

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 1:18-cv-21820-KMM**

ZOEY BLOOM, individually, and others  
similarly situated,

Plaintiff,

v.

JENNY CRAIG, INC.,

Defendant.

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**DECLARATION OF JONATHAN P. SHAFFER**

I, Jonathan P. Shaffer hereby, pursuant to 28 U.S.C. Sec. 1746, declare as follows:

1. I am employed as a Client Services Manager by Heffler Claims Group (“Heffler”), the Settlement Administrator in the above-entitled action. Our main office address is 1515 Market Street, Suite 1700, Philadelphia, Pennsylvania 19102. My telephone number is (267) 765-7412. I am over twenty-one years of age and authorized to make this declaration on behalf of Heffler and myself. The following statements are based on my personal knowledge and information provided by other experienced Heffler employees working under my supervision. If called upon as a witness, I could and would competently testify as to the facts set forth herein.

2. Heffler has extensive experience in class action matters, having provided services in class action settlements involving antitrust, securities, employment and labor, consumer and government enforcement matters. Heffler provided notification and/or claims administration services in more than 1,000 cases.

3. Heffler was appointed as the Claims Administrator to provide notification and other services in *Zoey Bloom v Jenny Craig, Inc. Settlement* (the “Settlement”). Heffler’s duties in this action include: (a) sending CAFA Notice by certified mail; (b) formatting and sending Notice (“Notice”) by first-class mail and email; (c) receiving Class List with current or last known address and email address; (d) establishing a post office box for the receipt of mail; (e) receiving and processing paper claims, objections, general mail correspondence and requests for exclusions; (f)

establishing a website with online filing capabilities; (g) receiving and processing electronic claim forms and correspondence; (h) establishing a toll free number; and (i) any other tasks that Counsel mutually agree or the Court orders Heffler to perform.

4. On August 17, 2018, Heffler mailed 55 CAFA Notices. The 55 notices consisted of State, US Territories and Federal Attorneys General.

5. On August 14, 2018, Heffler was provided the text for the Court-approved notice and claim form. The Notice explained the terms of the Settlement and that the Settlement Class Members could ask to be excluded from the Settlement via U.S. Mail postmarked by the described deadline; mail a written objection to the Settlement received no later than by the described deadline; or submit a claim. Drafts of the Notice and claim form were prepared by Counsel, reformatted and modified by Heffler, and subsequently approved by Counsel. A copy of the mail and email Notices are attached hereto as Exhibit A and Exhibit B respectively.

6. On August 13, 2018, Defendant's Counsel provided Heffler a data file containing a total of 705,403 records of information for Class Members, including contact names, phone numbers, email addresses and mailing addresses. Heffler performed a standard analysis of the data and determined there were 644,160 unique records. Of the 644,160 unique records; 516,797 records had an email address; 113,845 records had a mailing address but no email address; and 13,518 records did not have a mailing or email address. Of the 13,518 records did not have a mailing or email address, Heffler performed a reverse lookup by telephone number and received an updated mailing address for 6,788 records.

7. On August 23, 2018, Heffler established a post office box with the address of "Bloom v Jenny Craig, c/o Settlement Administrator, PO Box 7808, Philadelphia, PA 19101-7808" to receive written requests for exclusion, objections, undeliverable notices, claim forms and other communications about the Settlement. The address was provided in the mailed and emailed notice.

8. On September 21, 2018, Heffler established a website ("Settlement Website", [www.bloomtcpasettlement.com](http://www.bloomtcpasettlement.com)), that provides an explanation of the action, the settlement, important dates, frequently asked questions, submit a claim, contact information and posts copies of: (i) Complaint; (ii) Order Granting Preliminary Approval; (iii) Settlement Agreement; (iv) Long

Form Notice (English); (v) Long Form Notice (Spanish); (vi) Claim Form (English) and (vii) Claim Form (Spanish). Class Members who learned of the settlement through any means could obtain copies of these documents through the settlement website, 24 hours per day, even if they had not directly received a Notice. The settlement website continues to be fully operational and fully functional. A copy of the website homepage attached hereto as **Exhibit C**.

9. As of January 9, 2019, 63,917 users have visited the website totaling 153,787 page views.

10. On September 21, 2018, Heffler established a toll-free number, 1-844-491-5744, to allow Class Members to obtain additional information regarding the Settlement.

11. As of January 9, 2019, Heffler has received 1,262 telephone calls.

12. On September 24, 2018, Heffler caused emailing of Notices to 516,797 identified Class Members.

13. As of January 9, 2019, 150,471 Class Members in the emailing had their email returned as a bounce and 1,414 Class Members unsubscribed from receiving any future emails regarding the settlement. Of the 151,885 records, 9,654 records did not have a valid mailing address. Heffler performed a reverse lookup by telephone number and received an updated mailing address for 5,661 records.

14. Prior to causing the Notices to be sent to Class Members, Heffler also processed and updated all Class Members' mailing addresses utilizing the National Change of Address Database ("NCOA") maintained by the U.S. Postal Service ("the USPS"). The NCOA contains change of address notifications filed with the USPS. If any Class Member filed a USPS change of address notification, the address listed with NCOA was used in connection with the mailing of the Notice sent to that Class Member via first class U.S. Mail.

15. On October 12, 2018, Heffler caused the printing and mailing via first-class U.S. Mail of Notices to the 268,525 identified Class Members.

16. As of January 9, 2019, 38,885 Notices in the mailings have been returned as undeliverable. Heffler skip-traced 38,770 undeliverable records and obtained 31,050 updated addresses. Heffler re-mailed notices to the 31,050 updated addresses. Of the 31,050 remailed

notices, 1,500 were returned as undeliverable a second time. Heffler will continue to skip-trace and remail Notices received as undeliverable.

17. As of January 9, 2019, 662 Notices in the mailing have been returned with a forwarding address by the Post Office. Heffler has updated the address and remailed 662 records. Heffler will continue to update the address and remail Notices received with a forwarding address.

18. As of January 9, 2019, 625,516 Class Members had a method of Notice that was not returned to Heffler, and 18,644 Class Members had a method of Notice that was returned to Heffler. Using the total class size of 644,160, 97.1% of Class Members did not have their method of Notice returned to Heffler.

19. As of January 9, 2019, Heffler has received 21 requests for exclusion. A list of Class Members who excluded themselves is attached hereto as **Exhibit D**.

20. As of January 9, 2019, Heffler has not received any objections to the Settlement.

21. As of January 9, 2019, Heffler has received 15,828 paper claim forms.

22. As of January 9, 2019, Heffler has received 14 pieces of general mail correspondence.

23. As of January 9, 2019, Heffler has received 9,063 electronic claim forms through the website.

24. As of January 9, 2019, Heffler has received 213 electronic pieces of general correspondence through the website.

In accordance with 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 9, 2019 at Philadelphia, Pennsylvania.



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Jonathan P. Shaffer

# Exhibit A

**From:** Bloom TCPA Settlement <bloomtcpasettlement@mailrt.com>

**Sent:**

**To:**

**Subject:** Class Action Notification Approved by the United States District Court, Southern District of Florida

You Are Receiving this Notice Because Jenny Craig May Have Incorrectly Sent You a Text Message.

**You May Be Entitled to a Payment from a Class Action Settlement**

*Si desea recibir esta notificación en español, llámenos o visite nuestra página web.*

Class Member ID: hh6677666666

A settlement has been reached in a class action lawsuit claiming that Jenny Craig sent certain text messages impermissibly to wireless telephone numbers without consent of the recipients in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227. Jenny Craig denies the allegations in the lawsuit, and the Court has not decided who is right.

**Who's Included?**

You received this email because Jenny Craig's records show that you may be a Settlement Class Member. The Settlement includes all persons in the United States who received one or more text messages sent by or on behalf of Jenny Craig from May 7, 2014 through September 6, 2018.

**What Are the Settlement Terms?**

Jenny Craig has agreed to pay \$3 million to create a fund that will be used to pay individuals who submit valid Claims, Settlement Administration and Notice Administration costs, attorneys' fees, a Service Award to the Class Representative, and costs and expenses of the litigation. The cash payments from the Settlement Fund will be distributed on a pro rata basis to Settlement Class Members who submit a valid Claim. Only one Claim is allowed per Settlement Class Member for each mobile telephone number texted.

**How Can I Get a Payment?**

To get a payment, you must submit a Claim Form online at [www.bloomtcpasettlement.com](http://www.bloomtcpasettlement.com) or by U.S. mail to **Bloom v Jenny Craig Settlement, c/o Settlement Administrator, PO Box 7808 Philadelphia, PA 19101-7808**. If you send in a Claim Form by regular mail, it must be postmarked on or before **March 12, 2019**. The deadline to file a Claim online is **11:59 p.m. ET on March 12, 2019**.

**Your Other Options.**

If you do not want to be legally bound by the Settlement, you must exclude yourself by **November 5, 2018**. If you do not exclude yourself, you will release any claims you may have, as more fully described in the Settlement Agreement, available at the Settlement Website. You may object to the Settlement by **November 5, 2018**. The Long Form Notice available on the Settlement Website listed below explains how to exclude yourself or object. The Court will hold a Final Approval Hearing on **February 25, 2019 at 10:00 a.m.** to consider whether to approve the Settlement, a request for attorneys' fees of up to 30% of the Settlement Fund, and a Service Award of \$4,500 to the Class Representative. The Motion for these fees and expenses will be posted on the Settlement Website when they are filed with the Court. You may appear at the hearing, either yourself or through an attorney you hire, but you don't have to. For more information, call or visit the Settlement Website.

Questions? Visit [www.bloomtcpasettlement.com](http://www.bloomtcpasettlement.com) or call 1-844-491-5744

Zoey Bloom, on behalf of herself and all others similarly situated, v. Jenny Craig, Inc., Case No. 1:18-cv-21820

# Exhibit B

Bloom v. Jenny Craig, Inc.  
c/o Claims Administrator  
PO Box 7808  
Philadelphia, PA 19101-7808

Presorted  
First-Class Mail  
US Postage  
PAID  
Lansdale, PA  
Permit

Legal Notice about a Class Action Settlement

You Are Receiving This Notice  
Because Jenny Craig  
May Have Incorrectly Sent  
You a Text Message.  
You May Be Entitled to a  
Payment from a Class Action  
Settlement.



Class Member ID: [Redacted]



Class Member ID: [Redacted]

CLAIM FORM

To submit a Claim for a payment from the Settlement Fund, please fill out the Claim Form below and send it by U.S. mail. You may also submit a Claim Form online at [www.bloomtcpasettlement.com](http://www.bloomtcpasettlement.com). The deadline to file a claim online is 11:59 p.m. ET on March 12, 2019. If you send in a Claim Form by regular mail, it must be postmarked on or before March 12, 2019.

\*Name: \_\_\_\_\_  
First Name M.I. Last Name

\*Street Address: \_\_\_\_\_

\*City: \_\_\_\_\_ \*State: \_\_\_\_\_ \*Zip Code: \_\_\_\_\_ - \_\_\_\_\_  
(zip4 optional)

\*Cellular Telephone Number that received one or more texts from JENNY CRAIG: (\_\_\_\_\_) - \_\_\_\_\_ - \_\_\_\_\_

Telephone Number where you can be reached if different from above: (\_\_\_\_\_) - \_\_\_\_\_ - \_\_\_\_\_

Email Address : \_\_\_\_\_ @ \_\_\_\_\_ . \_\_\_\_\_

\*I declare under penalty of perjury that to the best of my knowledge I received one (1) or more text messages sent by or on behalf of JENNY CRAIG from May 7, 2014 through September 6, 2018.

\*Signature: \_\_\_\_\_ \*Date (MM/DD/YYYY): \_\_\_\_ / \_\_\_\_ / \_\_\_\_

\*Denotes Information You Must Provide To Have A Valid Claim

Questions? Visit [www.bloomtcpasettlement.com](http://www.bloomtcpasettlement.com) or call 1-844-491-5744



You Are Receiving This Notice Because Jenny Craig May Have Incorrectly Sent You a Text Message.  
You May Be Entitled to a Payment from a Class Action Settlement.

*Si desea recibir esta notificación en español, llámenos o visite nuestra página web.*

A settlement has been reached in a class action lawsuit claiming that Jenny Craig sent certain text messages impermissibly to wireless telephone numbers without consent of the recipients in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227. Jenny Craig denies the allegations in the lawsuit and the Court has not decided who is right.

**Who is Included?** You received this postcard because Jenny Craig's records show that you may be a Settlement Class Member. The Settlement includes all persons in the United States who received one or more text messages sent by or on behalf of Jenny Craig from May 7, 2014 through September 6, 2018.

**What Are the Settlement Terms?** Jenny Craig has agreed to pay \$3 million to create a fund that will be used to pay individuals who submit valid claims, Settlement Administration and Notice Administration costs, Claims, attorneys' fees, a Service Award to the Class Representative, and costs and expenses of the litigation. The cash payments from the Settlement Fund will be distributed on a pro rata basis to Settlement Class Members who submit a valid Claim. Only one Claim is allowed per Settlement Class Member for each mobile telephone number texted.

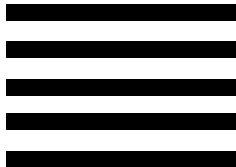
**How Can I Get a Payment?** To get a payment you must submit a Claim Form online at [www.bloomtcpasettlement.com](http://www.bloomtcpasettlement.com) or by U.S. mail on the attached tear-off Claim Form with pre-paid postage included with this notice. If you send in a Claim Form by regular mail, it must be postmarked on or before March 12, 2019. The deadline to file a Claim online is 11:59 p.m. ET on March 12, 2019.

**Your Other Options.** If you do not want to be legally bound by the Settlement, you must exclude yourself by November 5, 2018. If you do not exclude yourself, you will release any claims you may have, as more fully described in the Settlement Agreement, available at the Settlement Website. You may object to the Settlement by November 5, 2018. The Long Form Notice available on the website listed below explains how to exclude yourself or object. The Court will hold a Final Approval Hearing on February 25, 2019 at 10:00 a.m. to consider whether to approve the Settlement and a request for attorneys' fees of up to 30% of the Settlement Fund and for a Service Award of \$4,500 to the Class Representative. The Motion for these fees and expenses will be posted on the Settlement Website when they are filed with the Court. You may appear at the hearing, either yourself or through an attorney hired by you, but you don't have to. For more information, call or visit the website.

[www.bloomtcpasettlement.com](http://www.bloomtcpasettlement.com) 1-844-491-5744



NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES



**BUSINESS REPLY MAIL**  
FIRST-CLASS MAIL PERMIT NO. [REDACTED] PHILADELPHIA, PA

POSTAGE WILL BE PAID BY ADDRESSEE

BLOOM V. JENNY CRAIG SETTLEMENT  
C/O SETTLEMENT ADMINISTRATOR  
P.O. BOX 7808  
PHILADELPHIA PA 19101-[REDACTED]



# Exhibit C

# Bloom v. Jenny Craig, Inc.

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA CASE NO. 1:18-cv-21820-KMM

**This Website is for the Implementation of the Bloom TCPA Settlement. If Jenny Craig Incorrectly Sent You a Text Message, You May Be Entitled to a Payment from a Class Action Settlement.**

**Please Review the Content of this Website Carefully.**

A federal court authorized this Website. You are not being sued. This is not a solicitation from a lawyer.

- A Settlement has been reached in a class action lawsuit about whether Jenny Craig sent certain text messages impermissibly to mobile telephone numbers without prior express written consent of the recipients in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 ("TCPA"). Jenny Craig denies the allegations in the lawsuit and the Court has not decided who is right.
- The Settlement offers payments to Settlement Class Members who file valid Claims.
- Your legal rights are affected whether you act or do not act. Read this Website carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
<b>SUBMIT A CLAIM FORM</b>	If you are a member of the Settlement Class, you must submit a completed Claim Form to receive a payment. If the Court approves the Settlement and it becomes final and effective, and you remain in the Settlement Class, you will receive your payment by check. You can submit a Claim Form by clicking on the "Submit Claim" tab to the right.
<b>EXCLUDE YOURSELF</b>	You may request to be excluded from the Settlement and if you do, you will receive no benefits from the Settlement.
<b>OBJECT</b>	Write to the Court if you do not like the Settlement.
<b>GO TO A HEARING</b>	Ask to speak in court about the fairness of the Settlement.
<b>DO NOTHING</b>	You will not receive a payment if you fail to timely submit a completed Claim Form, and you will give up your right to bring your own lawsuit against Jenny Craig about the Claims in this case.

- These rights and options—and the deadlines to exercise them—are explained in this Website.
- The Court in charge of this case still has to decide whether to approve the Settlement. If it does, and after any appeals are resolved, benefits will be distributed to those who submit qualifying Claim Forms. Please be patient.

This website is authorized by the Court, supervised by counsel, and controlled by, the Settlement Administrator approved by the Court. This is the only authorized website for this case.

For more information please call 844-491-5744

- [Documents](#)
- [Contact](#)
- [Submit Claim](#)

**Important Dates**

**Exclusion Deadline.**  
**Monday, November 5, 2018**

You must complete and mail your request for exclusion form so that it is postmarked no later than Monday, November 5, 2018.

**Objection Deadline.**  
**Monday, November 5, 2018**

You must mail your objection(s) and/or notice of intent to appear at the Final Approval Hearing so that it/they are postmarked no later than Monday, November 5, 2018.

**Claim Form Deadline.**  
**Tuesday, March 12, 2019**

You must submit your Claim Form on-line no later than Tuesday, March 12, 2019, or mail your completed paper Claim Form so that it is postmarked no later than Tuesday, March 12, 2019.

**Final Approval Hearing Date.**  
**Monday, February 25, 2019**

The Final Approval Hearing is scheduled for Monday, February 25, 2019 at 10:00 a.m. Please check this website for updates.

**Important Documents**

- [Complaint \(PDF: 424.8 KB\)](#)
- [Preliminary Approval Order \(PDF: 364.8 KB\)](#)
- [Settlement Agreement \(PDF: 585.0 KB\)](#)
- [Long Form Notice \(PDF: 237.3 KB\)](#)
- [Claim Form \(PDF: 63.7 KB\)](#)
- [Aviso de formulario largo \(PDF: 187.2 KB\)](#)
- [Formulario de Reclamación \(PDF: 64.0 KB\)](#)

**Having Trouble?**

Having trouble opening .pdf files? You can download [Acrobat Reader](#) for free from [www.adobe.com](http://www.adobe.com).

# Exhibit D

Number	First Name	Last Name	State
1	BARBARA	RODRIGUEZ	TX
2	LAURA	MCCLURE	AZ
3	APRIL	WELLER	NY
4	CHERYL	FERRIN	IL
5	NICOLE	SAHAGEN	CA
6	ANGELA	GEABOU	IL
7	HILDA	CRUZ RIVERA	PR
8	AUDREY	CROOKS	FL
9	DARLA	PHILLIPS	MO
10	SANDRA	LEDUC	NJ
11	STACY	MAGLIONE	MA
12	AMAKA	DONN	CA
13	SUSAN	AITCHISON	CT
14	CHERYL	WARNER	OK
15	PATTY	ROHM	PA
16	LONA	LUCAS	IN
17	CARYN	SKUPIEN	IL
18	CONNIE	ALEXANDER	VA
19	DOROTHY	BLASY	CA
20	CATHY	GILCHRIEST	CA
21	MICHELE	SHUGART	FL