

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KYLE STECHERT, et al.

Plaintiffs,

v.

**THE TRAVELERS HOME AND MARINE
INSURANCE COMPANY, et al.**

Defendants.

Civil Action

No. 17-cv-00784-KSM

**PLAINTIFFS' SUPPLEMENTAL BRIEF IN FURTHER SUPPORT OF THEIR
UNOPPOSED MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs, Kyle Stechert and Marie Stechert, husband and wife, on behalf of themselves and all others similarly situated, by and through their attorneys, Richard M. Ochroch & Associates, P.C. and the Locks Law Firm, hereby submit this Supplemental Brief in Further Support of Their Unopposed Motion for Final Approval of Class Action Settlement (the "Final Approval Motion").¹ Defendants do not oppose the Final Approval Motion. *See* E.D. Pa. L.R. 7.1.

I. BRIEF PROCEDURAL BACKGROUND

On November 9, 2021, the Court granted preliminary approval of the Settlement and appointed Epiq Class Action and Mass Tort Solutions ("Epiq") as the Claims Administrator. (Order ¶ 6 (Nov. 9, 2021); Mem. (Nov. 9, 2021).) [ECF 60, 61] Pursuant to the Court's November 9, 2021 Order, Class Members were required to submit a Valid Claim Form postmarked no later than March 25, 2022 to receive payment under the Settlement. (Order ¶ 7 (Nov. 9, 2021).) *See also* SA ¶¶ 40, 44. Due to an administrative error updating 3,253 Class Members' addresses, this

¹ Capitalized terms not defined herein are defined in the Parties' Settlement Agreement. References to the "Class" or "Settlement Class" refer to the Class certified in the Court's November 9, 2021 Order preliminarily approving the class action settlement. (Order (Nov. 9, 2021); *see also* Mem. (Nov. 9, 2021).) [ECF 60, 61]

date was extended to May 27, 2022 for the affected Class Members. (Order ¶ 3 (Mar. 14, 2022); (Final Approval Mot. Ex. “5,” Epiq Aff. at Ex. “B” pp. 4, 5).)

On May 31, 2022, Plaintiffs filed their Final Approval Motion, which included an affidavit from Epiq. (Final Approval Mot. Ex. “5.”) [ECF 69-5] Epiq’s affidavit provided information on, among other things, the number of Settlement Class Members who opted-out of the Settlement (16), objected to the Settlement (0), and submitted claims (3,548). Epiq Aff. ¶¶ 34-36.

II. ARGUMENT IN FURTHER SUPPORT OF THE FINAL APPROVAL MOTION

Class Counsel now supplements the Final Approval Motion due to additional information received from Epiq. On June 9, 2022, Epiq provided a supplemental affidavit stating that since May 31, 2022 it received:

- a. 1 timely request to be excluded from the Settlement; and
- b. 104 additional claim forms.

See Epiq Suppl. Aff. ¶¶ 5-6, 8, attached as Exhibit “7.”

As set forth in the Final Approval Motion, the reaction of the Class was extremely positive. (Final Approval Br. at 12.) Epiq’s supplemental affidavit further highlights the positive reaction of the Class. Now, after accounting for this additional information, Epiq received 3,652 claims forms, a return rate of 21.29%. Epiq Suppl. Aff. ¶ 8.² Prior to this new information, the Settlement would have already placed in the **75th percentile (top 25%)** of the Federal Trade Commission’s 2019 examination of consumer class action settlements. Epiq Aff. ¶ 36; FTC, CONSUMERS AND CLASS ACTIONS: A RETROSPECTIVE AND ANALYSIS OF SETTLEMENT CAMPAIGNS p. 21 Table 2 (2019); cf. *Jackson v. Wells Fargo Bank, N.A.*, 136 F. Supp. 3d 687, 706 (W.D. Pa. 2015) (noting

² The number of invalid claim forms has not yet been determined as set forth in the Settlement Agreement. See Settlement Agreement ¶ 46.

the “response rate [of 13%] appears to be fairly high in the area of consumer lending and supports settlement.”).

Only 17 Class Members opted out of the Class. *See* Epiq Suppl. Aff. ¶ 6. The number of objections filed to the Settlement or Plaintiffs’ pending Unopposed Motion for Award of Attorneys’ Fees and Expenses to Class Counsel, and Service Awards to Class Representatives [ECF 64] remains 0. *See* Docket, *Stechert v. Travelers Home & Marine Ins. Co.*, U.S.D.C. E.D. Pa. no. 17-cv-784-KSM (last accessed June 9, 2022). Thus, only 0.099% of Class Members opted out/excluded themselves from the Class or objected to the Settlement.

III. NOTICE OF THE SUPPLEMENTAL BRIEF TO THE CLASS

A copy of this Supplemental Brief will be posted on the settlement website.

IV. CONCLUSION

Based upon the foregoing reasons and the reasons set forth in the Final Approval Motion, Plaintiffs respectfully request that the Court grant the Final Approval Motion and enter the proposed Final Order submitted with the Final Approval Motion.

Respectfully submitted,

By: /s/ Richard M. Ochroch
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Dated: 6/10/2022

Attorneys for Plaintiffs and the Settlement Class

CERTIFICATE OF SERVICE

I, Richard M. Ochroch, Esquire, hereby certify that on the date below a true and correct copy of the forgoing Supplemental Brief in Further of Their Unopposed Motion for Final Approval of Class Action Settlement were served via the Court's ECF system and/or email on the following:

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Dated: 6/10/2022

Attorneys for Plaintiffs and the Settlement Class

EXHIBIT 7

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Defendants.

CIVIL ACTION

NO. 17-0784-KSM

**SUPPLEMENTAL DECLARATION OF BARO LEE ON SETTLEMENT NOTICE
PLAN**

I, Baro Lee, hereby declare and state as follows:

1. I am a Project Manager employed by Epiq Class Action & Claims Solutions, Inc. (“Epiq”). The statements of fact in this declaration are based on my personal knowledge and information provided to me by my colleagues in the ordinary course of business, and if called on to do so, I could and would testify competently thereto.

2. On May 31, 2022, the Plaintiffs’ Unopposed Motion for Final Approval of Class Action Settlement was filed with the Court that included The Declaration of Baro Lee on Settlement Notice Plan as Exhibit 5 to that Motion (“Epiq Affidavit”).

3. This Supplemental Declaration of Baro Lee on Settlement Notice Plan will describe and confirm an additional timely opt out received and additional claims received since the Epiq Affidavit.

SUPPLEMENTAL DECLARATION OF BARO LEE ON SETTLEMENT NOTICE PLAN

ADDITIONAL REQUEST FOR EXCLUSION

4. As stated in the Epiq Affidavit, on May 31, 2022, Epiq had to that point received 16 timely and potentially valid opt out requests and no late postmarked opt out requests.

5. Since May 31, 2022, and after filing the Epiq Affidavit, Epiq has received one (1) timely postmarked and potentially valid opt out request and no late postmarked opt out requests. This additional opt out was not available at the time of the Epiq Affidavit.

6. A supplemental report listing the 17 timely request received to date is attached hereto as **Exhibit A**.

ADDITIONAL CLAIMS RECEIVED

7. As stated in the Epiq Affidavit, on May 31, 2022, Epiq had to that point received 3,548 claims.

8. Since May 31, 2022, and after filing the Epiq Affidavit, Epiq has received an additional 104 claims. Of these 104 claims, 6 are not timely submissions. Epiq has received a total of 3,652 claims. These additional claims were not available at the time of the Epiq Affidavit.

I declare under penalty of perjury under the laws of the United States and the State of Pennsylvania that the foregoing is true and correct, and that this declaration was executed on June 9, 2022, in South San Francisco, CA.

Baro Lee

Digitally signed by Baro Lee
DN: cn=Baro Lee, o, ou,
email=baro.lee@epiqglobal.com, c=US
Date: 2022.06.09 12:43:24 -07'00'

Baro Lee
Project Manager
Epiq Class Action & Claims Solutions, Inc. (“Epiq”)

Opt Outs Received

	Tracking Number	Name(s)
1	216	ALFRED & PEGGY VOGT
2	3189	CAROL FELTZ
3	10355	MICHELLE & DAVID SOUDERS
4	3409	DIANE GAISKI
5	5190	LINDA PALMAROZZA
6	11229	HENRY & JANICE VOTAVA
7	15396	MARY E GEARY
8	7584	ANDREW & DOUGLAS YINGLING
9	6047	KAREN DESIMONE
10	7427	JOHN MONDI
11	249	ANGELINE BABICH
12	3612	KAREN REUTHER
13	15684	THOMAS A STREMPLE
14	16628	JOHN R HOPPEY
15	5788	IRMA J FRYER
16	12703	PATRICIA SEVICK
17	5726	MIRIAM YAZGE