

EXHIBIT 2

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

ROBERT FISCHER, STEPHANIE LUKIS,
ALESSANDRA FISSINGER-FIGUEROA,
ERIC CARVALHO, JOSE CAMACHO,
RHONDA COTTA, ROGELIO RAMIREZ,
JAKE WEBB, JAMES ANDERSON,
THERESE BACKOWSKI, JUSTIN
ROGALSKY, NATEEMA LEWIS, and
NICHOLAS FIORITTO, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

INSTANT CHECKMATE LLC,
TRUTHFINDER LLC, INTELIIUS LLC, THE
CONTROL GROUP MEDIA COMPANY,
LLC, and PEOPLECONNECT, INC.,

Defendants

Case No. 19-cv-04892

Hon. Manish S. Shah

**DECLARATION OF MICHAEL W. OVCA IN SUPPORT OF PLAINTIFFS’
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

1. I am a citizen of the state of Illinois, and I am over the age of eighteen years old. I am an associate at the law firm of Edelson PC, which has been retained to represent Plaintiffs in this matter, and I am admitted to practice before this Court. I am entering this Declaration in support of Plaintiffs’ Motion for and Memorandum of Law in Support of Final Approval of Class Action Settlement. This Declaration is based upon my personal knowledge except where expressly noted otherwise. If called upon to testify to the matters stated herein, I could and would

competently do so.¹

Litigation History and Path to Settlement

2. I have read and considered the Declaration of Philip L. Fraietta submitted in connection with Plaintiffs' motion for preliminary approval, which sets forth in detail the procedural history of the Action, the Additional Litigation, and the steps leading to the Settlement. (*See* dkt. 268-2.) To avoid redundancy, I hereby adopt the statements made in paragraphs 3-15, (*id.*), as to the history of this action and the work done therein.

Work Done Administering the Settlement and the Classes' Response

3. Since the Court preliminarily approved the Settlement, Class Counsel has worked to fulfill the terms of the Preliminary Approval Order. Class Counsel has consistently monitored the reach of and response to the Notice campaign and considered how to increase those figures beyond the methods strictly called for in the Settlement. While reminder notices via email were already built into the Settlement Agreement, Class Counsel requested that the Administrator skip trace the email addresses associated with Settlement Payment Class Members in the Class List to determine whether there were additional or updated email addresses to which Notice could be sent. After consulting with the Settlement Administrator and notifying Defendants, the Settlement Administrator carried out this process, which resulted in Notice reaching more than 40,000 new email addresses associated with the Settlement Payment Class Members.

4. After Class Counsel filed their Motion to Modify Dates in the Preliminary Approval Order, Class Counsel worked with the Settlement Administrator to send additional notice to the Settlement Payment Classes via U.S. Mail to maximize the success of the Notice

¹ Unless otherwise specified, all capitalized terms are defined in the Parties' Stipulation of Class Action Settlement (the "Settlement" or "Agreement"), attached as Exhibit 1 to Plaintiffs' Motion for and Memorandum in Support of Final Approval of Class Action Settlement.

campaign and to make sure as many Class Members as possible may participate in the Settlement. This increased the number of claiming Settlement Payment Class Members fivefold, from a 2.59% aggregate claims rate to a claims rate at more than 15%.

5. There were no objections to the Settlement, and only two individuals requested to opt out of their respective Settlement Payment Classes.

Class Counsel's Opinion of the Settlement

6. Class Counsel included the bases for providing their opinion on the approvability of the Settlement in their preliminary approval papers. (Dkt. 268.) Based on the outstanding reach of the Notice program and the exceptional participation rates by the Settlement Payment Classes, Class Counsel continues to believe that the Settlement provides outstanding monetary and prospective relief to the Settlement Classes without the uncertainty and delay that years of litigation would bring. Class Counsel therefore continues to believe that the Settlement is in the best interest of the Settlement Classes.

* * *

I declare under penalty of the perjury that the foregoing is true and correct.

Executed on January 24, 2024 at Chicago, Illinois.

/s/ Michael Ovca