

The Honorable Richard A. Jones

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

E.S., by and through her parents, R.S. and J.S.,
and JODI STERNOFF, both on their own
behalf, and on behalf of all similarly situated
individuals,

Plaintiffs,

v.

REGENCE BLUESHIELD; and CAMBIA
HEALTH SOLUTIONS, INC., f/k/a THE
REGENCE GROUP,

Defendants.

NO. 2:17-cv-01609-RAJ

**DECLARATION OF ELEANOR
HAMBURGER IN SUPPORT OF CLASS'S
MOTION FOR FINAL APPROVAL OF
SETTLEMENT AGREEMENT**

**Note on Motion Calendar:
March 20, 2026 at 9:00 am
(Fairness Hearing)**

I, Eleanor Hamburger, declare under penalty of perjury and in accordance with the laws of the United States and State of Washington that:

1. I am a partner at Sirianni Youtz Spoonemore Hamburger PLLC and am one of the Class Counsel in this action. Unless otherwise stated, the facts in this declaration are based upon my personal knowledge.

2. One objection to the Settlement Agreement was lodged (*see* Dkt. No. 99), while no objections have been received to Plaintiffs' Motion for Attorney Fees, Costs, and Class Representative Case Contribution Payments from Class members or from state Attorneys General. Epiq, the Claims Processor, reports that it has received seven opt-outs. Class members were

1 informed of their rights and of this deadline in the notices that were mailed to them, and on the
2 websites of both the Claims Processor and Class Counsel.

3 3. Both Epiq and my law firm posted websites related to the settlement. The website
4 maintained by my firm, <https://www.symslaw.com/regencehearingaidssettlement>, contained
5 basic information about the case and specifically directed class members to the Epiq website, via
6 a link, for details where the Motion for Attorney Fees was and other key documents were posted.

7 4. My law firm received and responded to dozens of emails or telephone inquiries
8 since class notices were emailed. We have not received any negative comments about the
9 settlement or the motion for fees. Many class members that contacted us were grateful for the
10 settlement.

11 5. As of March 11, 2026, the Claims Processor provided a preliminary calculation of
12 the magnitude of the claims, after deducting claims that are facially invalid, such as: (a) duplicates;
13 (b) outside the Class Period; (c) for items that are clearly not hearing aids or related services; or
14 (d) for persons who are not class members. This preliminary review was conducted for both
15 timely and late claims received by March 11, 2026. Further processing is still required for the
16 claims.

17 6. The Claims Processor indicated that there are 43 late claims which have a total
18 unadjudicated value of \$213,104.31.

19 7. Based on the preliminary calculation, the Claims Processor estimates, after
20 deducting costs, requested fees, and expenses, members will receive 100% of their valid and
21 approved claims even if both timely and late claims are allowed. That estimate is shown in the
22 table below:

23	Total Settlement Amount:	\$3,000,000.00
24	Estimated Cost of Class Notice 25 and Claims Administration:	\$403,474.08
26	Requested Attorney fees (33 $\frac{1}{3}$ %):	\$1,000,000.00

1	Litigation Costs (excluding notice advance):	\$39,976.28
2	Case Contribution Awards requested:	\$30,000.00
3	Subtotal:	\$1,473,450.36
4	Estimated Net for distribution	\$1,526,549.64
5	Present Estimated Value of Approved Claims	\$916,381.68
6	Estimated Percentage Payment	100%
7	Present Estimated Value of Approved Claims	\$916,381.68
8	Potential cy pres funds	\$610,167.96

9 8. The exact dollar amounts of the valid and approved claims will change (and likely
10 increase) once all claims have been fully adjudicated.

11 9. Our initial model suggested that more claims at higher amounts would be
12 submitted, consistent with the unusually high claims rate in the *Schmitt v. Kaiser* settlement
13 process (26% of the value of the class’s total estimated out-of-pocket expenses). Here the notice
14 contained similar information, the notice process here was equally effective at reaching the class
15 notice recipients, and the claims process required similar proof for claims to that in *Schmitt v.*
16 *Kaiser*. Nonetheless, Class members here submitted claims at a lower rate, approximately 7–16%
17 of the value of the Class’s total estimated out-of-pocket expenses. This lower rate, however, is
18 consistent with the typical response rate for common fund claims processes. *See e.g., McClintic*
19 *v. Lithia Motors, Inc.*, No. C11-859RAJ, 2011 U.S. Dist. LEXIS 174855, at *17 (W.D. Wash.
20 Oct. 19, 2011) (“8.5% participation in a class settlement is well within normal range”).

21 10. Class Counsel believes that the class notice and claims process fully complied with
22 due process and was not the reason for the lower claims rate.

23 11. Class Counsel strongly recommends approval of this settlement agreement. Each
24 member of the litigation team (Rick Spoonemore, Eleanor Hamburger, and Daniel Gross) has
25 decades of class action experience. In our collective view, this settlement represents a substantial
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1 win for Class members, particularly in light of the substantial recovery for Class members in a
2 settlement that was reached prior to class certification.

3 12. As noted in the Motion for Final Approval, we are asking that late claims be
4 reviewed and if valid, approved. Approval of valid late claims will not result in a *pro rata*
5 reduction of timely submitted valid claims. I have served as class counsel in many class action
6 settlements where the court has allowed late claims, including many in the Western District of
7 Washington, such as *J.R. v. Blue Cross Blue Shield of Illinois, et al.*, No. 2:18-cv-01191, Dkt.
8 Nos. 76, 81; *C.S. v. Boeing*, No. C14-0574, Dkt. No. 54; *K.M. v. Regence*, No. 2:13-cv-01214,
9 Dkt. No. 98, ¶19; *R.H. v. Premera*, No. 2:13-cv-00097, Dkt. No. 90, ¶8; *A.M. v. Moda Health*
10 *Plan, Inc.*, No. 2:14-cv-01191-TSZ, Dkt. No. 52 (all health coverage class action cases in which
11 the claims deadline was extended to include late-filed claims). Late claims were permitted in the
12 sister case to this. See *Schmitt v. Kaiser Found. Health Plan of Wash.*, No. 2:17-cv-1611-RSL,
13 2024 U.S. Dist. LEXIS 71166, *17 (W.D. Wash. Apr. 18, 2024). There is no prejudice to other
14 class members since the fund is sufficient to pay all at 100%, and payment of the late claims
15 serves the purposes of class action distributions.

16 I declare under penalty of perjury that the foregoing is true and correct to the best of my
17 knowledge, information, and belief.

18 DATED: March 12, 2026, at Seattle, Washington.

19 /s/ Eleanor Hamburger

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