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7 *Attorneys for Plaintiffs Jacob Rimler,*  
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9 *and Joshua Albert, on behalf of themselves and others*  
10 *similarly situated and in their capacities as Private*  
11 *Attorney General Representatives*

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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **FOR THE COUNTY OF SAN FRANCISCO**

15 JACOB RIMLER, GIOVANNI JONES, DORA  
16 LEE, KELLYN TIMMERMAN, and JOSHUA  
17 ALBERT, *on behalf of themselves and others*  
18 *similarly situated and in their capacities as*  
19 *Private Attorney General Representatives,*

20 Plaintiffs,

21 v.

22 POSTMATES, INC.,

23 Defendant.

Case No. CGC-18-567868

**DECLARATION OF MICHAEL  
SUTHERLAND, CHIEF EXECUTIVE  
OFFICER, SIMPLURIS, INC.**

Assigned For All Purposes to:  
Hon. Anne-Christine Massullo  
Department 304

Hearing Date: January 31, 2020  
Hearing Time: 1:30 pm

Complaint Filed: July 5, 2018  
TRIAL DATE: NONE SET

1 I, Michael Sutherland, declare as follows:

2 1. I am a shareholder and the Chief Executive Officer of Simpluris, Inc., a class  
3 action settlement administration company headquartered in Costa Mesa, California. I have  
4 personal knowledge of the facts set forth in this declaration and, if called as a witness, I could  
5 and would competently testify thereto.

6 2. Since its establishment in 2007, Simpluris has administered class action  
7 settlements in more than 6,000 cases nationwide, including cases ranging from a few hundred to  
8 over one million class members. Representative cases include *Myart v. AutoZone, Inc.* and  
9 *Aceves v. Autozone, Inc.* (208,050 class members) (**US District Court, CA Central Division**)  
10 *Diaz v. SeaWorld* (1,281,123 class members) (**Superior Court of the State of California**), and  
11 *Woods v. Vector Marketing* (194,500 class members) (**US District Court, Northern District of**  
12 **California.**)

13 3. The claims administration process for this settlement will include (1) a notice  
14 sent via email, and (2) subsequently, a notice packet sent via USPS first class mail to class  
15 members whose emailed notices are returned as undeliverable. Simpluris ensures email  
16 deliverability with several industry-leading techniques, including:

- 17 • Scrutiny of email addresses by a third-party vendor that uses real  
18 spam filter technology to score email addresses based on their  
19 likelihood of being blocked
- 20 • Use of Amazon email-sending service, which monitors the  
21 reputation of our emails. This service requires our emails to have  
22 a bounce-back rate of 5 percent or lower (Simpluris currently  
23 maintains a 0.45 percent bounce-back rate), and a recipient  
24 complaint rate of 0.5 percent or lower (Simpluris currently  
25 maintains a complaint rate of 0.18 percent)

- Monitoring reputation of our company’s dedicated IP addresses with commonly-used spam filters; none of our IP addresses are currently blacklisted with any such services.

Additionally, Simpluris anticipates a turnaround time of 48 to 72 hours between sending the initial emailed notice and sending the mailed notice packet to undeliverable class members.

4. Simpluris is committed to the security and overall protection of its own and its customer’s data and information. As demonstration of our commitment, we maintain SOC 2 certification which requires us to adhere to strict policies and procedures surrounding information security including processing and storage of confidential customer data. Simpluris has and maintains a comprehensive, written Information Security Program that complies with all applicable laws and regulations (e.g. HIPAA, Gramm-Leach-Bliley Act, MA 201 CMR 17.00) and that is designed to (a) ensure the security, privacy and confidentiality of Client and Class Member Information, (b) protect against any reasonably anticipated threats or hazards to the security or integrity of Client or Class Member Information, and (c) protect against unauthorized access to, use, deletion, or modification of Class Member Information. Simpluris has designated specific employees to be responsible for the administration of its Information Security Program. In addition, Simpluris regularly monitors, tests, and updates its Information Security Program.

5. Simpluris uses Client and Class Member Information only for the purposes for which its clients provide it, as described in any Agreements or Court Orders governing the provision of Simpluris’s services in any particular case. Simpluris has and maintains a process for identifying, assessing, and mitigating the risks to Class Member Information in each relevant area of Simpluris’s operations and evaluating the effectiveness of the safeguards for controlling these risks. Simpluris restricts access to Class Member Information only to those employees, agents, or subcontractors who need to know the information to perform their jobs. Simpluris performs background checks of all its employees that will have access to Sensitive Personal Information, including a review of their references, employment eligibility, education,

1 and criminal background to ensure they do not pose a risk to the security of Client or Class  
2 Member Information.

3 6. Simpluris adheres to the following industry best practices to safeguard its  
4 systems which process, store or transmit Client and Class Member Information:

- 5 • Identity and Access Management;
- 6 • Complex passwords that must be changed regularly;
- 7 • Role-based access control systems to limit individual employee  
8 access to network applications and systems based on their specific  
9 job role and function;
- 10 • Data Loss Prevention and Intrusion Prevention System software at  
11 multiple layers to prevent from internal and external threats of  
12 data leaks, malicious activity, and policy violations;
- 13 • Encryption of Class Member Information in if it is transmitted  
14 over public or wireless networks (e.g., via email, ftp, Internet,  
15 etc.);
- 16 • Implementation of a Secure File Transfer system (using SSL  
17 encryption) for transmitting documents back and forth to clients;
- 18 • Encryption of servers, portable media, laptops, desktops,  
19 smartphones, mobile devices, and new technologies that store  
20 Class Member Information;
- 21 • Complex password authentication for remote access to  
22 Company's networks;
- 23 • Upon hire and annually thereafter, training of all employees with  
24 access to Class Member Information, (including any agents, and  
25 subcontractors with access to Class Member Information) about  
26 their obligations to implement the Information Security Program;
- 27
- 28

- Disciplinary measures for employees who violate the Information Security Program;
- Preventing terminated employees from accessing Class Member Information;
- Appropriately configured and updated firewall, antivirus, and spyware software;
- Prompt application of vendor-recommended security patches and updates to systems and other applications to avoid any adverse impact to Class Member Information;
- Separation of Duties;
- Infrastructure and Physical Security;
- Business Continuity Planning;
- Disaster Recovery Planning

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

Executed this 15th day of January, 2020, in Costa Mesa, California.

*Michael Sutherland*

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Michael Sutherland