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12 *Attorneys for Plaintiffs and the Class*

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 FOR THE CITY AND COUNTY OF SAN FRANCISCO

15 PHYLLIS BRANNIN, VIRGINIA GOMEZ and  
16 VENUS SAVAGE, Individually and On Behalf  
17 of All Others Similarly Situated,

18 Plaintiffs,

19 v.

20 GOLDEN GRAIN COMPANY and DOES 1  
21 through 100,

22 Defendants,

Case No. CGC-16-555084

**DECLARATION OF JEANNE C.  
FINEGAN, APR CONCERNING  
LANGUAGE AND ETHNICITY  
CONSIDERATIONS FOR CLASS  
MEMBER NOTIFICATION PROGRAM,  
AND EXEMPLAR SOCIAL MEDIA  
POSTINGS AND OTHER  
PUBLICATIONS**

1 I, JEANNE C. FINEGAN declare as follows:

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3 **INTRODUCTION**

4 1. The purpose of this declaration is to provide clarification for the Court concerning the  
5 correlation between the racial and ethnic composition of California purchasers of Near East products.  
6 In addition, the Court has asked the parties to preview all social media postings or other publications  
7 they will make in conjunction with the Notice plan. Attached as Exhibit A hereto are exemplar social  
8 media postings and other publications.

9 **MEDIA RESEARCH REASONABLY RELIED UPON**

10 2. To appropriately design and target the publication component of the notice program,  
11 described and detailed in my declaration dated November 12, 2019, HF Media utilized a methodology  
12 and media research tools accepted by the advertising industry and embraced by the courts to identify  
13 the racial and ethnic characteristics of this class and to appropriately select media based on this target  
14 audience's media use preferences.

15 3. Here, we employed GfK Mediamark Research and Intelligence, LLC, ("MRI") *Survey*  
16 *of the American Consumer*<sup>1</sup>. MRI is a nationally syndicated, subscription-based media research  
17 database, which provides comprehensive data and reports on demographic characteristics, lifestyle,  
18 and media exposure as these elements relate to product usage and brand preference. MRI is reasonably  
19 relied upon by a majority of media and marketing agencies in the United States. It is approved by  
20 the Media Ratings Council<sup>2</sup> ("MRC"), a 60-year old organization, established at the behest of the U.S.  
21 Congress to secure accurate, transparent media measurement and validation. The MRC accredits  
22 audience measurement services that are relied upon by media buyers and sellers.

23 **MRI Methodology and Data Gathering**

24 4. MRI's *Survey of the American Consumer*<sup>®</sup> is conducted quarterly through in-person  
25 panel studies of 26,000 consumers. These interviews include numerous questions concerning  
26 demographic information including race, ethnicity and language.

27 <sup>1</sup>See: *Survey of American Consumer*<sup>®</sup>: <https://www.mrisimmons.com/solutions/national-studies/survey-american-consumer/>

28 <sup>2</sup> The MRC mandates rating services to disclose methodology and performance measures. See: [mediaratingcouncil.org](http://mediaratingcouncil.org)

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**Race and Ethnicity**

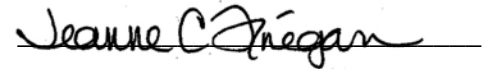
5. MRI questions allow for individuals to self-identify with more than one race and ethnicity and this is why the percentages reported in my first declaration are not additive. MRI Race categories include White, Black/African American, American Indian or Alaska Native, Asian, or Other. Respondents may identify as Spanish, Hispanic or Latino Origin or Descent. Accordingly, a respondent may identify as Asian, but their family may have come from the Philippines, and while that respondent speaks English, Spanish may also be spoken in the home. In another possible example, an individual may self-identify as White, but they may also report that they are Hispanic and/or Latino, and while the primary language spoken at home is English, Spanish may also be spoken. This is why review of one data set, ethnicity, without the benefit of other target audience preferences, cannot be reliably used as a proxy for determining language preference. It also underscores the importance of using reasonably relied upon, audited data from syndicated sources such as MRI from which quantifiable determinations can be made concerning target audience demographics, brand and media use preferences.

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**Languages Spoken**

6. Related to language Spoken, MRI surveys languages spoken most often in the home and categorizes them into English, Spanish and Other. Here, MRI reports that 99.47% of households that consume Near East and live in California speak English as a primary or secondary language in their household.

7. Based on these data, the proposed notice program employs the appropriate languages to reach this target audience.

8. I declare under the penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on April 21, 2020 in Tigard, Oregon.

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Jeanne C. Finegan, APR

# EXHIBIT A

**IF YOU PURCHASED ANY NEAR EAST BRAND  
RICE PILAF, COUSCOUS, QUINOA OR  
TABBOULEH PRODUCTS IN CALIFORNIA  
Between October 28, 2012 And [Preliminary Approval],  
You May Be Entitled To Receive Money  
From A Class Action Settlement.**

*Para recibir información en español, dirijase a [www.branninsettlement.com](http://www.branninsettlement.com).*

A settlement has been reached in a class action lawsuit, Brannin v. Golden Grain Company, San Francisco Superior Court Case No. CGC-16-555084. The lawsuit claims that Golden Grain violated California law by packaging certain Near East brand products in boxes that contained excessive amounts of empty space. Golden Grain denies the claims in the lawsuit and any wrongdoing. Golden Grain continues to stand by its Near East brand products and its packaging.

**WHO'S INCLUDED?**

The settlement includes all purchasers of the following Near East brand products in California at any time from October 28, 2012 to **[date of preliminary approval]**:

**Couscous products:**

Broccoli & Cheese, Mediterranean Curry, Herbed Chicken, Parmesan, Roasted Garlic & Olive Oil, Roasted Garlic & Olive Oil Wheat Couscous, Toasted Pine Nut, Wild Mushroom & Herb, Roasted Garlic & Olive Oil Pearled Couscous, and Basil & Herb Pearled Couscous.

**Rice pilaf products:**

Original Rice Pilaf, Brown Rice Pilaf, Lentil Rice Pilaf, Chicken Rice Pilaf, Spanish Rice Pilaf, Garlic & Herb Rice Pilaf, Roasted Chicken and Garlic Rice Pilaf, Original Long Grain and Wild Rice, Garlic and Herb Long Grain and Wild Rice, Roasted Vegetable & Chicken Long Grain & Wild Rice, Sesame Ginger Rice, Toasted Almond Rice Pilaf, and Wild Mushroom & Herb Rice Pilaf.

**Quinoa, whole grain and tabouleh products:**

Roasted Red Pepper & Basil Quinoa, Rosemary & Olive Oil Quinoa, Zesty Lemon Quinoa, Mediterranean Medley Quinoa, Roasted Pecan & Garlic, and Tabouleh Mix.

**WHAT DOES THE SETTLEMENT PROVIDE?**

Settlement Class Members who submit a valid Claim Form with proof of purchase by **[105 days from Preliminary Approval]** will receive \$1.25 for each box claimed that is supported by proof of purchase. Settlement Class Members who do not have proof of their purchase who submit a valid Claim form by **[105 days from Preliminary Approval]** will receive \$1.25 per box claimed for up to six (6) boxes.

Claimants who do not submit proof of purchase are limited to one (1) claim per Household. In addition, Golden Grain will modify the packaging of its Near East Products for a period of five (5) years.

**HOW DO YOU GET BENEFITS?**

You must submit a valid Claim Form by **[105 days from Preliminary Approval]**. Claim Forms may be obtained on the Settlement Website, [www.branninsettlement.com](http://www.branninsettlement.com), and may be submitted online or via U.S. mail.

**Your other options:**

- (1) **Do nothing.** If you do nothing, your rights will be affected and you will not receive a settlement payment.
- (2) **Exclude yourself.** If you do not want to be legally bound by the settlement, and want to preserve your right to sue the Defendant for any claim resolved by this settlement, you must exclude yourself from it by **[105 days from Preliminary Approval]**. If you exclude yourself, you cannot obtain any payment from the settlement.
- (3) **Object.** If you stay in the settlement (i.e., don't exclude yourself), you may object to it by **[105 days from Preliminary Approval]**. You can both file a Claim Form and object. More information is in the detailed notice and settlement agreement available at [www.branninsettlement.com](http://www.branninsettlement.com).


**The Court's fairness hearing.** The San Francisco Superior Court, located at 400 McAllister Street, San Francisco, California, will hold a hearing in this case on [date of final approval hearing] to consider whether to approve: (1) the settlement; (2) Class Counsel's request for an award of attorneys' fees, costs and expenses of up to \$500,000; and (3) incentive awards to each of the three Class Representatives of \$5,000. If approved, these fees, costs and expenses and incentive awards will be paid separately by the Defendant. You may appear at the hearing, but you do not have to. You may also hire your own attorney, at your own expense, to appear or speak for you at the hearing.

Your deadline to act is **[105 days from date of preliminary approval]**. To obtain more information, please visit [www.branninsettlement.com](http://www.branninsettlement.com).

BANNER ADS

**DID YOU BUY ANY NEAR EAST BRAND PRODUCTS?**


You could get money from a Settlement.



[Learn More](#)

**DID YOU BUY ANY NEAR EAST BRAND PRODUCTS?**

You could get money from a Settlement.



[Learn More](#)

**DID YOU BUY ANY NEAR EAST BRAND PRODUCTS?**

You could get money from a Settlement.




[Learn More](#)


FACEBOOK FEED

MOBILE

DESKTOP




**Legal Notices**  
Sponsored · 


If you purchased any Near East brand Rice Pilaf, Couscous or Quinoa products, you could get money from a Settlement.




BRANNINSETTLEMENT.COM  
**Near East Settlement**  
Court Approved Notice

[LEARN MORE](#)

 Like  Comment  Share




**Legal Notices**  
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If you purchased any Near East brand Rice Pilaf, Couscous or Quinoa products, you could get money from a Settlement.



BRANNINSETTLEMENT.COM  
**Near East Settlement**  
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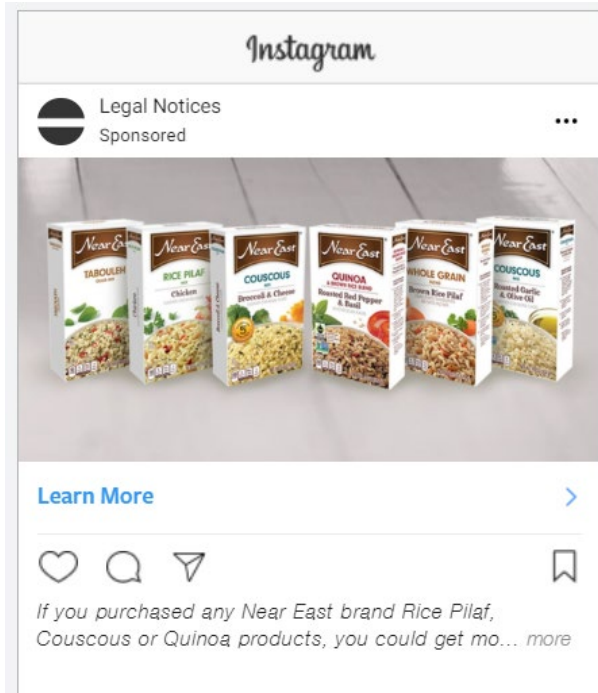
[Learn More](#)

 Like  Comment  Share

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INSTAGRAM FEED

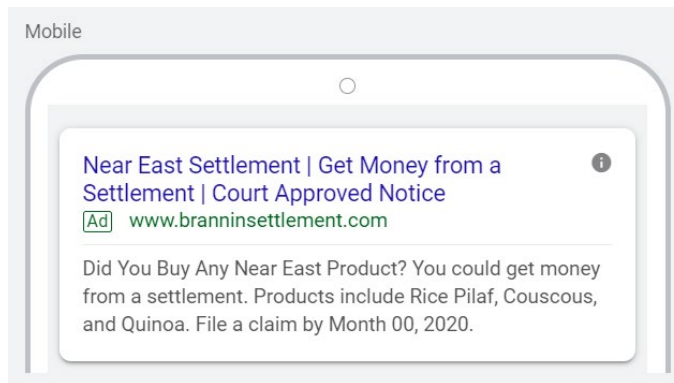
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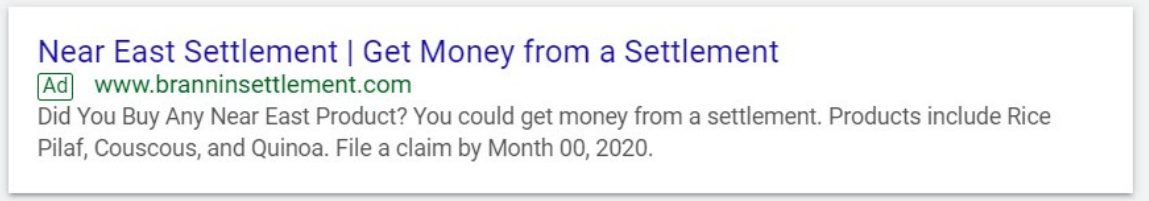
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SEARCH ADS

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Desktop



TWITTER



**Court Authorized Notices** @notices\_court

If You Purchased Any Near East Brand Rice Pilaf, Couscous or Quinoa Products, You Could Get Money from a Settlement.



**Near East Settlement**  
<http://www.branninsettlement.com>