

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. 17-21468-CIV-RNS

LISA MOLLICONE and MILLIE LAND,	)
on behalf of themselves, all others similarly	)
situated, and the general public,	)
	)
Plaintiffs,	)
	)
vs.	)
	)
	)
UNIVERSAL HANDICRAFT, INC.,	)
D/B/A "Deep Sea Cosmetics" d/b/a	)
"Adore Organic Innovations;" and	)
SHAY SABAG SEGEV,	)
	)
Defendants.	)
	)
_____	/

**DECLARATION OF GAJAN RETNASABA IN SUPPORT OF JOINT MOTION FOR  
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT AND  
CERTIFICATION OF SETTLEMENT CLASS**

I, Gajan Retnasaba, declare as follows:

1. I am a Partner at Classaura LLC, a class action administration firm located at 1718 Peachtree St #1080, Atlanta, Georgia. I have been the project lead on cases including *Mason v. Heel*, *In re Qunol Liquid Labeling Litigation*, and *In re Quaker Oats Labeling Litigation*. I founded the popular class action advocacy website ClassActionRebates.com. My prior experience includes being a litigation associate at Jones Day and a senior associate at McKinsey & Company. I hold a J.D. from Harvard Law School and a Bachelor of Engineering from the University of New South Wales. I am over the age of 21 and am not a party to this action.

2. I have been asked by counsel for the Parties in this action to prepare a plan for class notice and distribution, should preliminary approval be granted for the settlement.

3. The Adore Organic Innovation product line is a range of personal skincare products. The products are luxury skincare products, with product prices ranging from \$35 to over \$1,000 but with an average price of approximately \$100. ([www.adorecosmetics.com/collections/skin-care](http://www.adorecosmetics.com/collections/skin-care)).

4. Counsel for the Parties have informed me that during the class period, the products were sold directly through a company owned website ([www.adorecosmetics.com](http://www.adorecosmetics.com)) and through independent third-party retailers.

#### **CLRA NOTICE**

5. California's Consumers Legal Remedies Act (CLRA §1781) requires published notice in a newspaper of general circulation in the county of the transaction, once a week for four consecutive weeks. Accordingly, I propose publication over four consecutive weeks in the Los Angeles Times.

#### **DIRECT NOTICE**

6. Where adequate records exist, direct notice is the preferred form of notice as it provides the most effective and most cost-efficient notice to class members.

7. Defendants have provided me with records for 5,382 records of direct purchase class members. I recommend that an initial email should be sent to all class members for whom direct purchase records exist – providing a brief summary of the class settlement, deadlines, their options, and directing class members to the Settlement website for more information or to file a claim.

8. To maximize the open rate of the email, the emails should be sent from reputable mail servers to avoid the emails being erroneously classified as spam emails. The sending of the emails should also be timed to reach the recipients during times of the day when they are most receptive to the opening emails and where possible this timing adjusted to account for the recipient's time zone.

9. The email should be designed to maximize the response from class members. The email should be written in plain language to make it easy to understand and formatted to make it easy to skim. The email should be designed and presented in a way that asserts credibility and avoids the email being discarded by the recipient as fraudulent or spam. And the

email should be responsively designed so that it is easily viewed on a variety of devices. The email should contain a claim number, allowing these direct purchase class members to file a claim by simply entering their claim number as their proof of purchase.

10. A follow-up reminder email should be sent to class members whom did not respond to the initial email – reminding them of the settlement, their options, and pending deadlines. Depending on the response rate to the first two rounds of emails, further rounds of emails can be sent. In subsequent rounds of email, messaging can be improved based on feedback from class members on the initial email.

#### **INDIRECT NOTICE**

11. Because Defendants do not possess or control the records of the independent retailers and, thus, do not have contact information for those buyers of Adore Organic Innovation products who purchased from the independent brick and mortar stores, I recommend that direct notice be supplemented with a broad national publication notice.

12. USA Today is a national newspaper with a circulation of approximately 850,000 and a reach of approximately 2,600,000. I recommend publication of notice in this newspaper that a class has been certified and that there is a proposed settlement.

13. Publication notice will include a summary notice directly in the publication, providing class members with a summary of the settlement and eligibility criteria. The notice will also direct class member to the class website for further information or to file a claim. The notice will also provide directions for receiving a mailed copy of the long-form notice or a claim form.

#### **SETTLEMENT WEBSITE**

14. I recommend the creation of a Settlement Website to provide detailed information to class members, and to enable class members to file claims online. The Parties have agreed to use a Settlement Website that will be located at [www.plantstemcellsettlement.com](http://www.plantstemcellsettlement.com). The website will include documents about the case including both the summary and long-form versions of the Judgment Notice, will describe the judgment, describe the process for making claims online and by mail, and give notice that an attorney fee application will be made and describe how class members may obtain a copy of the fee application from the administrator or online, and how they may oppose the application.

15. Claims may be made entirely online with a form where class members can file their claim, including upload proof of purchase if applicable. The claim form will be secured using 128-bit encryption, which is the commercial standard. Claim data will be stored in a secure database. The website will also allow class members to download claim forms that can be printed and submitted by mail.

16. The website will provide email, phone, and postal contacts for class members to request further information, hard copies of information, or help in the claim filing process. The website will be updated as needed. For class members who are unwilling or unable to make claims online, the Judgment Notice, in both its long and summary forms, will be provided via a toll-free telephone number by which class members can request claim forms be mailed to them.

**METHODS FOR PREVENTING PAYMENT OF ERRONEOUS, DUPLICATE, AND  
FRAUDULENT CLAIMS**

17. I would undertake several methods of preventing payment of invalid claims.

18. To prevent duplication, all online claims would be loaded into an electronic database. Claims received by mail would be manually entered into the same database. An algorithm would then be run to identify duplicate entries, including those that are not exact duplicates, but involve small variations in names or addresses.

19. One type of erroneous claim is an incomplete claim. To the extent possible, the information contained within the incomplete claims will be used to notify the submitter of the incomplete claim. A second type of erroneous claim is one that does not match with a database of United States addresses. These individuals will similarly be contacted and encouraged to resubmit a correct claim.

20. Fraudulent claims are less significant in cases such as this where proof of purchase is required for monetary payments. Moreover, merely requiring claims forms be submitted under “penalty of perjury” substantially deters fraud. Nonetheless, fraud can be further reduced by utilizing fraud detection techniques and rejecting fraudulent claims. The claims database will be queried to report signs of fraud such as: (1) multiple online claims made from the same Internet Protocol (“IP”) address; (2) multiple highly similar claims, and (3) claims requesting payment be sent to penal institutions.

21. The claimants who have submitted any claim(s) flagged as potentially fraudulent will be contacted, whenever possible, and asked to submit proof of purchase, or their claim will be deemed ineligible.

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

Executed on March 30, 2018, in Atlanta, GA.

A handwritten signature in black ink, appearing to read 'Gajan Retnasaba', is written over a horizontal line. The signature is stylized and somewhat cursive.

Gajan Retnasaba