



**To the Court, All Parties, and Their Counsel of Record:**

On February 3, 2022, the Court issued its “Order Preliminary Approving Class Action Settlement.” Dkt. 286. Pursuant to this Order, the Settlement Administrator (JND Legal Administration LLC (“JND”)) was required to mail the approved Short-Form Notice to all potential class members by the “Notice Date,” which was defined as thirty days after the entry of the Order. *Id.* ¶ 11. The Order also required that JND cause a copy of the approved Long-Form Notice to be posted on the website designed for this lawsuit by the Notice Date, and establish and maintain a toll-free number for potential class members. *Id.* ¶¶ 12–13. The Order required that Class Counsel file a proof of mailing and proof of posting by no later than fifteen days after the notice date. *Id.* ¶ 14.

Pursuant to the February 3 Order, Class Counsel now submits this proof of mailing and posting. On February 8, 2022, counsel for Defendant Voya Retirement Insurance and Annuity Company (“Voya”) provided a list of potential class members and their addresses to JND. *See* Declaration of Kimberly K. Ness ¶ 3. JND then combined this list with the list of policies previously received from Voya on May 23, 2019, with the exception of the 12 policies that previously opted out. *Id.* ¶ 4.<sup>1</sup> JND then updated the addresses using data from the United States Postal Service’s National Change of Address database. *Id.* ¶ 5. On March 4, 2022, JND mailed the Short-Form Notice to these addresses consistent with the February 3 Order. *Id.* ¶ 6 (the Short-Form Notice is attached to the Ness Declaration as Exhibit A). Also on March 4, JND updated the website, [www.Voyacoiligation.com](http://www.Voyacoiligation.com), to provide information about the Settlement to potential class members and answer frequently asked questions. *Id.* ¶ 9. This website allows

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<sup>1</sup> This address list was provided by Voya for the notice of the class action. *See* Dkt. 130 (Proof of Mailing of Short-Form Notice and Proof of Website Posting of Long-Form Notice Pursuant to the Order Approving Form and Manner of Notice (Dkt. 122)); Dkt. 130-1 (Declaration of Nicholas N. Spear in Support of Proof of Mailing and Website Posting).

viewers to download copies of the Long-Form Notice and other documents. *Id.* (the Long-Form Notice is attached to the Ness Declaration as Exhibit B). Also on March 4, JND updated the case-specific toll-free number, 1-833-759-2984, for individuals to call to obtain information about the Settlement. *Id.* ¶ 7. The line is available 24 hours a day, seven days a week. *Id.* As of March 14, 2022, the website has received 201 unique visitors for a total of 772 page views and the case-specific toll-free number has received 91 calls. *Id.* ¶¶ 8, 10.

Dated: March 18, 2022

*/s/ Nicholas N. Spear*

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**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been served on the following counsel, this March 18, 2022.

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