

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re PVC Pipe Antitrust Litigation

THIS DOCUMENT RELATES TO:

Direct Purchaser Plaintiff Class

Case No. 1:24-cv-07639

Hon. LaShonda A. Hunt

**DECLARATION OF GINA INTREPIDO-BOWDEN REGARDING
SETTLEMENT NOTICE PLAN**

I, Gina Intrepido-Bowden, hereby declare as follows:

1. I am a Vice President at JND Legal Administration (“JND”). I am a judicially recognized legal notice expert with more than 20 years of experience designing and implementing class action legal notice programs. I have been involved in many of the largest and most complex class action notice programs, including all aspects of notice dissemination. A comprehensive description of my experience is attached as **Exhibit A**.

2. I submit this Declaration at the request of the Direct Purchaser Plaintiff (“DPP”) Interim Lead Counsel in the above-referenced action to describe the plan for providing notice of the settlement between Defendants and Otter Tail Corporation (“Otter Tail”), Northern Pipe Products, Inc. (“Northern Pipe”) and Vinyltech Corporation (“Vinyltech”) (collectively, “Settling Defendants,” and collectively with DPPs, the “Parties”) and the DPP Settlement Class (the “Notice Plan”) and address why it is consistent with other best practicable court-approved notice programs and the requirements of Rule 23 of the Federal Rules of Civil Procedure (“Rule 23”), the Due Process Clause of the United States Constitution, and the Federal Judicial Center (“FJC”) guidelines for best practicable due process notice.

BACKGROUND AND EXPERIENCE

3. **Full-Service Provider**. JND is a leading legal administration services provider with offices throughout the United States and its headquarters in Seattle, Washington. JND has

extensive experience with all aspects of legal administration and has administered hundreds of class action matters. JND's class action division provides all services necessary for the effective implementation of class actions including: (1) all facets of legal notice, such as outbound mailing, email notification, and the design and implementation of media programs; (2) website design and deployment, including online claim filing capabilities; (3) call center and other contact support; (4) secure class member data management; (5) paper and electronic claims processing; (6) calculation design and programming; (7) payment disbursements through check, wire, peer to peer payment services like PayPal, merchandise credits, and other means; (8) qualified settlement fund tax reporting; (9) banking services and reporting; and (10) all other functions related to the secure and accurate administration of class actions.

4. **Government Relationships.** JND is an approved vendor for the United States Securities and Exchange Commission ("SEC") and the Federal Trade Commission ("FTC") and holds long term contracts with both agencies. We are currently administering approximately thirty matters for the FTC and fifteen matters for the SEC, including the \$455 million *GTV Media Fair Fund*. We are an approved vendor for the Consumer Financial Protection Bureau and are currently working to distribute over \$1.8 billion to affected consumers in one of their matters. JND also routinely works on projects involving the Equal Employment Opportunity Commission, the Federal Deposit Insurance Corporation and the Office of the Comptroller of the Currency. We also have Master Services Agreements with various corporations and banks, which were awarded after we underwent rigorous reviews of our systems, privacy policies, and procedures. JND has been certified as SOC 2 Type 2 compliant by noted accounting firm Baker Tilly.¹

5. **Industry Recognition.** JND has been recognized by various publications, including the *National Law Journal*, the *Legal Times*, and the *New York Law Journal*, for excellence in class action administration. JND was named the #1 Class Action Claims Administrator in the U.S. by

¹ As a SOC 2 Compliant organization, JND has passed an audit under AICPA criteria for providing data security.

the national legal community for multiple consecutive years, and we were inducted into the *National Law Journal* Hall of Fame for having held this title for the fifth consecutive year.

6. **Northern District of Illinois Matters.** The principals of JND collectively have over 80 years of experience in class action legal and administrative fields. JND has overseen claims processes for some of the largest legal claims administration matters in the country's history and regularly prepares and implements court approved notice and administration campaigns throughout the United States, including several in this District: *Ahmed v. HSBC Bank USA, NA*, Case No. 15-cv-2057-FMO-SPx; *Allison v. Oak Street Health, Inc.*, Case No. 22-cv-00149; *Balmoral Home, Inc. v. CMK Healthcare Training Ctr., LLC*, Case No. 13-cv-03995; *Barrios v. City of Chicago*, Case No. 15-cv-02648; *Bartlett v. City of Chicago*, Case No. 15-cv-11899; *Flowers v. City of Chicago*, Case No. 18-cv-07003; *FTC v. AI Janitorial Supply Corp.*, Case No. 17-cv-07790; *FTC v. Career Educ. Corp.*, Case No. 19-cv-05739; *Gates v. City of Chicago*, Case No. 04-cv-02155; *In re: Akorn, Inc. Data Integrity Sec. Litig.*, Case, No. 18-cv-01713; *In re: Akorn, Inc. Sec. Litig.*, Case No. 15-cv-01944; *In re: Broiler Chicken Antitrust Litig.*, Case No. 16-cv-08637; *In re Kraft Heinz Sec. Litig.*, Case No. 19-cv-01339; *In re Local TV Advert. Antitrust Litig.*, Case No. 18-06785; *In re Navistar MaxxFerces Engines Mktg., Sales Practices and Prods. Liab. Lit.*, Case No. 14-cv-10318; *Ivery v. RMH Illinois, LLC and RMH Franchise Holdings, Inc.*, Case No. 17-CIV-1619; *Johnson v. Yahoo!, Inc.*, Case No. 14-cv-02028; *Lippert v. Baldwin*, Case No. 10-cv-4603; *Meegan v. NFI Indus., Inc.*, Case No. 20-cv-00465; *Moehrl v. Nat'l Assoc. of Realtors*, Case No. 19-cv-01610-ARW; *Moss v. United Airlines*, Case No. 16-cv-08496; *Pickett v. Simos Insourcing Sols. Corp.*, Case No. 17-cv-01013; *Stephens v. C&K Trucking, LLC*, Case No. 20-cv-04305; *Thome v. NOVAtime Tech., Inc.*, Case No. 19-cv-06256; *Yates v. Checkers*, Case No. 17-cv-09219; as well as others. Of particular significance, JND designed and implemented the notice plan for the partial settlement with defendant Oil Price Information Service, LLC (OPIS), in this very matter. JND also designed and is about to implement the notice plan with defendants Atkore Inc., Atkore International, Inc., Atkore Plastic Pipe Corp., Atkore RMCP, Inc., and Allied Tube & Conduit Corporation (collectively, "Atkore"), and defendants Westlake Corporation and Westlake

Pipe & Fittings Corporation (“Westlake”). The Notice Plan that we are proposing here mirrors those programs.

7. **Complex Matters.** JND has built its reputation handling large, complex matters effectively and efficiently. We were appointed the notice and claims administrator in the landmark \$2.67 billion Blue Cross Blue Shield antitrust settlement, in which we mailed over 100 million postcard notices; sent hundreds of millions of email notices and reminders; placed notice via print, television, radio, internet and more; received and processed more than eight million claims; and staffed the call center with more than 250 agents during the peak of the notice program. JND was also appointed the settlement administrator in the \$1.3 billion Equifax Data Breach Settlement where we received more than 18 million claims and sent direct notice. JND sent email notice twice to over 140 million class members, the interactive website received more than 130 million hits, and the call center was staffed with approximately 500 agents at the peak of call volume.

8. Other large JND matters include a voluntary remediation program in Canada on behalf of over 30 million people; the \$1.5 billion Mercedes-Benz Emissions Settlements; the \$120 million GM Ignition Switch Settlement, where we sent notice to nearly 30 million notices and processed over 1.5 million claims; and the \$215 million USC Student Health Center Settlement on behalf of women who were sexually abused by a doctor at USC, the various National Association of Realtors (“Realtors”) settlements totaling over \$1 billion thus far; and the recent \$1.5 billion Anthropic copyright settlement, as well as hundreds of other matters.

9. **Legal Notice Expertise.** As a member of JND’s Legal Notice Team, I research, design, develop, and implement a wide array of legal notice programs to meet the requirements of Rule 23 and relevant state court rules. In addition to providing notice to potential class members through direct mail and email, our media campaigns have used a variety of media including newspapers, press releases, magazines, trade journals, radio, television, social media, and the internet, depending on the circumstances and allegations of the case, the demographics of the class, and the habits of its members, as reported by various research and analytics tools. Our media campaigns are regularly approved by courts throughout the United States.

10. During my career, I have submitted declarations to courts throughout the country attesting to the creation and launch of various notice programs.

NOTICE PLAN OVERVIEW

11. The objective of the proposed Notice Plan is to provide the best notice practicable, consistent with the methods and tools employed in other court-approved notice programs and to allow DPP Settlement Class Members the opportunity to review a plain language notice and easily take the next step to learn more about the proposed Settlement. The FJC's *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide* ("Checklist") considers a Notice Plan with a high reach (above 70%) to be effective.²

12. The DPP Settlement Class consists of all persons and entities who purchased PVC Pipe and/or Fittings in the United States and its territories **directly** from one or more of the Converter Defendants (or from any of the Converter Defendants' parents, predecessors, subsidiaries or affiliates) at any time between January 1, 2020 and March 31, 2026. Converter Defendants include: Atkore, Inc., Cantex Inc., Diamond Plastics Corporation, Prime Conduit, Inc., Sanderson Pipe Corporation, Southern Pipe, Inc., IPEX USA, LLC, J-M Manufacturing Company, Inc. d/b/a JM Eagle, National Pipe & Plastics, Inc., PipeLife Jet Stream, Inc., Otter Tail Corporation, Northern Pipe Products, Inc., Vinyltech Corporation, Westlake Corporation and Westlake Pipe & Fittings Corporation, Charlotte Pipe & Foundry, Co. and Cresline Plastic Pipe, Co. Excluded from the DPP Settlement Class are Converter Defendants and their parents, predecessors, subsidiaries, and affiliates, and all federal government entities and instrumentalities of the federal government.

13. The proposed Notice Plan includes the following components, as further described in the sections below:

- a. CAFA Notice to appropriate state and federal officials;
- b. Direct notice to all known DPP Settlement Class Members for whom JND

² Reach is the percentage of a specific population group exposed to a media vehicle or a combination of media vehicles containing a notice at least once over the course of a campaign. Reach factors out duplication, representing total different/net persons.

received contact information;

c. Digital notice targeted specifically to potential DPP Settlement Class Members;

d. A settlement website that will provide detailed information about the proposed Settlement, including a page with answers to frequently asked questions, contact information, key dates, links to important case documents including the Long Form Notice, attached as **Exhibit B**, and the Settlement Agreement; and

e. A toll-free number for the Settlement, which will include an interactive voice response (IVR), and post office box through which DPP Settlement Class Members may obtain more information about the proposed Settlement and request that the Long Form Notice be sent to them.

14. Based on my experience in developing and implementing settlement notice programs, I believe that a Notice Plan with these elements will provide the best notice practicable under the circumstances.

15. Each component of the proposed Notice Plan is described in more detail in the sections below.

CAFA NOTICE

16. JND will work with Counsel for Settling Defendants to provide notice of the proposed Settlement under the Class Action Fairness Act (CAFA), 28 U.S.C. §1715(b), no later than 10 days after the proposed Settlement is filed with the Court. CAFA Notice will be mailed to the appropriate state and federal government officials.

DIRECT NOTICE

17. The Converter Defendants previously produced customer information to JND for the period of January 1, 2021 through May 16, 2025, pursuant to the July 16, 2025 Stipulation and Order Regarding Provision of Customer Information by Non-Settling Defendants to Effectuate Notice of Plaintiffs' Proposed Settlements with Defendant OPIS (ECF No. 358). In addition, pursuant to the Court's Order Regarding Provision of Customer Information by Converter

Defendants to Effectuate Notice of Direct Purchaser Plaintiffs' Proposed Settlements with Defendants Westlake Corporation and Westlake Pipe & Fittings Corporation ("Westlake") and Atkore, Inc., Atkore International, Inc., Atkore Plastic Pipe Corp., Atkore RMCP, Inc. and Allied Tube & Conduit Corporation ("Atkore"), ECF No. 729, will provide JND by June 12, 2026, additional customer information for the period of January 1, 2020 through March 31, 2026.

18. Upon receipt of the additional DPP Settlement Class data, JND will promptly load the information into a secure, case-specific database for this matter. JND employs robust administrative, technical, and physical controls to protect confidential class member data and safeguard against the risk of loss, misuse, unauthorized access, disclosure, or modification of the data.

19. Once the data is loaded, JND will identify any undeliverable addresses or duplicate records from the data and assign a unique identification number to each new DPP Settlement Class Member for tracking throughout the settlement administration process.

20. JND will mail the Long Form Notice to all DPP Settlement Class Members for whom a valid postal address is provided.

21. Prior to mailing notice, JND staff will update the collected addresses using the United States Postal Service ("USPS") National Change of Address ("NCOA") database.³ JND will track all notices returned undeliverable by the USPS and will promptly re-mail notices that are returned with a forwarding address.

22. Provided that Converter Defendants provide the requested DPP Settlement Class data, JND estimates that the direct notice effort will reach the vast majority of the DPP Settlement Class.

DIGITAL NOTICE

23. In addition, JND proposes a targeted digital effort that will serve 4.3 million digital

³ The NCOA database is the official USPS technology product which makes changes of address information available to mailers to help reduce undeliverable mail pieces before mail enters the mail stream.

impressions⁴ over four weeks through the leading digital network (Google Display Network - “GDN”) and the top business social platform (LinkedIn), as well as notice placements on a well-respected industry website (*PlasticNews.com*) and its eNewsletter.

24. The GDN effort will specifically target: (1) sites/articles/pages covering topics such as HVAC & Climate Control Plumbing, Water Filters & Purifiers, Industrial Handling & Processing Equipment, Fluid Handling, Plumbing Fixtures & Equipment, Construction & Maintenance; (2) audiences in-market for PVC, Pipe Materials, PVC Pipe & Fittings; or (3) users with an affinity for Plastic Tubing.

25. The LinkedIn activity will reach users: (1) employed at company/industries including Specialty Trade Contractors, Building Construction, Civil Engineering, Wholesale Hardware/Plumbing/Heating Equipment, or Utility System Construction; (2) within member groups such as Pipes & Fittings Manufacturers, Plastic Granules or Pipes (HDPE, PVC, PP, LIDPE, ABS, PC); or (3) with skills such as Plumbing, PVC, Mechanical/Electrical/Plumbing (MEP).

26. *Plastic News* covers commercial, financial, legislative and market-related developments that affect plastic product manufacturers and their suppliers and customers. The notice placements on *PlasticNews.com* and in the *Plastic News* eNewsletter will reach thousands of viewers and subscribers.

27. The digital activity will be served across all devices, with an emphasis on mobile. The Summary Notices that will be placed with the digital platforms are attached as **Exhibit C**. They will include an embedded link to the settlement website, where DPP Settlement Class Members can receive more information about the proposed Settlement.

SETTLEMENT WEBSITE

28. JND will update and maintain the existing informational, interactive case-specific

⁴ Impressions or Exposures are the total number of opportunities to be exposed to a media vehicle or combination of media vehicles containing a notice. Impressions are a gross or cumulative number that may include the same person more than once. As a result, impressions can and often do exceed the population size.

settlement website, www.pvcpipedirectclass.com, so that DPP Settlement Class Members may obtain more information about the proposed Settlement. The updated website will have an easy-to-navigate design that will be formatted to emphasize important information and deadlines and will provide links to important case documents, including the Long Form Notice. The website address will be prominently displayed in the Long Form Notice and accessible through the digital notices.

29. The settlement website will be ADA-compliant and optimized for mobile visitors so that information loads quickly on mobile devices. It will be designed to maximize search engine optimization through Google and other search engines.

TOLL-FREE NUMBER AND POST OFFICE BOX

30. JND will update and maintain the automated toll-free telephone line, 1-855-779-9069, so that DPP Settlement Class Members may call for information related to the proposed Settlement.

31. JND will also create and maintain a dedicated post office box for this Settlement where DPP Settlement Class Members may send exclusion requests and other correspondence.

NOTICE DESIGN AND CONTENT

32. I have reviewed and provided input to the Parties on the Long Form Notice. In my opinion, the Long Form Notice is written in plain language and is consistent with documents other courts have determined comply with the requirements of Rule 23, the Due Process Clause of the United States Constitution, and the FJC's *Checklist*.

33. The Long Form Notice contains a plain and easy-to-read summary of the proposed Settlement and the options available to DPP Settlement Class Members. Additionally, it provides instructions on how to obtain more information about the proposed Settlement.

REACH

34. It is my understanding that contact information will likely be available for the vast majority of DPP Settlement Class Members. The digital effort will extend reach further. As a result, the anticipated reach is expected to meet that of other court approved programs and the 70%

or above reach standard set forth by the FJC.⁵

CONCLUSION

35. In my opinion, the Notice Plan described above provides the best notice practicable under the circumstances and is consistent with the requirements of Rule 23 and other similar court-approved notice programs. The Notice Plan is designed to provide DPP Settlement Class Members with the opportunity to review the notice and easily take next steps to learn more about the proposed Settlement.

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

Executed this 28th day of May 2026, in Stone Harbor, NJ.



Gina Intrepido-Bowden

⁵ The FJC's *Checklist* (2010), p. 3 states: "...the lynchpin in an objective determination of the adequacy of a proposed notice effort is whether all the notice efforts together will reach a high percentage of the class. It is reasonable to reach between 70–95%."