

**IN THE CIRCUIT COURT OF PHELPS COUNTY
STATE OF MISSOURI**

NICHOLAS CAHILL, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

NESTLE USA, INC., a Delaware corporation,

Defendant.

Case No. 22PH-CV01205

**DECLARATION OF SCOTT M.
FENWICK RE OPT-OUTS AND
OBJECTIONS**

I, Scott M. Fenwick, declare as follows:

1. I am a Senior Director of Kroll Settlement Administration LLC (“Kroll”),¹ the Settlement Administrator 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. Kroll has extensive experience in class action matters, having provided services in class action settlements involving antitrust, securities fraud, labor and employment, consumer, and government enforcement matters. Kroll has provided notification and/or claims administration services in more than 3,000 cases.

3. This declaration is filed pursuant to the Court’s Order Preliminarily Approving Settlement (December 8, 2022), and supplements the *Declaration of Jeanne C. Finegan, APR in Connection with Final Approval* filed on January 30, 2023 (the “Finegan Declaration”). The Finegan Declaration is incorporated herein by reference in its entirety.

4. Pursuant to the Court’s Order, Kroll was appointed as the Settlement Administrator to, among other things, develop and implement a Media Plan and provide administration services in connection with the Class Action Settlement Agreement (the

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Settlement Agreement (as defined below).

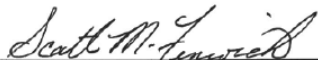
“Settlement Agreement”) entered into in connection with the above-captioned Action, referred to herein as the “Settlement”.

5. The last day to submit Opt-Outs and Objections was February 27, 2023. As of March 2, 2023, Kroll has received no timely exclusion requests and no Objections to the Settlement.

6. The last day to submit Claim Forms is March 14, 2023. Although the claim period is still open, as of March 2, 2023, Kroll’s records indicate that it has received 242 Claim Forms through the mail and 606,889 Claim Forms filed electronically through the Settlement Website. Kroll will continue to process, review and validate any Claim Forms that may be received prior to the Claims Deadline.

I declare under penalty of perjury, under the laws of the State of Missouri, that the foregoing is true and correct.

Executed on March 2, 2023, in Woodbury, Minnesota.



Scott M. Fenwick