the
15 Distribution Order. As approved in the Distribution Order and set forth in the Miller Distribution
16 Declaration, a Reserve of approximately 5% of the Net Settlement Fund was maintained to address
17 any tax liability and claims administration-related contingencies that may arise. Such monies will
18 be available for distribution to Authorized Claimants in subsequent distributions.

19 4. I have reviewed the Post-Distribution Accounting prepared and submitted to the
20 Court by Lead Plaintiffs and can confirm that the information provided therein relating to mailing
21 of notices, processing of claims, the distribution of settlement funds, and notice and administrative
22 costs incurred by A.B. Data is accurate based on A.B. Data's current records.

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25 ¹ Unless otherwise defined herein, all capitalized terms have the meanings set forth in the
26 Stipulation and Agreement of Settlement dated May 6, 2019 (ECF No. 135-1) (the "Stipulation")
27 or the Declaration of Eric J. Miller in Support of Lead Plaintiffs' Unopposed Motion for Approval
28 of Distribution to Eligible Claimants (ECF No. 156) (the "Miller Distribution Declaration").

1 5. The average recovery per claimant, the average and median payment per eligible
2 claimant, and the largest and smallest payments reported in the Post-Distribution Accounting are
3 based on claimants' recoveries in the Initial Distribution. Authorized Claimants may receive
4 additional funds when the Reserve is distributed in the second or subsequent distributions. In
5 calculating the median payment to eligible claimants, claims that were not eligible for a payment
6 because they fell below the minimum payment threshold (as provided in the Court-approved Plan
7 of Allocation and the Distribution Order) were excluded from the analysis.

8 6. As of April 6, 2020, 2,109 checks with a total value of \$6,397,645.35 remained
9 uncashed. The number and value of uncashed checks is expected to decline substantially. The
10 check-cashing period has only recently begun, and Class Members have until June 15, 2020 to
11 cash received checks.

12 7. As set forth in the Court-approved Plan of Allocation and the Miller Distribution
13 Declaration, residual funds will be distributed to the *cy pres* recipient (the Investor Protection
14 Trust) only if funds remain after all cost-effective rounds of distributions to Authorized Claimants
15 have been completed. Those subsequent rounds have not yet occurred in this case, but A.B. Data
16 expects that any eventual payment to the *cy pres* recipient will be minimal.

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

19 Executed on April 7, 2020.

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22 Eric J. Miller
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