

K&L GATES

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**VIA CM/ECF AND  
HAND DELIVERY**

The Honorable Richard G. Andrews  
United States District Court  
for the District of Delaware  
844 North King Street  
Wilmington, DE 19801

**Re: *MacKay v. Lenovo (United States) Inc.*; C.A. No. 20-1149-RGA**

Dear Judge Andrews:

I write on behalf of the parties to this case in accordance with the Court's Order dated February 23, 2022 [D.I. 27] to provide a status report on the case.

The Parties engaged in a private mediation, during which they agreed to a tentative settlement agreement, the broader terms of which were set forth in an informal term sheet. The Parties have since exchanged multiple drafts of a long form settlement agreement, and believe they are close to finalizing such agreement. The delay in finalization has been caused in large part due to the need for information from third parties that bear on the amount and method of class notice and related issues in connection with the selection of a claims administrator. Lenovo requested, and received, multiple bids from different potential administrators that varied wildly amongst one another, including based on the assumed number of class members that

were to be reached via direct notice. Lenovo desired, therefore, to obtain a more accurate estimate of the number of class members that would be reached via direct notice and then request rebids from the potential claim administrators based on such estimate.

A large majority of the total number of class members purchased their class devices through third party vendors. Plaintiffs subpoenaed the vendors for contact information to reach the class members and is providing the information received to Lenovo for use in the rebid process. Accordingly, Lenovo will be requesting rebids from the claim administrators based on this information. Plaintiffs have now begun to receive information responsive to the subpoenas it served on the third party vendors, but is informed that not all such vendors will produce information. Lenovo is, therefore, engaged in other efforts to estimate the number of consumers that can be reached via direct notice.

The parties previously agreed (as reflected in their prior status report to the Court) that, upon finalization of the long form settlement agreement, the Complaint in *Gisairo et al. v. Lenovo (United States) Inc.*, Civil Action No. 19-cv-2727 (D. Minn.) will be amended to add the named Plaintiffs from this case. The Parties will subsequently file a stipulation and [proposed] Order staying this case. Upon approval of the long form settlement agreement by the *Gisairo* Court, the Parties will then dismiss this case.

The parties are available should the Court have any questions.

Respectfully submitted,

*/s/ Steven L. Caponi*

Steven L. Caponi (No. 3484)

cc: All counsel of record (via electronic filing)