

August 12, 2022

(Via email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov))  
Office of the Secretary  
U.S. Securities and Exchange Commission  
100 F Street NE  
Washington DC 20549-1090

RE: Administrative Proceeding File No. 3-20523 (Kraft Heinz) / Comments on Plan

Dear Commission Staff Members:

We are counsel for Battea Class Action Services LLC (“Battea”), which acts as a professional Third-Party Filer to assist institutions in making claims to SEC fair funds and other settlement funds. We write on Battea’s behalf to comment on the Division of Enforcement’s Proposed Plan of Distribution in *Matter of The Kraft Heinz Co. et al.*, Administrative Proceeding File No. 3-20523, a fund containing over \$62 million. On July 14, 2022, the Commission’s Secretary published a notice of the plan and provided interested parties with the opportunity to comment by August 13, 2022.

By way of background, Third-Party Filers like Battea fill a valuable need in maximizing participation in fair funds and other settlement funds. In years past, certain large financial institutions, while wanting to file eligible claims, often found it impracticable to do so on their own because the filing process for their large and complicated claims could be burdensome and a distraction from their core business. Yet it is often these large institutions, because of the size of their claims, that are the reason why a particular settlement and resulting fund is as large as it is.

Third-Party Filers provide the solution to the filing needs of these large institutions. Being in the claims business, Third-Party Filers specialize in filing large securities claims and have the personnel and expertise needed to make complete and accurate filings for such claims. And by representing large segments of the eligible claimants in a particular fund, they reduce the burden on claims administrators and speed the process by limiting the number of direct claimant communications. They also maintain active searchable databases for longer periods than most financial institutions can realistically do on their own, thus enabling the institutions to more readily file claims in matters that cover longer time periods.

We write to invite your attention to certain provisions of the presently proposed Kraft Heinz plan that we submit make the claims process more cumbersome, time consuming and expensive for Third Party Filers and the institutions they represent. As presently drafted,

Paragraphs 81 and 82 of the proposed plan could, on their face, be read to block distribution payments from being made payable directly to a Third-Party filer, and to block deduction of the Third-Party Filer's agreed-upon fees from the distribution.

The obvious intention of these two paragraphs is to assure that payments reach their intended beneficiaries. But this understandable goal can still be achieved in a manner that does not needlessly create operational burdens for the Third-Party Filers and claims administrators. Specifically, we would suggest editing these two paragraphs in the proposed Kraft Heinz plan by adding the material that is underscored and highlighted in red below. This would give all concerned the flexibility to facilitate this aspect of the process in a manner that is efficient, responsible and secure.

81. Distribution Payments must be made by check or electronic payment payable to the Payee (the beneficial account owner). A Third-Party Filer shall not be the payee of any Distribution Payment check or electronic Distribution Payment, unless authorized by the Payee in a manner prescribed by the Fund Administrator. Any other payment arrangement must be discussed with the Fund Administrator in consultation with the Commission staff and must be authorized by the Payee. Compensation to a Third-Party Filer for its services may not be paid or deducted by the Fund Administrator from the Distribution Payment. However this shall not prohibit a Payee from independently authorizing a Third-Party Filer, upon receipt of a Distribution Payment, from deducting its compensation, as authorized by the Payee, before remitting the balance to the Payee.

82. If, after discussion with the Fund Administrator in consultation with the Commission staff, and authorization by the Payee(s), a Distribution Payment is to be made to a Third-Party Filer to distribute to the Payee(s), the Third-Party Filer will be required to complete a certification, which will require them, at a minimum, to attest that any distribution to the custodian, trustee, or investment professional representing multiple potentially eligible beneficial owners, will be allocated for the benefit of current or former pooled investors and not for the benefit of management. The certification form will be available on the Fair Fund website and upon request from the Fund Administrator. All such Third-Party Filers must have an auditable mechanism available to the Fund Administrator and the Commission staff to confirm that each Payee received the Distribution Payment directed to them, less any compensation authorized by the Payee to be deducted by the Third-Party Filer from the Distribution Payment, as provided in the preceding paragraph.

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Thank you for your consideration of this comment letter. If you have any follow-up questions about these comments, please communicate with the undersigned by email at [REDACTED], by phone at [REDACTED], or by mail at the address above.

Very truly yours,

/s/ Stephen J. Crimmins  
Stephen J. Crimmins