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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HEATHER BIDDLE, et al.,

Plaintiffs,

v.

THE WALT DISNEY COMPANY,

Defendant.

Case No. 5:22-cv-07317-EJD

**DECLARATION OF CAMERON R.
AZARI, ESQ. REGARDING NOTICE
PLAN**

I, Cameron R. Azari, Esq., hereby declare and state as follows:

1. My name is Cameron R. Azari, Esq. I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am a nationally recognized expert in the field of legal notice and have served as an expert in hundreds of federal and state cases involving class action notice plans.

3. I am a Senior Vice President of Epiq Class Action & Claims Solutions, Inc. (“Epiq”) and the Managing Director of Epiq Legal Noticing (aka Hilsoft Notifications), a business unit of Epiq that specializes in designing, developing, analyzing, and implementing large-scale, un-biased, legal notification plans.

4. Epiq is an industry leader in class action administration, having implemented more than a thousand successful class action notice and settlement administration matters. Epiq Legal Noticing has handled some of the most complex and significant notice programs in recent history, examples of which

1 are discussed below. With experience in more than 700 cases, including more than 75 multidistrict
2 litigation settlements, Epiq Legal Noticing has prepared notices that have appeared in 53 languages and
3 been distributed in almost every country, territory, and dependency in the world. Courts have recognized
4 and approved numerous notice plans developed by Epiq Legal Noticing, and those decisions have
5 invariably withstood appellate review.

6 **RELEVANT EXPERIENCE**

7 5. I have served as a notice expert and have been recognized and appointed by courts to design
8 and provide notice in many significant cases, including:

9 a) *Rodriguez, et al. v. Google LLC 20-cv-04688* (N.D. Cal.), is a landmark privacy lawsuit
10 for which Epiq implemented an extensive notice program with one of the largest, if not the largest email
11 campaign ever for a class action lawsuit, sending more than 369 million email notices. The email notices
12 were successfully delivered to approximately 93.1% of the class who were sent an email notice. The reach
13 of the individual notice effort was enhanced by a media plan that included digital and social media notice
14 that generated over 178 million impressions, sponsored search listings, and a case website. Overall, the
15 Class Notice Plan reached well in excess of 85% of the Class.

16 b) *In re Juul Labs, Inc. Marketing, Sales Practices, and Products Liability Litigation 19-*
17 *md-02913* (N.D. Cal.), involved two settlements totaling \$300 million for JUUL Labs, Inc. and Altria,
18 which alleged consumers were misled about JUUL products' addictiveness and safety, causing them to
19 pay more, and that JUUL products were unlawfully marketed to minors. Two companion notice
20 programs were implemented with more than 10.7 million email notices and nearly 500,000 postcard
21 notices sent to potential class members and comprehensive media efforts (over 936 million impressions
22 delivered). The notice programs each reached approximately 80% of the class nationwide.

23 c) *In Re: Zoom Video Communications, Inc. Privacy Litigation, 3:20-cv-02155* (N.D.
24 Cal.), involved an extensive notice plan for a \$85 million privacy settlement involving Zoom, the most
25 popular videoconferencing platform. Notice was sent to more than 158 million class members by email
26 or mail, and millions of reminder notices were sent to stimulate claim filings. The individual notice
27 efforts reached approximately 91% of the class. A supplemental media campaign provided notice via
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1 regional newspaper notice, nationally distributed digital and social media notice (delivering more than
2 280 million impressions), sponsored search, an informational release, and a settlement website.

3 d) *In re Takata Airbag Products Liability Litigation*, MDL No. 2599, 1:15-md-02599
4 (S.D. Fla.), involved \$1.91 billion in settlements with BMW, Mazda, Subaru, Toyota, Honda, Nissan,
5 Ford, and Volkswagen regarding Takata airbags. The notice programs included individual mailed notice
6 to more than 61.8 million potential class members and extensive nationwide media via consumer
7 publications, U.S. Territory newspapers, radio, digital notices, mobile digital notices, and behaviorally
8 targeted digital media. Combined, the notice programs reached more than 95% of adults aged 18+ in the
9 U.S. who owned or leased a subject vehicle, with a frequency of 4.0 times each.

10 e) *In Re: Capital One Consumer Data Security Breach Litigation*, MDL No. 2915, 1:19-
11 md-02915 (E.D. Va.), involved an extensive notice program for a \$190 million data breach settlement.
12 Notice was sent to more than 93.6 million settlement class members by email or mail. The individual
13 notice efforts reached approximately 96% of the identified settlement class members and were enhanced
14 by a supplemental media plan that included digital and social media notices (delivering more than 123.4
15 million impressions), sponsored search, and a settlement website.

16 f) *In re: Disposable Contact Lens Antitrust Litigation*, 3:15-md-02626 (M.D. Fla.), involved
17 several notice programs to notify retail purchasers of disposable contact lenses for four separate settlements
18 totaling \$88 million. For each notice program more than 1.98 million email or postcard notices were
19 sent to potential class members and a comprehensive media plan was implemented, with a well-read
20 nationwide consumer publication, internet digital notices (delivering more than 312.9 million – 461.4
21 million impressions per campaign), sponsored search listings, and a case website.

22 g) *In re U.S. Office of Personnel Management Data Security Breach Litigation* MDL No.
23 2664, 15-cv-01394 (D.D.C.), involved a \$63 million settlement for compromised personal information
24 of then-current and former federal government employees and contractors, and certain applicants for
25 federal employment. An extensive nationwide media notice campaign was implemented using
26 magazines, digital and social media notices (delivering more than 758 million impressions), traditional
27 and satellite radio, and other forms of media. The media notice reached at least 85% of the class. In
28 addition, more than 3.5 million email notices and/or postcard notices were sent to identified class

1 members. The notice program was supplemented with outreach to unions and associations, sponsored
2 search listings, an informational release, and a settlement website.

3 h) *In re: fairlife Milk Products Marketing and Sales Practices Litigation*, 1:19-cv-03924
4 (N.D. Ill.), involved a \$21 million settlement against The Coca-Cola Company, fairlife, LLC, and other
5 defendants alleging false labeling and marketing of fairlife milk products. A comprehensive media plan
6 was implemented with a consumer print publication notice, targeted digital and social media notices
7 (delivering more than 620.1 million impressions in English and Spanish nationwide). Combined with
8 individual notice to a small percentage of the class, the notice plan reached approximately 80.2% of the
9 class. The reach was further enhanced by sponsored search, an informational release, and a website.

10 i) *In re: Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*,
11 MDL No. 1720 (E.D.N.Y.). Second Circuit affirmed. *See Fikes Wholesale, Inc. v. Visa U.S.A., Inc.* 62
12 F.4th 704 (2d Cir. 2023). The case involved a \$5.5 billion settlement reached by Visa and MasterCard.
13 An intensive initial notice program included more than 19.8 million direct mail notices sent to potential
14 class members, together with insertions in over 1,500 newspapers, consumer magazines, national
15 business publications, trade and specialty publications, with notices in multiple languages, and a digital
16 notice campaign (delivering more than 770 million adult impressions). Sponsored search listings and a
17 settlement website in eight languages expanded the notice program. For the subsequent settlement
18 reached by Visa and MasterCard, an extensive notice program was implemented, which included over
19 16.3 million direct mail notices to class members together with more than 354 print publication insertions
20 and digital notices (delivering more than 689 million adult impressions).

21 j) *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20,*
22 *2010*, MDL No. 2179 (E.D. La.), involved landmark settlement notice programs to distinct "Economic and
23 Property Damages" and "Medical Benefits" settlement classes for BP's \$7.8 billion settlement of claims
24 related to the Deepwater Horizon oil spill. Notice efforts included more than 7,900 television spots, 5,200
25 radio spots, and 5,400 print insertions and reached over 95% of Gulf Coast residents.

26 6. In addition, I have served as a legal notice expert in more than 40 cases that have received
27 final approval in the United States District Court for the Northern District of California, including:
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Cases	Case No.
<i>In Re Juul Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation</i> (\$300 million settlement for product liability for Juul and Altria settlements)	19-md-02913
<i>Moradpour v. Velodyne Lidar, Inc., et al.</i> (\$27.5 million securities settlement)	3:21-cv-01486
<i>In re Accellion, Inc. Data Breach Litigation; Beyer, et al. v. Flagstar Bancorp, Inc., et al.</i> (\$5.9 million data breach settlement)	MDL 3002 5:21-cv-02239
<i>Perez et al. v. Discover Bank</i> (\$979,500 settlement for alienage & immigration status discrimination – civil rights for loans)	3:20-cv-06896
<i>Zakinov et al. v. Ripple Labs, Inc., et al.</i> (securities - cryptocurrency settlement)	4:18-cv-06753
<i>In Re Robinhood Outage Litigation</i> (\$9.9 million trading outage settlement)	3:20-cv-01626
<i>Roberts et al. v. Zuora Inc., et al.</i> (\$75.5 million securities settlement)	3:19-cv-03422
<i>In Re: Okta, Inc. Securities Litigation</i> (\$60 million securities settlement)	3:22-cv-02990
<i>In re Accellion, Inc. Data Breach Litigation Accellion; Harbour et al. v. California Health & Wellness, et al.</i> (Health Net) (\$10 million data breach settlement)	MDL 3002 5:21-cv-01155 5:21-cv-03322
<i>In Re PFA Insurance Marketing Litigation</i> (universal life insurance settlement)	4:18-cv-03771
<i>In Re McKinsey & Co., Inc. National Prescription Opiate Consultant Litigation Subdivision</i> (\$207 million government case settlement)	3:21-md-02996
<i>In Re McKinsey & Co., Inc. National Prescription Opiate Consultant Litigation All School District</i> (\$23 million school case settlement)	3:21-md-02996
<i>Prescott et al. v. Reckitt Benckiser LLC</i> (\$3.2 million false advertising settlement for Woolite)	5:20-cv-02101
<i>In Re Google Location History Litigation</i> (\$62 million consumer privacy settlement)	5:18-cv-05062
<i>Fitzhenry-Russell v. Dr. Pepper Snapple Group, Inc., et al.</i> (settlement)	17-cv-00564
<i>In re: Zoom Video Communications, Inc. Privacy Litigation</i> (\$85 million consumer settlement)	5:20-cv-02155
<i>Ford et al. v. [24]7.AI, Inc.</i> (data breach settlement - Best Buy data incident)	5:18-cv-02770
<i>Yamagata et al. v. Reckitt Benckiser LLC</i> (\$50 million consumer settlement for Move Free® supplements)	3:17-cv-03529
<i>Pennington v. Tetra Tech, Inc. et al.</i> (\$6.3 million environmental property liability settlement)	3:18-cv-05330
<i>In re: Optical Disk Drive Products Antitrust Litigation</i> (\$205 million antitrust settlement – indirect purchasers)	3:10-md-02143
<i>Coffeng, et al. v. Volkswagen Group of America, Inc.</i> (product liability settlement)	17-cv-01825
<i>Cochran et al. v. Accellion, Inc. et al.</i> (The Kroger Co. \$5 million data breach settlement)	5:21-cv-01887
<i>Maldonado et al. v. Apple Inc, et al.</i> (\$95 million product liability settlement for AppleCare)	3:16-cv-04067
<i>Grace v. Apple, Inc.</i> (\$18 million product liability settlement for Apple iPhone 4/4S)	17-cv-00551
<i>Richards, et al. v. Chime Financial, Inc.</i> (\$4 million consumer settlement for bank service disruptions)	4:19-cv-06864

Cases	Case No.
<i>Bautista v. Valero Marketing and Supply Co.</i> (consumer settlement for debit card gasoline purchase)	3:15-cv-05557
<i>McKinney-Drobnis, et al. v. Massage Envy Franchising</i> (\$13.3 million consumer settlement regarding membership fees)	3:16-cv-06450
<i>In re: Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation</i> (Audi CO ₂) (\$96.5 million consumer automotive settlement)	3:15-md-02672
<i>Bias v. Wells Fargo & Company, et al.</i> (\$50 million banking settlement regarding mortgage broker price opinions)	4:12-cv-00664
<i>Elder v. Hilton Worldwide Holdings, Inc.</i> (consumer settlement for hotel stay promotion)	16-cv-00278
<i>In re: HP Printer Firmware Update Litigation</i> (\$1.5 million consumer settlement)	5:16-cv-05820
<i>In re: Lithium Ion Batteries Antitrust Litigation</i> (\$113 million antitrust settlement)	4:13-md-02420
<i>Naiman v. Total Merchant Services, Inc., et al.</i> (\$7.5 million TCPA settlement)	4:17-cv-03806
<i>Izor v. Abacus Data Systems, Inc.</i> (\$1.9 million TCPA settlement)	19-cv-01057
<i>McKnight et al. v. Uber Technologies, Inc. et al.</i> (\$32.5 million consumer settlement)	3:14-cv-05615
<i>Abante Rooter and Plumbing v. Pivotal Payments Inc., d/b/a/ Capital Processing Network and CPN</i> (\$9 million TCPA settlement)	3:16-cv-05486
<i>Parsons v. Kimpton Hotel & Restaurant Group, LLC</i> (data breach settlement)	3:16-cv-05387
<i>Rose v. Bank of America Corporation et al.</i> (\$32 million TCPA settlement)	5:11-cv-02390 5:12-cv-04009
<i>Marolda v. Symantec Corporation</i> (product liability settlement for software upgrades)	3:08-cv-05701
<i>Hawthorne v. Umpqua Bank</i> (\$2.9 million banking settlement for overdraft fees)	3:11-cv-06700
<i>Gergetz v. Telenav, Inc.</i> (\$3.5 million TCPA settlement)	5:16-cv-04261

7. Courts have recognized our testimony as to which method of notification is appropriate for a given case, and I have provided testimony on numerous occasions on whether a certain method of notice represents the best notice practicable under the circumstances. Numerous court opinions and comments regarding my testimony, and the adequacy of our notice efforts, are included in the Epiq Legal Noticing *curriculum vitae* included as **Exhibit 1**.

8. In forming expert opinions, my staff and I draw from our in-depth class action case experience, as well as our educational and related work experiences. I am an active member of the Oregon State Bar, having received my Bachelor of Science from Willamette University and my Juris Doctor from Northwestern School of Law at Lewis and Clark College. I have served as the Director of Legal Notice for Epiq since 2008 and have overseen the detailed planning of virtually all of our court-

1 approved notice programs during that time. Overall, I have more than 25 years of experience in the
2 design and implementation of legal notification and claims administration programs, having been
3 personally involved in well over one hundred successful notice programs.

4 9. The facts in this declaration are based on my personal knowledge, as well as information
5 provided to me by my colleagues in the ordinary course of business at Epiq and Epiq Legal Noticing
6 (hereinafter “Epiq”).

7 **OVERVIEW**

8 10. This declaration describes the proposed Settlement Notice Plan (“Notice Plan”) and notice
9 (the “Notice” or “Notices”) for the Settlement between YouTube TV Plaintiffs, DirecTV Stream
10 Plaintiffs, and Defendant for *Biddle, et al. v. The Walt Disney Company*, Case No. 5:22-cv-07317, United
11 States District Court for the Northern District of California. Epiq designed this Notice Plan based on
12 our extensive prior experience and research into the notice issues particular to this Settlement. We
13 designed a Notice Plan that is the best notice practicable under the circumstances to provide notice to
14 the Settlement Classes.

15 **DATA PRIVACY AND SECURITY**

16 11. Epiq has procedures in place to protect the security of class data. As with all cases, Epiq
17 will maintain extensive data security and privacy safeguards in its official capacity as the Claims
18 Administrator for this Action. A Services Agreement, which formally retains Epiq as the Claims
19 Administrator, will govern Epiq’s administration responsibilities for the Action. Service changes or
20 modification beyond the original contract scope will require formal contract addendum or modification.
21 Epiq maintains adequate insurance in case of errors.

22 12. With respect to the data it receives, collects, and otherwise hosts, Epiq serves as a data
23 processor and acts only at the direction of the designated data controller or of the Court, as described in
24 applicable contracts, statements of work, and/or Court documents and orders. Epiq does not utilize or
25 perform other procedures on personal data provided or obtained as part of services to a client. Epiq will
26 not use any information to be provided by Settlement Class Members for any other purpose than the
27 administration of this Action, specifically the information will not be used, disseminated, or disclosed
28 by or to any other person for any other purpose.

1 13. The security and privacy of clients’ and class members’ information and data are paramount
2 to Epiq. That is why Epiq has invested in a layered and robust set of trusted security personnel, controls,
3 and technology to protect the data we handle. To promote a secure environment for client and class
4 member data, industry leading firewalls and intrusion prevention systems protect and monitor Epiq’s
5 network perimeter with regular vulnerability scans and penetration tests. Epiq deploys best-in-class
6 endpoint detection, response, and anti-virus solutions on our endpoints and servers. Strong
7 authentication mechanisms and multi-factor authentication are required for access to Epiq’s systems and
8 the data we protect. In addition, Epiq has employed the use of behavior and signature-based analytics
9 as well as monitoring tools across our entire network, which are managed 24 hours per day, 7 days per
10 week, by a team of experienced professionals.

11 14. Epiq’s world class data centers are defended by multi-layered, physical access security, including
12 formal ID and prior approval before access is granted, closed-circuit television (“CCTV”), alarms, biometric
13 devices, and security guards, 24 hours per day, 7 days per week. Epiq manages minimum Tier 3+ data centers
14 in 18 locations worldwide. Our centers have robust environmental controls including uninterruptable power
15 supply (“UPS”), fire detection and suppression controls, flood protection, and cooling systems.

16 15. Beyond Epiq’s technology, our people play a vital role in protecting class members’ and our
17 clients’ information. Epiq has a dedicated information security team comprised of highly trained,
18 experienced, and qualified security professionals. Our teams stay on top of important security issues
19 and retain important industry standard certifications, like SysAdmin, Audit, Network, and Security
20 (“SANS”), Certified Information Systems Security Professional (“CISSP”), and Certified Information
21 Systems Auditor (“CISA”). Epiq is continually improving security infrastructure and processes based
22 on an ever-changing digital landscape. Epiq also partners with best-in-class security service providers.
23 Our robust policies and processes cover all aspects of information security to form part of an industry
24 leading security and compliance program, which is regularly assessed by independent third parties.

25 16. Epiq holds several industry certifications including: Trusted Information Security
26 Assessment Exchange (“TISAX”), Cyber Essentials, Privacy Shield, and ISO 27001. In addition to
27 retaining these certifications, we are aligned to Health Insurance Portability and Accountability Act
28 (“HIPAA”), National Institute of Standards and Technology (“NIST”), and Federal Information Security

1 Management Act (“FISMA”) frameworks. Epiq follows local, national, and international privacy
2 regulations. To support our business and staff, Epiq has a dedicated team to facilitate and monitor
3 compliance with privacy policies. Epiq is also committed to a culture of security mindfulness. All
4 employees routinely undergo cybersecurity trainings to ensure that safeguarding information and
5 cybersecurity vigilance is a core practice in all aspects of the work our teams complete.

6 17. Upon completion of a project, Epiq continues to host all data until otherwise instructed in
7 writing by a customer to delete, archive, or return such data. When a customer requests that Epiq delete
8 or destroy all data, Epiq agrees to delete or destroy all such data; provided, however, that Epiq may retain
9 data as required by applicable law, rule, or regulation, and to the extent such copies are electronically stored
10 in accordance with Epiq’s record retention or back-up policies or procedures (including those regarding
11 electronic communications) then in effect. Epiq keeps data in line with client retention requirements. If
12 no retention period is specified, Epiq returns the data to the client or securely deletes it as appropriate.

13 **NOTICE PLAN METHODOLOGY**

14 18. Federal Rules of Civil Procedure, Rule 23 directs that notice must be “the best notice that is
15 practicable under the circumstances, including individual notice to all members who can be identified
16 through reasonable effort” and that “the notice may be by one or more of the following: United States mail,
17 electronic means, or other appropriate means.”¹ The Notice Plan as designed satisfies these requirements.

18 19. This Notice Plan is designed to reach the greatest practicable number of Settlement Class
19 Members. It is currently anticipated that individual notice data for a portion of the Settlement Classes will
20 be gathered via a subpoena process. Given our experience with similar notice efforts, we anticipate the Notice
21 Plan using data of this kind will reach approximately 90% of the identified Settlement Classes with individual
22 notice via email and/or mail (presuming Settlement Classes’ subpoenaed data is available for the portion of
23 the Settlement Classes where data is not provided initially). The reach will be further enhanced by a
24 settlement website. If individual notice data is not available for a significant percentage of the Settlement
25 Classes, a digital/internet notice program with digital and social media notice and sponsored search listings
26 will be implemented so that an adequate percentage of the overall Settlement Classes will be reached.

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¹ Fed. R. Civ. P. 23(c)(2)(B).

1 20. In my experience, the Notice Plan is consistent with other court-approved notice plans, is
 2 the best notice practicable under the circumstances of this case, and has been designed to satisfy the
 3 requirements of due process, including its “desire to actually inform” requirement.² The Notice Plan
 4 also complies with the Court’s Standing Order for Civil Cases.

NOTICE PLAN DETAIL

5
 6 21. The Notice Plan is designed to provide notice to the “Settlement Classes,” which consist of
 7 the YouTube TV Settlement Class and the DirecTV Stream Settlement Class defined in the Settlement
 8 Agreement as follows:

9 The “YouTube TV Settlement Class” consists of all persons who purchased a
 10 YouTube TV subscription from the period beginning April 1, 2019, through the date
 11 of preliminary approval of the settlement by U.S. District Court for the Northern
 12 District of California. The “DirecTV Stream Settlement Class” consists of all
 13 persons who purchased a DirecTV streaming live pay TV subscription (branded at
 various times as, at least, DirecTV Stream, DirecTV Now, and AT&T TV Now)
 from the period beginning April 1, 2019, through the date of preliminary approval
 of the settlement by U.S. District Court for the Northern District of California.

14 Excluded from the Settlement Classes are Disney, its employees, officers, directors,
 15 legal representatives, heirs, successors, and wholly or partly owned subsidiaries or
 16 affiliates; counsel for the Parties and their employees; and the judicial officers and
 immediate family members and associated Court staff assigned to this case.

NOTICE PLAN

Individual Notice

17
 18
 19 22. It is my understanding from class counsel that DirecTV will provide contact information for
 20 potential DirecTV Stream Settlement Class Members known to them for the entire Class Period and
 21

22
 23 ² *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 315 (1950) (“But when notice is a person’s
 24 due, process which is a mere gesture is not due process. The means employed must be such as one
 25 desirous of actually informing the absentee might reasonably adopt to accomplish it. The reasonableness
 26 and hence the constitutional validity of any chosen method may be defended on the ground that it is in
 27 itself reasonably certain to inform those affected . . .”); *see also In re Hyundai & Kia Fuel Econ. Litig.*,
 28 926 F.3d 539, 567 (9th Cir. 2019) (“To satisfy Rule 23(e)(1), settlement notices must ‘present
 information about a proposed settlement neutrally, simply, and understandably.’ ‘Notice is satisfactory
 if it generally describes the terms of the settlement in sufficient detail to alert those with adverse
 viewpoints to investigate and to come forward and be heard.’”) (citations omitted); N.D. Cal. Procedural
 Guidance for Class Action Settlements, Preliminary Approval (3) (articulating best practices and
 procedures for class notice).

1 Google will provide contact information for potential YouTube TV Settlement Class Members known
2 to them for the entire Class Period. It is anticipated that the data will include names, email addresses,
3 and/or physical mailing addresses, where available. Presuming email and mailing addresses are provided
4 to Epiq, an email notice will be sent to all identified Settlement Class Members with a valid email address
5 and a postcard notice will be sent via United States Postal Services (“USPS”) first class mail to all
6 identified Settlement Class Members with a physical mailing address for whom a valid email address is
7 not available, or for whom an email notice is undeliverable after multiple attempts.

8 23. Although it is anticipated that Settlement Class Member data will be available, if data is
9 unavailable to provide direct individual notice to a significant percentage of either or both Settlement
10 Classes, Epiq will proceed with the media plan as described below.

11 ***Individual Notice – Direct Email***

12 24. Presuming email addresses are provided to Epiq, an email notice will be sent to all identified
13 Settlement Class Members for whom a valid email address is available. The following industry standard
14 best practices will be followed for the email notice efforts. The email notice will be drafted in such a
15 way that the subject line, the sender, and the body of the message overcome spam filters and ensure
16 readership to the fullest extent reasonably practicable. For instance, the email notice will use an
17 embedded html text format. This format will provide easy to read text without graphics, tables, images,
18 attachments, and other elements that would increase the likelihood that the message could be blocked by
19 Internet Service Providers (ISPs) and/or spam filters. The email notices will be sent from an IP address
20 known to major email providers as one not used to send bulk “spam” or “junk” email blasts. Each email
21 notice will be transmitted with a digital signature to the header and content of the email notice, which
22 will allow ISPs to programmatically authenticate that the email notices are from our authorized mail
23 servers. Each email notice will also be transmitted with a unique message identifier. The email notice
24 will include an embedded link to the settlement website. By clicking the link, recipients will be able to
25 access the long-form notice and other information about the Settlement. The proposed email notice is
26 included as **Exhibit 2**.

27 25. Prior to sending the email notices, email validation and hygiene tools will be used to
28 standardize the email addresses, verify whether the email addresses are valid, and identify and remove

1 email addresses that are a fraud threat – email addresses maintained by bots, spammers, and phishers.
2 This is a necessary and critical process for the effectiveness of email campaigns today. Without being
3 proactive and using these tools, email notices inadvertently sent to bad actor email addresses could
4 jeopardize and damage the reputation of the entire email campaign; likely causing the campaign itself to
5 be flagged and blocked as a source of spam, preventing or delaying email notices from being sent to
6 valid email addresses of Settlement Class Members.

7 26. If the receiving email server cannot deliver the message, a “bounce code” will be returned
8 along with the unique message identifier. For any email notice for which a bounce code is received
9 indicating the message was undeliverable for reasons such as an inactive or disabled account, the
10 recipient’s mailbox was full, technical autoreplies, etc., at least two additional attempts will be made to
11 deliver the notice by email.

12 ***Individual Notice – Direct Mail***

13 27. Presuming mailing addresses are provided to Epiq, a postcard notice will be sent to all
14 identified Settlement Class Members with an associated physical address for whom a valid email address
15 is not available, or for whom an email notice is undeliverable after multiple attempts. The postcard
16 notice will be sent via USPS first class mail. The postcard notice will clearly and concisely summarize
17 the Settlement and the legal rights of the Settlement Class Members. In addition, the postcard notice
18 will also direct the recipients to the settlement website where they can access additional information.
19 The proposed postcard notice is included as **Exhibit 3**.

20 28. Prior to sending the postcard notice, all mailing addresses will be checked against the
21 National Change of Address (“NCOA”) database maintained by the USPS to ensure address information
22 for Settlement Class Members is up-to-date and accurately formatted for mailing.³ In addition, the
23 addresses will be certified via the Coding Accuracy Support System (CASS) to ensure the quality of the
24

25 _____
26 ³ The NCOA database is maintained by the USPS and consists of approximately 160 million permanent
27 change-of-address (COA) records consisting of names and addresses of individuals, families, and
28 businesses who have filed a change-of-address with the Postal Service™. The address information is
maintained on the database for 48 months and reduces undeliverable mail by providing the most current
address information, including standardized and delivery-point-coded addresses, for matches made to
the NCOA file for individual, family, and business moves.

1 zip code, and will be verified through Delivery Point Validation (DPV) to verify the accuracy of the
2 addresses. This address updating process is standard for the industry and for the majority of promotional
3 mailings that occur today.

4 29. The return address on the postcard notices will be a post office box that Epiq will maintain
5 for this Settlement. The USPS will automatically forward postcard notices with an available forwarding
6 address order that has not expired (“Postal Forwards”). Postcard notices returned as undeliverable will
7 be re-mailed to any new address available through USPS information, (for example, to the address
8 provided by the USPS on returned mail pieces for which the automatic forwarding order has expired but
9 is still within the time period in which the USPS returns the piece with the address indicated), and to
10 better addresses that may be found using a third-party lookup service. Upon successfully locating better
11 addresses, postcard notices will be promptly remailed.

12 *Media Plan*

13 *Internet Digital Notice Campaign*

14 30. If Settlement Class Member data is not available for a significant percentage of either or
15 both Settlement Classes, a supplemental digital notice plan will be implemented and targeted to reach
16 those Settlement Class Members. Internet advertising has become a standard component in legal notice
17 programs. The internet has proven to be an efficient and cost-effective method to target class members
18 as part of providing notice of class certification and/or a settlement for a class action case. According to
19 MRI-Simmons⁴ data, 97% of all adults are online and 84% of all adults use social media.⁵

20 31. Presuming data is unavailable for a significant percentage of either or both Settlement
21 Classes, the Notice Plan will include targeted digital advertising (“Digital Notices”) on the selected
22

23 ⁴ MRI-Simmons is a leading source of publication readership and product usage data for the
24 communications industry. MRI-Simmons is a joint venture of GfK Mediamark Research & Intelligence,
25 LLC (“MRI”) and Simmons Market Research. MRI-Simmons offers comprehensive demographic,
26 lifestyle, product usage, and exposure to all forms of advertising media collected from a single sample. As
27 the leading U.S. supplier of multimedia audience research, the company provides information to
28 magazines, televisions, radio, internet, and other media, leading national advertisers, and over 450
advertising agencies—including 90 of the top 100 in the United States. MRI-Simmons’s national
syndicated data is widely used by companies as the basis for the majority of the media and marketing plans
that are written for advertised brands in the United States.

⁵ MRI-Simmons 2025 Survey of the American Consumer®.

1 advertising network, *Google Display Network*, which represents thousands of digital properties across
2 all major content categories. Digital Notices will be targeted to selected target audiences and are
3 designed to encourage participation by Settlement Class Members—by linking directly to the settlement
4 website, allowing visitors easy access to relevant information and documents.

5 32. Presuming data is unavailable for a significant percentage of either or both Settlement
6 Classes, Digital Notices will also be placed on the leading social media platforms in the United States,
7 including *Facebook*, *Instagram*, and *YouTube*. The social media campaign will use an interest-based
8 approach which focuses on the interests that users exhibit while on the social media platforms,
9 capitalizing on the target audience’s propensity to engage in social media.

10 33. *Facebook* is the leading social networking site in the United States with 196 million users
11 and *Instagram* has 171 million active users in the United States.⁶

12 34. Video ads (30-second Videos Notices) will be displayed on *YouTube* providing an easy and
13 accessible way for individuals to learn about the Settlement and be directed to the settlement website for
14 additional information. *YouTube* is the largest streaming video website in the United States with
15 approximately 253 million users.⁷

16 35. Presuming data is unavailable for a significant percentage of either or both Settlement Classes,
17 the Digital Notices will be distributed to a variety of target audiences, including those relevant to individuals’
18 demonstrated interests and/or likes. All Digital Notices will appear on desktop, mobile, and tablet devices.
19 Digital Notices on *Google Display Network*, *Facebook*, *Instagram*, and *YouTube* will be displayed
20 nationwide. Digital Notices will also be targeted (remarketed) to people who click on a Digital Notice.

21 36. More details regarding the target audiences, specific ad sizes of the Digital Notices, and the
22 number of planned impressions are included in the following table:

23
24
25
26 ⁶ Statista Digital 2025: Global Overview Report. Statista, founded in 2007, is a leading provider of
27 worldwide market and consumer data and is trusted by thousands of companies around the world for
28 data. Statista.com consolidates statistical data on over 80,000 topics from more than 22,500 sources and
makes it available in German, English, French and Spanish.

⁷ Statista Digital 2025: Global Overview Report.

<i>Network/Property</i>	<i>Target</i>	<i>Ad Size</i>	<i>Planned Impressions</i>
<i>Google Display Network</i>	Adults 18+ and App download targeting for YouTube TV	728x90, 300x250, 300x600, 970x250	30,000,000
<i>Google Display Network</i>	Adults 18+ and intent targeting ⁸ for YouTube TV, YouTube TV Subscription, YouTube TV Sports, YouTube TV News, etc.	728x90, 300x250, 300x600, 970x250	30,000,000
<i>Facebook</i>	Adults 18+ and interests in YouTube TV	Newsfeed & Right Hand Column	30,000,000
<i>Instagram</i>	Adults 18+ and interests in YouTube TV	Newsfeed	12,500,000
<i>YouTube</i>	Adults 18+ and App download targeting for YouTube TV	:30 Video Ads	10,000,000
<i>YouTube</i>	Adults 18+ and intent targeting for YouTube TV, YouTube TV Subscription, YouTube TV Sports, YouTube TV News, etc.	:30 Video Ads	10,000,000
TOTAL			122,500,000

37. Combined, approximately 122.5 million targeted impressions will be generated by the Digital Notices, which will be targeted nationwide. The Digital Notices will run for approximately 30 days.⁹ Clicking on the Digital Notices will link the readers to the settlement website, where they can easily obtain detailed information about the Settlement.

Sponsored Search Listings

38. Presuming data is unavailable for a significant percentage of either or both Settlement Classes, to facilitate locating the settlement website, sponsored search listings will be acquired on the three most highly visited internet search engines: *Google*, *Yahoo!*, and *Bing*. When visitors to these search engines search for selected keyword combinations related to the Settlement, the sponsored search listing advertisement created for this Settlement will be displayed. Generally, the sponsored search listing advertisement will appear at the top of the visitor's website page prior to the search results or in the

⁸ "Intent Targeting" allows Epiq to target individuals who are searching (or have searched) for information on this specific targeted content on the internet.

⁹ The third-party ad management platform, ClickCease will be used to audit the Digital Notice ad placements. This type of platform tracks all Digital Notice ad clicks to provide real-time ad monitoring, fraud traffic analysis, blocks clicks from fraudulent sources, and quarantines dangerous IP addresses. This helps reduce wasted, fraudulent, or otherwise invalid traffic (e.g., ads being seen by 'bots' or non-humans, ads not being viewable, etc.).

1 upper right-hand column of the web-browser screen. The sponsored search listings will be displayed
2 nationwide. All sponsored search listings will link directly to the settlement website.

3 *Settlement Website*

4 39. Epiq will create and maintain a dedicated website for the Settlement with an easy to
5 remember domain name. Relevant documents will be posted on the settlement website, including the
6 long-form notice, claim form, Settlement Agreement, Preliminary Approval Order, and any other case-
7 related documents. In addition, the settlement website will include relevant dates, answers to frequently
8 asked questions (“FAQs”), instructions for how Settlement Class Members may opt-out (request
9 exclusion) from or object to the Settlement, contact information for the Claims Administrator, and how
10 to obtain other case-related information. Settlement Class Members will also be able to file a Claim
11 Form on the settlement website. The settlement website address will be prominently displayed in all
12 notice documents. The proposed long-form notice is included as **Exhibit 4**. The proposed claim form
13 is included as **Exhibit 5**.

14 *Toll-Free Telephone Number & Contact Information*

15 40. A toll-free telephone number will be established for the Settlement. Callers will be able to
16 hear an introductory message and will have the option to learn more about the Settlement in the form of
17 recorded answers to FAQs, and to request that a long-form notice be mailed to them. This automated
18 telephone system will be available 24 hours per day, 7 days per week. The toll-free telephone number
19 will be prominently displayed in all notice documents.

20 41. A postal mailing address will be provided, allowing Settlement Class Members the
21 opportunity to request additional information or ask questions.

22 *Claim Submission & Distribution Options*

23 42. The Notices will provide a detailed summary of relevant information about the Settlement,
24 including the settlement website address, and how Settlement Class Members can file a claim form
25 online or by mail. With any method of filing a claim form, Settlement Class Members will be given the
26 option of receiving a digital payment or a traditional paper check. Epiq will work with counsel for the
27 parties to select an appropriate menu of payment options. The type of digital payment selected does not
28

1 impact Epiq's compensation for its work as the Claims Administrator, and no digital option is
2 discouraged relative to other options.

3 43. Epiq has pre-existing business relationships with multiple third-party vendors customarily
4 retained in the normal course of notice and settlement administration work. For the digital payments
5 anticipated as part of the administration services to be provided, Epiq confirms that it will not receive
6 any undisclosed compensation related to any inactivity fees ("breakage") related to any of the digital
7 payment options. Epiq further confirms that it will not receive any undisclosed financial compensation
8 in connection with any existing or future relationships with banking institutions in connection with the
9 settlement fund and/or the administration of the settlement of this matter.

10 *Projected Claims Rate*

11 44. Claims rates vary depending on multiple factors and can be challenging to predict with
12 certainty. Calculating a claim rate is also complicated in cases where the precise class size (the
13 denominator in a claim rate calculation) is not known, such as in this Settlement. Despite this difficulty,
14 counsel for the parties have informed Epiq the size of the Settlement Classes is estimated to be
15 approximately 17 million. Epiq analyzed both consumer settlements that had similar notice and claims
16 processes, and settlements that had similar projected class sizes. Epiq did not look at consumer
17 settlements with relatively small class sizes (less than 1 million). For settlements with class sizes that
18 were not known with certainty, the estimates used for those settlements are represented below.

19 <i>Class Size</i>	# Claims	<i>Claim Rate %</i>
20 Approximately 10 million	301,259	3%
21 Approximately 30 million	488,866	1.6%
22 Approximately 25 million	843,470	3.4%
23 1,705,504	106,714	6.3%
24 48,073,464	1,165,720	2.4%
25 6,525,754	463,869	7.1%
26 158,203,160	1,455,105	Less than 1%
27 6,223,494	95,806	1.5%
28 Approximately 193 million	2,564,682	1.3%

<i>Class Size</i>	<i># Claims</i>	<i>Claim Rate %</i>
15,650,000	121,000	Less than 1%
Approximately 10 million	218,762	2.2%
Approximately 10 million	587,530	5.9%

45. As illustrated above, the claims rates ranged from less than 1% to 7.1%, with an average claims rate of 3% and a median claims rate of 2.3%. It is important to note that the number of claims filed/claims rate, vary depending on a multitude of factors, including, but not limited to, the dollar value of the settlement, available remedy type and value, complexity of the claims process, including the scope of any documentation required, prominence of the defendant(s)' company name, class period timeframe (particularly how far the class period dates back), and the sophistication of the class members, among other things. Given Epiq's experience with similar settlements as reflected in the range of claim rates above, a reasonable estimate for the claim rate here is between 2% and 5%.

PLAIN LANGUAGE NOTICE DESIGN

46. The Notices are designed to be "noticed," reviewed, and—by presenting the information in plain language—understood by Settlement Class Members. The design of the Notices follows the principles embodied in the Federal Judicial Center's ("FJC") illustrative "model" notices posted at www.fjc.gov. Many courts, and the FJC itself, have approved notices that Epiq's noticing experts have written and designed in a similar fashion. The Notices contain substantial, albeit easy-to-read summaries of all key information about class members' rights and options. Consistent with our normal practice, all notice documents will undergo a final edit prior to actual mailing and publication for grammatical errors and accuracy.

47. The Notices will provide substantial information to the Settlement Classes. The Notices include (i) details regarding the Settlement Class Members' ability to opt-out or object to the Settlement, (ii) the deadline to opt-out or object, and (iii) the date, time, and location of the Final Approval Hearing, among other information.

Cost of Notice Implementation and Settlement Administration

48. Providing a precise estimate of total notice and settlement administration costs is difficult at this time as the availability of individual notice data is uncertain. The total cost of notice could vary widely depending on the total number of records that may be provided and the ratio of email addresses

1 (inexpensive to send) versus physical addresses (relatively expensive to send). Based on reasonable
2 assumptions of both the low end and high end, the cost to implement the Notice Plan and administer the
3 notice-related components of the settlement could range between \$800,000 and \$2,000,000 (this is not a
4 minimum or a cap). With the high end assuming more mailed notices and the delta mostly made up of
5 print and postage costs. When the data is known, Epiq can provide a much tighter range of projected notice
6 and administration costs. This approximate cost range encompasses email notices, postcard notices,
7 postage, digital notice and social media, internet sponsored search listings, an informational release, and
8 settlement administration (website/toll-free telephone support and associated project management). Final
9 total costs are dependent upon variables such as the availability of data, whether the media plan is needed,
10 number of calls to the telephone toll-free line, the number of claims received, whether there is high volume
11 of fraudulent claims, etc. All costs are subject to the Service Contract under which Epiq will be retained
12 as the Settlement Administrator, and the terms and conditions of that agreement.

13 CONCLUSION

14 49. In class action notice planning, execution, and analysis, we are guided by due process
15 considerations under the United States Constitution, by federal and local rules and statutes, and by case
16 law pertaining to notice. This framework directs that the notice plan be designed to reach the greatest
17 practicable number of potential class members and, in a settlement class action notice situation such as
18 this, that the notice or notice plan not limit knowledge of the availability of benefits—nor the ability to
19 exercise other options—to class members in any way. All of these requirements will be met in this case.

20 50. This Notice Plan is designed to reach the greatest practicable number of Settlement Classes
21 Members. We anticipate the Notice Plan will reach approximately 90% of the identified Settlement
22 Classes with individual notice via email and/or mail presuming Settlement Classes' subpoenaed data is
23 available for the classes as a whole. The reach will be further enhanced by a settlement website. If
24 individual notice data is not available for a significant percentage of the Settlement Classes, a
25 digital/internet notice program with digital and social media notice and sponsored search listings will be
26 implemented to ensure an adequate overall percentage of the Classes is reached.

27 51. In 2010, the FJC issued a *Judges' Class Action Notice and Claims Process Checklist and Plain*
28 *Language Guide* which is relied upon for federal cases. This Guide states that, "the lynchpin in an objective

1 determination of the adequacy of a proposed notice effort is whether all the notice efforts together will
2 reach a high percentage of the class. It is reasonable to reach between 70–95%.”¹⁰ Here, we have
3 developed a Notice Plan that will readily achieve a reach within that standard.

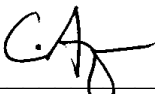
4 52. The Notice Plan follows the guidance for how to satisfy due process obligations that a notice
5 expert gleans from the United States Supreme Court’s seminal decisions, which are: a) to endeavor to
6 actually inform the Settlement Classes, and b) to demonstrate that notice is reasonably calculated to do so:

- 7 a) “[W]hen notice is a person’s due, process which is a mere gesture is not due process.
8 The means employed must be such as one desirous of actually informing the
9 absentee might reasonably adopt to accomplish it,” *Mullane v. Central Hanover*
Trust, 339 U.S. 306, 315 (1950); and
- 10 b) “[N]otice must be reasonably calculated, under all the circumstances, to apprise
11 interested parties of the pendency of the action and afford them an opportunity to
12 present their objections,” *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156 (1974) (citing
Mullane, 339 U.S. at 314).

13 53. The Notice Plan as designed for this Settlement will provide the best notice practicable under
14 the circumstances, conform to all aspects of Federal Rules of Civil Procedure Rule 23 regarding notice
15 as well as the N.D. Cal. Procedural Guidance for Class Action Settlements, and the Court’s Standing
16 Order for Civil Cases, comport with the guidance for effective notice stated in the Manual for Complex
17 Litigation, Fourth and applicable FJC materials, and satisfy the requirements of due process, including
18 its “desire to actually inform” requirement.

19 54. The Notice Plan schedule will afford enough time to provide full and proper notice to
20 Settlement Class Members before the opt-out and objection deadlines. Settlement Class Members will
21 be provided with at least 35 days from the notice completion date until the opt-out deadline.¹¹

22 I declare under penalty of perjury that the foregoing is true and correct. Executed March 5, 2026.

23
24 
25 _____
Cameron R. Azari, Esq.

26 ¹⁰ FED. JUDICIAL CTR, JUDGES’ CLASS ACTION NOTICE AND CLAIMS PROCESS CHECKLIST AND PLAIN
27 LANGUAGE GUIDE 3 (2010), available at <https://www.fjc.gov/content/judges-class-action-notice-and-claims-process-checklist-and-plain-language-guide-0>.

28 ¹¹ The N.D. Cal. Procedural Guidance for Class Action Settlements, Preliminary Approval (9) regarding the timeline for class members to opt-out will be followed.