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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  
  
**SUPPLEMENTAL DECLARATION OF  
ERIC SCHACHTER OF A.B. DATA,  
LTD.’S CLASS ACTION  
ADMINISTRATION COMPANY**  
  
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 as a supplement to my earlier declaration filed on March  
7 3, 2022, the Declaration of Eric Schachter of A.B. Data, Ltd.’s Class Action Administration  
8 Company (the “Initial Schachter Declaration”). This Declaration details the steps taken since the  
9 Initial Mailing Declaration for the above-captioned action, per the terms of the Court’s October  
10 20, 2021, Order Concerning Plaintiffs’ Motion for Preliminary Approval of Class Action  
11 Settlement (the “Preliminary Approval Order”), and A.B. Data’s work performed to administer  
12 the Settlement.

13 **CLAIMS SUBMITTED**

14 3. The deadline for Settlement Class Members to submit a Claim was March 10,  
15 2022.

16 4. Since submitting the Initial Schachter Declaration, A.B. Data has continued to  
17 process Claims received from potential Settlement Class Members. To date, A.B. Data has  
18 received 2,484 non-duplicative Claims.

19 5. A.B. Data has confirmed that 2,202 of the 2,484 Claimants match the data set that  
20 A.B. Data received from counsel for SunPower with contact information for Settlement Class  
21 Members (the “Settlement Class List”). The claim rate, based on those 2,202 claims, is 12.88%.

22 6. A.B. Data has confirmed that 282 of the 2,484 Claimants do not match the  
23 Settlement Class List. The claim rate, based on all Claims would be 14.30%.

**VALUE OF CLAIMS**

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2           7.     If the Court awards the maximum deductions from the Settlement Fund that were  
3 disclosed in the Notice, the Net Settlement Fund will be \$2,946,666.67.

4           8.     If A.B. Data determines that the 282 Claimants that do not match the Settlement  
5 Class List are not Settlement Class Members, the remaining 2,202 Claimants will receive an  
6 average payment from the Net Settlement Fund of approximately \$1,338. This will be the  
7 equivalent of \$64.80 per Covered Solar Module, based on the Settlement Class Member panel  
8 count data provided by SunPower.<sup>1</sup>

9  
10          9.     If A.B. Data determines that all of the 282 Claimants that do not match the  
11 Settlement Class List are Settlement Class Members, then Claimants will receive an average  
12 payment from the Net Settlement Fund of approximately \$1,186. This will be the equivalent of  
13 \$57.44 per Covered Solar Module, based on the Settlement Class Member panel count data  
14 provided by SunPower and assuming that 282 Claimants not on the Settlement Class List have  
15 the same average number of panels as those on the list.  
16

**PROCESSING CLAIMS**

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18          10.    A.B. Data has determined that 550 Claim Forms state that the Settlement Class  
19 Members purchased or own a different number of Covered Solar Modules than reflected in the  
20 data set provided to A.B. Data by SunPower. A.B. Data will seek additional information from  
21 the Settlement Class Members and/or the parties to resolve any discrepancies.  
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26 <sup>1</sup> 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.

1           11. In addition, as noted above, 282 Claimants are not on the Settlement Class List  
2 from SunPower. A.B. Data will seek additional information from the Settlement Class Members  
3 and/or the parties to determine whether these Claimants are Settlement Class Members.

4           12. The processing and auditing of the Claims, including the determination of the  
5 validity and monetary value of each Claim, is still in process. If A.B. Data determines that any  
6 Claim is ineligible for payment, A.B. Data will follow the procedures set in paragraphs 3.4.2 and  
7 3.4.3 to provide the Claimant(s) written notice that their Claim has been denied and an  
8 opportunity to cure the any deficiency.  
9

10           13. Once all Claims have been fully processed and audited, A.B. Data will provide the  
11 parties with: i) a list of the Authorized Claimants, including the amount to be distributed from  
12 the Net Settlement Fund to each Authorized Claimant; and ii) a list Claims denied, including the  
13 reason for the denial.  
14

15 I declare under penalty of perjury under the laws of the United States of America that the  
16 foregoing is true and correct. Executed at Milwaukee, Wisconsin on March 17, 2022.

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19 Eric Schachter  
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