

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Village Bank, on behalf of itself and
all others similarly situated,

Plaintiff,

v.

Caribou Coffee Company, Inc.,
Bruegger's Enterprises, Inc., Einstein
& Noah Corp., and Einstein Noah
Restaurant Group, Inc.

Defendants.

Case No. 0:19-cv-01640-JNE-HB

**DECLARATION OF
BRYAN L. BLEICHNER
IN SUPPORT OF PLAINTIFF'S
UNOPPOSED MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

I, Bryan L. Bleichner, pursuant to 28 U.S.C. §1746, declare as follows:

1. I am an attorney licensed to practice before the courts of the State of Minnesota and the State of California. I am also admitted to practice before this Court. I am a partner with the law firm of Chestnut Cambronne PA (Chestnut or the Firm), counsel for Plaintiff Village Bank (Plaintiff).¹ Attached as Exhibit A is a Firm resume.

2. I make this declaration in support of Plaintiff's Unopposed Motion for Final Approval of Class Action Settlement. I have personal knowledge of the matters stated herein and, if called upon, I could, and would, competently testify thereto.

3. A true and accurate copy of the Settlement Agreement and its attachments was filed with Plaintiff's Unopposed Motion for Preliminary Approval of the Settlement

¹ All capitalized terms not defined herein have the same meaning as those set forth in the Settlement Agreement. [Dkt. No. 48-1 Ex. A.]

[Dkt. 45.] The Settlement Agreement is attached as Exhibit A to the Declaration of Bryan L. Bleichner in Support of Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement and Notice Plan. [Dkt. 48-1 Ex. A.]

4. My Firm served as Plaintiff's counsel and actively participated in the litigation of this from the outset. Karl L. Cambronne and I are appointed as Settlement Counsel. The work performed by my Firm is described in the Declaration of Bryan L. Bleichner in Support of Plaintiff's Motion for Attorneys' Fees, reimbursement of Expenses, and Service Award. [Dkt. No. 56.]

5. A declaration from Claims Administrator Analytics Consulting LLC is being contemporaneously filed. It provides an update regarding the Court-approved Notice Plan and Claims Administration process to date. Based on information provided by Analytics, as of October 29, 2020, the current claims rate is 11.1%. This is a high claims rate for a class action case. The deadline for submitting a claim is December 22, 2020, and currently claims have been submitted by 346 Settlement Class Members that issued approximately 299,393 payment cards that were alerted on as a result of the data Breach. Based on the claims filed as of October 29, 2020 (which are still subject to validation), the current projected payment to Settlement Class Members is approximately \$14.00 per Alerted on Payment Card.

6. Attached as Exhibit B is a [Proposed] Final Approval Order and Judgment.

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

Executed this 30th day of October 2020, in Minneapolis, Minnesota.

/s/ Bryan L. Bleichner

Bryan L. Bleichner