

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

AARON ASELTINE, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

BANK OF AMERICA, N.A.,

Defendant.

Case No. 3:23-cv-00235-MOC-WCM

CLASS ACTION

**SUPPLEMENTAL DECLARATION OF PATRICK M. PASSARELLA
OF KROLL SETTLEMENT ADMINISTRATION LLC IN
CONNECTION WITH FINAL APPROVAL OF SETTLEMENT**

I, Patrick M. Passarella, declare as follows:

INTRODUCTION

1. I am a Senior Director of Kroll Settlement Administration LLC (“Kroll”),¹ the Settlement Administrator² appointed in the above-captioned case, whose principal office is located at 2000 Market Street, Suite 2700, Philadelphia, Pennsylvania 19103. I am over 21 years of age and am authorized to make this declaration on behalf of Kroll and myself. The following statements are based on my personal knowledge and information provided by other experienced Kroll employees working under my general supervision.

2. This declaration supplements the *Declaration of Patrick M. Passarella of Kroll Settlement Administration LLC in Connection with Final Approval of Settlement*, filed on October

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Settlement Agreement and Release (the “Settlement Agreement”) entered into in this Action.

² The Settlement Agreement and Preliminary Approval Order appoint “Kroll, LLCs” as the Settlement Administrator. Kroll, LLC is the parent company of Kroll Settlement Administration LLC. Kroll Settlement Administration LLC is the actual Settlement Administrator in this case.

28, 2024 (the “Initial Declaration”), in order to provide updated information to the Court regarding the Notice Program reach and number of opt-out requests received by Kroll. The Initial Declaration is incorporated herein by reference in its entirety.

NOTICE PROGRAM REACH

3. As described in the Initial Declaration, Kroll caused the Email Notice and Postcard Notice to be sent to the Settlement Class members. Kroll also re-mailed Postcard Notices returned undeliverable with a forwarding address and for which an advanced address search produced updated addresses.

4. Following execution of the Initial Declaration, an additional 361 Postcard Notices were returned undeliverable.

5. As of December 2, 2024, out of the 1,751,141 Accountholders to which Kroll sent Email Notice or Postcard Notice, a total of 184 Postcard Notices were returned undeliverable a second time, and a total of 1,602 Postcard Notices were returned undeliverable and for which no advanced address search was performed pursuant to Section 5.2.5. of the Settlement Agreement as such Postcard Notices were received by Kroll more than 45 days after the date on which they were mailed. Based on the foregoing, Kroll has reason to believe that Notice likely reached 1,749,355 of the 1,751,141 Accountholders to whom Notice was emailed or mailed. This equates to a reach rate of the direct Notice of approximately 99.9%. This reach rate is consistent with other court-approved, best-practicable notice programs and Federal Judicial Center Guidelines, which state that a notice plan that reaches³ over 70% of targeted class members is considered a high percentage and the “norm” of a notice campaign.⁴

6. As set forth in the Initial Declaration, Kroll established a toll-free telephone number for Settlement Class members to call and obtain additional information regarding the Settlement

³ FED. JUD. CTR., *Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide* (2010), available at <https://www.fjc.gov/sites/default/files/2012/NotCheck.pdf>. The guide suggests that the minimum threshold for adequate notice is 70%.

⁴ Barbara Rothstein and Thomas Willging, *Federal Judicial Center Managing Class Action Litigation: A Pocket Guide for Judges*, at 27 (3d Ed. 2010).

through an Interactive Voice Response (“IVR”) system. As of December 2, 2024, the IVR system has received 2,808 calls.

7. As of December 2, 2024, 49,783 unique users have visited the Settlement Website. Kroll has responded to 718 inquiries from visitors to the website.

EXCLUSIONS AND OBJECTIONS

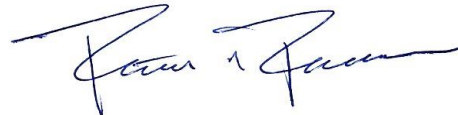
8. The Opt-Out and Objection Deadlines were November 9, 2024.

9. Kroll has received 33 timely opt-out requests. Settlement Class members were not instructed to submit their objection to the Settlement Administrator, and none have been received by Kroll. A list of the timely opt-out requests received is attached hereto as **Exhibit A**.

10. Settlement Class members were not instructed to submit their objection to the Settlement Administrator, and none have been received by Kroll.

CERTIFICATION

I declare under penalty of perjury under the laws of the United States that the above is true and correct to the best of my knowledge and that this declaration was executed on December 2, 2024, in Wendell, North Carolina.



PATRICK M. PASSARELLA

Exhibit A

Exclusion List

Count	First Name	Last Name
1	FIONA	RICHINGS
2	FRANK	GERMINARIO
3	HECTOR	TELLO
4	JAIME	NGUYEN
5	JIMMY	PONDER
6	JOYCE	HAZARD
7	KATHERINE	MEDURI
8	KENNETH	CANTRELL
9	LUIS	FALLA
10	MARGUERITE	RENAUD
11	NIKITA	OFFENBERG
12	STEFAN	NICOLESCU
13	STEPHAN	OTTO
14	AVIVA	BROWN
15	BARRY	HILL
16	MARCELLA	LOPEZ-LAVALLE
17	COLIN	RICHARDS
18	DIANNE	NORTHFIELD
19	DONNA	PREVATT
20	JOHN	SHADE
21	MARTA	RODRIGUEZ
22	SUSAN	VALENTINE
23	DAG	WOLD
24	MOHAMMED	DAYA
25	ASUNCION	SALOMON
26	JEANETTE	WILLIAMS
27	KATHE	GRAMLICH
28	ORLANDO	JIMENEZ
29	SAHAR	NASSRALLAH
30	DARCY	BOWIE
31	HUBERT	TSZYBINSKI
32	JAN	DELCID
33	JOANNA	PAGE