

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MELISSA FERRICK, et al.,)	Case No. 1:16-cv-08412 (AJN)
)	
Plaintiffs,)	
)	
vs.)	
)	
SPOTIFY USA INC., et al.,)	
)	
Defendant.)	
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**DECLARATION OF STEPHEN J. CIRAMI
REGARDING NOTICE PLAN AND SETTLEMENT ADMINISTRATION**

Stephen J. Cirami, being duly sworn, deposes and says:

1. I am the Executive Vice President and Chief Operating Officer of Garden City Group, LLC (“GCG”), a full service administration firm providing legal administration services, including the development of complex legal notice programs. GCG has been retained to design and administer the Notice Plan as well as administer all other aspects of this Settlement. The following statements are based on my personal knowledge as well as information provided by other experienced GCG employees working under my supervision, and if called on to do so, I could and would testify competently thereto.

2. GCG is a recognized leader in providing legal notice and administrative services. GCG has offices in Lake Success, New York; Seattle, Washington; Dublin, Ohio; Tallahassee, Florida; and Waterloo, Canada. GCG has hundreds of employees, including former class action attorneys, software engineers, call center professionals, in-house legal advertising specialists, and graphic artists with extensive website design experience, among other professionals.

3. GCG routinely develops and executes notice programs and administrations in a

wide variety of class action and mass action contexts. Our team has served as administrator for over 3,200 cases during GCG's 30-plus year history. Additionally, GCG has mailed hundreds of millions of notices, disseminated over 400 million emails, handled over 33 million phone calls, processed tens of millions claims, and distributed over \$63 billion in benefits. Attached hereto as Exhibit A is a firm resume. Additional information about GCG can be found on our website at www.gardencitygroup.com.

4. GCG was engaged by Spotify USA Inc. ("Spotify"), with the consent of counsel for the Plaintiffs in this case, to develop and implement the Notice Plan to inform Settlement Class Members of the proposed class action settlement in this matter.

RELEVANT EXPERIENCE

5. I have been involved in some of the largest and most complex notification programs in the country, including: *In re Nortel Securities Litigation I* and *In re Nortel Securities Litigation II*, Southern District of New York (\$2.4 billion aggregate settlement funds); *In re Royal Ahold Securities and ERISA Litigation*, District of Maryland (\$1.1 billion settlement fund); *In re Credit Default Swaps Antitrust Litigation*, Southern District of New York, (\$1.864 billion settlement fund); *In re Cobb EMC Class Action*, Superior Court of Cobb County, Georgia, (\$98 million settlement fund); *In re Initial Public Offering Securities Litigation*, Southern District of New York (\$586 million settlement fund); *Countrywide MBS Settlement*, Central District of California (\$500 million settlement fund); *In re Bank of New York Mellon Corp. Forex Transactions Litigation*, Southern District of New York (\$335 million settlement fund) *Bennett v. Sprint Nextel Corp.* District of Kansas (\$131 million settlement fund); *In re HP Securities Litigation Settlement Fund*, Northern District of California, (\$100 million settlement fund); *In re*

SCOR Holding (Switzerland) A.G. Securities Litigation, Southern District of New York (\$58.4 million settlement fund); *Vivendi SEC Settlement*, Southern District of New York (\$51 million settlement fund); *Vivendi Universal Securities Class Action*, Southern District of New York (administration of a jury verdict); *In re Sony PS3 Other OS Litigation*, Northern District of California; *Markos v Wells Fargo Bank NA*, Northern District of Georgia; *McDonough v. Toys 'R' Us, et al.* and *Elliott v. Toys 'R' Us, et al.*, Eastern District of Pennsylvania (\$35 million combined settlement); and *In re Longstop Financial Technologies Limited Securities Litigation*, Southern District of New York (\$2.3 million settlement fund).

6. During my 13 years at GCG, I have handled a wide range of historic complex legal administrations, including mass tort settlements, human rights administrations, product liability settlements, antitrust matters, DOJ disgorgements, securities litigation settlements and SEC Fair Funds, and ERISA, wage and hour, and insurance-related matters. As part of my duties, I also lead GCG's Notice Team. Attached as Exhibit B is my *curriculum vitae*. Most recently, I have overseen the development, implementation, and provided opinions on notice efficacy in connection with the following settlements, all of which have been approved by the Court in those matters: *Markos v. Wells Fargo Bank, N.A.*, Northern District of Georgia; *Cross v. Wells Fargo Bank, N.A.*, Northern District of Georgia; *In re Google Inc. Cookie Placement Consumer Privacy Litigation*, District of Delaware; and *Floor and Décor Outlets of America, Inc.*, Northern District of Georgia.

7. Additionally, I have testified and/or submitted reports regarding GCG's administrations, including notice plans, to numerous courts, including: *In re Royal Ahold N.V. Securities & ERISA Litigation*; *In Re Initial Public Offering Securities Litigation: Bellsouth*

Securities Litigation; Checkpoint RF Tags Antitrust Litigation; In re Citigroup Inc. Securities Litigation; In re Interpublic Securities Litigation; In re Rentech Inc., Securities Litigation; and San Allen Inc., et al. vs. Stephen Buehrer Administrator, Ohio Bureau of Workers' Compensation.

8. I have particular expertise identifying solutions for cases involving high volume and inaccurate or dated data, and those requiring specialized class member identification demands. As such, I am currently serving as an expert witness in *Estate of Mikulski v. Cleveland Electric Illuminating Co.*, *Estate of Mikulski v. Centerior Energy Corp. et al.*, *Estate of Mikulski v. Toledo Edison Co.*, concerning the reasonable identification of class members, and notice and administration procedures. In 2016, I was appointed to serve personally as the Special Master overseeing the appeals processing in a class action settlement (*Seifi v. MBUSA Settlement*) for which GCG was not serving as the claims administrator.

9. I have authored articles on class action administrations, particularly in relation to global settlements. *See, e.g.*, “Thinking Down the Road . . . or Across an Ocean: Global Legal Notice Considerations” – *The National Law Journal*, July 2016; “Thinking Down the Road: 5 Things to Consider When Negotiating a Class Action Settlement,” *American Lawyer and Corporate Counsel*, July 2014; and “Potential Pitfalls of Class Action Notice and Claims Administration in the 21st Century” – *Practicing Law Institute: Class Action Litigation Manual*, 2012. And I was named by *Lawdragon* as one of the 100 leading legal consultants and strategists in 2016.

GCG'S LEGAL NOTICE TEAM

10. The Notice Plan for this Settlement was developed with the input and expertise of

our Notice and Media Team, which is managed by Shandarese Garr, GCG's Senior Vice President, Communications. Bringing to bear her nearly 27 years of hands-on experience managing all aspects of class action administration and notice efforts, Ms. Garr leads this team of four professionals who are media and advertising experts in their own right. Indeed, in addition to Ms. Garr's 27 years in the class action administration industry, this team has a combined 60-plus years of media and advertising experience in the class action noticing context. GCG's team combines proven media industry expertise and operations experience with class member communications and management to provide a thorough, tailored, and efficient notice program. Together, they specialize in class member notice execution, advertising and media planning and social media. Collectively, we have more than 100 years of class action administration, noticing, advertising and media experience and have developed and/or executed more than 1,000 notice plans, including some of the most successful, most complex and high-profile notice campaigns in class action history.

11. Our Notice & Media Team has designed and effectuated hundreds of notice programs, including many matters with national and international reach utilizing the most current methods and technology for locating and reaching class members. The Notice & Media Team is highly experienced utilizing social media, digital placements across desktop and mobile platforms, including in-app video, press releases, print media, and television and broadcast media to effectuate a wide variety of settlements. Attached as Exhibit C are full profiles of GCG's Notice & Media Team.

12. Ms. Garr, members of the Notice & Media Team, and I, as well as employees from GCG's Operations department, have reviewed the Settlement Agreement (the

“Agreement”) in this matter. GCG understands all aspects of the Agreement and agrees to administer its terms. If the Agreement is preliminarily approved by the Court, GCG anticipates performing all tasks assigned to it, including handling all aspects of the Notice Plan, which GCG designed and which is described in further detail below.

STRATEGY AND TARGET AUDIENCE DEFINITION

13. GCG adheres to the highest communication and outreach standards, in part, by structuring its notice programs based on data provided by standard methodology that is used throughout the advertising industry and which has been embraced by courts in the United States. The design of this Notice Plan uses industry-accepted methodologies that can be tested by peers.

14. Based on our review of the Agreement, we understand that the proposed Settlement Class is defined as follows:

All persons or entities who own one or more copyrights in musical compositions (a) for which a certificate of registration has been issued or applied for; and (b) that was made available by Spotify for interactive streaming and/or limited downloads during the class period (December 28, 2012 through the Preliminary Approval Date) without a license, except for (i) Spotify and its affiliates, employees, and counsel; (ii) federal, state, and local governmental entities; (iii) the Court; (iv) persons and entities who executed a Participating Publisher Pending and Unmatched Usage Agreement in connection with the Pending and Unmatched Usage Agreement, dated as of March 17, 2016, between Spotify and the National Music Publishers’ Association, or any other person or entity who has agreed not to bring a claim against Spotify in this Action; and (v) any person or entity who has already provided Spotify with a release with respect to claims concerning musical compositions for which a certificate of registration has been issued or applied for, but the exclusion applies solely with respect to such released claims.

15. Specifically, GCG designed the Notice Plan using a method accepted within the advertising industry to understand the target audience (*i.e.*, Settlement Class Members) by examining their demography and media consumption habits. This affidavit describes the

methodology for understanding the target audience and how the most appropriate media was selected to reach that target.

16. In order to design an appropriate and efficient national legal notice program, GCG utilizes the syndicated research bureaus GfK Mediamark Research, Inc. (“GfK MRI”) and comScore. GfK MRI is a nationally syndicated research tool. It is the leading supplier of multi-media audience research, and provides comprehensive reports on demographic, lifestyle, product usage and media exposure. GfK MRI conducts more than 26,000 personal interviews annually to gather their information, and is used by more than 450 advertising agencies as the basis for the majority of media and marketing campaigns.

17. comScore is a global Internet information provider on which leading companies and advertising agencies rely for consumer behavior insight and Internet usage data. comScore maintains a proprietary database of more than two million consumers who have given comScore permission to monitor their browsing and transaction behavior, including online and offline purchasing. comScore panelists also participate in survey research that captures and integrates their attitudes and intentions.

18. Based on these media research tools, GCG is able to measure and report to the Court what percentage of the target audience is estimated to be reached by the Notice Plan and how many times the target audience will have the opportunity to see the Notice. In advertising, this is commonly referred to as a “reach and frequency” analysis. Reach refers to the estimated percentage of the unduplicated audience exposed to the notice. Frequency, in turn, refers to how many times, on average, the target audience had the opportunity to view the notice. Reach and frequency calculations are used by advertising and communications firms worldwide and have

become a critical element to help provide the basis for determining adequacy of notice in class action cases.

19. As is common in many Notice Plans, an exact target of the defined class, certain “persons or entities who own copyrights in musical compositions,” is not available in the above mentioned research tools. Therefore, taking into account the Class described above, we have determined that the best proxy for this case, given the GfK MRI and comScore parameters available, is “adults 18 and older in the United States who indicated their job was in the ‘arts, design, entertainment, sports or media’ fields” (the “Target Audience”). This Target Audience encompasses the vast majority of Class members who are human beings (and the key employees of the Class members who are legal entities). And the minority of Class members who might fall outside this Target Audience (such as amateur songwriters with other professions) are likely to have media consumption habits that overlap with the Target Audience. We also ensured that the Notice Plan included publications with international scope in order to reach non-U.S. Class members.

OVERVIEW OF THE NOTICE PLAN

20. In addition to the Agreement, I have reviewed the Summary Notice and the Postcard Notice (collectively, the “Notices”). The Notices are designed to attract the attention of would-be Class Members so that they can take additional action. The information is presented in plain language so that they can be easily understood by Settlement Class Members. Accordingly, the design of the Notices follows the principles embodied in the Federal Judicial Center’s illustrative “model” notices posted at www.fjc.gov. Many courts and the FJC itself have approved notices written and designed in a similar fashion. The Notices contain

substantial, albeit easy-to-read, summaries of all of the key information about Settlement Class Members' rights and options, benefits of the Settlement and the deadlines to act. Consistent with our normal practice, all notice documents will undergo a final edit prior to actual mailing and publication for grammatical errors and accuracy.

21. The Notices feature a prominent headline in bold text. This alerts recipients and readers that the Notices are important documents authorized by a court and that the content may affect them, thereby supplying reasons to read the Notices.

22. The Notice Plan was designed to provide adequate notice to Settlement Class Members and ensure that they will be exposed to see, review and understand the Notices multiple times. When developing the Notice Plan, GCG determined that the most practicable way to reach Settlement Class Members was through a multifaceted approach, engineered through a combination of direct notice, Internet advertising and print media. The elements in this multilayered and comprehensive Notice Plan include:

- (1) print notice once each in *Rolling Stone*; *Billboard*, *Music Connection* and *Variety*;
- (2) targeted digital advertisements on the Internet;
- (3) social media outreach;
- (4) a press release;
- (5) a disclosure on Spotify's webpage for artists;
- (6) direct mail notice to potential Settlement Class Members known through address data available from the U.S. Copyright Office;

(7) a settlement website; and

(8) a toll-free information telephone number.

23. The Notice Plan as outlined above is estimated to have a measurable reach of a minimum of 72% of the Target Audience and, by inclusion, the defined Class, with a 2.5 frequency. Included in this minimum reach of 72% is a combination of one measurable magazine and three measurable digital properties. The total reach is calculated utilizing a formula that accounts for potential duplication across media titles and vehicles rather than by adding the individual reach figures together. Although the measurable components of the Notice Plan are estimated to reach at least 72% of the Class by themselves, the Notice Plan also includes non-measurable media vehicles and outreach efforts, specifically three magazines, seven digital properties, a press release, Spotify's artist-facing webpage, and direct mail to a list of copyright registrants obtained from the U.S. Copyright Office. Taking into account the measurable and non-measurable elements of the Notice Plan, it is reasonable to expect that far more than the 72% of the Target Audience—and hence the Class—will be reached. Accordingly, I believe that the Notice Plan will provide adequate notice to the Settlement Class based on the documents provided by Counsel. The Notice Plan is consistent with Fed R. Civ. P. 23 and provides the best practicable notice to reach Settlement Class Members.

MEASURABLE COMPONENTS OF THE NOTICE PLAN

24. The direct mail component of the Notice Plan is not included in our reach analysis and is intended to further enhance the notice received by Settlement Class Members; accordingly, GCG designed the publication and media component of the Notice Plan, standing alone, to reach the vast majority of Settlement Class Members. As mentioned above, the

measurable reach of 72% percent is based upon publication in print and digital media. First, the Summary Notice will be inserted once in *Rolling Stone* magazine.

PRINT PUBLICATION				
Print	Circulation	Insertions	Frequency	Unit Size
<i>Rolling Stone</i>	1,450,000	1	Bi-Weekly	1/2 Page

25. *Rolling Stone* magazine is a cultural icon. It is the original, and remains the number one, pop culture reference point for young adults. Its authoritative voice reaches beyond music, with influential perspectives on entertainment, technology, fashion, national affairs, and current events - everything that's important, relevant, and newsworthy to trendsetting young adults today.

26. Second, Internet advertising has become a standard component in legal notice programs. The Internet has proven to be an efficient and cost-effective method to target and provide measurable reach of persons covered by a settlement. According to GfK MRI Research, 99% of the Target Audience has used the Internet in the last 30 days. Accordingly we will run banner ads on select websites where Settlement Class Members may visit regularly and utilize networks based on cost efficiency, timing, and their contribution to the overall reach of the target. Banner advertisements are image-based graphic displays that are used in legal noticing to notify people of a settlement relevant to them. The text of the banner advertisements will allow users to identify themselves as potential class members and directly link them to the settlement website for more information.

27. The selected sites were chosen to reach the greatest number of Settlement Class Members effectively. According to GfK MRI research, 83.7% of the Target Audience uses

Facebook. Trade websites were also included to reach those in the music industry.

28. The banner advertisements will run for 4-6 weeks and will also link directly to the settlement website. A list of the recommended websites included in the Notice Plan is shown below.

INTERNET			
Site	Duration	URL	Unit Size
Yahoo! Audience Network	6 weeks	Various	Multiple
Facebook	6 weeks	www.facebook.com	Custom
Conversant	6 weeks	Various	Multiple
Total Estimated Impressions:	403,000,000		

29. A description of the content and readership of each publication is set forth below:

- **The Yahoo Audience Network** is a network buy comprising of Yahoo branded websites as well as partnerships with AOL and Microsoft. Advertising may appear on any of these sites (Yahoo, AOL, and MSN) as well as on websites from ComScore 1000 sites (a ranking of the top 1000 sites by page views/traffic).
- **Facebook** is the number one social networking site on the web. As of April 2016, Facebook reported over 79% of online adults in the U.S. use Facebook and as of February 2017 the site had 1.23 billion daily active users. Advertising would be purchased as a custom ad unit (image plus text advertising) and rotate throughout the website, including a user's home page or "news feed."
- **Conversant** connects brands with target audiences with reach & accuracy across devices with 96% accuracy across all devices and channels. The digital platform includes over 3.3 million websites that cover 84.3% of the US population, tracking over 1 million online actions per second. Each consumer profile is built across 7000 dimensions, including web browsing, app usage, video plays, email activity, cross-screen engagement, life events, hobbies, ad interactions and product interest. Creative and media placement is customized and may be served across 1.1 million websites and 173,000 mobile apps.

30. The above components were used in the reported reach and frequency analysis.

Non-Measurable Components of the Notice Plan

31. To supplement the measurable print and digital media described above, the Notice Plan includes additional print and digital media. We will publish the Summary Notice once each in *Billboard*, *Music Connection*, and *Variety*.

<u>PRINT PUBLICATION</u>				
Print	Circulation	Insertions	Frequency	Unit Size
<i>Billboard</i>	17,000	1	Weekly	½ Page
<i>Music Connection</i>	25,000	1	Monthly	½ Page
<i>Variety</i>	53,979	1	Weekly	2/5 Page
Total Circulation:	95,979			

- ***Billboard*** is the world's most influential music media brand, reaching music fans as well as executives and tastemakers in and around the music business through *Billboard Magazine* and other publications. The *Billboard* brand is built on its exclusive charts and unrivaled reporting on the latest news, issues, and trends across all genres of music.
- ***Music Connection*** is edited for record, publishing and management companies, as well as bands, musicians, songwriters and related professionals. Regular features include: A&R Report, Songworks, Demo Critique, New Toys and a studio mix section. Special features include interviews with music industry executives and established and up-and-coming artists, in addition to directories and guides.
- ***Variety*** remains the seminal voice of the entertainment industry for 111 years and counting. Featuring award-winning breaking news reporting, insightful award-season coverage, must-read feature spotlights & intelligent analysis of the industry's most prominent players, *Variety* is the trusted source for the business of global entertainment. Read by a highly engaged audience of industry insiders, *Variety's* multi-platform content coverage expands across digital, mobile, social, print and branded events and summits.

32. The following additional banner advertisements will run for 4-6 weeks and will link directly to the settlement website:

INTERNET			
Site	Duration	URL	Unit Size
American Songwriter	4 weeks	www.americansongwriter.com	Multiple
Fader	4 weeks	www.thefader.com	728 x 90 & 300 x 250
Hits Daily Double (Hits Magazine)	4 weeks	www.hitsdailydouble.com	728 x 90 & 300 x 250
BillboardBiz	4 weeks	www.billboard.com/biz	300 x 250
Pitchfork	4 weeks	www.pitchfork.com	TBD
Drowned in Sound	4 weeks	www.drownedinsound.com	TBD
Consequence of Sound	4 weeks	www.consequenceofsound.com	TBD
Total Estimated Impressions:	2,100,000		

33. A description of the content and readership of each publication is set forth below:

- **American Songwriter** explores all genres of music—from country to hip-hop, folk to classical, rock to pop, blues to electronica and soul to R&B—providing daily news, new album reviews, video interviews, in-office video recording sessions, live photos, business insight, blogs and online exclusive contest for the aspiring to professional musician or music enthusiast to enjoy anywhere. The American Songwriter reader is just as diverse as its contents—professional to aspiring songwriters, music fans to music publishers, studio owners, copyright lawyers, record label presidents to music consumers.
- **TheFADER.com** is the online nexus of all things FADER, constantly updated with exclusive content including the newest music, the latest style and the most crucial happenings in art and culture. TheFADER.com features multiple free music downloads daily, FADER TV original series, weekly columns, interviews, events coverage, global field reportage, features and photos from every issue of FADER magazine and much more. It is a unique space that provides a platform for expanded and immediate coverage of emerging music, style and pop culture from the fringes of the mainstream to the heart of the underground.

TheFADER.com attracts more than 2 million unique visitors and has over 3 million page views per month.

- **Hits** is an American music industry trade publication. The online version of the magazine, Hits Daily Double is a source for music and music video, upcoming releases, sales data and a myriad of hits lists with content that includes proprietary weekly sales and airplay data, a section on breaking artists (“Vibe-Raters”), interviews with music industry leaders, a weekly cartoon, music and music industry news, and charts provided by Shazam, Vevo, and Mediabase. The “Rumor Mill”, described as “music industry news and innuendo,” has been widely read within the music business since the magazine's launch.
- **BillboardBiz** is Billboard’s premium business site with over 150 proprietary airplay and sales charts—covering every genre of music, video and digital entertainment. The site features news, white-paper reports and analysis of the music industry.
- **Pitchfork** is a trusted voice in music, celebrating and exploring emerging artists and established pioneers across all genres. Pitchfork has a loyal audience of more than 7 million monthly unique visitors.
- **Drowned in Sound** is an interactive zine with reviews, news, interviews and opinions on a wide range of musical genres.
- **Consequence of Sound** is an online music publication updated daily with, among other things, music news. It reaches a diverse global audience of over eighty million people annually.

34. Concurrent with the banner advertisements, social media outreach utilizing LinkedIn, Reddit and Twitter will run for 4-6 weeks targeting musicians, producers, composers, and other music-related titles and interests. A description of the outreach and the content and usage of each of the social media outlets is described below.

- **LinkedIn Ads:** LinkedIn is a business- and employment-oriented social networking service with over 433 million users and 106 million unique visitors per month. Advertising will be targeted to musicians, composers, producers, and other related job titles. Those in our Target Audience are 142% more likely to use LinkedIn than the average adult 18 years of age or older.
- **Reddit Promoted Links:** Reddit is a social news aggregation and discussion website, with over 542 million monthly visitors as of 2017. Content on Reddit is

organized by areas of interest called subreddits, including ones for songwriters (r/songwriters, r/songwriting, r/composing, r/composition, and r/wearethemusicmakers) and the music and music publishing industry (r/musicindustry, r/musicpublishing, and r/themusicbusiness).

- **Twitter Promoted Tweets:** Promoted Tweets are regular Tweets purchased by advertisers who want to reach a wider group of users or to spark engagement and drive traffic to a website. Promoted Tweets are delivered to influencers' timelines encouraging them to share with their followers and visit the settlement website. Those in our Target Audience are 156% more likely to use Twitter than the average adult 18 years of age and older. Twitter provides a cost effective approach to expand the messaging of the settlement while driving quality traffic to the settlement website with minimal wasted impressions.

35. **Press Release:** A national press release of up to 700 words will be distributed over PR Newswire's US1 and National Hispanic Newslines. The US1 release will be issued broadly to more than 15,000 media outlets, including newspapers, magazines, national wire services, television, radio and online media in all 50 states. The Hispanic Newslines reaches over 7,000 U.S. Hispanic media contacts including online placement of approximately 100 Hispanic websites nationally. The release will also be sent to over 2,500 contacts in the music industry.

36. **Spotify's Website:** I understand that Spotify maintains an artist-focused webpage on its website at artists.spotify.com. As part of the Notice Plan, Spotify will post a prominent link on that webpage to the settlement website. The language that will accompany the link will state as follows: "Songwriters and publishers: Learn if a recent settlement may benefit you."

37. **Direct Mail Notice:** I understand that the U.S. Copyright Office's electronic copyright registration records include contact information, such as mailing addresses and a small number of email addresses, for electronically submitted copyright registrations starting in 2008. I further understand although some of these registrants may be Settlement Class Members, it is unknown how many are actually Settlement Class Members because, among other things,

copyrights may be transferred after registration.

38. I have had access to a portion of that data and have had the opportunity to review the data. The data that I reviewed includes mailing addresses and a small number of email addresses for copyright registrants.

39. I understand that Spotify has obtained additional data from the U.S. Copyright Office that is similar to the data that I reviewed and will be able to provide that data in connection with this Notice Plan.

40. GCG will mail a Postcard Notice to each individual or entity for whom the U.S. Copyright Office data contains a complete mailing address and email a Postcard Notice to each individual or entity for whom the U.S. Copyright Office data contains a complete email address. Prior to commencing the mailing, GCG will update each potential Settlement Class Member address through the National Change of Address database, which is maintained by the United States Postal Service (“USPS”) and ensures that address data is accurately formatted for mailing.¹ Where a more current address is obtained, GCG will update the address accordingly to help increase the success rate of the Mailed Notices reaching the Class. Postcard Notices returned as undeliverable will be re-mailed if a new address is provided to GCG by USPS. If a new address is not provided by the USPS, GCG will conduct another advanced address search and will re-mail any undeliverable mail pieces where a new address can be located.

41. These additional and important components of the Notice Plan were not included in the reach and frequency analysis because either they were not measured by syndicated

¹ 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 mailstream. 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.

research or total deliverable impressions could not be determined prior to implementation.

42. **Settlement Website:** Importantly, the Notice Plan includes an official dedicated Settlement website which will house Settlement information such as Class Member rights, dates, and deadlines. All of the Class Notices will provide references to the website URL so that Settlement Class Members can easily obtain additional information and/or file a claim. The Settlement Website will contain additional information, contact information for the administrator, answers to frequently asked questions, and important Court documents such as the Settlement Agreement, the Preliminary Approval Order, and the Notice. It will also include procedural information regarding the status of the Court-approval process, how to determine if one is a class member, and how to file a claim. The Settlement Website will also provide instructions for Class members wishing to exclude themselves from or object to the Settlement.

43. **Toll-Free Telephone Hotline:** In addition to the website, GCG will establish and maintain a toll-free telephone line where callers may obtain information, verify they are Settlement Class Members, request a Claim Form be mailed to them, or have other general questions answered about the settlement. The telephone number will be prominently displayed on the Publication Notice as well as on the Settlement Website, and will be referenced in the Postcard Notice, so Settlement Class Members seeing or receiving any of the above will be able to call and get additional information or help. Information may be obtained from the toll-free number 24/7 with operators handling calls between the hours of 9-6 pm EST.

CONCLUSION

44. Given all of the above it is my opinion that the Notice Plan and content of the Notices are best practicable and reasonable under the circumstances. It is consistent with the

standards approved by Courts and employed by GCG in notification programs designed to reach class members. The Notice Plan, as designed, is fully compliant with Rule 23 of the Federal Rules of Civil Procedure and satisfies due process requirements.

45. This method of focused notice dissemination is a measured and targeted approach to provide effective notice in this case. The Notice Plan is estimated to reach at least 72% of Settlement Class Members (and likely a much higher percentage) with an estimated average frequency of 2.5. This methodology ensures an appropriate standard of individual notice to Settlement Class Members and is in my opinion the best notice practicable under the circumstances.

46. GCG estimates that its fees and costs for implementing the Notice Plan and administering the Settlement will be between \$1 and \$2 million. Under the Agreement, those costs will be paid by Spotify rather than be deducted from the Settlement Fund.

I declare under penalty of perjury that the foregoing is true and correct. Executed on
May 26, 2017.



Stephen J. Cirami