

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARIBEL MOSES, on behalf of herself and all
others similarly situated,

Plaintiff,

v.

THE NEW YORK TIMES COMPANY, d/b/a
The New York Times,

Defendant.

Civil Action No.: 1:20-cv-04658-RA

Hon. Judge Ronnie Abrams

**DECLARATION OF RYAN BAHRY REGARDING SETTLEMENT
ADMINISTRATION**

I, RYAN BAHRY, declare and state as follows:

1. I am a Director at JND Legal Administration (“JND”). JND is a legal administration service provider with its headquarters in Seattle, Washington. JND has extensive experience with all aspects of legal administration and has administered settlements in hundreds of class action matters.

2. JND is serving as the Settlement Administrator¹ in the above-captioned litigation (the “Action”), pursuant to the Court’s Order Granting Preliminary Approval of Class Action Settlement Agreement, Conditionally Certifying Settlement Class, Appointing Class Representative, Appointing Class Counsel, and Approving Notice Plan, dated June 6, 2024 (“Order”).

¹Capitalized terms used and otherwise not defined in this Declaration shall have the meanings given to such terms in the Class Action Settlement Agreement.

3. This Declaration is based on my personal knowledge and information provided to me by experienced JND employees and, if called on to do so, I could and would testify competently thereto.

CAFA NOTICE

4. In compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, JND compiled a CD-ROM with the following documents (collectively, the “CAFA Notice Packet”):

- a. Class Action Complaint and Demand for Jury Trial, filed June 17, 2020;
- b. First Amended Class Action Complaint and Demand for Jury Trial, filed August 31, 2020;
- c. Notice of Motion and Unopposed Motion for Order Granting Preliminary Approval of Class Action Settlement, filed April 18, 2024;
- d. Declaration of Neal J. Deckant in Support of Plaintiff’s Motion for Preliminary Approval of Class Action Settlement, filed April 18, 2024;
- e. Memorandum of Law in Support of Plaintiff’s Unopposed Motion for Preliminary Approval of Class Action Settlement, filed April 18, 2024;
- f. Class Action Settlement Agreement, filed April 18, 2024;
- g. [Proposed] New York Times Settlement Claim Form, filed April 18, 2024;
- h. [Proposed] E-mail Notice, filed April 18, 2024;
- i. [Proposed] Postcard Notice, filed April 18, 2024;
- j. [Proposed] Long Form Notice, filed April 18, 2024; and
- l. Order Granting Preliminary Approval of Class Action Settlement, Conditionally Certifying Settlement Class, Appointing Class

Representative, Appointing Class Counsel, and Approving Notice Plan, entered June 6, 2024.

5. The CD-ROM was mailed on June 17, 2024 to the appropriate Federal and State officials identified in the attachment with an accompanying cover letter, a copy of which is attached hereto as **Exhibit A**.

6. As of the date of this declaration, JND has received no response to the CAFA Notice Packet from any of the recipients identified in paragraph 4 above.

CLASS MEMBER DATA

7. On June 20, 2024, JND received a spreadsheet containing the names, addresses, and/or e-mail addresses where available for individuals and entities identified as Settlement Class Members. The spreadsheets contained information for a total of 876,607 potential Settlement Class Member records.

8. Prior to sending notices, JND analyzed the raw data to review for potential duplicate records, resulting in a total of 866,958 unique Settlement Class Members records with available contact information. JND updated the Settlement Class Member information using data from the National Change of Address (“NCOA”) database². The Settlement Class Member data was promptly loaded into a secure database established for this Action.

² The NCOA database is the official United States Postal Service (“USPS”) technology product which makes change of address information available to mailers to help reduce undeliverable mail pieces before mail enters the mail stream. This product is an effective tool to update address changes when a person has completed a change of address form with the USPS. The address information is maintained on the database for 48 months.

E-MAIL NOTICE

9. On July 3, 2024, JND e-mailed the customized Court-approved e-mail notice (“E-mail Notice) to each of the 843,782 valid e-mail addresses associated with Settlement Class Member records (representing 843,782 unique Settlement Class Members with facially valid e-mail addresses; invalid e-mail addresses were not included in the E-mail Notice campaign). A representative sample of the Email Notice is attached hereto as **Exhibit B**.

10. Of the 843,782 E-mail Notices sent, a total of 821,344 E-mail Notices were delivered successfully. A total of 22,438 attempted E-mail Notices were unsuccessful (representing 22,438 unique Settlement Class Members).

NOTICE MAILING

11. On July 3, 2024, JND mailed the Court-approved long-form notice (“Mailed Notice”) via USPS first-class mail to 2,343 notices to class members without e-mail addresses. Additionally, JND mailed 3,486 notices to class members whose e-mail addresses were flagged as facially invalid (and were excluded from the E-mail Notice campaign) on July 9, 2024. A representative copy of the Mailed Notice is attached hereto as **Exhibit C**.

12. On July 30, 2024, JND mailed the Mailed Notice via USPS first-class mail to an additional 2,828 Class Members whose attempted E-mail Notice was unsuccessful and for whom a complete mailing address was available.

13. As of the date of this Declaration, JND tracked 1,131 Mailed Notices that were returned to JND as undeliverable. Of these 1,131 undeliverable Mailed Notices, five (5) were re-mailed to a forwarding address provided by USPS. JND conducted advanced address research through TransUnion for the remaining undeliverable Mailed Notices and received updated address information for an additional 389 Class Members. JND promptly re-mailed Mailed Notices to the

389 Class Members. Of these 389 re-mailed Mailed Notices, 53 were returned to JND as undeliverable a second time (four (4) of which were subsequently re-mailed to forwarding addresses provided by USPS).

14. As of the date of this Declaration, 829,215 Class Members were sent an E-Mailed Notice or Mailed Notice that was not returned as undeliverable, representing 95.6% of total Settlement Class Members with available contact information.

SETTLEMENT WEBSITE

15. On June 14, 2024, JND established a Settlement Website (www.NYTRenewalSettlement.com), which hosts copies of important case documents, answers to frequently asked questions, and contact information for the Administrator. The Settlement Website also provided an online Claim Form for Settlement Class Members to submit a claim electronically.

16. As of the date of this Declaration, the Settlement website has tracked 100,909 unique visitors and 424,359 page views. JND will continue to maintain and update the website throughout the administration process.

TOLL-FREE INFORMATION LINE

17. On June 7, 2024, JND established a case-specific toll-free number (1-877-495-6974) which provides information about the Settlement through an automated Interactive Voice Response (IVR) system as well as the option to speak with a live agent. The toll-free number is available 24 hours a day, seven (7) days a week.

18. As of the date of this declaration, the toll-free number has received 665 calls. JND will continue to maintain the toll-free telephone number throughout the administration process.

REQUESTS FOR EXCLUSION

19. The Notices informed recipients that any Settlement Class Member who wanted to exclude themselves from the proposed Settlement (“opt-out”) must mail a letter to JND stating that they desire to be excluded from the class or otherwise not participate in the Settlement, postmarked on or before August 19, 2024.

20. As of the date of this declaration, JND has received ten (10) timely requests for exclusion. A list of the names of the Settlement Class Members who requested exclusion is attached hereto as **Exhibit D**.

OBJECTIONS

21. The Notices informed recipients that any Settlement Class Member who wanted to object to the approval of the proposed Settlement must submit a written statement to the Court (with copies to JND, Class Counsel, and Defense Counsel), postmarked on or before August 19, 2024, stating that they are a Class Member and identifying their reasons for objection.

22. As of the date of this declaration, JND received two (2) objections, copies of which were sent to the Court. JND is aware of no other objections.

CLAIMS RECEIVED

23. The E-mail and Mailed Notices sent to Class Members informed recipients that they must file a Claim Form to participate in the Settlement and receive a cash payment. The Notice stated that those wishing to do so must file a Claim Form by mail or electronically submit via the Settlement Website, postmarked or submitted on or before August 19, 2024.

24. As of the date of this declaration, JND has received a total of 64,540 Claim Forms (63,310 Claim Forms were submitted electronically and 1,230 Claim Forms were submitted by mail). JND is in the process of receiving, reviewing, and validating Claim Form submissions.

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

Executed on September 13, 2024 in Seattle, Washington.



Ryan Bahry

EXHIBIT A



June 17, 2024

United States Attorney General
and the Appropriate Officials
Identified in Attachment A

RE: CAFA Notice of Proposed Class Action Settlement

Dear Sir or Madam:

This Notice is being provided to you in accordance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715 on behalf of The New York Times Company, d/b/a *The New York Times*, the defendant in the below-referenced class action (“the Action”). Plaintiff’s Unopposed Motion for Order Granting Preliminary Approval of Class Action Settlement was filed with the Court on April 18, 2024 and preliminary approval was granted on June 6, 2024.

Case Name:	<i>Maribel Moses v. The New York Times Company, d/b/a The New York Times</i>
Case Number:	1:20-cv-04658-RA
Jurisdiction:	United States District Court for the Southern District of New York
Date Settlement filed with Court:	April 18, 2024

Copies of all materials filed in the above-named actions are electronically available on the Court’s Pacer website found at <https://pcl.uscourts.gov>. Additionally, in compliance with 28 U.S.C. § 1715(b), the enclosed CD-ROM contains the following documents filed in the Action:

01 - Complaint.pdf

Class Action Complaint and Demand for Jury Trial, filed June 17, 2020

02 - First Amended Complaint.pdf

First Amended Class Action Complaint and Demand for Jury Trial, filed August 31, 2020

03 - Motion for Preliminary Approval.pdf

Notice of Motion and Unopposed Motion for Order Granting Preliminary Approval of Class Action Settlement, filed April 18, 2024

04 - Declaration of Neal J. Deckant.pdf

Declaration of Neal J. Deckant in Support of Plaintiff’s Motion for Preliminary Approval of Class Action Settlement, filed April 18, 2024

05 - Memorandum of Law.pdf

Memorandum of Law in Support of Plaintiff’s Unopposed Motion for Preliminary Approval of Class Action Settlement, filed April 18, 2024

06 - Settlement Agreement.pdf

Class Action Settlement Agreement, filed April 18, 2024

07 - Claim Form.pdf

[Proposed] New York Times Settlement Claim Form, filed April 18, 2024

08 - Email Notice.pdf

[Proposed] Email Notice, filed April 18, 2024

09 -Postcard Notice.pdf

[Proposed] Postcard Notice, filed April 18, 2024

10 - Long Form Notice.pdf

[Proposed] Long Form Notice, filed April 18, 2024

11 -Order Granting Preliminary Approval.pdf

Order Granting Preliminary Approval of Class Action Settlement, Conditionally Certifying Settlement Class, Appointing Class Representative, Appointing Class Counsel, and Approving Notice Plan, entered June 6, 2024

The approximate class size is 899,998, which is not a final total. At the time of mailing, it is not feasible to provide a breakdown of the Settlement Class in accordance with 28 U.S.C. § 1715 (b)(7). However, suit is brought under California statutory law, and the scope of the class definition is limited to those persons who used a California address to subscribe to *The New York Times*. Thus, pursuant to 28 U.S.C. § 1715 (b)(7), we anticipate that the vast majority of the class is located in California.

There are no other settlements or agreements made between Counsel for the parties related to the class defined in the proposed settlement, and as of the date of this Notice, no Final Judgment or notice of dismissal has been entered in this case.

If you have any questions regarding the details of the case and settlement, please contact Defense Counsel's representative at:

Kristen C. Rodriguez

Dentons US LLP
233 S. Wacker Drive
Chicago, IL 60606
Tel: 312-876-6133
Email: Kristen.rodriquez@dentons.com

For questions regarding this Notice, please contact JND at:

JND Class Action Administration
1100 2nd Ave, Suite 300
Seattle, WA 98101
Phone: 800-207-7160

Regards,

JND Legal Administration
Encl.

Maribel Moses v. The New York Times Company d/b/a The New York Times, Case No. 1:20-cv-04658-RA
CAFA Notice - Attachment A - Service List

CAFA Coordinator
Office of the Attorney General
Consumer Protection Section
455 Golden Gate Ave., Ste 11000
San Francisco, CA 94102

Brian Schwalb
Office of the Attorney General
400 6th St NW
Washington, DC 20001

Merrick Garland
Office of the U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530

EXHIBIT B

From: info@NYTRenewalSettlement.com
To: JonQClassMember@domain.com
Re: Legal Notice of Class Action Settlement

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
Moses v. The New York Times Company, Case No. 1:20-cv-04658-RA
(United States District Court for the Southern District of New York)

UNIQUE ID: XXXXXXXX

This notice is to inform you of the settlement of a class action lawsuit against The New York Times Company (“NYT”) that may affect your rights. California subscribers to NYT’s digital, print, and standalone subscription offerings (the “NYT Subscriptions”) allege that NYT automatically renewed their subscriptions and charged their payment methods without first providing certain disclosures and obtaining the requisite authorizations, in violation of California law. NYT denies these claims. The Court has not decided who is right. NYT chose to settle this case, without admitting liability, to focus time, effort, and resources on continuing to provide valued content to its readers, and not on additional legal fees and the uncertainty of litigation.

Am I a Class Member? Our records indicate you may be a Class Member. Class Members are all persons who, from June 17, 2016, to and through May 12, 2021, enrolled in an automatically renewing NYT Subscription directly through NYT using a California billing and/or delivery address, and who and were charged and paid an automatic renewal fee(s) in connection with such subscription.

What Can I Get? A Settlement Fund of \$2,375,000 has been established to pay all valid claims submitted by the Settlement Class, together with notice and administration expenses, approved attorneys’ fees and costs, and an incentive award. If you are entitled to relief, you may submit a claim to receive a *pro rata* share of the Settlement Fund, which Class Counsel estimates to be about \$136.77 per class member, although the final amount you receive will also depend on the number of valid claims submitted.

How Do I Get a Payment? To receive a payment, you must submit a timely and complete Claim Form by mail or online, submitted or postmarked **no later than August 19, 2024**. You can submit the claim form online at www.NYTRenewalSettlement.com, or by clicking [here](#). Your payment will come by check. *Please note that the final approval of a prior settlement in 2021 in this same lawsuit was vacated by the Second Circuit Court of Appeals and that settlement is now void. Even if you submitted a Claim Form as part of that 2021 settlement, you must submit a Claim Form again by August 19, 2024, to receive payment.*

What are My Other Options? You may exclude yourself from the Class by sending a letter to the settlement administrator no later than **August 19, 2024**. If you exclude yourself, you cannot get a settlement payment, but you keep any rights you may have to sue NYT over the legal issues in the lawsuit. You and/or your lawyer have the right to appear before the Court and/or to object to the proposed settlement. Your written objection must be filed no later than **August 19, 2024**. Specific instructions about how to object to, or exclude yourself from, the Settlement are available at www.NYTRenewalSettlement.com. If you choose to say in the Class, and the Court approves the Settlement, you will be legally bound by all orders and judgments of the Court, and you won’t

be able to sue, or continue to sue, NYT as part of any other lawsuit involving the same facts or claims that are in this lawsuit. This is true even if you do nothing by not submitting a claim.

Who Represents Me? The Court has appointed Bursor & Fisher, P.A. to represent the class. These attorneys are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

When Will the Court Consider the Proposed Settlement? The Court will hold the Final Approval Hearing at **2:00 p.m. on October 4, 2024**, at the Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 1506, New York, NY 10007, or as otherwise ordered by the Court. At that hearing, the Court will hear any objections concerning the fairness of the Settlement but only if such objections are filed in writing with the Court and sent to Plaintiff's and NYT's counsel by **August 19, 2024**, as explained above; determine the fairness of the Settlement; decide whether to approve Class Counsel's request for attorneys' fees and costs up to a third of the Settlement Fund; and decide whether to award the Class Representative \$5,000 from the Settlement Fund for her services in helping to bring and settle this case. Class Members who support the Proposed Settlement do not need to appear at the hearing or take any other action to indicate their approval. You may hire your own lawyer to appear in Court for you if you wish; however, if you do, you will be responsible for paying that lawyer on your behalf.

How Do I Get More Information? For more information, including a more detailed Notice, Claim Form, a copy of the Settlement Agreement and other documents, go to www.NYTRenewalSettlement.com, contact the settlement administrator at 1-877-495-6974 or NYT Renewal Settlement, c/o JND Legal Administration, PO Box 91307, Seattle, WA 98111.

EXHIBIT C

«NameNumber»

NYT Renewal Settlement
c/o JND Legal Administration
P.O. Box 91307
Seattle, WA 98111



Unique ID: «NameNumber»

«Fullname»

«AddressLine1»

«AddressLine2»

«AddressLine3»

«AddressCity», «AddressState» «AddressPostalCode»

«AddressCountry»

NEW YORK TIMES SETTLEMENT CLAIM FORM

THIS CLAIM FORM MUST BE SUBMITTED ONLINE OR POSTMARKED BY AUGUST 19, 2024 AND MUST BE FULLY COMPLETED, BE SIGNED, AND MEET ALL CONDITIONS OF THE SETTLEMENT AGREEMENT.

Instructions: Fill out each section of this form and sign where indicated.

First Name: _____ Last Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Email Address: _____ (optional): _____

If you received notice of the Settlement by e-mail or mail, please provide the Unique ID from the notice:

«NameNumber»

Address Associated With Your Subscription(s) To The New York Times (if different than above)

Street Address: _____

City: _____ State: _____ Zip Code: _____

Email Address (associated with NYT Subscription): _____

Contact Phone #: (_____) _____ – _____ (You may be contacted if further information is required.)

Class Member Verification: By submitting this Claim Form and checking the boxes below, I declare that I believe I am a member of the Settlement Class and that the following statements are true (each box must be checked to receive a payment):

- I enrolled in an automatically renewing New York Times Subscription directly through The New York Times using a California billing or delivery address between June 17, 2016 and May 12, 2021 and was charged and paid a renewal fee(s) in connection with such subscription.
- I have not filed or submitted an Opt-Out or requested to be excluded from this Settlement.
- I have not submitted any other Claim for the same subscription and have not authorized any other person or entity to do so, and know of no other person or entity having done so on my behalf. If I maintained subscription(s) jointly with any other person or entity, only one Claim has or will be submitted per subscription. *(Note that the final approval of a prior settlement in 2021 in this same lawsuit is now void. Even if you submitted a Claim Form as part of that 2021 settlement, you must submit a Claim Form again to receive payment.)*
- Under penalty of perjury, all information in this Claim Form is true and correct to the best of my knowledge and belief.

Signature: _____ Date: ____/____/____

Print Name: _____

Before you complete and submit this Claim Form by mail or online, you should read and be familiar with the information contained in this notice and available at: www.NYTRenewalSettlement.com. The Settlement Administrator will review your Claim Form; you may be required to submit additional documentation to validate your claim. If accepted, you will be mailed a check for a *pro rata* share of the Settlement Fund. This process takes time, please be patient.

COURT AUTHORIZED NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT**OUR RECORDS INDICATE YOU WERE CHARGED AND PAID
AN AUTOMATIC RENEWAL FEE BY THE NEW YORK TIMES.
YOU MAY BENEFIT FROM A CLASS ACTION SETTLEMENT.**

By Order of the Court Dated: June 6, 2024

UNIQUE ID: «NameNumber»

A proposed settlement has been reached in a class action lawsuit alleging that Defendant The New York Times Company (“NYT”) unlawfully charged its customers automatic renewal fees in connection with their NYT Subscriptions without providing the disclosures required by California law. NYT denies the claims in the lawsuit and contends that it did not do anything wrong. The Court has not decided who is right. NYT chose to settle the dispute to avoid the cost and risk of litigation.

Am I a Class Member? Our records indicate that you may be a Class Member. Class Members are all persons who, from June 17, 2016, to and through May 12, 2021, enrolled in an NYT Subscription directly through NYT using a California billing and/or delivery address, and who were charged and paid an automatic renewal fee(s) in connection with such subscription.

What Can I Get? A Settlement Fund of \$2,375,000 has been established to pay all valid claims submitted by the Settlement Class, together with notice and administration expenses, approved attorneys’ fees and costs, and an incentive award. If you are entitled to relief, you may submit a claim to receive a pro rata share of the Settlement Fund, which Class Counsel estimates to be about \$136.77 per class member, although the final amount you receive will also depend on the number of valid claims submitted.

How Do I Get My Payment? To receive payment, you **must** submit a valid Claim Form to the Settlement Administrator by **August 19, 2024**. *Even if you submitted a Claim Form as part of the 2021 settlement in this same lawsuit, you must submit a Claim Form again by August 19, 2024, to receive payment. The prior 2021 settlement is now void.*

What are My Other Options? You may exclude yourself from the Settlement Class by sending a letter to the Settlement Administrator, **postmarked no later than August 19, 2024**. If you exclude yourself, you cannot get a settlement cash payment, but you keep any rights you may have to sue NYT over the legal issues in the lawsuit. If you don’t exclude yourself from the Settlement Class, then you and/or your lawyer also have the right to appear before the Court, at your own cost, to object to the proposed settlement, if you wish to do so, but you don’t have to. **Your written objection must be filed and postmarked no later than August 19, 2024**. Specific instructions about how to object to, or exclude yourself from, the Settlement are available at **www.NYTRenewalSettlement.com**. If you do nothing, and the Court approves the Settlement, you will be bound by all of the Court’s orders and judgments, and your claims relating to the fees charged by NYT will be released.

Who Represents Me? The Court has appointed Bursor & Fisher, P.A. to represent the class. These attorneys are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

When Will the Court Consider the Proposed Settlement? The Court will hold the Final Approval Hearing at **2:00 p.m. on October 4, 2024** at the Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 1506, New York, NY 10007, or as otherwise ordered by the Court. At that hearing, the Court will hear any objections concerning the fairness of the Settlement; determine the fairness of the Settlement; decide whether to approve Class Counsel’s request for attorneys’ fees and costs; and decide whether to award the Class Representative up to \$5,000 from the Settlement Fund for her services in helping to bring and settle this case. Class Counsel may be paid attorneys’ fees and costs out of the Settlement Fund in an amount to be determined by the Court. Class Counsel may seek up to one third of the Settlement Fund but the Court may award less than that amount.

How Do I Get More Information? This is only a summary. For more information, including the full Notice, Claim Form and Settlement Agreement go to: **www.NYTRenewalSettlement.com**, contact the Settlement Administrator at **1-877-495-6974** or NYT Renewal Settlement, c/o JND Legal Administration, PO Box 91307, Seattle, WA 98111.

EXHIBIT D

EXCLUSIONS		
Name	City, State	Date
Onkur Sen	San Mateo, CA	7/22/2024
Ernest Kung	Playa Vista, CA	7/26/2024
Jason Cain	Kirkland, WA	7/26/2024
Helen Davis	Los Angeles, CA	7/29/2024
Sandra Martensen	Santa Rosa, CA	8/1/2024
Katie Somero	Los Angeles, CA	8/2/2024
Y-Nhi Duong	Fountain Valley, CA	8/5/2024
Gina Atwater	Peachtree City, GA	8/16/2024
George J Leonard	Redwood City, CA	8/19/2024
Armando Sardon	Aliso Viejo, CA	8/22/2024