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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE TRANSPACIFIC PASSENGER
AIR TRANSPORTATION ANTITRUST
LITIGATION

**This Document Relates to:
ALL ACTIONS**

Civil Action No. 3:07-CV-05634-CRB

MDL No: 1913

**CORRECTED DECLARATION OF
JOEL K. BOTZET RE: CLAIMS
ADMINISTRATION AND
DISTRIBUTION OF NET
SETTLEMENT FUND**

1 JOEL K. BOTZET declares and states that:

2 1. I am a Program Manager for Rust Consulting, Inc. (“Rust Consulting”), the
3 Court-appointed Claims Administrator for the class action Settlement in this case. My business
4 address is 625 Marquette Avenue, Suite 900, Minneapolis, Minnesota 55402-2469. My business
5 telephone number is 612-359-2035. I am authorized to make this declaration on behalf of Rust
6 Consulting.
7

8 2. Rust Consulting has extensive experience in class action matters, having
9 provided settlement administration services in class action lawsuits affecting millions of class
10 members in cases involving employment, consumers, banking and financial services, property,
11 insurance, securities and products liability, among its more than 7,500 projects.
12

13 3. Except as otherwise stated, I am fully familiar with and have personal knowledge
14 of the matters stated in this declaration and am competent to testify about them if called upon to
15 do so.

16 4. I submit this corrected declaration in support of Plaintiffs’ Administrative Motion
17 to Correct Declaration of Joel K. Botzet Re: Claims Administration and Distribution of Net
18 Settlement Fund concurrently filed herewith and to provide the Court and the parties to the
19 above-captioned action with corrected information regarding the processing of Proof of Claims
20 and allocation and distribution of the Net Settlement Fund to the Settlement Classes. On or
21 around March 2, 2022, Rust Consulting discovered and informed Lead Counsel that it
22 inadvertently excluded two valid claims from the settlement distribution and calculation in my
23 prior declaration submitted in support of Plaintiffs’ Motion for Authorization to Distribute Net
24 Settlement Funds (ECF Nos. 1322, 1322-1). After this discovery, Rust conducted a review of
25 all invalid claims again to ensure no other valid claims were inadvertently excluded. The value
26 of the two claims is \$37,244.27 and \$25.17, respectively. This corrected declaration includes the
27
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1 two claims that were inadvertent excluded in my prior declaration and provides the most updated
2 settlement distribution statistics to the Court.

3 **Claims Processing Activities**

4 5. Pursuant to the December 29, 2019, Order Granting Final Approval of the
5 Settlement with All Nippon Airways (“ANA”), the final Proof of Claim form filing deadline
6 was April 1, 2020.
7

8 6. Through April of 2020, Rust received and processed a total of 96,133 Proof of
9 Claim forms from potential Class Members for the class periods described below. Of the forms
10 received:

11 a. 47,609 were from Phase 1 which included:

- 12
- 13 i. Qantas, Cathay Pacific and Thai Airways Settlements with
14 flights between January 1, 2000 and June 15, 2015. The claims
15 closing date was October 13, 2015; and
 - 16 ii. Japan Airlines (JAL), Air France, Singapore Airlines, Vietnam
17 Airlines and Malaysian Airline Settlements with flights between
18 January 1, 2000 and December 4, 2017. The claims closing date
19 was April 3, 2018.

20 b. 28,957 were from Phase 2 which included:

- 21
- 22 i. Air New Zealand (ANZ), EVA Airways, China Airlines, and
23 Philippine Airlines (PAL) Settlements with flights between
24 January 1, 2000 and December 1, 2016. The claims closing date
25 was December 31, 2018.

26 c. 19,549 were from Phase 3 which included:
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- i. Settlement Class III flights between January 1, 2000 and December 1, 2016. The claim closing date was April 1, 2020;
- ii. JAL and ANA flights to Japan between February 1, 2005 and December 31, 2007 that included a fuel surcharge. The claim closing date was April 1, 2020; and
- iii. *Satogaeri* fares purchased from JAL and ANA for flights between January 1, 2000 and April 1, 2006. The claim closing date was April 1, 2020.

d. 18 untimely claims postmarked after the final Proof of Claim form filing deadline of April 1, 2020 and received after August 1, 2020 were not processed.

7. The 96,115 timely Proof of Claim forms filed represent 66,650 unique potential Class Members, of which 280 Proof of Claim forms were withdrawn by claimants.

Deficient Proof of Claim Forms

8. On March 7, 2016, Rust mailed a total of 518 “Request for Information” letters for claims submitted for the Phase 1 class periods that were determined to be deficient or ineligible (for example, the Proof of Claim form was incomplete with no ticket purchase information, the Proof of Claim form was not signed, and/or no contract to authorize representation was included with the Proof of Claim form). This letter described to the Claimants the defect(s) with his, her or its Proof of Claim form and what, if anything, was necessary to cure the defect(s). The Request for Information letters advised claimants that, unless the indicated deficiency was corrected within ninety (90) days, the Proof of Claim form may be denied.

9. Claimants’ responses to the Request for Information letters were scanned to Rust’s database and associated with the corresponding Proof of Claim form. The responses were

1 then reviewed and evaluated by Rust's team of processors. If a Claimant's response corrected
2 the defect(s), the settlement database was updated to reflect the changes in status of the Proof of
3 Claim. To be equitable to all Class Members that timely responded, responses postmarked after
4 the 90-day deadline were not considered for correcting a deficient Proof of Claim form. As a
5 result of the deficiency process, 100 of the 47,609 claims submitted in Phase 1 were considered
6 invalid.
7

8 10. On April 28, 2020, Rust mailed 1,369 Request for Information letters for claims
9 submitted for Phases 2 and 3 class periods that were determined to be deficient or ineligible (for
10 example, the Proof of Claim form incomplete with no ticket purchase information, the Proof of
11 Claim form was not signed, and/or no contract to authorize representation was included with the
12 Proof of Claim form). This letter described to the Claimants the defect(s) with his, her or its
13 Proof of Claim form and what, if anything, was necessary to cure the defect(s). The letters
14 advised claimants that unless the indicated deficiency was corrected within thirty (30) days, the
15 Proof of Claim form may be denied.
16

17 11. Claimants' responses to the Request for Information were scanned to Rust's
18 database and associated with the corresponding Proof of Claim form. The responses were then
19 reviewed and evaluated by Rust's team of processors. If a Claimant's response corrected the
20 defect(s), the settlement database was updated to reflect the changes in status of the Proof of
21 Claim. To be equitable to all Class Members that timely responded, responses postmarked after
22 the 30-day deadline were not considered for correcting a deficient Proof of Claim form. As a
23 result of the deficiency process, 196 of the 28,957 claims submitted in Phase 2 and 553 of the
24 19,549 claims submitted in Phase 3 were considered invalid.
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1 **Audit Process**

2 12. All Proof of Claim forms were subject to review and/or audit by the Claims
3 Administrator.

4 13. On September 11, 2020, Rust mailed a total of 1,767 Request for More
5 Information letters in the audit process. 1,412 letters were sent to individual claimants, and 284
6 letters were sent to households with multiple claimants at the same address (comprised of 1,020
7 individual claimants).

8 14. As part of Rust's due diligence in processing claims, Rust conducted a review of
9 questionable claims where multiple claims were submitted from the same address and/or email.
10 An additional 71 letters were sent to households with more than 35 claimants at the same address
11 (comprising over 6,000 individual claimants) in connection with this review. (For more
12 information, see "Quality Assurance" below.)

13 15. Letters were sent to claimants whose claimed ticket counts for individuals or
14 businesses exceeded the following thresholds:

- 15 a. Individuals: 125 tickets or more, and/or 50 or more tickets for each of
16 the Japan (Fuel Surcharge) and/or *Satogaeri* Settlement Classes.
17 b. Businesses: 1,000 or more tickets.

18 16. Over 500 audit responses were received containing over 1,800 documents.
19 Responses were received via USPS, email and electronically through secure Managed File
20 Transfer (MFT) system.

21 17. In response to the challenges encountered by Class Members due to the COVID
22 pandemic, the October 12, 2020 audit response deadline was extended to November 20, 2020.
23 The extension allowed Class Members additional time to gather and provide the documentation
24 requested because of office closures, shelter in place orders and delays in receiving mail.
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1 18. Rust reviewed all responses supplied by the claimants from the “Request for
2 More Information” letters and determined responses to be acceptable support for the number of
3 tickets claimed if any of the following documentation was provided:
4

- 5 a. Receipts showing ticket purchases;
- 6 b. Cancelled checks;
- 7 c. Credit card statements;
- 8 d. Travel itineraries;
- 9 e. Email confirmation of ticket purchases; and/or
- 10 f. Affidavit or declaration attesting that the number of tickets claimed is
11 accurate.

12 Non-standard documents in varying formats and layouts (extracts in the form of
13 spreadsheets, PDFs or paper detailing flight information that included airline, invoice number,
14 fare paid, flight ticket number, ticket issue date and/or flight date(s), organization and destination
15 city /airport) required individual review and analysis.
16

17 19. Upon completion of the audit process, it was determined that a total of 2,359
18 Claims were ineligible, either as a result of a failure to respond to the Request for More
19 Information letters, or because the documentation submitted was inadequate to substantiate the
20 Proof of Claim form submitted in whole or in part.
21

22 **Quality Assurance**

23 20. An integral part of all of Rust’s settlement administration projects is its Quality
24 Assurance review. Rust’s project team and quality assurance personnel worked throughout the
25 administration process to ensure that Proof of Claim forms and supplemental information were
26 processed properly; that deficiency and ineligibility message codes were properly applied to
27 Proof of Claim Forms; that deficiency notices were mailed to the appropriate Claimants; and
28 that Rust’s computer programs were operating properly.

1 **Final Claim Totals**

2 21. On August 24, 2021, “Notice of Final Determination Letters” were mailed to
3 66,395 individuals and entities that filed claims that were timely and not withdrawn. Attached
4 as Exhibit A is a copy of the Notice of Final Determination for claims not eligible for payment
5 and attached as Exhibit B is a copy of the Notice of Final Determination for claims authorized
6 for payment.
7

- 8 a. After mailing Final Determination Letters, the number of unique
9 individuals and entities that filed claims was adjusted from 66,395 to
10 66,370 for the following reasons:
11 i. Ten (10) Proof of Claim Forms were combined with other Proof
12 of Claim Forms after Rust received documentation establishing
13 their link.
14 ii. Rust received fifteen (15) written requests to withdraw Proof of
15 Claim form submissions.
16

17 22. As of December 16, 2021, after the completion of audits, document reviews, and
18 communications (email, USPS, and telephone) with claimants, approximately 4,600 potential
19 Class Members submitted Proof of Claim that are not eligible due to one or more of the following
20 reasons:
21

- 22 a. No ticket information was provided.
23 b. No timely response was received for requests for additional information.
24 c. The flight(s) were not part of any settlement classes.
25

26 23. As of December 16, 2021, after the completion of audits, document reviews, and
27 communications (email, USPS, and telephone) with claimants, there are approximately 61,770
28 Class Members authorized for payment totaling 29,963,888 qualifying tickets.

1 **Pro Rata share of Settlement Funds**

2 24. Each of the thirteen Settling Defendant airlines contributed to the total Settlement
3 Fund. The total Settlement Fund available for distribution is \$104,388,254.38. The amount of
4 initial distribution is \$104,387,320.59 due to rounding to the nearest cent when calculating the
5 *pro rata* share per qualified claim.
6

7 25. There are eleven Settlement Classes that are defined as follows:

8 a. JAL Settlement Class – Settlement Group 1

9 i. Includes 1,969,710 tickets claimed for Settlement Defendant
10 airlines for Phase 1 class period.

11 ii. Includes Asia/Oceania originating travel (one-way or round trip)
12 and U.S. originating travel (one-way or roundtrip).

13 b. Air France/Singapore Airlines/Vietnam Settlement Class – Settlement
14 Group 2

15 i. Includes 5,117,529 tickets claimed for U.S. originating travel
16 (one-way or roundtrip) for Settlement Defendant and Co-
17 conspirator airlines for Phase 1 class period.

18 c. Malaysian Air Settlement Class – Settlement Group 3

19 i. Includes 5,117,529 tickets claimed for U.S. originating travel
20 (one-way or roundtrip) for Settlement Defendant and Co-
21 conspirator airlines for Phase 1 class period.

22 d. Thai Airways Settlement Class – Settlement Group 4

23 i. Includes 1,275,187 tickets claimed for Settlement Defendant
24 airlines and tickets claimed for Korean Air Lines, Ltd. and/or
25 Asiana Airlines, Inc. between the U.S. and the Republic of
26 Korea for Phase 1 class period.

27 ii. Includes U.S. originating travel (one-way or roundtrip) and
28 travel between U.S. and Republic of Korea.

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- e. Cathay Pacific Airways/Qantas Settlement Class – Settlement Group 5
 - i. Includes 1,139,347 tickets claimed for U.S. originating travel (one-way or roundtrip) for Settlement Defendant airlines for Phase 1 class period.
- f. ANZ Settlement Class – Settlement Group 6
 - i. Includes 5,892,160 tickets claimed for U.S. originating travel (one-way or roundtrip) for Settlement Defendant and Co-conspirator airlines for Phase 1 and Phase 2 class period.
- g. EVA/China Airlines Settlement Class – Settlement Group 7
 - i. Includes 1,385,011 tickets claimed for U.S. originating travel (one-way or roundtrip) for Settlement Defendant airlines for Phase 1 and Phase 2 class period.
- h. PAL Settlement Class – Settlement Group 8
 - i. Includes 5,892,160 tickets claimed for U.S. originating travel (one-way or roundtrip) for Settlement Defendant airlines for Phase 1 and Phase 2 class period.
- i. Settlement Class III – Settlement Group 9
 - i. Includes 2,116,832 tickets claimed for U.S. originating travel (one-way or roundtrip) for Settlement Defendant airlines for Phase 1, Phase 2 and Phase 3 class period.
- j. Japan Fuel Surcharge Settlement Class– Settlement Group 10
 - i. Includes 38,812 tickets claimed for U.S. originating travel (one-way or roundtrip) in Phase 3 class period for JAL or ANA that include a fuel surcharge.
- k. *Satogaeri* Settlement Class – Settlement Group 11
 - i. Includes 19,611 tickets claimed for U.S. originating travel (one-way or roundtrip) in Phase 3 class period for Japan Airlines

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International Company, Ltd. or All Nippon Airways Company,
Limited (ANA) that were *Satogaeri* fares.

26. To calculate a claimant's *pro rata* share of the settlement funds for each of the eleven Settlement Classes, the tickets claimed on eligible Proof of Claim forms are included in each of the Settlement Classes according to the terms of Settlement for each Defendant. The settlement funds available are divided equally among the tickets included in each of the Settlement Classes. A summary of the total tickets included and the funds available for distribution by Settlement Class is attached as Exhibit C.

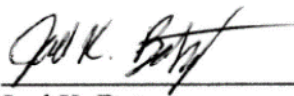
27. The total purchases by all eligible claimants for each Settlement Class and the statistical analysis of the resulting *pro rata* calculation is attached as Exhibit D.

Distribution Plan for the Net Settlement Fund

28. Upon approval by the Court, Rust will prepare and mail checks (or wire transfers where applicable) to qualified claimants for their *pro rata* share of the Settlement Fund.

29. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 8th day of March, 2022 in Minneapolis, Minnesota.



Joel K. Botzet

Exhibit A

Transpacific Air Transportation Settlement
c/o Rust Consulting, Inc.
P.O. Box 2209
Faribault, MN 55021-1609
USA

IMPORTANT LEGAL MATERIALS



<<TPFCode>>

<<Name 1>>
<<Name2>>
<<Name3>>
<<Name4>>
<<Address1>>
<<Address2>>
<<City>> <<State>> <<Zip 10>>
<<CountryName>>

<<DATE>>

NOTICE OF CLAIM FINAL DETERMINATION for Class Member ID <<HHID>>

Dear Claimant

We have received and processed the Claim Form(s) that you filed in the Transpacific Airline Settlement along with any supporting documentation you may have provided at our request. Upon reviewing the claim and purchase information provided we have determined that the claim(s) you submitted are not eligible due to one or more of the reasons below:

- No ticket information was provided.
- No timely response was received for requests for additional information.
- The flight(s) were not part of any of the settlement classes.

If you have any questions, please call us toll-free at 1-800-439-1781 or send an email to: info@airlinesettlement.com.

Sincerely,

Settlement Administrator

Exhibit B

Transpacific Air Transportation Settlement
c/o Rust Consulting, Inc.
P.O. Box 2209
Faribault, MN 55021-1609
USA

IMPORTANT LEGAL MATERIALS



UAA <<SequenceNo>>

<<TPFCode>>

<<Name 1>>
<<Name2>>
<<Name3>>
<<Name4>>
<<Address1>>
<<Address2>>
<<City>> <<State>> <<Zip 10>>
<<CountryName>>

<<DATE>>

NOTICE OF CLAIM FINAL DETERMINATION for Class Member ID <<HHID>>

Dear Claimant

We have received and processed the Claim Form(s) that you filed in the Transpacific Airline Settlement along with any supporting documentation you may have provided at our request. Upon reviewing the claim and purchase information provided below are the ticket counts that qualify for each of the settlement classes:

Settlement Class	Qualified Ticket Count
JAL Settlement Class:	<<TTL_SG1>>
Air France/Singapore Airlines/Vietnam Airlines Settlement Class:	<<TTL_SG2>>
Thai Airways Settlement Class:	<<TTL_SG3>>
Malaysian Air Settlement Class:	<<TTL_SG4>>
Cathay Pacific Airways/Qantas Settlement Class:	<<TTL_SG5>>
ANZ Settlement Class:	<<TTL_SG6>>
EVA/China Airlines Settlement Class:	<<TTL_SG7>>
PAL Settlement Class:	<<TTL_SG8>>
Settlement Class III: (passenger air transportation originating in the U.S. that included at least one segment to Asia/Oceania from a Defendant between January 1, 2000 and December 1, 2016)	<<TTL_SG9>>
Japan Settlement Class (Fuel Surcharge):	<<TTL_SG10>>
Satogaeri Settlement Class:	<<TTL_SG11>>

This letter is for informational purposes only and you do not need to do anything in response. The ticket totals are the basis for calculating the settlement benefits for which you are entitled.

More information including the Settlement Class definitions is located on the website www.airlinesettlement.com.

Sincerely,

Settlement Administrator

Exhibit C

Transpacific Air Settlement Distribution and Calculation Summary As of March 3, 2022

Settlement Classes	Settlement Group	Settlement Class	Total Settlement Fund available for distribution	Amount of Initial Distribution ¹	Count of tickets	Per Ticket Estimate
	1	JAL Settlement Class	7,081,875.03	7,081,788.64	1,969,710	3.5953
	2	Air France/Singapore Airlines/Vietnam Airlines Settlement Class	7,649,841.41	7,649,795.56	5,117,529	1.4948
	3	Malaysian Air Settlement Class	672,778.13	672,746.96	5,117,529	0.1315
	4	Thai Airways Settlement Class	6,869,418.78	6,869,408.89	1,275,187	5.3870
	5	Cathay Pacific Airways/Qantas Settlement Class	5,700,909.40	5,700,894.69	1,139,347	5.0037
	6	ANZ Settlement Class	283,275.00	283,004.89	5,892,160	0.0480
	7	EVA/China Airlines Settlement Class	28,681,593.89	28,681,406.85	1,385,011	20.7084
	8	PAL Settlement Class	6,373,687.53	6,373,676.39	5,892,160	1.0817
	9	Settlement Class III (ANA)	5,311,406.28	5,311,145.47	2,116,832	2.5090
	10	Japan Settlement Class Fuel Surcharge	27,931,448.05	27,931,446.13	38,812	719.6601
11	Satogaeri Settlement Class	7,832,020.88	7,832,006.12	19,611	399.3680	
\$ 104,388,254.38			\$ 104,387,320.59	29,963,888		

¹ The total amount of initial distribution is less than the amount of settlement funds available for distribution due to rounding to the nearest cent when calculating the pro rata share per qualified claim.

Exhibit D

Transpacific Air Settlement – Calculation Statistics As of March 3, 2022

- 96,133 claims were submitted in the three settlement phases for 66,650 unique claimants.
 - 61,770 valid claims
 - 4,600 invalid claims
 - 280 withdrawn claims
- Highest payment amount is \$4,582,006.74
 - 18 payments greater than \$1M
- Lowest payment amount is \$1.12
 - 16,032 payments less than or equal to \$10
- Average payment amount is \$1,689.93
- Median payment amount is \$43.52
- 99% of payments (61,269) are less than or equal to \$15,000
 - Average amount for these payments is \$378.56
 - 53% of these payments (32,956) are less than or equal to \$50.
- 1% of payments (501) are greater than \$15,000
 - Average amount for these payments is \$162,062.63

Stratification by Payment Amount

Payment Amount Range				Number of Claims	Amount of Payments	Number of Claims Percentage	Amount of Payment Percentage
\$	1.12	to	\$ 1,000.00	57,069	5,780,602.24	92.390%	5.538%
\$	1,000.01	to	\$ 5,000.00	3,031	7,178,189.64	4.907%	6.876%
\$	5,000.01	to	\$ 10,000.00	772	5,502,535.99	1.250%	5.271%
\$	10,000.01	to	\$ 15,000.00	397	4,732,613.50	0.643%	4.534%
\$	15,000.01	to	\$ 25,000.00	202	3,866,168.16	0.327%	3.704%
\$	25,000.01	to	\$ 50,000.00	99	3,393,303.06	0.160%	3.251%
\$	50,000.01	to	\$ 100,000.00	64	4,615,514.82	0.104%	4.422%
\$	100,000.01	to	\$ 500,000.00	107	22,287,918.19	0.173%	21.351%
\$	500,000.01	to	\$ 1,000,000.00	11	7,127,457.62	0.018%	6.828%
\$	1,000,000.01	to	\$ 5,000,000.00	18	39,903,017.37	0.029%	38.226%
Total Valid Claims				61,770	104,387,320.59	100.000%	100.000%

**Transpacific Air Settlement – Calculation Statistics
As of March 3, 2022**

Claim Distribution by Settlement Group

Settlement Classes	Settlement Class		# of Valid Claims with tickets for Settlement Class	% of Valid Claims with tickets for Settlement Class
	1	JAL Settlement Class	23,555	38%
	2	Air France/Singapore Airlines/Vietnam Airlines Settlement Class	35,938	58%
	3	Malaysian Air Settlement Class	35,938	58%
	4	Thai Airways Settlement Class	21,199	34%
	5	Cathay Pacific Airways/Qantas Settlement Class	20,477	33%
	6	ANZ Settlement Class	51,873	84%
	7	EVA/China Airlines Settlement Class	30,229	49%
	8	PAL Settlement Class	51,873	84%
	9	Settlement Class III (ANA)	39,519	64%
	10	Japan Settlement Class Fuel Surcharge	3,386	5%
11	Satogaeri Settlement Class	2,541	4%	
Total Valid Claims		61,770		