

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

MARY CRUMPTON, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

HAEMONETICS CORPORATION, a
Massachusetts corporation,

Defendant.

No. 1:21-cv-01402

Judge Jeremy C. Daniel

JOINT MOTION TO APPROVE ADDITIONAL CLAIMS VALIDATION PROCESS

Plaintiff Mary Crumpton (“Plaintiff”) and Defendant Haemonetics Corporation (“Defendant”) (together, the “Parties”), by and through their undersigned counsel, jointly move the Court to approve the Settlement Administrator’s additional claims validation process set forth below and set a new deadline for the Administrator to distribute the initial round of Settlement Payments to Class Members with Approved Claims.¹ In support, the Parties state as follows:

1. On June 4, 2024, the Court granted final approval of the Parties’ class action settlement. (Dkt. 82.) At that time, the Settlement Administrator reported that 17,429 Class Members (i.e., 26.10% of the Settlement Class) submitted an Approved Claim, meaning that each such Class Member would receive a payment of approximately \$329. (Dkt. 80 at 24.)

2. On August 2, the Settlement Administrator reported to the Parties that it discovered unusual online claim filing activity ahead of the Claims Deadline, prompting the

¹ Unless otherwise defined in this motion, capitalized terms used in this motion are those used in the Class Action Settlement Agreement (dkt. 80-1).

Settlement Administrator to perform additional fraud detection analysis. (*See* Exhibit 1, Declaration of Amy Lechner (“Lechner Decl.”), ¶ 5.)

3. Based on the Administrator’s report, Plaintiff filed a notice on August 8 to inform the Court (1) that 56 previously Approved Claims were identified as fraudulent and would be rejected; (2) that 4,556 Class Members would receive a paper check instead of a digital payment; and (3) that the distribution of Settlement Payments would be delayed by approximately one week (to August 13) due to the additional fraud analysis. (Dkt. 83.)

4. On August 12, the Settlement Administrator informed the Parties that there were errors in its August 2nd report. (Lechner Decl. ¶ 10.) On August 14, the Administrator provided a corrected claims validation report—summarized in the Declaration of Amy Lechner, (*id.* ¶¶ 10-17)—which includes three key corrections. In consultation with the Parties, the Administrator has proposed a plan to deal with all three issues.

5. The first correction was that 3,653 previously Approved Claims (not 56 claims) should have been rejected as fraudulent, deficient, duplicative, or late. (Lechner Decl. ¶ 15.) The Lechner Declaration details the claims validation process the Administrator undertook to analyze and reject these 3,653 claims, [REDACTED]

[REDACTED] (*Id.* ¶ 12.) Since the final number of Approved Claims is now 13,776 (or 20.63% of Settlement Class)—i.e., 3,653 less than the 17,429 reported at final approval (dkt. 80 at 24, 82 at 8)—the Parties are providing the Court with this corrected information and ask that the Court approve the Administrator’s proposal to reject these 3,653 previously Approved Claims. If the Administrator rejects these claims as it recommends, each Class Member with an Approved Claim will be sent a Settlement Payment of approximately

\$416, as compared to the estimate at final approval of \$329 per Class Member.² (Dkt. 80 at 5.)

6. The second correction was that 1,535 Class Members (not 4,556 Class Members) who submitted valid paper Claim Forms subsequently had fraudulent online claims submitted under their names. (The Administrator's prior reporting of 4,556 Class Members mistakenly counted the number of potentially fraudulent online claims submitted—not the number of *unique* Settlement Class Members affected, which is 1,535.) (Lechner Decl. ¶ 16.) Consistent with Plaintiff's notice filed on August 8, the Administrator has recommended that each of these 1,535 Class Members' paper Claim Forms should be accepted, the potentially fraudulent online claims submitted under their names should be rejected, and these Class Members will be sent a check in the mail. This proposal is consistent with the Settlement Agreement, which provides: "Class Members who submit an Approved Claim via a paper Claim Form will be sent a check via First Class U.S. Mail." (Dkt. 80-1 § 2.1(d).)

7. Finally, the Administrator reported that there are 602 approved online claims that contain some indicators of fraudulent or suspicious activity, but the Administrator does not have sufficient indicia of fraudulent activity to reject these 602 claims. Thus, the Administrator has determined that these 602 claims should be accepted, but paid via checks mailed to the known mailing addresses of the Class Members, rather than via digital methods³ selected by the filers on the website, to ensure that these Settlement Payments are directed to known Class Members and

² The Parties discussed with the Administrator whether the claimants who are the subject of these 3,653 claims should be provided a notice and an opportunity to provide additional information to validate their claim. But the Administrator expressed a high degree of confidence that these claims were fraudulent or should otherwise be rejected and recommended against sending such a notice to likely fraudulent actors.

³ [REDACTED]

not redirected to potentially fraudulent filers' digital accounts. Further, to give these claimants one last chance to validate their digital payment method, the Administrator has indicated, after consultation with the Parties, that, prior to payment, it will send these Class Members an email notice to inform them that their payment method has been changed to a check to the known mailing address on file for the Class Member, and that if a Class Member wants to revert back to a digital payment method, the Class Member must call the phone number provided on the notice within 14 days to attempt to further validate the claim. [REDACTED]

[REDACTED]

[REDACTED] The Parties ask the Court to approve the Administrator's proposed validation process, which the Parties believe is consistent with the Settlement Agreement's delegation of authority to the Administrator for all matters of settlement administration and processing of payments to the Class Members. (Dkt. 80-1 § 2.1(b) ("The Settlement Administrator shall have sole and final authority for determining if Settlement Class Members' Claim Forms are complete, timely, and accepted as an Approved Claim.")); (*id.* § 5.1(f) ("The Settlement Administrator shall, under the supervision of the Court, administer the relief provided by this Settlement Agreement by processing Claim Forms in a rational, responsive, cost effective, and timely manner. The Settlement Administrator shall be obliged to employ reasonable procedures to screen claims for abuse or fraud and deny Claim Forms where there is evidence of abuse or fraud, including by cross-referencing information from submitted Claim Forms with the Class List.").)

8. If the Court approves the Administrator's updated validation process, the Administrator reports that it will be able to complete the validation process and distribute all Settlement Payments within 42 days of the Court's order on this motion. (Lechner Decl. ¶ 18.)

The Parties ask that the Court approve that as the new deadline for the distribution of Settlement Payments.

FOR THESE REASONS, and all reasons of record, the Parties jointly request that the Court: (a) take notice of the revised data provided by the Settlement Administrator regarding accepted and rejected claims; (b) approve the Settlement Administrator's proposed plan for addressing potential fraud identified during settlement administration; and (c) approve a new deadline for the distribution of the initial round of Settlement Payments within 42 days of the Court's order.

Respectfully submitted,

Date: August 23, 2024

MARY CRUMPTON, individually and on
behalf of all others similarly situated,

By: /s/ Schuyler Ufkes

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Date: August 23, 2024

HAEMONETICS CORPORATION,

By: /s/ Richard H. Tilghman IV (with authorization)

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EXHIBIT 1

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No. 1:21-cv-01402

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**DECLARATION OF AMY LECHNER OF
SIMPLURIS, INC. REGARDING CLAIMS VALIDATIONS**

Under penalties as provided by law pursuant to 28 U.S.C. § 1746, I, Amy Lechner, certify that the statements set forth in this instrument are true and correct, except as to matters herein stated to be on information and belief, and as to such matters, I certify that I believe the same to be true:

1. I am employed as a Program Manager at Simpluris, Inc. (“Simpluris”), the court-appointed Settlement Administrator in the above-captioned case, whose principal office is located at 3194-C Airport Loop Dr., Costa Mesa, CA 92626. I am over twenty-one years of age and authorized to make this declaration on behalf of Simpluris and myself. I have personal knowledge of the information set forth herein.

2. I am submitting this Declaration to provide information related to the claims validations and fraud analysis performed in the course of preparing to distribute Settlement Class Member awards pursuant to the Settlement Agreement and Final Judgement and Order of Dismissal with Prejudice, entered on June 4, 2024.

3. The Declaration of Amy Lechner of Simpluris, Inc. in Support of Final Approval of Class Action Settlement (“Lechner Declaration”), prepared and executed on May 17, 2024, (dkt. 80-3), provided a breakdown of Simpluris’ total count of received and processed Claim Forms:

CLAIM SUBMISSION TYPE	APPROVED	INVALID	TOTAL
Mailed Postcard Claim Forms	5,317	1,586	6,903
Mailed Generic Claim Forms	8	319	327
Website Login Claim Forms	11,358	23	11,381
Website Search Claim Forms	746	1,272	2,018
TOTAL CLAIMS:	17,429	3,200	20,629

4. Of the 3,200 claims processed and identified as Invalid as of May 17, 2024, invalidations categories were broken down as follows:

LATE	FRAUD (NON-MEMBERS)	DEFICIENT	DUPLICATE	TOTAL
35	318	211	2,636	3,200

5. After filing the Lechner Declaration, Simpluris proceeded to commence standard disbursement processes in anticipation of issuing Settlement Payments scheduled to be distributed on August 5, 2024. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. On August 2, 2024, Simpluris advised the Parties of the fraudulent claims filing activity and updated its claims validation reporting as follows:

CLAIM SUBMISSION TYPE	APPROVED	INVALID	TOTAL
Mailed Postcard Claim Forms	6,613	449	7,062
Mailed Generic Claim Forms	295	41	336
Website Login Claim Forms	9,755	2,959	12,714
Website Search Claim Forms	710	1,729	2,439
TOTAL CLAIMS:	17,373	5,178	22,551

8. Of the 5,178 claims processed and identified as Invalid as of August 2, 2024, invalidations categories were reported as follows:

SUBMISSION CLAIM TYPE	LATE	FRAUD	DEFICIENT	DUPLICATE	TOTAL
Mailed Postcard Claim Forms	160	0	264	25	449
Mailed Generic Claim Forms	13	0	10	18	41
Website Login Claim Forms	1,774	905	0	280	2,959
Website Search Claim Forms	518	1,116	0	95	1,729
TOTAL INVALID	2,465	2,021	274	418	5,178

9. As a result, Simpluris reported to the parties that 56 previously approved claims were fraudulent and should have been rejected.

10. However, the counts referenced in paragraphs 7 and 8 and reported to the Parties on August 2, 2024, were incomplete due to Simpluris' internal miscommunication and application of incorrect analytical assumptions. The errors were identified as part of Simpluris' standard pre-distribution analysis, and the data was reverted and resubmitted to the Simpluris Data Team for corrected counts on August 12, 2024. On August 12, 2024, the Simpluris team notified the Parties

of the error but needed to do a corrective review before it could report updated and accurate claims validation numbers to the parties.

11. The corrective review was conducted by the Simpluris Data Team between August 12, 2024, and August 14, 2024. As a result of this review, Simpluris determined that some fraudulent web claims were incorrectly marked to only revert from a digital payment to a check payment, when in fact, the correct disposition was to instead completely invalidate the claim as fraudulent and exclude from payment altogether.

12. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13. On August 14, 2024, Simpluris provided the Parties a corrected and final claims validation report as follows:

CLAIM SUBMISSION TYPE	APPROVED	INVALID	TOTAL
Mailed Postcard Claim Forms	6,655	410	7,065
Mailed Generic Claim Forms	11	326	337
Website Login Claim Forms	6,579	6,135	12,714
Website Search Claim Forms	531	1,910	2,441
TOTAL CLAIMS:	13,776	8,781	22,557

14. Of the 8,781 claims processed and identified as Invalid as of August 14, 2024, invalidations categories are updated as follows:

SUBMISSION CLAIM TYPE	LATE	FRAUD	DEFICIENT	DUPLICATE	TOTAL
Mailed Postcard Claim Forms	175	0	228	7	410
Mailed Generic Claim Forms	8	0	317	1	326
Website Login Claim Forms	1,774	3,210	0	1151	6,135
Website Search Claim Forms	518	304	0	1088	1,910
TOTAL INVALID	2,475	3,514	545	2,247	8,781

15. To summarize, Simpluris originally reported on August 2, 2024, that 56 previously approved claims were fraudulent and should have been rejected. But on August 14, 2024, Simpluris reported there are actually 3,653 previously approved claims that should be rejected as either fraudulent, deficient, duplicative, and/or late.

16. Additionally, there are 1,535 Settlement Class Members who submitted a postcard claim form by mail, and then a potentially fraudulent web claim was submitted with a digital payment selection. Simpluris proposes to pay these Settlement Class Members by mailed check. Simpluris' prior reporting of the number of payments to be converted to check in this category was 4,556; however, this was the number of potentially fraudulent web claims submitted—not the number of unique Settlement Class Members affected. The final number of Settlement Class Members with payments to be converted to check in this category is 1,535.

17. Finally, among the 6,579 approved Website Login Claim Forms, there are 602 claims that do contain some indicators of fraudulent or suspicious activity; however, Simpluris does not have sufficient data to recommend this set for invalidation and/or exclusion from payment. Instead, Simpluris proposes to pay these claims via check mailed to the known mailing

address of the Settlement Class Member, rather than issue payment via the digital method submitted by the filer on the website. This will ensure that the Settlement benefit is directed to the known Settlement Class Member and not redirected to a fraudulent filer's digital account. Simpluris is prepared to send these Settlement Class Members an email notice of the payment method change. This email notice, if approved, will provide a phone number for the Settlement Class Members to call if they want to change their check payment back to the digital payment method submitted with the online claim.

18. Simpluris is prepared to issue Settlement check awards and digital awards within 21 days of the approval to disburse. If the email notice contemplated above for the group of 602 Settlement Class Members is approved, Simpluris estimates that it will take 42 days to send the email notice, perform required digital payment screenings, and issue digital payments. This will also require that Simpluris hold the check distributions for this group until it completes the email notice process offering digital payment reversion.

19. The validations reported above are Simpluris' full and final accounting made upon its exhaustive data analysis and multi-factor review of all claim submissions.

I declare under penalty of the perjury that the foregoing is true and correct. Executed on August 23, 2024, at Philadelphia, Pennsylvania.



AMY LECHNER