IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

MICHAEL WARSHAWSKY and MICHAEL STEINHAUSER, on behalf of themselves and all others similarly situated,	))))	Case No. 20-cv-00562
Plaintiffs,	)))	
v.	))	
CBDMD, INC. and CBD INDUSTRIES LLC,	))	
Defendants.	)))	

DECLARATION OF WILLIAM W. WICKERSHAM IN SUPPORT OF PLAINTIFF'S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT AND INCORPORATED MEMORANDUM IN SUPPORT

1.   I am the Vice President of Business Development and Client Relations at RG/2 Claims Administration LLC ("RG/2 Claims"). In that role, I oversee the intake and management of all ongoing class action settlements including the creation and implementation of legal notice plans.

2.   RG/2 Claims was established in 2002 as a full-service class action notice and claims administrator, providing notice and administration services for a broad range of collective actions, including but not limited to antitrust, securities, consumer, and employment cases. RG/2 Claims specializes in the creation, development and implementation of legal notification plans. Accordingly, RG/2 Claims is familiar with, and guided by Constitutional due process provisions, rules of states and local jurisdictions, and the relevant case law relating to legal notification.

Since 2002, RG/2 has administered and distributed in excess of $1.2 billion in class-action settlement proceeds.   A true and accurate copy of the firm's publication describing RG/2's background and capabilities is attached hereto as Exhibit A.

3.   I have been involved in the development and implementation of media plans for class action notification for more than ten years.

4.   I submit this declaration at the request of Proposed Class Counsel for the Settlement Class in order to describe the proposed notice plan and notice services in the settlement of claims against Defendants cbdMD, Inc. and CBD Industries, LLC (collectively "cbdMD" or "Defendants") in the above-captioned litigation.

5.   I have personal knowledge of the matters set forth in this declaration and, if called as a witness, could and would testify competently thereto.

6.   The objective of the suggested Notice program is to provide the best notice practicable—Rule 23-compliant notice—to those members of the Class.

7.   Within 10 days of Class Counsel filing for Preliminary Approval, RG/2 Claims will provide notice to relevant state and federal attorneys general in compliance with the Class Action Fairness Act.

8.   RG/2 Claims proposes a notice program with the following elements:

a.   Direct notice via postcard to the class members identified from Defendants' records who made a purchase online with cbdMD between March 30, 2020 at 00:03:12 UTC (Coordinated Universal Time) (March 29, 2020 at 8:03 pm ET) and the end of May 8, 2020, and between May 14, 2020 at 21:02:57 UTC (6:02:57 pm ET) through the end of May 18, 2020. Defendants have names and addresses for every person who made a purchase during this time.

EXHIBIT 3
SETTLEMENT AGREEMENT
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b. The Notice and other important court documents relevant to the Class Notice and the litigation in general will be made available on a case specific website designated for this action. Additionally, RG/2 Claims will maintain a toll-free number to answer and address any class member inquiries.

9. The proposed notice plan provides the best practicable method to reach the potential class members and is consistent with other class action notice plans that have been approved by various federal courts for similarly situated matters.

10. Whenever practicable, direct USPS mail is the preferred form of notice for class members in a class action. *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156, 175-76 (1974).

11. All undeliverable mail will be sorted and scanned. For returned notices without a forwarding address, RG/2 Claims will use Accurint (a division of Lexis-Nexis) to perform a basic "skip trace" search in order to retrieve the most accurate and updated information. The database will be updated with any new address found and the Notice will be either be re-mailed to the updated addresses or sent by email.

12. RG/2 Claims believes the notice program described above is suitable for this case and is comparable to plans other federal courts have approved for similar cases. RG/2 Claims also believes that the Notice is drafted in the "plain language" format preferred by federal courts and provides the information required by Rule 23. RG/2 Claims believes that the Notice is understandable for members of the Class and complies with due process.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES THAT TO THE BEST OF MY KNOWLEDGE THE FOREGOING IS TRUE AND CORRECT.

[*Signature on the following page*]

Exectuted on April 30, 2021 at New York, NY.

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William W. Wickersham, Declarant