

THE HONORABLE RONALD B. LEIGHTON

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U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

NICOLE and GUY MAEL, NADINE VIGLIANO,  
BRITNEY MOREA, CAROL CONWAY, ANGELA  
BERTUCCI and TINA WIEPERT, on behalf of  
themselves and all others similarly situated,

Plaintiffs,

vs.

EVANGER'S DOG AND CAT FOOD  
CO., INC., NUTRIPACK, LLC, AGAINST THE GRAIN  
PET FOODS, and SHER SERVICES COMPANY  
INCORPORATED,

Defendants.

EVANGER'S DOG AND CAT FOOD CO., INC.,

Counterclaimant,

vs.

NICOLE MAEL,

Counterdefendant.

NO. 3:17-cv-05469-RBL

**DECLARATION OF JENNIFER RUST  
MURRAY IN SUPPORT OF PLAINTIFFS'  
MOTION FOR FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT**

I, Jennifer Rust Murray, declare as follows:

DECLARATION OF JENNIFER RUST MURRAY IN SUPPORT OF  
PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION  
SETTLEMENT - 1

CASE No. 3:17-CV-05469-RBL

1           1.       I am a member of the law firm of Terrell Marshall Law Group PLLC (“TMLG”),  
2 counsel of record for Plaintiffs in this matter. I am admitted to practice before this Court and  
3 am a member in good standing of the bars of the states of Washington and Oregon.

4 I respectfully submit this declaration in support of Plaintiffs’ Motion for Final Approval of Class  
5 Action Settlement. Except as otherwise noted, I have personal knowledge of the facts set  
6 forth in this declaration, and could testify competently to them if called upon to do so.

7           2.       During the notice period, I conferred with Defendants’ counsel by telephone.  
8 Although the Settlement Agreement contemplates sending Settlement Class members who  
9 submitted a claim without proof of purchase a “product certificate,” Defendants offered to  
10 instead mail three cans of Evanger’s dog food to each household that submitted a claim  
11 without proof of purchase. The package mailed to claimants would contain a “variety pack” of  
12 Duck & Sweet Potato food, Chicken & Rice, and Hunk of Beef. Defendants’ counsel told me  
13 the value of this package would be \$8.10.

14           3.       It appears that the Settlement Fund should contain sufficient funds to pay all  
15 approved claimants in cash for 100% of their verified purchases. Again, the parties conferred  
16 and agreed to ask the Court to pay all claimants in cash for the total amount of their verified  
17 claims. The parties agree this is an added benefit to the Settlement Class as Class Members  
18 can use the funds for any purchase—they are not limited to using the funds to pay for pet  
19 food. In addition, this will allow Settlement Class members to benefit from the settlement  
20 while staying safe at home during the Covid-19 emergency. Class Counsel will notify the  
21 claimants who requested product certificates and explain that they will be paid in cash.

22           4.       The Net Settlement Fund should contain sufficient funds to cover the costs of  
23 mailing the cans of food directly to claimants. Defendants will file a declaration with the Court  
24 confirming that the food has been mailed and substantiating the shipping costs, which will be  
25 deducted from the Settlement Fund.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED this 22nd day of May, 2020, at Seattle, Washington.

/s/ Jennifer Rust Murray, WSBA #36983  
Jennifer Rust Murray, WSBA #36983

CERTIFICATE OF SERVICE

1  
2 I, Jennifer Rust Murray, hereby certify that on May 22, 2020, I electronically filed the  
3 foregoing with the Clerk of the Court using the CM/ECF system which will send notification of  
4 such filing to the following:

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*Attorneys for Defendants*

DATED this 22nd day of May, 2020.

TERRELL MARSHALL LAW GROUP PLLC

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