

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

BUDICAK, INC., BLUE MARLIN
ARBITRAGE, LLC, and PRIME TRADING,
LLC, individually, and on behalf of others
similarly situated,

Plaintiffs,

v.

LANSING TRADE GROUP, LLC,
CASCADE COMMODITY CONSULTING,
LLC, and JOHN DOES NOS. 6-10,

Defendants.

Case No. 2:19-cv-02449

District Judge Toby Crouse

Magistrate Judge Angel D. Mitchell

**DECLARATION OF JACK EWASHKO ON BEHALF OF A.B. DATA, LTD.
REGARDING NOTICE ADMINISTRATION**

Pursuant to 28 U.S.C. §1746, I, Jack Ewashko, declare:

1. I am a Client Services Director of A.B. Data, Ltd.’s Class Action Administration Company (“A.B. Data” or “Settlement Administrator”). I am over 21 years of age and am not a party to the above-captioned action (“Action”). My business address is 600 A.B. Data Drive, Milwaukee, WI 53217, and my telephone number is 414-961-7555. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

2. Pursuant to the Order Preliminarily Approving Proposed Class Action Settlement with Lansing Trade Group, LLC (“Lansing”), Scheduling Hearing for Final Approval Thereof, and Approving the Proposed Form and Program of Notice to the Class, entered on December 19, 2022 (ECF No. 358) and Order Preliminarily Approving Proposed Class Action Settlement with Cascade

Commodity Consulting, LLC (“Cascade”),¹ Scheduling Hearing for Final Approval Thereof, and Approving the Proposed Form and Program of Notice to the Class, entered on December 19, 2022 (ECF No. 359) (the “Preliminary Approval Orders”), the Court appointed A.B. Data to act as the Settlement Administrator in connection with the proposed settlement in the above-captioned Action (the “Action”).

3. Pursuant to the Preliminary Approval Orders, the Court directed A.B. Data to administer the Court-approved notice program (*see* Declaration of Linda V. Young, attached as Ex. 3 to the Joint Declaration of Raymond P. Girnys and Jennifer W. Sprengel dated April 29, 2022, ECF No. 351-3) in connection with the proposed Settlements and to provide the Court with information regarding A.B. Data’s execution of that program.

4. This Declaration reports on the implementation of the notice program, which consists of the following:

- A. Disseminating copies of the Notice of Proposed Class Action Settlements, June 9, 2023 Settlement Hearing, and Class Members’ Rights (the “Notice”) to potential Settlement Class Members, including: (i) CBOT members that trade agricultural futures and options; (ii) individuals and entities that trade agricultural futures and options; and (iii) A.B. Data’s proprietary list of banks, brokers and other investors;
- B. Publishing and releasing the Summary Notice of Proposed Class Action Settlements (the “Publication Notice”) via print and electronic media as follows: one publication in (i) *The Wall Street Journal*; (ii) *Investor’s Business Daily*; (iii) *Financial Times*; and (iv) *Stocks & Commodities*.
- C. Disseminating banner advertisements for thirty days on hundreds of websites, including: (i) marketplace.com; (ii) cnbc.com; (iii) finance.yahoo.com; and (iv) croplife.com; as well as (v) purchasing newsfeed ads on LinkedIn and (vii) placing sponsored search listings through the Google search engine;
- D. Disseminating a news release via *PR Newswire*’s US1 Newswire distribution list;
- E. Establishing and maintaining a case-specific website (the “Settlement Website”), which includes copies of the Notice, Publication Notice, and other case-related documents in downloadable form at

¹ Together, Lansing and Cascade are referred to as the “Settling Defendants.”

<https://www.2015cbotwheatfuturesclassactionsettlement.com>.

DIRECT MAIL NOTICE

5. Starting in May 2022, pursuant to their respective Settlement Agreements, Cascade produced data files containing names for potential Class Members either to Class Counsel or directly to A.B. Data. Class Counsel promptly provided any names and addresses it received to A.B. Data to be loaded in the A.B. Data Mailing Database.

6. A.B. Data also receive from Class Counsel the names and contact information of (a) clearing members and FCMs that cleared in CBOT Wheat Futures and Options, and (b) “Large traders” in CBOT Wheat Futures and Options during the Class Period.

7. Where names of potential Class Members were provided with incomplete addresses, A.B. Data undertook research to identify the correct address information. This process included utilizing a database maintained by A.B. Data of the largest banks, brokerage houses and clearing firms as well as utilizing search engines.

8. A.B. Data electronically processed the data referenced in ¶¶ 5–7 to ensure adequate address formatting and the elimination of duplicate names and addresses, resulting in 420 distinct records for mailing. A.B. Data standardized and updated the addresses using NCOALink[®], a national database of address changes that is compiled by the United States Postal Service (the “USPS”).

9. A.B. Data maintains a proprietary database with names and addresses of the largest and most common banks, brokers and other nominees (the “Record Holder Mailing Database”). At the time of the initial mailing, the Record Holder Mailing Database contained 4,652 mailing records.

10. A.B. Data compiled all of the names and addresses referenced in ¶¶ 7-8 above, resulting in 5,072 distinct records for mailing (the “Initial Mailing List”).

11. Pursuant to paragraph 12 of the Preliminary Approval Orders, the mailing was to be commenced no later than January 23, 2023 and be substantially completed no later than February 22, 2023. Beginning January 23, 2023, and continuing through February 22, 2023, A.B. Data caused 5,072 Notices to be mailed via first-class mail, postage prepaid, to persons and entities on the Initial Mailing List. A true and correct copy of the Class Notice is attached hereto as **Exhibit A**.

12. As of the date of this Declaration, 828 Notices were returned by the USPS to A.B. Data as undeliverable as addressed (“UAA Notices”). In order to obtain an updated address, the UAA Notices were processed through TransUnion. Of these UAA Notices, 551 new addresses were obtained, and A.B. Data promptly re-mailed the Notice to these potential Settlement Class Members.

13. As of the date of this Declaration, A.B. Data has mailed 5,623 Class Notices to potential Class Members.

MEDIA NOTICE

14. In accordance with the Preliminary Approval Orders and as described in the notice program (*see* Declaration of Linda Young, dated April 29, 2022 (ECF No. 351-3)) approved by the Court, A.B. Data utilized paid, digital and earned media to reach potential Class Members as set forth below.

15. On January 23, 2023, A.B. Data caused the Publication Notice to be released via *PR Newswire*. True and correct copies of proof of publication over *PR Newswire* are attached hereto as **Exhibit B**.

16. Beginning on January 23, 2023, A.B. Data caused the Publication Notice to be placed in each of the following publications. A true and correct copy of the Publication Notice is attached hereto as **Exhibit C**.

Publication	Issue Date
<i>The Wall Street Journal</i> (U.S. audience only)	January 30, 2023
<i>Investor's Business Daily</i>	February 6, 2023
<i>Financial Times</i> (U.S. audience only)	February 7, 2023
<i>Stocks & Commodities</i>	March 2023

17. Starting on or about January 23, 2023, A.B. Data began running banner advertisements on the various financial and business websites, such as Traders.com, Zacks.com, WSJ.com, reuters.com, NewYorkTimes.com and finance.yahoo.com. The banner ads were placed in premium positioning on multiple devices, including desktop, tablet, and mobile devices. Viewers were able to click on the banner advertisement and instantly be directed to the Settlement Website. True and correct copies of the banner advertisements are attached hereto as **Exhibit D**.

18. On February 8, 2023, A.B. Data caused banner ads to be placed at the top of newsletters to “opt-in” subscribers of the financial newsletter for *Stocks & Commodities*. A sample copy of a newsletter is attached hereto as **Exhibit E**.

19. A.B. Data coordinated an email blast of the Publication Notice to be sent to “opt-in” subscribers of the following publications. The email blast was sent to about 150,000 subscribers. A true and correct copy of the e-mail is attached hereto as **Exhibit F**.

Publication	Issue Date
<i>Stocks & Commodities</i>	February 8, 2023

20. On or about January 23, 2023, A.B. Data coordinated ads to run on LinkedIn, which directed viewers to the Settlement Website.

21. On or about January 23, 2023, A.B. Data coordinated search ads to run on Google AdWords, which directed viewers to the Settlement Website.

WEBSITE

22. In accordance with the Preliminary Approval Orders, on or before January 23, 2023, A.B. Data established the case-specific Settlement Website, 2015CBOTwheatfuturesclassactionsettlement.com. Pursuant to paragraph 14 of the Preliminary Approval Orders, A.B. Data has continued to maintain the website. The website lists, among other things, the exclusion, objection, and claim filing deadlines, the date and time of the Fairness Hearing, a summary of the case and Class Members’ rights and options, relevant documents, important dates, and any pertinent updates concerning the Action. The Settlement Website also provides answers to frequently asked questions. Users of the Settlement Website can view and download copies of the Settlement Agreements, the Preliminary Approval Orders, the Notice and

Publication Notice, the Proof of Claim and Release form, and copies of other court documents. A true and correct copy of the Settlement Website home page is attached as **Exhibit G**.

23. Additionally, the Settlement Website includes an email address (info@2015CBOTwheatfuturesclassactionsettlement.com) for potential Class Members to contact A.B. Data with questions or ask for additional information.

24. As of the date of this Declaration, the website has been visited 9,073 times.

TOLL-FREE TELEPHONE LINE

25. In accordance with the Preliminary Approval Orders, on or before January 23, 2023, a case-specific toll-free telephone number, 877-234-6578, was established with an Interactive Voice Response system. Pursuant to paragraph 15 of the Preliminary Approval Orders, A.B. Data has continued to maintain the telephone system. Callers to the toll-free number are presented with a series of choices to respond to basic questions. If callers needed further assistance, they have the option to be transferred to a live operator during business hours.

26. As of the date of this Declaration, 62 callers have called the toll-free number.

REPORT ON EXCLUSIONS

27. Pursuant to paragraph 22 of the Preliminary Approval Orders and paragraphs 18-22 of the Notice, Class Members requesting exclusion from the Settlement Class were to provide in writing the following information: (a) the name, address, telephone number and email address of the Person or entity seeking exclusion, and in the case of entities, the name, telephone number, and email address of the appropriate contact person; (b) a statement that such Person or entity requests to be excluded from the Settlement Class in the Action (*Budicak, Inc., et al. v. Lansing Trade Group, LLC, et al.*, No. 2:19-cv-02449 (D. Kan.)) and (c) one or more document(s) sufficient to prove membership in the Settlement Class. All written requests must be signed by the member

of the Settlement Class (or his, her or its legally authorized representative) and sent by U.S. first class mail (or, if sent from outside the U.S., by a service that provides for guaranteed delivery within five (5) or fewer calendar days of mailing) or delivered such that it is received by the Settlement Administrator by April 10, 2023.

28. Pursuant to Paragraph 25 of the Preliminary Approval Orders, A.B. Data promptly logged each request for exclusion that it received and provided copies of the log to Class Counsel.

29. As of the date of this Declaration, A.B. Data has received (1) one request for exclusion. Following the April 10, 2023 deadline for Class Members to request exclusion from the Settlement Class, A.B. Data will submit a supplemental declaration that will address all requests for exclusion received.

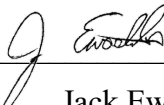
REPORT ON OBJECTIONS

30. Pursuant to paragraph 18 of the Preliminary Approval Orders and paragraphs 23-24 of the Notice, Settlement Class Members who wish to object to the fairness, reasonableness, or adequacy of any term or aspect of the Settlements, application for attorneys' fees, reimbursement of expenses and request for service awards, or the Final Approval Orders and Final Judgments, are to file such objection with the Court and to serve on Class Counsel and all counsel for Settling Defendants no later than April 10, 2023.

31. As of the date of this Declaration, A.B. Data has not received any objections to the Settlements and knows of no other objections sent to Class Counsel or counsel for Settling Defendants.

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

Executed this 23rd day of March 2023.



Jack Ewashko