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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF SAN DIEGO**

11  
12 JEFFREY GARVIN, an individual, on behalf of  
himself and all others similarly situated,

13 Plaintiff,

14 vs.

15  
16 SAN DIEGO UNIFIED PORT DISTRICT; and  
DOES 1-100 inclusive,

17 Defendants.  
18

Case No. 37-2020-00015054-CU-MC-CTL

CLASS ACTION

**DECLARATION OF BEN TRAVIS  
IN SUPPORT OF PLAINTIFF'S MOTION  
FOR FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT, AWARD OF  
ATTORNEYS FEES AND COSTS, AND  
APPROVAL OF CLASS REPRESENTATIVE  
SERVICE AWARD**

Date: November 13, 2020

Time: 1:30 PM

Department: C-69

Judge: Katherine A. Bacal

Complaint Filed: May 26, 2020

**DECLARATION OF BEN TRAVIS**

I, BEN TRAVIS, declare under penalty of perjury, that the following is true and correct:

1. I am over the age of 18 years and I am competent to make this Declaration. I have personal knowledge of the facts as stated in this Declaration, or if I rely on business records, I will so personally state. I am one of the attorneys for Plaintiff Jeffrey Garvin (“Plaintiff”). I am a member in good standing of the State Bar of California. I submit this declaration in support of Plaintiff’s Motion for Final Approval of Class Action Settlement, Award of Attorneys’ Fees and Costs and Approval of Class Representative Service Award (“Motion”).

2. I have been intimately involved in the notice and claims process in this matter beginning with the selection of the administrator.

3. Once the Parties in this matter reached a settlement in principle and signed a term sheet, I reached out to four well-known and reputable class action administrators – Epiq Class Action & Claims Solutions, Inc. (“Epiq”), CPT Group, Inc., KCC Class Action Services LLC and JND Legal Administration - to obtain estimates for the notice and claims administration of the proposed settlement.

4. This notice program presented numerous challenges: there were fifteen rental car companies that remitted money to the Port during the class period. Each maintains its own database. There were approximately 2.3 million rental car transactions, however, the data needed to be de-duplicated. In the end, there were approximately 1.4 million unique class members, with available contact information, who needed to received notice – both domestically and internationally. I spent considerable time with the administrators discussing whether they can handle cases involving this many class members, how they would handle international notice, how they would handle class member PII, whether they have procedures in place to ensure the security of class member information, and how they propose to notify class members for whom contact information does not exist.

5. I worked with the administrators to revise their estimates to ensure that the bids were comparing apples to apples and using similar assumptions.

6. After receiving the final estimates from all four administrators, Class Counsel, Defendant’s counsel and counsel for the Plaintiffs in the Enterprise Actions reviewed the bids. While Epiq’s bid was slightly higher than some of the other bids, the Parties felt that their bid was the best

1 overall and they were best qualified to administer the notice and claims process in this matter due to  
2 their extensive experience in administering large settlements with millions of class members, multiple  
3 databases and multiple notice formats.

4 7. After selecting Epiq, I worked with them to create the notice forms and content of the  
5 notices to be provided to the class and had numerous conversations with them to ensure that the notice  
6 and claims process would run smoothly and class members would be given the full opportunity to  
7 participate in the settlement.

8 8. Since the Port did not have contact information for class members, the Port's counsel  
9 provided me with a list of all of the rental car companies that remitted Fees to the Port during the class  
10 period. I reached out to several of the rental car companies prior to the Preliminary Approval Hearing  
11 to see if they would be willing to provide their customers' contact information to the administrator.  
12 Some of them committed to do so and others did not respond right away.

13 9. After this Court granted Preliminary Approval and authorized the rental car companies  
14 to provide class member information, I reached out to all of the rental car companies on the list to see  
15 if they would be willing to provide their customers' information. Several of the rental car companies  
16 expressed concerns with providing the information. I worked with Epiq to ensure that provisions were  
17 added to the contract between them and Class Counsel, in which they agreed to protect this information  
18 and keep it confidential. After receiving those assurances, a few more companies agreed to provide  
19 contact information.

20 10. One small rental car company expressed concerns with providing customer information  
21 and declined to provide information. Several others were in bankruptcy proceedings and did not have  
22 the resources to be able to do so, so they declined to provide the information as well. A few of the  
23 rental car companies did not respond at all. However, of the companies that agreed to produce class  
24 member information, it is estimated that those companies include 95% of the class members. Therefore,  
25 Epiq was provided with class member information for close to the entire class.

26 11. Class Counsel was informed by Epiq that due to the massive amount of class member  
27 data they received and that some of the data was received late, they were able to timely send out *email*  
28 notice but many of the postcard notices were mailed late.

