

**THE UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

PHILLIP RACIES, On Behalf of  
Himself and All Others Similarly  
Situated,

Plaintiff,

v.

QUINCY BIOSCIENCE, LLC, a  
Wisconsin limited liability  
company,

Defendant.

Case No. 4:15-cv-0092-HSG

**SUPPLEMENTAL DECLARATION  
OF JENNIFER M. KEOUGH  
REGARDING PROPOSED NOTICE  
PROGRAM**

I, JENNIFER M. KEOUGH, declare and state as follows:

**INTRODUCTION**

1. I am the Chief Executive Officer (“CEO”) of JND Legal Administration LLC (“JND”). This Declaration is based on my personal knowledge, as well as upon information provided to me by experienced JND employees, and if called upon to do so, I could and would testify competently thereto.

2. I have more than 20 years of legal experience creating and supervising notice and claims administration programs and have personally overseen well over 500 matters. A comprehensive description of my experience, as well as JND’s proposed Notice Program for the matter here, was previously submitted to the Court on March 28, 2019, and approved by the Court on April 1, 2019. *See* Exhibit 1 to *Joint*

*Administrative Motion Seeking Approval of Agreed Upon Forms for Class Notice and Plan for Distribution (Doc. 179-1).*

3. JND subsequently learned that 4,039 email addresses and 19,083 physical addresses are available for Class Members. Therefore, JND proposes revising the proposed Notice Program to include both email and postcard notice.

4. JND will send the Email Notice, attached hereto as Exhibit A, to all known Class Members with email addresses (approximately 4,000). To attract the attention of the recipient so they will be encouraged to take action, JND will include links to the case-specific website in the Email Notice.

5. JND will send the Postcard Notice, also attached hereto as Exhibit A, via first-class U.S. mail to all known Class Members with physical addresses (approximately 19,000). Prior to mailing, JND will update the addresses using the National Change of Address database (“NCOA”).<sup>1</sup> JND will re-mail any notices returned by the United State Postal Service with a forwarding address.

6. Like the other forms of notice already included in the proposed Notice Program, the email and postcard are written in plain language and comply with the FJC’s guidelines for class action notices. They contain easy-to-read summaries of the litigation and the exclusion option that is available to each potential Class Member. The mailed notice is designed as a double-sided postcard to protect the privacy of

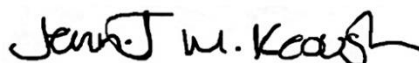
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<sup>1</sup> The NCOA database is the official United States Postal Service (“USPS”) technology product which makes change of address information available to mailers to help reduce undeliverable mail pieces before mail enters the mail stream. This product is an effective tool to update address changes when a person has completed a change of address form with the USPS. The address information is maintained on the database for 48 months.

Class Members. The additional forms of notice will also provide instructions on how to get more information about the litigation.

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

Executed on April 12, 2019 at Seattle, Washington.

A handwritten signature in black ink that reads "Jenn. J. M. Keough". The signature is written in a cursive style with a horizontal line extending from the end of the name.

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JENNIFER M. KEOUGH

# **EXHIBIT A**

To: Class Member

From:

Subject Line:

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## Did you buy Prevacen to improve your brain health and memory? A class action may affect your rights.

*Para una notificación en español, visite [www. \[REDACTED\].com](http://www. [REDACTED].com).*

A class action lawsuit is currently pending against Quincy Bioscience, LLC (Defendant) that includes **Prevagen Regular Strength**, **Prevagen Extra Strength**, and **Prevagen Mixed Berry Chewable** products (Prevagen products). The lawsuit claims that the Defendant falsely labels and/or represents its Prevagen products as providing, among other things, brain health and memory benefits. The Defendant denies all the Plaintiff's claims. The Court has not decided who is right and who is wrong.

**Am I a Class Member?** The Court has allowed the following classes to proceed to trial:

One class consists of: All California consumers who, within the time period of January 21, 2011 to [date notice is first issued], purchased Prevagen Regular Strength, Prevagen Extra Strength, or Prevagen Mixed Berry Chewable.

The other consists of: All California consumers who, within the time period of January 21, 2012 to [date notice is first issued], purchased Prevagen Regular Strength, Prevagen Extra Strength, or Prevagen Mixed Berry Chewable.

If you are still not sure whether you are a Class member, you can visit the website, [INSERT], call [INSERT], or write to [INSERT], for more information.

**What Am I Eligible to Receive?** No money is available now and there's no guarantee that there will be. The Court has not decided whether the Defendant did anything wrong and the two sides have not settled the case. If a settlement is reached, or if the lawyers prove their claims at trial, Class members will then be notified how to get benefits.

### **What are My Options?**

**Do Nothing** – If you do nothing, you keep the possibility of getting money that may come from a trial, but, you give up any rights to sue Quincy Bioscience on your own about the same legal claims in this lawsuit. You will also be legally bound by all orders and judgments the Court makes in this class action.

**Exclude Yourself by x-** If you exclude yourself from the Class—(1) you will not get money from this lawsuit, even if Plaintiff obtains money as a result of the trial; (2) you may sue or continue to sue Quincy Bioscience about the same legal claims that are involved in this case, now or in the future; and (3) you will not be legally bound by the Court's judgments in this class action. Go to [www.xxxxxxxx.com](http://www.xxxxxxxx.com) to learn how to file an exclusion.

If the case is not dismissed or settled, Class Counsel will have to prove Plaintiff's claims at a trial. The Court has scheduled a trial to decide who is right in this case. The trial is currently set to begin on [REDACTED] in [REDACTED] of the United States District Court for the Northern District of California, located at [REDACTED]. The date may change so check the website to be kept informed of the trial schedule. During the trial, the Judge and a jury will hear all the evidence, so that a decision can be reached about whether Plaintiff is right or wrong about his claims in the lawsuit. Plaintiff will have to prove his claims. There is no guarantee that Plaintiff will win or that he will get money for the Class.

This is only a summary. For more detailed information, please visit [website] or call [phone number].

Notice Administrator  
c/o JND Legal Administration  
P.O. Box [REDACTED]  
Seattle, WA [REDACTED]

**COURT  
AUTHORIZED  
NOTICE OF  
CLASS ACTION  
AND PROPOSED  
CLASS ACTION**



Postal Service: Please do not mark barcode

«First1» «Last1»  
«C/O»  
«Addr1» «Addr2»  
«City», «St» «Zip» «Country»

# Did you buy Prevagen to improve your brain health and memory? A class action may affect your rights.

*Para una notificación en español, visite [www.██████████.com](http://www.██████████.com).*

A class action lawsuit is currently pending against Quincy Bioscience, LLC (Defendant) that includes **Prevagen Regular Strength**, **Prevagen Extra Strength**, and **Prevagen Mixed Berry Chewable** products (Prevagen products). The lawsuit claims that the Defendant falsely labels and/or represents its Prevagen products as providing, among other things, brain health and memory benefits. The Defendant denies all the Plaintiff's claims. The Court has not decided who is right and who is wrong.

**Am I a Class Member?** The Court has allowed the following classes to proceed to trial:

One class consists of: All California consumers who, within the time period of January 21, 2011 to **[date notice is first issued]**, purchased Prevagen Regular Strength, Prevagen Extra Strength, or Prevagen Mixed Berry Chewable.

The other consists of: All California consumers who, within the time period of January 21, 2012 to **[date notice is first issued]**, purchased Prevagen Regular Strength, Prevagen Extra Strength, or Prevagen Mixed Berry Chewable.

If you are still not sure whether you are a Class member, you can visit the website, **[INSERT]**, call **[INSERT]**, or write to **[INSERT]**, for more information.

Case 4:15-cv-00292-HSG Document 182-1 Filed 04/12/19 Page 8 of 9

**What Am I Eligible to Receive?** No money is available now and there's no guarantee that there will be. The Court has not decided whether the Defendant did anything wrong and the two sides have not settled the case. If a settlement is reached, or if the lawyers prove their claims at trial, Class members will then be notified how to get benefits.

### **What are My Options?**

**Do Nothing** – If you do nothing, you keep the possibility of getting money that may come from a trial, but, you give up any rights to sue Quincy Bioscience on your own about the same legal claims in this lawsuit. You will also be legally bound by all orders and judgments the Court makes in this class action.

**Exclude Yourself by x-** If you exclude yourself from the Class—(1) you will not get money from this lawsuit, even if Plaintiff obtains money as a result of the trial; (2) you may sue or continue to sue Quincy Bioscience about the same legal claims that are involved in this case, now or in the future; and (3) you will not be legally bound by the Court's judgments in this class action. Go to [www.localhost.com](http://www.localhost.com) to learn how to file an exclusion.

If the case is not dismissed or settled, Class Counsel will have to prove Plaintiff's claims at a trial. The Court has scheduled a trial to decide who is right in this case. The trial is currently set to begin on [redacted] in [redacted] of the United States District Court for the Northern District of California, located at [redacted]. The date may change so check the website to be kept informed of the trial schedule. During the trial, the Judge and a jury will hear all the evidence, so that a decision can be reached about whether Plaintiff is right or wrong about his claims in the lawsuit. Plaintiff will have to prove his claims. There is no guarantee that Plaintiff will win or that he will get money for the Class.

This is only a summary. For more detailed information, please visit [\[website\]](#) or call [\[phone number\]](#).



Carefully separate this Address Change Form at the perforation

Name: \_\_\_\_\_

Current Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Notice Administrator  
c/o JND Legal Administration  
PO Box \_\_\_\_\_  
Seattle, WA \_\_\_\_\_