

THE HONORABLE RONALD B. LEIGHTON

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U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

NICOLE and GUY MAEL, NADINE
VIGLIANO, BRITNEY MOREA, CAROL
CONWAY, ANGELA BERTUCCI and TINA
WIEPERT, on behalf of themselves and all
others similarly situated,

Plaintiffs,

vs.

EVANGER'S DOG AND CAT FOOD
CO., INC., NUTRIPACK, LLC, AGAINST THE
GRAIN PET FOODS, and SHER SERVICES
COMPANY INCORPORATED,

Defendants.

EVANGER'S DOG AND CAT FOOD CO.,
INC.,

Counterclaimant,

vs.

NICOLE MAEL,

Counterdefendant.

NO. 3:17-cv-05469-RBL

**DECLARATION OF ROBERTO
WONG**

I, Roberto Wong, hereby declare as follows:

1 1. I am over the age of 18 years. I am Director – Email Marketing at Chewy.com
2 (“Chewy”). Based on my position at Chewy, I am familiar with Chewy's email system and have
3 experience with sending mass email messages to Chewy customers. I have personal knowledge
4 of the facts contained herein, and, if called as a witness, I could and would competently testify
5 to those facts.

6 2. On January 7, 2020, I caused an email to be sent out on behalf of, and in the
7 name of Chewy to email addresses associated with Chewy customers who Chewy's records
8 indicate purchased Evanger' s Hunk of Beef, Evanger' s Braised Beef, or Against the Grain
9 Pulled Beef with Gravy, from Chewy's website between December 1, 2015 and June 30, 2017.

10 3. The subject of the email message was “Notice Regarding Class Action
11 Settlement.” The body of the email message was in the following form:

12 **NOTICE REGARDING CLASS ACTION SETTLEMENT**

13
14 Chewy is emailing you because our records indicate that you may have purchased
15 Evanger's Hunk of Beef, Evanger's Braised Beef, or Against the Grain Pulled Beef with
16 Gravy between December 1, 2015 and June 30, 2017. If so, you may be entitled to
17 receive money or product certificates from a class action settlement. In *Mael v. Evanger's*
18 *Co.*, a federal court in Washington preliminarily approved the settlement of a class action
lawsuit involving these products. The defendants in the lawsuit deny the plaintiffs'
allegations and plaintiffs believe their claims have merit. The Court did not decide in
favor of plaintiffs or defendants, but both sides have agreed to a settlement.

19 Chewy is sending this email on behalf of the parties to the lawsuit, and as required by the
20 Court. Because we are not involved in the lawsuit, we cannot assist you directly. To
21 determine whether you are a member of the class, obtain a copy of the Settlement
22 Agreement, view the full notice approved by the Court, and file a claim, please go
23 to www.evangerssettlement.com or call the Settlement Administrator at 1(888) 404-
0223. You must submit a valid claim to receive a cash payment or product certificate.
The full notice also provides details on how to opt out or object to the settlement. Claims
and opt outs must be submitted by March 9, 2020. Objections must be received by the
Court by March 9, 2020.

24
25 If you have any questions about the settlement, please contact Plaintiffs' attorney Jennifer
26 Murray. Telephone: (206) 816-6603; Email: jmurray@terrellmarshall.com. Please do not
27 respond to this email directly.

CERTIFICATE OF SERVICE

1
2 I, Jennifer Rust Murray, hereby certify that on May 22, 2020, I electronically filed the
3 foregoing with the Clerk of the Court using the CM/ECF system which will send notification of
4 such filing to the following:

5
6 John C. Graffe, WSBA #11835
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23 *Attorneys for Defendants*
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DATED this 22nd day of May, 2020.

TERRELL MARSHALL LAW GROUP PLLC

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