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Attorneys for Plaintiffs and the Proposed Classes

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

MAX WEISS, LEZLEY HOLMES,
SEBASTIEN TARDIFF, JOHN
MACZYNSKI, *et al.*, individually and
on behalf of all others similarly situated,

 Plaintiffs,

 v.

SUNPOWER CORPORATION,

 Defendant.

Case No.: 21CV384151

**DECLARATION OF ERIC SCHACHTER
OF A.B. DATA, LTD.'S CLASS ACTION
ADMINISTRATION COMPANY
CORRECTING PRIOR SUBMISSION**
Hon. Sunil R. Kulkarni

1 I, Eric Schachter, declare as follows:

2 1. I am a Vice President of A.B. Data, Ltd.’s Class Action Administration Company
3 (“A.B. Data”), whose principal offices are in Milwaukee, Wisconsin. I have personal knowledge
4 of the facts set forth herein and, if called as a witness, could and would testify competently
5 thereto.

6 2. I submit this Declaration to correct the Supplemental Declaration of Eric Schachter
7 of A.B. Data, Ltd.’s Class Action Administration Company (the “Supplemental Schachter
8 Declaration”), filed on March 17, 2022. This Declaration provides corrected numbers relating to
9 the claims submitted to A.B. Data by Settlement Class members in the above-captioned action.

10 3. The deadline for Settlement Class Members to submit a Claim was
11 March 10, 2022. On March 17, 2022, A.B. Data reported to the parties and the Court in the
12 Supplemental Schachter Declaration that: i) A.B. Data had received a total of 2,484 Claims; ii)
13 only 2,202 of the Claims were submitted by people believed to be Settlement Class Members;
14 and iii) A.B. Data estimated that each valid Claimant would receive an average payment of
15 approximately \$1,338.00, which was equivalent to approximately \$64.80 per Covered Solar
16 Module.

17 4. On or about April 29, 2022, while conducting customary audits of the submitted
18 Claims, A.B. Data discovered that, due to a technical malfunction, claims submitted via the
19 settlement website since December 8, 2021 were received and retained by A.B. Data, but not
20 transferred to A.B. Data’s database for processing claims. As a result, these claims were not
21 included in the claims numbers A.B. Data previously reported to the parties and the Court.

22 5. In total, A.B. Data received 4,668 Claims that were not incorporated into the
23 numbers A.B. Data reported to the parties and the Court in the Schachter Supplemental
24 Declaration on March 17, 2022.

25 6. A.B. Data has analyzed the 4,668 recently-identified Claims and determined that
26 1,589 are from people believed to be Settlement Class Members. Adding these 1,589 Claims to
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1 the other 2,202 Claims from people believed to be Settlement Class Members results in a total
2 of 3,791 Claims submitted by Settlement Class Members, equaling a 22.18% claim rate.

3 7. Of the 4,668 recently-identified Claims, A.B. Data has determined that 3,079 were
4 submitted by people who are likely not Settlement Class Members because their names do not
5 appear on the Settlement Class List from SunPower. A.B. Data will provide each of these
6 Claimants a written notification advising that their Claim will be deemed invalid unless they
7 submit additional information to show they are a Settlement Class Member.

8 8. Utilizing a Net Settlement Fund of \$2,964,636.73 (based on the Court's final
9 approval order), the 3,791 valid Claimants will receive an average payment from the Net
10 Settlement Fund of approximately \$781.89. This will be the equivalent of \$38.12 per Covered
11 Solar Module, based on the Settlement Class Member panel count data provided by SunPower.¹

12 9. The processing and auditing of the Claims, including the determination of the
13 validity and monetary value of each Claim, is still in process. If A.B. Data determines that any
14 Claim is ineligible for payment, A.B. Data will follow the procedures set in paragraphs 3.4.2 and
15 3.4.3 of the Settlement Agreement to provide the Claimant(s) written notice that their Claim has
16 been denied and an opportunity to cure the any deficiency.

17 10. Once the claim determinations have been finalized, including addressing the
18 discrepancies on whether a Claimant is a Settlement Class Member and the differing number of
19 Covered Solar Modules, A.B. Data will provide the parties with information, including: i) an
20 anonymized list of the Authorized Claimants (anonymized as to identity, email address, home
21 address, and any other personally identifying information), ii) the amount to be distributed from
22 the Net Settlement Fund to each Authorized Claimant; and iii) an anonymized list of Claims
23 denied, including the reason for the denial.

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26 ¹ The payment amounts represented in this Declaration will differ modestly from the actual payment amounts,
27 including because (1) A.B. Data may determine that some Claims are invalid and (2) for some Claims, A.B. Data is
28 still resolving discrepancies between the number of Covered Solar Modules claimed on the Claim Form and the
number shown in SunPower's data.

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11. A.B. Data estimates that it will resolve all issues regarding deficient claims and issue Settlement Payments to Authorized Claimants by July 15, 2022.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed at Milwaukee, Wisconsin on May 23, 2022.



Eric Schachter