

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

IRMA CARRERA AGUALLO, DROR
HERTZ, KELVIN HOLMES, MELISSA
ANTONIO, MARY MACARONIS, and
GREGGORY VEECH, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

KEMPER CORPORATION and INFINITY
INSURANCE COMPANY,

Defendants.

Case No. 1:21-cv-01883

Hon. Martha M. Pacold

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE EXCESS PAGES
IN RESPECT TO PLAINTIFFS' UNOPPOSED MOTION FOR
FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs Irma Carrera Aguallo, Dror Hertz, Kelvin Holmes, Mary Macaronis, and Gregory Veech (collectively, "Plaintiffs"), through their undersigned counsel, respectfully move this Court for leave to file a brief in excess of the fifteen (15) page limit imposed under Rule 7.1 of the Local Rules of the United States District Court for the Northern District of Illinois ("Local Rule 7.1") in respect to Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement. In support of their Motion, Plaintiffs state the following:

1. Plaintiffs are filing contemporaneously with this Motion their Unopposed Motion for Final Approval of Class Action Settlement.
2. Plaintiffs request leave to file an overlength supporting memorandum of no more than thirty (30) pages.
3. An enlargement of the page limitation is necessary to allow Plaintiffs to: a) fully set forth the Settlement reached by the Parties; b) describe implementation of the notice program

and the Settlement Class's response thereto; c) provide briefing regarding the law supporting the Settlement; and d) provide briefing regarding the law supporting certification of the Settlement Class for Settlement purposes.

4. Counsel for Plaintiffs have met and conferred with Counsel for Defendants prior to the filing of this Motion and Defendants consent to the relief sought for in this Motion.

WHEREFORE, Plaintiffs respectfully request that the Court enter an Order granting this Motion and allowing Plaintiffs leave to file *instanter* a Motion of no more than thirty (30) pages in support of their Unopposed Motion for Final Approval of Class Action Settlement.

Dated: December 23, 2021

Respectfully submitted,

/s/ Gary M. Klinger

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*Counsel for Plaintiffs and the Settlement
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**PLAINTIFFS' UNOPPOSED MOTION FOR
FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs Irma Carrera Aguallo, Dror Hertz, Kelvin Holmes, Mary Macaronis, and Gregory Veech (collectively, "Plaintiffs"), on behalf of themselves and all others similarly situated, by and through their undersigned counsel, hereby move without opposition for an Order granting final approval of the proposed class action settlement. In support of the instant Motion, Plaintiffs incorporate their concurrently filed Memorandum of Law; the Declaration of Melissa Baldwin; and the individual Declaration of counsel Gary M. Klinger.

Dated: December 23, 2021

Respectfully submitted,

/s/ Gary M. Klinger

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*Counsel for Plaintiffs and the Settlement
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Case No. 1:21-cv-01883

Honorable Martha M. Pacold

DECLARATION OF MELISSA BALDWIN REGARDING NOTICE TO THE CLASS

I, Melissa Baldwin, hereby declare and state as follows:

1. I am the Director of Claims Administration for RG/2 Claims Administration LLC (“RG/2”), located at 30 South 17th Street, Philadelphia, PA 19103. I am over the age of 18, have personal knowledge of the matters set forth herein, and if called upon to do so, could testify competently to them.

2. RG/2 is a full-service class action settlement administrator that provides, among other things, notice, claims processing, allocation, distribution, tax reporting, and class action settlement consulting services. RG/2’s experience includes the provision of notice and administration services for numerous settlements relating to antitrust, consumer fraud, civil rights, employment, negligent disclosure, and securities fraud class action lawsuits. Since 2000,

RG/2 has administered and distributed in excess of \$1.8 billion in class action settlement proceeds.

3. As required by the Class Action Fairness Act (“CAFA”), on October 22, 2021, RG/2 caused to be served by First-Class mail a Notice of Proposed Settlement to the United States Attorney General and 54 State and Territory Attorneys General. A copy of the Notice of Proposed Settlement is attached hereto as **Exhibit A**. RG/2 has received no objections or other responses from any Attorney General.

4. As approved in the Court’s Preliminary Approval Order dated October 27, 2021, the Parties agreed to have RG/2 be responsible for: creating a website with an online claims portal; creating and undertaking the Notice Plan; processing Claims, Opt Out letters and objections; corresponding with Claimants; making all payments to Claimants from the Settlement; all required tax reporting and withholding; and communicating the information regarding status of claims and payment to the Parties’ counsel. Subsequent to this Order, RG/2 has performed the services detailed below.

5. RG/2 created a website with the URL www.InfinityClassSettlement.com, which went live on November 26, 2021 and contained the following:

- a. The “Homepage” contains a brief summary of the Settlement and advises potential Settlement Class Members of their rights under the Settlement;
- b. The “Notice/Claim Form” page contains pdf copies of the Long Form Notice and the Claim Form. The page also contains a link to the Claim Form online filing portal;
- c. The “Court Documents” page contains various documents filed with the Court for this Settlement, such as the Settlement Agreement and Third Amended Complaint;

- d. The “Contact” page contains the contact information of the Claims Administrator; and
- e. A portal to allow Settlement Class Members to enter their email address to receive a reminder email when their credit monitoring redemption code is active following the Effective Date of the settlement.

As of December 21, 2021, the website has received 22,546 unique visits.

6. Also on November 26, 2021, the toll-free phone number for Settlement Class Members to obtain information or speak with an operator went live. This IVR includes a menu of frequently asked questions for Settlement Class Members to review at their convenience. Settlement Class Members can also submit a request to have a notice and/or claim form mailed to them through the automated system. As of December 21, 2021, the toll-free line has received 2,189 calls.

7. On November 1, 2021, RG/2 received a secure file from Baker & Hostetler LLP containing the emails, names and addresses of Kemper and Infinity customers who were previously notified of the Data Incidents. Review of the data showed that the total number of Settlement Class Members was 6,148,631.

8. Commencing on November 30, 2021, RG/2 arranged for the Short-Form Notice to be sent to the 1,581,463 Settlement Class Members identified as having valid email addresses. The Short-Form Notice provided each Settlement Class Member with a username and password to be used to get access to the claims portal to file a claim online, as well as a redemption code for the credit monitoring benefit. A sample of the Short-Form Notice is attached hereto as Exhibit **B**.

9. Of the 1,581,463 emails sent, a total of 195,711 (or 12.38%) were returned as undeliverable. As a result, RG/2 arranged to have the Short-Form Notice printed and mailed via First-Class mail to each of these Settlement Class Members.

10. Concurrent with the sending of the Email Notice, RG/2 caused to be mailed via First-Class mail the Short-Form Notice to the Settlement Class Members who did not have valid email addresses associated with their records in the data. The Short-Form Notice was mailed to the 4,567,168 Settlement Class Members without valid email addresses. Prior to mailing the Short-Form Notice, the Settlement Class Member addresses were processed through the United States Postal Service National Change of Address Database and updated where a new address was provided.

11. To-date, RG/2 has received 13,123 of the mailed Short-Form Notices returned as undeliverable by the USPS. Of the 13,123 returned notices, 278 Short-Form Notices were returned with forwarding addresses for the Settlement Class Members, and a new Short-Form Notice was promptly re-mailed to those Settlement Class Members. Through standard skip-tracing procedures, RG/2 mailed new Short-Form Notices to 10,412 Settlement Class Members for whom updated addresses were located. The deadline to process returned mail is January 11, 2022.

12. The Short-Form Notice advised Settlement Class Members of their right to exclude themselves from the Settlement and that their request must be postmarked by January 25, 2022. To date, RG/2 has not received any Requests for Exclusion from the Settlement.

13. The Short-Form Notice also advised Settlement Class Members of their right to object to the Settlement and that their objection must be filed with the Court by January 25, 2022. To date, and to RG/2's knowledge, no timely objections have been filed with the Court.

14. Class Members have until February 24, 2022 to either submit a claim through the claims portal or have their mailed Claim Form postmarked. To date, RG/2 has received 480 Claims filed online and 44 Claims filed by mail.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on December 22, 2021 at Philadelphia, Pennsylvania.


Melissa Baldwin

EXHIBIT A



October 22, 2021

VIA «Via_Mail»

«First» «Last», «Esquire»

«Title»

«Street_1» «Street2»

«City», «State1» «Zip»

Re: *Aguallo, et al. v. Kemper Corporation and Infinity Insurance Company*
Case No. 1:21-cv-01883, Notice Pursuant to 28 U.S.C. § 1715

Dear Sir or Madam:

On behalf of Defendants, Kemper Corporation and Infinity Insurance Company (“Defendants”), RG/2 Claims Administration LLC (“RG/2 Claims”), hereby provides this Notice of a Proposed Class Action Settlement in the above-referenced class action pursuant to the Class Action Fairness Act of 2005 (“CAFA”). The proposed settlement will resolve the case.

In accordance with its obligations under CAFA, RG/2 Claims encloses the following:

(1) The Complaint, any materials filed with the Complaint, and any Amended Complaints.

Plaintiff’s Class Action Complaint, the Amended Class Action Complaint, the Second Amended Class Action Complaint and the Third Amended Class Action Complaint filed in the *Aguallo, et al. v. Kemper Corporation and Infinity Insurance Company* case can be found on the enclosed CD as “Exhibit 1- Aguallo v Kemper Complaints.”

(2) Notice of any scheduled judicial hearing in the class action.

The Court has scheduled a Preliminary Approval Hearing for October 27, 2021 at 11:00 a.m. via telephone before the Honorable Martha M. Pacold. The Minutes Order Setting Telephone Hearing can be found on the enclosed CD as “Exhibit 2 – Minutes Order Setting Preliminary Approval Hearing.” The Court has not yet scheduled a fairness hearing regarding the settlement. Once the Court sets a hearing date, such date(s) can be found on PACER as follows: (1) enter PACER, (2) click on “Query,” (3) enter the civil case number, 1:21-cv-01883, (4) click on “Run Query,” and (5) click on the link “Docket Report.” The order(s) scheduling hearing(s) will be found on the docket entry sheet.

(3) Any proposed or final notification to class members.

The long-form and email Notice of Pending Class Action and Proposed Settlement and the Claim Form as submitted to the Court can be found on the enclosed CD as “Exhibit 3 – Notice of Pending Class Action and Proposed Settlement.”

(4) Any proposed or final class action settlement.

The Settlement Agreement entered into by the parties and as submitted to the Court can be found on the enclosed CD as “Exhibit 4 – Settlement Agreement.” There are no other agreements contemporaneously made between Class Counsel and counsel for the defendants.

(5) A final judgment or notice of dismissal.

Final judgment has not yet been entered. Upon entry, a copy of the Final Order and Judgment will be available through PACER and can be accessed online as follows: (1) enter PACER, (2) click on “Query,” (3) enter the civil case number, 1:21-cv-01883, (4) click on “Run Query,” and (5) click on the link “Docket Report.” The order(s) entering final judgment will be found on the docket entry sheet.

(6) Names of class members who reside in each state and the estimated proportionate share of the claims of such members to the entire settlement.

As of today, it is not feasible to identify the names of every Class Member who resides in your state; the list of class member totals by state can be found on the enclosed CD as “Exhibit 5 – Class Member Totals by State” represents our best current estimate of the total number of Class Members residents in your state. The specific settlement allocation to each Class Member will be determined by the Settlement Agreement and each Class Member’s election of benefits according to Court-approved guidelines. As a result, we do not yet know which Class Members will receive settlement benefits or the financial value of the benefits each Class Member will receive, and it is not feasible to determine the estimated proportionate share of the claims of the Class Members who reside in each state to the entire settlement. Upon final approval of the Court, the settlement benefits will be distributed to the Class Members according to the relevant provisions of the Settlement Agreement.

(7) Any written judicial opinion relating to the materials described in (3) through (5).

The Court has not yet entered a Preliminary Approval Order or any opinions relating to the materials described in sections (3) through (5). Upon entry, a copy of said Order or opinion can be found online through the process described in section (5) above.

Final judgment has not yet been entered. Upon entry, a copy of said judgment can be found online through the process described in section (5) above.

«First» «Last», «Esquire»
October 22, 2021
Page 3



If you have questions about this notice, the lawsuits, or the enclosed materials, please do not hesitate to contact me.

Sincerely,
RG/2 Claims Administration LLC

Enclosures

EXHIBIT B

Kemper and Infinity Customers who were sent notice letters on or about March 16, 2021 and May 25, 2021 notifying them that their Personal Identifiable Information (“PII”) was compromised in the Data Incidents may be eligible for a payment from a class action settlement.

A federal court ordered this notice. This is not a solicitation from a lawyer.

Si desea recibir esta notificación en español, llámenos al 1-800-347-9165.

A settlement has been reached with Kemper Corporation and Infinity Insurance Company (“collectively, the Defendants”) in a class action lawsuit about the data incidents that occurred on December 14, 2020 and March 25, 2021 (“the Data Incidents”). Defendants announced the Data Incidents on or about March 16, 2021 and on or about May 25, 2021. The lawsuit was filed asserting claims against Defendants relating to the Data Incidents. Defendants deny all of the claims and say they did not do anything wrong.

WHAT HAPPENED? Plaintiffs allege that on December 14, 2020 and March 25, 2021, respectively, Defendants were the targets of two separate data security incidents in which unauthorized users accessed Defendants’ network and computer systems and which resulted in unauthorized access of personal information. Plaintiffs allege that, as a result of the Data Incidents, unauthorized users gained access to Plaintiffs’ and Defendants’ customers’, current and former employees’, and agents’ PII, including, but not limited to, names, addresses, Social Security numbers, driver’s license numbers, medical leave information, and/or workers’ compensation claim information.

WHO IS INCLUDED? You received this email because Defendants’ records show you are a member of the **Settlement Class**. The Settlement Class includes all residents of the United States who were sent notice letters notifying them that their information was compromised in one or more of the Data Incidents. There is a separate settlement subclass for Settlement Class Members that are California residents.

SETTLEMENT BENEFITS. All Settlement Class Members will be provided access to Aura’s Financial Shield fraud monitoring and protection services for a period of 18 months from the Effective Date of the Settlement without the need to submit a Claim Form. A link with a redemption code to be used to enroll directly with Aura Financial Shield is provided below.

LINK [HTTPS://APP.FINANCIALSHIELD.COM/INFORMATION/KEMP](https://app.financialshield.com/information/kemp)
REDEMPTION CODE:

The Settlement also provides reimbursement of up to \$10,000 for documented out-of-pocket expenses and lost time that resulted from the Data Incidents for persons who file a valid Claim Form. The Settlement also provides an additional cash payment benefit for Class Members who are California residents. Information on the Settlement’s benefits is available on the website: **www.InfinityClassSettlement.com**.

CLAIM FORM. You must file a Claim Form to receive a cash payment for documented out-of-pocket expenses, lost time or the California benefit. You can file a claim online at www.InfinityClassSettlement.com, download a Claim Form at the website and mail it, or you may call 1-800-347-9165 and ask that a Claim Form be mailed to you. The claim deadline is **February 24, 2022**. You must use the following username and password to file a Claim Form to verify your identity as a member of the Settlement Class.

Username:
Password:

Please call 1-800-347-9165 to receive further information on how to file a claim.

OTHER OPTIONS. If you do not want to be legally bound by the Settlement, you must exclude yourself by **January 25, 2022**. If you stay in the Settlement, you may object to it by **January 25, 2022**. A more detailed notice is available to explain how to exclude yourself or object. Please visit the website www.InfinityClassSettlement.com or call the toll-free number below for a copy of the more detailed notice. On March 15, 2022, the Court will hold a hearing on whether to approve the Settlement, Class Counsel’s request for attorneys’ fees and reasonable costs and expenses of up to \$2,500,000, and service awards of up to \$1,500 for each of the six Representative Plaintiffs. You or your own lawyer, if you have one, may ask to appear and speak at the hearing at your own cost, but you do not have to. Detailed information is available at the website and by calling the toll-free number below.

Questions? Call 1-800-347-9165 or visit www.InfinityClassSettlement.com