

XAVIER BECERRA  
Attorney General of California  
KATHLEEN FOOTE  
Senior Assistant Attorney General  
PAUL A. MOORE  
EMILIO E. VARANINI (163952)  
Deputy Attorneys General  
State Bar No. 241157  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Telephone: (415) 510-3493  
Fax: (415) 703-5480  
E-mail: Paul.Moore@doj.ca.gov  
*Attorneys for the State of California on Behalf of All  
Attorneys General*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

In re DYNAMIC RANDOM ACCESS  
MEMORY (DRAM) ANTITRUST  
LITIGATION

This Document Relates to:  
ALL INDIRECT PURCHASER ACTIONS and

*The State of California v. Infineon Technologies  
AG,*

*State of New York v. Micron Technology Inc.,*

*State of California v. Samsung Electronics Co.,  
Ltd.,*

*State of California v. Winbond Electronics Co.,*

*Petro Computer Systems, Inc. v. Hitachi, Ltd.,*

*Petro Computer Systems, Inc. v. Mitsubishi  
Electric Corporation,*

*Petro Computer Systems, Inc. v. Toshiba  
Corporation,*

*State of California v. Toshiba Corporation,*

*State of California v. Mitsubishi Corporation,*

*State of California v. Hitachi, Ltd.*

Case No. M-02-1486-PJH

MDL No. 1486

Case No. C 06-4333 PJH

Case No. C 06-6436 PJH

Case No. C 07-1347 PJH

Case No. C 07-2589 PJH

Case No. C 12-5213 PJH

Case No. C 12-5214 PJH

Case No. C 12-5215 PJH

Case No. C 12-5230 PJH

Case No. C 12-5229 PJH

Case No. C 12-5231 PJH

**DECLARATION OF HARRY M.  
SNYDER**

Date: 18 April 2018

Time: 9:00 AM

Courtroom: 3 - Third Floor

Judge: Hon. Phyllis J. Hamilton

Special Master: Hon. Charles B. Renfrew (ret.)

1 I, Harry M. Snyder, declare as follows:

2 1. I have extensive experience and background on *cy pres* relief, philanthropic best  
3 practices (including grant review and recommendations), and consumer protection. I have been a  
4 leader in the development and implementation of best practices for the distribution of awards and  
5 settlement funds resulting from class action and *parens patriae* cases. I have been appointed *cy*  
6 *pres* Fund Administrator by State and Federal Courts and have contracted with the California  
7 Attorney General's Office, the New York Attorney General's Office, the Oregon Attorney  
8 General's Office, as well as class counsel as an independent administrator to design and  
9 implement grantmaking programs for distributing *cy pres* funds in both State and Multi-State  
10 actions. I am very familiar with federal and California requirements for devising *cy pres* grant-  
11 making processes that have a nexus to the underlying action and proposing *cy pres* grant  
12 recipients that will best use the funds for the indirect benefit of the class in question. I make this  
13 Declaration in support of GOVERNMENT PURCHASER CLASSES' NOTICE OF MOTION AND JOINT  
14 MOTION FOR FINAL APPROVAL OF *CY PRES* RECIPIENTS FOR REMAINING GOVERNMENT  
15 PURCHASER CLASSES SETTLEMENT FUNDS in this action as far as California is submitting its  
16 proposed *cy pres* recipients for the Court's approval. Except as otherwise stated, I have personal  
17 knowledge of the facts stated below. If called as a witness, I could testify truthfully and  
18 competently to the matters set out herein.

19 2. As the Director of the West Coast office of Consumers Union (a not-for-profit  
20 publisher of Consumer Reports magazine) for over 20 years I established procedures, including  
21 modification of California's escheat laws, for the state courts to authorize *cy pres* relief in class  
22 action cases. In *People v. Avco Finance*, we established a protocol for courts to order a grant of  
23 *cy pres* funds to a non-profit consumer protection organization. In *State of California v. Levi*  
24 *Strauss & Co.* (1986) 41 Cal.3d 460, we went further, acting as *amicus curiae*, in successfully  
25 arguing to the California Supreme Court that the establishment of the California Consumer  
26 Protection Foundation was a proper exercise of that court's equitable powers and an acceptable  
27 way to facilitate the distribution of *cy pres* relief. Another aspect of my work at Consumers  
28 Union was the national Community Health Assets Project that captured the public assets of non-

1 profit health insurers and providers when they converted to for-profit corporations. That work  
2 helped regulators, community groups, and state attorneys general establish Health Foundations to  
3 distribute the assets of the converting non-profit organizations. This work, too, was based on an  
4 extension of *cy pres* principles as the next best use of these public funds. As a result of this work,  
5 over 160 Health Foundations have been established nationally, with over \$16 billion dollars in  
6 assets. The California Endowment, The California Health Care Foundation, and the Wellness  
7 Foundation are just three examples of this work in California.

8 3. I am presently assisting the California Attorney General in the distribution of funds  
9 from the eBay Settlement in *State of California v. eBay Inc.* (N.D.Cal. filed Nov. 16, 2012) Case  
10 No. CV12-5874-EJD-PSG as well the CRT Settlement in *State of California vs. Samsung SDI*  
11 *Ltd. et al.* (San Francisco Sup Ct. Case No. CGC-11-5158784). I have also assisted class  
12 plaintiffs' counsel in the distribution of other *cy pres* settlements including the Marianas Fund in  
13 working with the Tides Foundation. I provided *pro bono* services to private and public counsel  
14 on the distribution of awards and settlement funds. In total, I have administered the distribution  
15 of over \$70,000,000 in *cy pres* funds. A list of *cy pres* settlement funds that I have administered  
16 is included in my Curriculum Vitae which is attached as Exhibit A.

17 4. The two Settlement Funds in the above referenced matter have not yet been  
18 distributed. The Court Order has allocated \$299,390 for State Agencies and \$558,740 for Local  
19 Government Agencies both to be distributed via *cy pres* distribution for the purpose of utilizing  
20 innovative technology or software to improve and modernize operational capabilities of state,  
21 local or municipal governments. On November 10, 2016 I was retained by the California  
22 Attorney Generals Office, Department of Justice, Public Rights Division - Antitrust Section  
23 (CDOJ) to design and administer a targeted competitive *cy pres* grants program to distribute the  
24 DRAM Settlement Agreement Funds (Funds). On December 20, 2016, an agreement was fully  
25 executed setting out the specific terms of my responsibilities and my remuneration, which was set  
26 at 9% of the total *cy pres* funds available. After the execution of this agreement, I contracted for  
27 the services of Laurie True, Tanecia Echols, Matt Iverson, and Corrine Houston to assist me in  
28 my duties as *Cy Pres* Fund Administrator for the DRAM Funds. All have expertise in one our

1 more aspects of the administration and distribution of *cy pres* funds and have assisted me with  
2 other *cy pres* distributions.

3 5. Pursuant to that agreement, my responsibilities as the *Cy Pres* Funds Administrator  
4 for the State of California, with the assistance of the aforementioned individuals, included:

5 • Designing and distributing a Request for Application (RFA) and Application Form  
6 for each of the two funds available, the State Agency Fund and the Local Government Fund;

7 • Conducting statewide outreach to local and state government agencies;

8 • Conducting an on-line explanation (Webinar) of the criteria and process for grant  
9 making and answer questions from potentially interested applicants;

10 • Creating an electronic link to the Webinar video and to the Questions asked and  
11 answered (FAQ);

12 • Receiving grant applications and conduct a due diligence review, including financial  
13 review, project viability and impact and interviews with key person(s) responsible for the  
14 proposed project where necessary;

15 • Engaging subject matter experts to assess specific projects or types of projects, if  
16 necessary;

17 • Preparing a *Cy Pres* Administrator's Report on and Review of the grant applications  
18 for the California Office of the Attorney General;

19 • Meeting and discussing the Report and Recommendations with the California Office  
20 of the Attorney General, including addressing questions and considering any requests for changes  
21 in the list of proposed *cy pres* recipients;

22 • Assisting the California Office of the Attorney General as needed in requesting Court  
23 approval of proposed grants;

24 • Negotiating, drafting and executing written grant agreements (and addenda as  
25 needed) with Court approved *cy pres* recipients;

26 • Reviewing grantee reports and request additional information, as needed, to monitor  
27 the progress of approved *cy pres* grant projects and approve periodic payments based on meeting  
28 project targets specified in the grant agreement;

- 1       • Authorizing payments to *cy pres* recipients of installments under the grant
- 2 agreements;
- 3       • Delivering checks to grantees in traceable system; and
- 4       • Preparing reports to CDOJ Counsel on the status of each *cy pres* grant funded project.
- 5       6. The design and drafting of the RFAs and Application Forms was completed and
- 6 approved by the California Office of the Attorney General. One RFA was designed specifically
- 7 to give notice to Local Governments. (Attached as Exhibit B.) One Application Form was
- 8 designed specifically for use by interested Local Governments. (Attached as Exhibit C.) One RFA
- 9 was designed specifically to give notice to State Agencies. (Attached as Exhibit D.) One
- 10 Application Form was designed specifically for use by interested State Agencies. (Attached as
- 11 Exhibit E.) These RFAs and Applications are specific to the DRAM cases and to the *cy pres*
- 12 purpose of utilizing innovative technology or technological means to improve and modernize
- 13 operational capabilities of state, local, or municipal governments.

#### 14

#### 15 **NOTICE: OUTREACH AND DISSEMINATION PROCESS**

16       7. The DRAM Settlement Fund Team pursued the following activities to ensure that as

17 many eligible California local and state public entities as possible were informed of, and received

18 the Request for Applications (RFAs) for *cy pres* grants to be issued from the DRAM Settlement

19 Fund. The following description of those activities provides examples of the types of

20 organizations we reached out to — it is not an exhaustive list of every organization and individual

21 to whom we sent the DRAM Settlement Fund RFAs.

#### 22 **A. Preparation of Outreach Lists and Email Addresses**

23 The team first researched and prepared email lists that included public organizations potentially

24 eligible to apply for the funds. These lists included the following types of organizations:

- 25       • **State Agencies and Public Universities**

26 We compiled a list of close to 40 relevant departments within the State of California

27 Executive Branch, including key agencies such as the Department of General Services

28 (Procurement Division), Department of Technology, Department of Community Services and

1 Development, and many individual agencies under the umbrella of the California Department of  
 2 Health and Human Services. The Department of General Services included the Notice of Request  
 3 for Applications with a link to the DRAM Settlement Fund RFAs in their internal messaging  
 4 system that reached all state agencies in a timely and efficient fashion. We also included all  
 5 University of California (UC) and California State University (CSU) campuses as well as the  
 6 Office of the President (UCOP), the CSU Chancellor's Office, and the two national laboratories  
 7 administered by the UC System (Livermore and Lawrence).

8 **• Local Public Agencies**

9 The best way to reach out to public agencies at the county, city, and municipal level was to  
 10 leverage the networks of two key statewide Associations: The California State Association of  
 11 Counties (CSAC; [www.counties.org](http://www.counties.org)) and the California League of Cities ([www.cacities.org](http://www.cacities.org)).  
 12 CSAC, in particular, has a large and effective network of Caucuses and Affiliates  
 13 (<http://www.counties.org/caucusesandaffiliates>) comprised of 45 key voluntary associations of  
 14 county and municipal officials, ranging from the justice system to public health. CSAC  
 15 Membership Staff assisted us by including an announcement of the CRT Settlement RFAs in an  
 16 electronic announcement that went to all members and affiliates. In addition, our Team sent  
 17 personal emails to the leadership of all relevant groups listed on the CSAC Affiliate website,  
 18 reminding them of the funding opportunity of interest to their local members. Similarly, League  
 19 of Cities staff included the RFAs in their weekly newsflash to all member cities, numbering just  
 20 under 400 California cities.

21 **• Additional Agencies & Organizations**

22 Additionally, we sent the RFAs to other statewide associations, such as the following:

- 23 ○ Rural Counties Network <http://www.rcrcnet.org>
- 24 ○ California School Boards Association <https://www.csba.org>
- 25 ○ CA School Superintendents Association (ACSA) <http://www.acsa.org>
- 26 ○ CA Municipal Utilities Association (CMUA) <http://cmua.org>
- 27 ○ CA Water Agencies Association (ACWA) <http://www.acwa.com>
- 28 ○ University of California—Office of the President (UCOP)

- COO—Information Technology Officer

<http://www.ucop.edu/informationtechnologyservices/> California Community Colleges—tech training programs <http://www.ccleague.org/i4a/pages/index.cfm?pageid=3876>

- California Workforce Association (CWA) (employment and training groups)

<http://calworkforce.org>

- California Library Association <http://www.clanet.org> (public libraries)

## **B. Initial Notice of Request for Applications**

Beginning on January 11, 2017, to provide ample time for potential grantees to prepare their proposals by the due date of March 15, 2017, we sent a "heads up notice" to the entities listed above, via email. This was to allow public agencies enough time to scope out the grant potential for their organizations, and to secure the requisite supervisor and/or Board approvals needed to formally apply. The Notice of Request for Applications included a brief description of the two separate DRAM Settlement Funds, the timeline for release of RFAs, and the *cy pres* grant application deadlines. These communications continued for three weeks, and included sending individual email announcements to all former public agency applicants and grantees from the CRT and eBay Settlement Funds. Also on January 11, 2017, an announcement was posted on the DRAM Settlement Fund webpage on the California Office of Attorney General's website, describing the RFAs and linking readers to our dedicated DRAM Settlement Fund website, at <https://oag.ca.gov/class-notice/dram>.

## **C. Public Website Announcements and RFAs Released**

On January 13, 2017, we launched the DRAM Settlement Fund website, at <https://cypresfunds.fluidreview.com/>. The website included the two separate RFAs for the DRAM Settlement Fund, and a user friendly online application platform for all interested public agencies. We also posted a DRAM Settlement Fund page on our cypresfunds.net website for users familiar with that portal, at <http://cypresfunds.net/settlement-funds-administered/dram/>.

## **D. Informational Webinar and Follow-up Questions**

We planned and implemented a public webinar, which was held at 12 noon PST on February 8, 2017, where I described the DRAM Settlement Fund process and grant application guidelines.



One hundred and seventy-seven (177) interested agencies registered for the webinar and 110 actually participated. On February 9, 2017, the recorded webinar and slides were posted on our website, and viewed by an additional 60 users. *See* <https://www.youtube.com/watch?v=uDckqVm34Po>. The team fielded questions from potential applicants following the DRAM Settlement Fund website and webinar launch, and compiled a "Frequently Asked Questions (FAQs)" document that was posted online on February 17, 2017. *See* <https://cypresfunds.fluidreview.com/res/>. Individuals with further questions or need for clarifications communicated with DRAM Settlement staff and were promptly assisted via email or telephone.

#### **THE DUE DILIGENCE PROCESS**

8. On or before March 15, 2017, we received 58 applications for the DRAM Settlement Fund. One state agency and 57 local government entities, including University of California campuses, applied for funding. We reviewed each of the applications received including the applicant's organization history and the applicant's proposed project and financial information for which it is seeking funding. We recommend that two (2) proposals be funded from the State Agency Fund, including a proposal from the University of California Davis that upon the direction of California Office of the Attorney General, and with our concurrence, we considered for funding from the State Agency Fund. We also recommend three (3) local government proposals be funded. In my opinion all of the recommended grants meet the qualifications for funding, have a nexus to the underlying case, and will provide an indirect benefit to the government sector harmed.

9. There was one application initially submitted directly to the State Agency Fund, which minimally met the criteria including having a nexus to the DRAM cases. The Attorney General's Office determined that this application did not provide sufficient direct benefit to the people of California and requested that further outreach to state agencies that had enquired about DRAM funding be undertaken to identify projects of greater benefit. We concurred in that determination, having selected that applicant initially because it was the only application we received for State Agency funds. While we could fund the proposed project in full (the



1 University of California, Davis project taking up the remainder) and there was a nexus between  
2 that proposed grant and this case, we did not consider it a strong application. We have not  
3 identified the applicant in the interests of keeping the grant application process confidential; while  
4 the California Office of the Attorney General has informed us that the approval of *cy pres*  
5 grantees for the State Agency Fund is not before this Court, we will answer any questions that the  
6 Court may have about this decision.

7 10. At the direction of the California Office of the Attorney General, we searched for  
8 another proposed *cy pres* grantee to replace the applicant mentioned in the preceding paragraph.  
9 The resulting recommended application from the Native American Heritage Commission  
10 (NAHC) is of greater state-wide impact and better meets all criteria for funding than did the  
11 applicant mentioned in the preceding paragraph. In addition, University of California Davis,  
12 CALRESA, application is also recommended for State Agency funding as it provides substantial  
13 statewide benefit and meets all of the criteria for funding. Both projects are described in detail  
14 below.

15 11. For the Local Government Fund, there were quite a few applications that I could not  
16 recommend for funding either because the application was not adequately documented, because  
17 the application did not provide a sufficient nexus to the case, and/or the proposed grant did not  
18 offer an indirect benefit to the parties harmed. I have reviewed this decision-making process with  
19 the California Office of the Attorney General, which informed me that it concurred in this  
20 process.

21 12. For the Local Government Fund, there were quite a few applications that did meet the  
22 minimum criteria for funding. However, the level of available funding (\$558,740) compared to  
23 the large amount of funding requested (\$7,525,791), required us to limit funding  
24 recommendations to only the very highest-quality and most impactful proposals, that is those  
25 proposals that might have the greatest reach on a regional or state-wide scale.

26 13. More specifically, it was important to prioritize and fully fund only the projects that  
27 would truly stand out as models for tech innovation in government services. We thought that the  
28 *cy pres* grantees selected should pilot or demonstrate how new technology can be harnessed to

1 more efficiently and effectively serve the public. We also thought projects selected for funding  
 2 should reach as many people as possible with services that directly impact their quality of life and  
 3 experience of local government and that they should be replicable, sustainable and well-integrated  
 4 into existing tech platforms or IT systems. All three projects recommended for Local  
 5 Government funding, as described in detail below, meet these standards.

6 14. RECOMMENDED AWARDS FOR LOCAL GOVERNMENT FUND AND REASONS SUPPORTING  
 7 THOSE RECOMMENDATIONS The following three (3) recommended applications for the Local  
 8 Government Fund represent innovative model projects that pilot new technologies or test new  
 9 technology-oriented strategies that, with proper dissemination and best practice, will serve as  
 10 local, state, and national models for using technology to improve or broaden access to quality  
 11 public services, and increase the reach of these local governments and thus their ability to meet  
 12 their goals.

13 15. The first recommended *cy pres* grantee for the Local Government Fund is **Alameda**  
 14 **County Social Services Agency with a proposed grant of \$200,000 over 24 months** to enable  
 15 the launch and expansion of innovative technology to serve over 220,000 low-income, needy  
 16 individuals and families in Alameda County, currently eligible yet un-enrolled in CalFresh  
 17 (federally titled SNAP, or food stamp) benefits. The goal of the Project is to expand access,  
 18 increase enrollment and retention, and improve application processing timelines for CalFresh,  
 19 namely by utilizing an innovative Interactive and Visual Interactive Voice Response (IVR/VIVR)  
 20 phone and smartphone technology to provide a toll-free 24-hour hotline to apply for food stamps.  
 21 By adding telephonic signatures utilizing voice-to-text technology within the County IVR system,  
 22 the County will be able to accept authorized applications over the phone instead of requiring  
 23 applicants to schedule an in-person office appointment. The IVR/VIVR phone and smartphone  
 24 system will increase opportunities to qualify people for CalFresh with the goal of having more  
 25 families and individuals use these tools in order to apply for, and report income or household  
 26 status changes, through the system – using their mobile phones. Easier access to basic nutrition  
 27 assistance will improve the health and quality of life for thousands of families. The innovative  
 28

1 mobile phone food stamp application pilot will disseminate project cost-benefit results to other  
2 interested county social services agencies across the state.

3 16. Despite the fact that Alameda County was a recipient of a direct distribution from  
4 DRAM Settlement funds, we strongly recommend that the Alameda County Health and Human  
5 Services Agency's proposal be funded. The basis for that recommendation is as follows: 1) **The**  
6 **Project Addresses a Critical State Priority.** Despite clear signs of economic recovery,  
7 California is still home to a very large number of households living in poverty and in need of  
8 basic food assistance: one out of five persons are struggling. Moreover, California still lags  
9 behind many other states in terms of the percentage of poor people who are eligible but not  
10 enrolled in CalFresh (food stamps) – the nation's most important bulwark against stark hunger.  
11 Only 66% of those who are CalFresh-eligible in California are served – leaving millions still food  
12 insecure. Alameda County is no exception. It ranks in the bottom half of all California counties  
13 in terms of its own performance: 38th out of 58 counties, with the first-ranked county having the  
14 highest CalFresh utilization relative to potentially eligible individuals. While other DRAM  
15 proposals may meet the basic criteria for funding, this is an opportunity for the Court to use  
16 DRAM funding to pilot a strategy that, if successful will be widely disseminated across the state  
17 and clearly strengthen California's overall ability to meet the basic food needs of our large poor  
18 population. 2) **This is a Cutting-Edge Project that is a State Model.** Antiquated IT systems,  
19 in-person application requirements, highly confusing rules, and slow processing times continue to  
20 stigmatize and discourage potential CalFresh applicants, especially in Alameda County's large  
21 welfare bureaucracy. Recently, however, new CalFresh leadership at both the state and county  
22 levels has created openings for major cultural and systems change. Kim Wade, the new CalFresh  
23 Director in Sacramento, is a national expert on IT modernization strategies and an Alameda  
24 County resident. County staff, led by Lori Cox, now embraces a "no wrong door" benefits access  
25 approach, along with a commitment to accept applications online and over the phone. The use of  
26 the innovative Interactive and Visual Interactive Voice Response (IVR/VIVR) phone and  
27 smartphone software technology funded by this DRAM grant will provide a toll-free 24-hour  
28 hotline for applications, eliminating the huge barrier of required in-person office appointments.

1 There has been discussion that if this a service and technology model is effective in a county as  
 2 diverse and large as Alameda, it will be promoted for use throughout the state. 3) **The Proposal**  
 3 **is Well-Conceived, Well-Supported, and Sustainable.** The software technology proposed can  
 4 be easily purchased and programmed into the County's existing IT system (CalWIN) used for  
 5 MediCal and CalFresh eligibility determinations. The well-conceived strategy includes reaching  
 6 out to enroll a huge pool (230,000) of newly-enrolled Medi-Cal recipients, who need extra  
 7 encouragement and help navigating the CalFresh system so they can access nutritious food. This  
 8 is a smart approach that will yield results. It will be easy and inexpensive to document. It will roll  
 9 out in English and Spanish first, then Chinese and three other key languages spoken by the  
 10 county's large immigrant and refugee population. And 4) **The Project Achieves the Cy Pres**  
 11 **Goal of Improving Government Efficiency through the Use of Technology.** It would be  
 12 difficult to substitute the Alameda County project with one or two other replacement projects.  
 13 Given the extremely high demand in the Local Government category, (57 requests totaling  
 14 \$7,525,791) and low available resources (\$558,740 available), funding one project that has a high  
 15 likelihood of success and can be replicated throughout California meets the (the more typical,  
 16 quantitative approach that simply funds top-ranked proposals is not appropriate since it would  
 17 result in a hodge-podge of awards that do not meet our other) requirements for geographic  
 18 diversity, innovation, and technological improvements to government services that directly  
 19 impact California residents. (Simply going down the list to the next-ranked project would not  
 20 serve the goals of using technology to improve government efficiency, delivering a positive  
 21 indirect benefit to many people, and having a broad geographic reach) The DRAM request for  
 22 \$200,000 will be multiplied in effectiveness by an additional grant from Kaiser Permanente and  
 23 in-kind support from the agency itself. In-kind support means the agency will put in additional  
 24 resources from its regular budget for example, staff time.

25 17. The second recommended *cy pres* grantee for the Local Government Fund is the **El**  
 26 **Dorado County Elections Department: LiveBallot Portal with a proposed grant of \$198,000**  
 27 **over a period of 24 months** for the deployment of a fully accessible, American Disabilities Act-  
 28 compliant online balloting portal for a consortium of five California counties. Inyo county will

1 be a member of the consortium and the other three will join when the grant is approved. The  
 2 remotely accessible online balloting portal, called LiveBallot, is a proven Web-based solution that  
 3 will enable participating counties to extend voter information and vote-by-mail to voters with  
 4 disabilities and military personnel stationed overseas. The “LiveBallot” solution has been  
 5 reviewed and approved by both the Department of Defense, Department of Health and Human  
 6 Services and the Department of Homeland Security. The proposed grant for the deployment of  
 7 this portal would allow voters who happen to be blind, disabled, remotely stationed, and/or living  
 8 abroad access to their ballot and balloting information. Equal, universal access to critical  
 9 balloting information and absentee voting is a right that all voters have. Funding would not only  
 10 help these five participating counties and their voters, but also could enable their project, if  
 11 successful, to serve as a model for all voters throughout the state and the country to have access to  
 12 their ballot regardless of physical or cognitive challenges.

13 18. The third recommended *cy pres* grantee for the Local Government Fund is the **Sierra**  
 14 **Nevada Conservancy (SNC): LIDAR/IS Demonstration Project with a proposed grant of**  
 15 **\$150,00) over a period of 24 months** for a two-year pilot project that will use airborne collected  
 16 Light Detection and Ranging (LiDAR) and Imaging Spectroscopy (IS) data to assess forest and  
 17 watershed condition and support forest management as part of the Watershed Improvement  
 18 Program (WIP) in the Plumas National Forest administrative boundary (private and public lands).  
 19 This largely forested region makes up about 25 percent of California’s land area. It is the state’s  
 20 principal watershed, supplying more than 60 percent of the developed water supply. The health  
 21 of the region is critical to California’s water, air, recreation, and biodiversity resources. SNC and  
 22 the United States Forest Service, Region 5 (USFS) partnered to launch the WIP two years ago to  
 23 increase the pace and scale of forest and watershed restoration and better address the region’s  
 24 challenges. The application of paired LiDAR/IS technology creates unprecedented tools that can  
 25 be used in future technology-related projects to provide land management, emergency and water  
 26 agencies with high resolution data, from a single source, for completing assessments, plans, and  
 27 identifying on-the-ground projects. The technology has the potential to advance government  
 28 administration in several ways: 1) it is used to map the natural and constructed environment with

1 very high accuracy and precision over large areas (millions of acres); 2) it provides better  
 2 information about the environment, thereby reducing expenses associated with field assessments  
 3 and environmental review (e.g. NEPA and CEQA); and 3) and it facilitates cost-effective  
 4 decision-making to target financial and personnel resources. The DRAM request of \$150,000  
 5 will be matched by \$259,000 in contributions from SNC and the United States Forestry Service,  
 6 which will multiply the effectiveness of the DRAM fund.

7  
 8 **RECOMMENDED AWARDS FOR STATE AGENCY FUND AND REASONS SUPPORTING THOSE**  
 9 **RECOMMENDATIONS**

10 19. The first recommended *cy pres* grantee for the State Agency Fund is the **Native**  
 11 **American Heritage Commission (NAHC), an Agency within the Office of the Governor, for**  
 12 **a grant of \$150,000 over 12 months.** This grant will be used to develop an online, multi-level,  
 13 and user-friendly portal that will document and increase access to information about the early  
 14 history of the State and its indigenous peoples. As a “Digital Atlas,” this online portal will  
 15 contain maps in multiple layers depicting former trade routes, settlements and cultural resources,  
 16 tribal/language boundaries, original treaty boundaries, and other locales of historical interest. It  
 17 will also allow users to immediately link to data as well as written, oral, visual, and other forms of  
 18 documentary data – including curated “crowd-sourced” data that will bring the hidden history of  
 19 Native California alive. NAHC will establish a permanent structure of curation and governance  
 20 for the Digital Atlas, with strong representation of and consultation with both tribal and academic  
 21 experts to carefully ensure that the material is both respectful and culturally appropriate before it  
 22 is presented. In addition to public users, end-users include the 164 tribes in California and  
 23 multiple state government offices, university faculty, local libraries and K-12 schools, as well as  
 24 museums and other non-profit and for profit organizations.

25 20. The second recommended *cy pres* grantee is **The Regents of the University of**  
 26 **California at Davis: CALRESA for Water Infrastructure for a grant of \$149,390 over a**  
 27 **period of 24 months** to enable the purchase of a mobile, high-accuracy side-scan sonar and  
 28 bathymetry instrument that will enable rapid environmental and structural assessments (RESA) of

1 levees, dams, and retaining structures throughout California. This grant will fund a new, high-  
2 resolution capability to perform the real-time scanning of these underwater systems that can  
3 reveal potential evidence of imminent failures that were previously undetectable. An important  
4 benefit of this system is its ability to rapidly map regions with poor, or relatively unknown,  
5 bathymetry, including the Sacramento-San Joaquin Delta levees and sloughs. Flood models,  
6 water quality models, and drought models all require such data, but high precision data have been  
7 lacking until now. The two-year project proposes to demonstrate and deliver this technology in  
8 addition to developing a cost-share model for use of this technology around the state by both  
9 agencies and community stakeholders. This is an efficient and cost-effective use of scarce  
10 resources for a vital assessment of California's waterway infrastructure. If funded, UC Davis will  
11 cost share the project by contributing an additional \$85,691 in equipment, salaries and support,  
12 thus multiplying the effectiveness of the DRAM fund

#### 13 **GEOGRAPHIC NEXUS FOR RECOMMENDED APPLICATIONS**

14 21. These proposed *cy pres* grant applications all have a wide potential or actual  
15 geographic nexus to California such that large regions of California will benefit if not the entire  
16 state. The result is thus leveraging the technology to be funded in these various government  
17 projects for the taxpayers in this state. That nexus is set out in the summary below:  
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Applicant	Proposed Project Geographic Impact		Amount
Alameda County Social Services Agency	Central California	Alameda*	\$200,000
Native American Heritage Commission, and Agency within the Office of the Governor	Statewide*	The Digital Atlas will be available to all Californians and others interested in learning about Native Americans in our State	\$150,000
El Dorado County Elections	Northern California	El Dorado*, Inyo, voters stationed/living abroad within the project's consortium counties	\$198,000
Sierra Nevada Conservancy (22 counties make up the Sierra Nevada Region, from Modoc to Inyo)	Statewide*	The Region supplies 60% of the state's developed water supply to residents, agriculture, and other industries across the state (Northern CA to Los Angeles Basin)	\$150,000
The Regents of the University of California at Davis (CALRESA)	Northern California	Sacramento*-San Joaquín Delta (project system is boat mounted and mobile throughout CA)	\$149,390

### Recommendation for Court Approval of *Cy Pres* Grant Recipients

22. As this is a competitive selection process, I met with the California Attorney General's representatives on several occasions to discuss the Report and answered their questions regarding the applicants and projects. After additional work I recommended the above described projects for DRAM grants. The Attorney General's Office accepted my recommendations.

23. Based on my knowledge of *cy pres* principles, the underlying nature of this case, and the individual organizations and projects described above, and my prior background, it is my professional opinion that each of these proposed projects has a clear nexus to the underlying case.

24. Based on the foregoing, it is also my professional opinion that the proposed applications for the Local Government Fund will provide significant indirect benefit to the class

1 of government entities protected by this case, a benefit that is enhanced by one of the two  
 2 proposed applications for the State Agency Fund (the University of California Davis).

3 25. Finally, it is my professional opinion that the above detailed *cy pres* plan comports  
 4 with established best practices that ensure a fair, equitable, and transparent distribution.  
 5 Therefore, I recommend the Court approve the organizations and amounts for the state agency  
 6 fund requested above as *cy pres* grant recipients of the DRAM Fund.

7 26. Upon Court approval, we will execute funding agreements with the approved *cy pres*  
 8 grant recipients and arrange for checks to be issued as specified in the funding agreements and  
 9 continue to administer oversight and accountability for the implementation of the projects.

10 27. The grant amounts recommended for each fund assure that there will be sufficient  
 11 funding for all grants after a true up accounting for all interest earned and expenses is made. For  
 12 purposes of judicial efficiency, and cost effectiveness, we recommend that the filing seeking  
 13 Court approval of grants should include a request for authorization to grant the funds remaining in  
 14 each Fund to the most successful programs within each Fund after the approved grants have been  
 15 completed and evaluated and the exact amount remaining in each Fund is determined. In this  
 16 manner, there will be no residue for this Court to have to address. The California Office of the  
 17 Attorney General has informed me that it concurs in this recommendation and will be so  
 18 requesting this Court.

19 I declare under penalty of perjury under the laws of the State of California and the United  
 20 States that the foregoing is true and correct and that this declaration is executed this 12 day of  
 21 March, 2018, at San Francisco, California.

22 /s/ Harry M. Snyder  
 23 HARRY M. SNYDER  
 24 State Bar No. 35209

25 I attest that concurrence in the filing of this document has been obtained by Mr. Harry M. Snyder.

26 /s/ Paul A. Moore  
 27 Paul A. Moore  
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