

EXHIBIT D

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

Civil Action No. 1:17-cv-00304-WJM-NRN

PEACE OFFICERS' ANNUITY AND BENEFIT FUND OF GEORGIA, Individually and on
Behalf of All Others Similarly Situated, and
JACKSONVILLE POLICE AND FIRE PENSION FUND, Individually and on Behalf of All
Others Similarly Situated,

Plaintiffs,

v.

DAVITA INC.,
KENT J. THIRY,
JAMES K. HILGER, and
JAVIER J. RODRIGUEZ,

Defendants.

**SECOND SUPPLEMENTAL DECLARATION OF MATTHEW W. MULVIHILL
REGARDING (A) MAILING OF THE NOTICE AND CLAIM FORM;
(B) CALL CENTER SERVICES; (C) SETTLEMENT WEBSITE MAINTENANCE; AND
(D) REPORT ON CLAIMS RECEIVED TO DATE**

I, Matthew Mulvihill, declare and state as follows:

1. I am a Settlement Project Manager employed by Epiq Class Action & Claims Solutions, Inc. (“Epiq”). Pursuant to the Court’s Order Granting Lead Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement, dated October 27, 2020 (ECF No. 104) (the “Preliminary Approval Order”), Epiq is authorized to act as the Claims Administrator for the Settlement in the above-captioned action (the “Action”).

2. The following statements are based on my personal knowledge and information provided by Epiq employees working under my supervision, and if called on to do so, I could and would testify competently thereto.

3. I submit this Declaration as a second supplement to my earlier declarations, the “Declaration of Matthew Mulvihill Regarding (A) Mailing of Notice and Claim Form; (B) Publication of Summary Notice; (C) Call Center Services; (D) Posting of Notice and Claim Form on Settlement Website; and (E) Report on Objections or Requests for Exclusion Received to Date,” dated December 21, 2020 (the “Initial Mailing Declaration,” ECF No. 106-1), and the “Supplemental Declaration of Matthew Mulvihill Regarding (A) Mailing of Notice and Claim Form; (B) Call Center Services; (C) Settlement Website Maintenance; and (D) Report on Objections or Requests for Exclusion Received,” dated February 23, 2021, (the “Supplemental Mailing Declaration,” ECF No. 107-5).

I. MAILING OF THE NOTICE AND CLAIM FORM

4. Since the execution of the Supplemental Mailing Declaration, Epiq has continued to mail copies of the Notice and Claim Form (together, the “Notice Packet”) in response to requests from potential Settlement Class Members, brokers, banks, and other nominees. Epiq has continued to monitor nominee response and to communicate with nominees to field any question and to

ensure that they identified potential Settlement Class Members or requested copies of the Notice Packet to forward directly to their clients. Through March 22, 2021, Epiq has mailed a total of 137,901 Notice Packets to potential Settlement Class members and nominees.

5. Additionally, Epiq has re-mailed 201 Notice Packets to potential Settlement Class Members whose Notice Packets were returned by the U.S. Postal Service (“USPS”) and for whom updated addresses were provided to Epiq by the USPS.

6. For potential Settlement Class Members whose updated addresses were not provided, Epiq caused advanced address research to be performed through a National Change of Address (“NCOA”) search. As a result of NCOA research, Epiq re-mailed an additional 131 Notice Packets to potential Settlement Class Members.

7. When updated addresses were not provided through NCOA, Epiq engaged TransUnion to conduct additional business and individual address searches. As a result of TransUnion research, Epiq re-mailed an additional 241 Notice Packets to potential Settlement Class Members. Epiq will continue to conduct NCOA and TransUnion address research where applicable.

8. As indicated in the Supplemental Mailing Declaration, Epiq has not received any objections to the Settlement, the Plan of Allocation, or the attorneys’ fees and expense reimbursement request, and only one valid exclusion request was submitted, which was included as Exhibit A to the Supplemental Mailing Declaration. ECF No. 107-5, ¶¶10-13.

II. CALL CENTER SERVICES

9. Epiq continues to maintain the toll-free phone number for the Settlement, (888) 490-0619, which became operational on November 25, 2020. Epiq has promptly responded to each telephone inquiry and will continue to address potential Settlement Class Members’ inquiries.

III. SETTLEMENT WEBSITE MAINTENANCE

10. Epiq continues to maintain the Settlement Website (www.DaVitaSecuritiesLitigation.com), which became operational on November 25, 2020, and is accessible 24 hours a day, 7 days a week. Copies of the Notice, Claim Form, Stipulation, Preliminary Approval Order, Lead Plaintiffs' Motion for Final Approval of Settlement, Lead Plaintiffs' Motion for Attorneys' Fees and Expenses, and other documents related to the Action are posted on the Settlement Website and are available for downloading. Epiq will continue operating, maintaining and, as appropriate, updating the Settlement Website until the conclusion of this administration.

IV. REPORT ON CLAIMS RECEIVED TO DATE

11. Through March 22, 2021, Epiq has received 14,783 Claims. Approximately 12,011 Claims were filed electronically by or on behalf of institutions and 2,772 Claims were submitted by or on behalf of individuals.¹ The March 20, 2021 claim filing deadline has now passed. Epiq will continue to accept and process Claims received after the filing deadline. To the extent that these Claims are deemed eligible, with the exception of being untimely, and their acceptance will not delay distribution of the Net Settlement Fund, Lead Counsel will present these late but otherwise eligible Claims for Court approval when Lead Counsel moves the Court to distribute the Net Settlement Fund to Settlement Class Members.

¹ As is typical in securities cases of this nature, the majority of institutional investors, brokers, and nominees file claims electronically at or near the filing deadline. Therefore, these totals reflect all Claims that have been fully processed by Epiq and do not reflect the entirety of Claims submitted on or before the filing deadline. Now that the filing deadline has passed, the Claims received, both before and after the claim filing deadline, will be subject to a comprehensive review under Epiq's standard claims-processing procedures, which will identify any deficiencies in the claims received. Epiq will then communicate with claimants with deficient, but correctable, claims to bring those claims into compliance.

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

Executed on March 23, 2021

Matthew Mulvihill

Matthew Mulvihill