

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

REYNALDO REYES,
on behalf of himself and all
others similarly situated,

Plaintiff,

v.

ZIONS FIRST NATIONAL BANK,
NETDEPOSIT, LLC,
MP TECHNOLOGIES d/b/a MODERN
PAYMENTS, and TELEDRAFT, INC.,
Defendants.

CIVIL ACTION NO. 10-00345

**DECLARATION OF RONALD A. BERTINO REGARDING
CLASS COUNSEL'S PROVISION OF NOTICE**

I, Ronald A. Bertino, hereby declare pursuant to 28 U.S.C. § 1746:

1. I am a partner of Heffler Claims Group LLC, an affiliate of the certified public accounting firm Heffler Radetich & Saitta, LLP, the main offices of which are located at Suite 1700, 1515 Market Street, Philadelphia, PA 19102. In this declaration, I use "Heffler" to refer to one or more of these entities or their affiliates.

2. I make this declaration to certify Class Counsel's compliance with the notice plan in the above-captioned action. The following statements are based on my personal knowledge and on information provided by Heffler employees working under my supervision.

3. The Court appointed Heffler as the Claims Administrator to provide notice to the class provisionally certified by the Court. See Dkt. 306, ¶13.

4. Heffler designed the postcard notice attached hereto as Exhibit A, which the Court approved by order on August 18, 2016. Heffler also designed an advertisement to run in *People* magazine, which has a readership of over 40 million people. The Court approved of this publication and the form of the notice in an August 1, 2016 order. As reflected in Exhibit B, the advertisement ran in the September 12, 2016 issue of *People* magazine. As reflected in Exhibit C, Heffler also issued a press release that included the approved notice of the settlement.

5. Heffler received 34 data files from Counsel containing a total of 1,797,257 Class Member records. The files contained names, addresses, account information, and net damages for Class Members. Working with Counsel, Heffler analyzed and combined the data in the 34 files, and identified 544,276 unique records in the data. Of the 544,276 records, 460,754 records had a mailing address. Heffler took steps to update the addresses of the Class Members by first running them through the United States Postal Service's ("USPS") National Change of Address database. Second, the records were then sent through a more sophisticated skip trace database offered by LexisNexis. All told, 460,754 records were checked against these databases, resulting in 341,696 addresses being updated.

6. Heffler provided the approved postcard notice and data to the printer for the printing and mailing of the postcard notices. Heffler worked with the printer to stagger the mailings of the notices over two weeks in late August and early September. By September 6, 2016, Heffler caused 460,754 postcards notices to be mailed to Class Members.

7. Despite our efforts to ensure the most accurate addresses, as of October 7, 2016, 53,734 notices have been returned by the USPS as undeliverable as addressed. For all class members with over \$250 in losses, Heffler undertook extra efforts to ensure that they received notice if their postcard was returned. As of October 7, 2016 Heffler manually traced 2,413 undeliverable records with losses over \$250, and obtained 431 updated addresses. Heffler re-mailed notices to the 431 updated addresses on October 6, 2016.

8. As of October 7, 2016, 5,430 notices have been returned by the USPS with a forwarding address. Heffler has updated the addresses for the 5,430 records. On October 6, 2016, Heffler re-mailed 5,429 of the 5,430 notices. The one additional forwarded notice will be re-mailed at a later date.

9. Heffler also designed a website for Class Members (www.telemarketingsettlement.com), which allows Class Members to find more information about the case, update their records if necessary, request paper checks instead of direct deposit, and—for the limited number of Class Members that will not be receiving payment automatically—an ability to file a claim. Heffler understands that the Court approved the form of the website on August 31, 2016. As of October 7, 2016, there have been 22,321 visits to the website and 54,511 pages have been viewed.

10. Heffler also established a toll-free number (1.844.412.1946), which included an Interactive Voice Response (“IVR”) system and an option to speak to a live operator to assist Class Members in learning more about the case. The IVR provided answers to frequently asked questions and also allowed the caller to speak with a

customer service representative. As of October 7, 2016, the toll-free number has received 5,183 calls, encompassing approximately 294 hours of total talk time.

11. As of October 7, 2016, Heffler has received 2,012 claim forms. Heffler is in the process of analyzing these claims.

12. As of October 7, 2016, Heffler has received zero (0) requests from Class Members to exclude themselves from the settlement and zero (0) objections to the proposed settlement.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 13, 2016, in Philadelphia, Pennsylvania.



Ronald A. Bertino

Exhibit A

Reyes v. Zions First National Bank
c/o Heffler Claims Group
PO Box 59269
Philadelphia, PA 19102-9269

POSTAGE

**If telemarketers or internet
marketers from the
companies listed on the
back withdrew money from
your bank account or you
incurred charges as a result,
you may get money from a
class action settlement.**

Class Member Name
Address
City, ST Zip

[BARCODE AREA]

Retain this number to access your information on the Settlement Website: <<RefID>>

A proposed class action settlement has been reached in Reyes v. Zions First National Bank, Case No. 10-cv-0345, pending in federal court in the Eastern District of Pennsylvania. The Plaintiff alleged that between October 2006 and March 2010, Zions First National Bank, NetDeposit, LLC, MP Technologies d/b/a Modern Payments and Teledraft, Inc., violated federal law by initiating debits on consumers' accounts on behalf of allegedly fraudulent entities. The Zions Defendants deny Plaintiff's allegations, deny any wrongdoing, and have agreed to settle to avoid the uncertainty, expense and burden of litigation.

Who is a Class Member?

You may be a class member if you received an ACH debit entry or remotely-created check draft on your bank accounts on behalf of the merchants identified below, and/or if you incurred bank charges as a consequence of such ACH debit entries or remotely-created check drafts.

The merchants include: Physician Health Services, LLC d/b/a Health Benefits Online; Health Management LLC d/b/a National Healthcare Solutions and National Health Net; Physician Health Systems, Inc. d/b/a Health Benefits Online; Market Power Marketing Solutions; Vexdale LLC & Sourdale LLC d/b/a Zaazoom, cardsupportsite.com, Get Your Credit Report Now, Payday Loan Resources, www.pdloancs.com, PDCustserv.com, PayDLCS, Identity Theft Protection, www.IDtheCS.com; Idcustserv.com, IDprocs.com; Low Pay, Inc. d/b/a LPC Inc., mylpcard.com; RxSmart d/b/a Calivada Marketing; Group One Networks d/b/a US Gold Line, My Online Credit Store, Ecredit, Credit Line Gold Card, 1st Credit Improve, Fast Financial Coach; and Platinum Benefits Group.

What does the settlement provide?

A \$37,500,000 settlement fund will be established to pay class members based on the amounts taken from their accounts, and to pay the costs of notice and distribution, Plaintiff's attorneys' fees

and expenses, and a service award to the individual plaintiff who represented the class. For most class members, money will be distributed directly into their bank accounts or by check without the need to file a claim. (You may update your bank account and address information as described below.) The settlement provides for an additional fund of up to \$250,000 to cover claims for consumers who were debited by Teledraft, Inc. on behalf of companies using the names IDCustServ.com, IDProcs.com, IDtheCS.com, PDloancs.com, PDCustserv.com, and PayDLCS.com. If the total value of these claims exceeds \$250,000, they will be covered by the common fund.

What are my options?

You may exclude yourself from the settlement. If you do so, you will not receive a payment, but you will keep your right to sue regarding these claims. You must exclude yourself by November 1, 2016. You also have the right to stay in the settlement and object to any part that you do not agree with. You must send your objection to the Court by November 1, 2016. For more information on how to exclude yourself or object, visit www.telemarketingsettlement.com or call 1-844-412-1946. If you do nothing, you will receive the full benefits of the Settlement and you will be bound by the decision of the Court and will give up your rights to sue about these claims.

The Court will hold a final hearing on November 21, 2016 to decide whether to approve the settlement and any fees or awards. The motion for the expenses, fees, and awards will be posted on the settlement website after it is filed. You may appear at this hearing, but you don't have to.

This is only a summary. For more information, including the detailed notice that explains the terms of the settlement, frequently asked questions, how to update your address or bank account information for automatic distribution, and how to file a claim, please visit www.telemarketingsettlement.com, or call 1-844-412-1946.

Exhibit B

**IF TELEMARKETERS OR INTERNET
MARKETERS FROM THE COMPANIES
LISTED BELOW WITHDREW MONEY FROM
YOUR BANK ACCOUNT OR YOU INCURRED
CHARGES AS A RESULT, YOU MAY GET
MONEY FROM A CLASS
ACTION SETTLEMENT.**

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Mechanical Measurements	
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Exhibit C

If telemarketers or internet marketers from the companies listed below withdrew money from your bank account or you incurred charges as a result, you may get money from a class action settlement.

Philadelphia, PA/ September 2, 2016 /PR Newswire/ -- The following statement is being issued by Langer, Grogan & Diver, P.C. regarding Zions First National Bank class action settlement.

IF TELEMARKETERS OR INTERNET MARKETERS FROM THE COMPANIES LISTED BELOW WITHDREW MONEY FROM YOUR BANK ACCOUNT OR YOU INCURRED CHARGES AS A RESULT, YOU MAY GET MONEY FROM A CLASS ACTION SETTLEMENT.

A proposed class action settlement has been reached in *Reyes v. Zions First National Bank*, Case No. 10-cv-0345, pending in federal court in the Eastern District of Pennsylvania. The Plaintiff alleged that between October 2006 and March 2010, Zions First National Bank, NetDeposit, LLC, MP Technologies d/b/a Modern Payments and Teledraft, Inc., violated federal law by initiating debits on consumers' accounts on behalf of allegedly fraudulent entities. The Zions Defendants deny Plaintiff's allegations, deny any wrongdoing, and have agreed to settle to avoid the uncertainty, expense and burden of litigation.

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Source: Langer, Grogan & Diver, P.C.

Media Contact: Howard Langer; Langer, Grogan & Diver, P.C.; 215-320-5660