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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

GORDON NOBORU YAMAGATA and
STAMATIS F. PELARDIS, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

RECKITT BENCKISER LLC,

Defendant.

Case No. 3:17-cv-03529-VC

**THIRD SUPPLEMENTAL DECLARATION
OF CAMERON R. AZARI, ESQ. RE
IMPLEMENTATION AND ADEQUACY
OF CLASS NOTICE PROGRAM**

CLASS ACTION

District Judge Vince Chhabria
Courtroom 4, 17th Floor

Complaint Filed: June 19, 2017

THIRD SUPPLEMENTAL DECLARATION OF CAMERON R. AZARI, ESQ. RE CLASS

NOTICE PROGRAM

I, Cameron Azari, declare 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 I have served as an expert in hundreds of federal and state cases involving class action notice plans.

3. I am a Senior Vice President with Epiq Class Action & Claims Solutions, Inc. (“Epiq”) and the Director of Legal Notice for Hilsoft Notifications (“Hilsoft”); a firm that specializes in designing, developing, analyzing and implementing large-scale legal notification plans. Hilsoft is a business unit of Epiq.

4. This declaration provides updated administration statistics following the implementation of the Settlement’s Class Notice Program (“Class Notice Program”) and notice (the “Notice” or “Notices”) for *Yamagata v. Reckitt Benckiser LLC*, 3:14-cv-03529-VC in the United States District Court for the Northern District of California. I previously executed my *Declaration of Cameron R. Azari, Esq. Re Class Notice Program*, on March 2, 2021, in which I detailed Hilsoft’s class action notice experience and attached Hilsoft’s *curriculum vitae*. (ECF No.

Case No. 3:17-cv-03529-VC

1 203-2). I also provided my educational and professional experience relating to class actions and
2 my ability to render opinions on overall adequacy of notice programs. I also executed my
3 *Declaration of Cameron R. Azari, Esq. Re Class Notice Program*, on May 12, 2021, in which I
4 detailed the proposed Class Notice Program for the Settlement and provided detailed information
5 regarding the data available to provide individual notice to Class Members. (ECF No. 221-2 at
6 Exhibit 4). Following implementation of the Class Notice Program, I executed my *Declaration of*
7 *Cameron R. Azari, Esq. Re Implementation and Adequacy of Class Notice Program*
8 (“Implementation Declaration”) on September 13, 2021, in which I detailed the implementation of
9 the Class Notice Program and provided settlement administration statistics. (ECF No. 230-5).
10 Subsequently, I executed my *Supplemental Declaration of Cameron R. Azari, Esq. Re*
11 *Implementation and Adequacy of Class Notice Program* (“Supplemental Implementation
12 Declaration”) on September 23, 2021, in which I provided updated administration stats following
13 the implementation of the Settlement’s Class Notice Program. (ECF No. 232-2). The facts in this
14 declaration are based on my personal knowledge, as well as information provided to me by my
15 colleagues in the ordinary course of my business at Hilsoft and Epiq.

INDIVIDUAL NOTICE

16
17 5. As I stated in my Implementation Declaration, it is my understanding from
18 counsel for the parties that there are approximately 6,173,000 potential Class Members. Data
19 available for Class Members was provided to Epiq to provide individual notice.

20 6. From August 4, 2021, to August 7, 2021, Epiq sent 3,095,988 Email Notices to
21 all of the 2,568,102 identified Class Members with one or more verified valid email addresses
22 (this does not include Class Members who are Amazon customers that Amazon’s records indicate
23 purchased Move Free Advanced during the Class Period). Under the terms of the Settlement, it
24 is my understanding that Amazon sent an email notice (the “Amazon Email Notice”) directly to
25 these approximately 859,695 Class Members.

26 7. On August 6, 2021, Epiq sent 1,135,471 Postcard Notices via USPS first class
27 mail to all identified Class Members for whom a facially valid email address was not available,
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1 but a physical address was available. On August 25, 2021, Epiq also sent 546,946 Postcard
2 Notices via USPS first class mail to all identified Class Members who did not have a delivered
3 Email Notice after several attempts for whom a physical address was available.

4 8. Additionally, a Notice Claim Package (Long Form Notice and Claim Form) was
5 mailed to all persons who requested one via the toll-free telephone number or by mail. As of
6 October 18, 2021, 5,052 Notice Claim Packages have been mailed as a result of such requests.

7 9. The return address on the Notices sent by Epiq is a post office box that Epiq
8 maintains for this case. The USPS automatically forwards Postcard Notices with an available
9 forwarding address order that has not expired (“Postal Forwards”). For Postcard Notices returned
10 as undeliverable, Epiq re-mails the Postcard Notices to any new address available through USPS
11 information (for example, to an address provided by the USPS on the returned mail piece if the
12 forwarding order has expired, but is still within the time period in which the USPS returns the
13 piece with a forwarding address indicated), and to addresses Epiq obtains from a third-party
14 address lookup service. As of October 18, 2021, Epiq has re-mailed 49,689 Postcard Notices to
15 Class Members where a forwarding address was provided or address research identified a new
16 address. As of October 18, 2021, Epiq has received a total of 63,789 undeliverable Postcard
17 Notices (which includes any re-mailed Postcard Notices that were also returned as undeliverable).

18 ***Notice Results***

19 10. In total, approximately 3,955,683 Email Notices were sent to Class Members by
20 Epiq and Amazon and 1,135,471 Class Members were directly mailed the summary Postcard
21 Notice. The individual notice effort were supplemented by a targeted media campaign.

22 11. As of October 18, 2021, a Postcard Notice or an Email Notice were delivered by
23 Epiq to 3,650,698 of the 3,703,573 identified Settlement Class Members to whom Epiq sent
24 Notice. This means a deliverable rate of 98.5% was accomplished for the individual notice efforts.

25 ***Sponsored Search Listings***

26 12. To facilitate locating the Settlement Website, sponsored search listings have been
27 acquired on the three most highly-visited Internet search engines: *Google, Yahoo!* and *Bing*. The
28

1 sponsored search listings ran through the October 14, 2021, exclusion request and objection
2 deadline, and the sponsored listings have been displayed 101,283 times, resulting in 25,053 clicks
3 that displayed the Settlement Website.

4 ***Settlement Website, Toll-free Telephone Number, and Postal Mailing Address***

5 13. The Settlement Website (www.MoveFreeAdvancedSettlement.com) continues to
6 be available 24 hours per day, 7 days per week. Class Members are able to obtain detailed
7 information about the case, review key documents, and file a Claim Form and a Request for
8 Exclusion on the Settlement Website. As of October 18, 2021, there have been 550,363 unique
9 visitors to the website and 3,119,119 website pages presented.

10 14. The toll-free telephone number (855-435-0524) continues to be available 24 hours
11 per day, 7 days per week. Class Members are able to call for additional information, listen to
12 answers to FAQs, and request that a Notice Claim Package be mailed to them. To provide
13 additional support to Class Members, live agents are available via the toll-free number during
14 normal business hours. As of October 18, 2021, the toll-free telephone number has handled 13,345
15 calls representing 50,478 minutes of use and service agents have handled 2,403 incoming calls
16 representing 23,137 minutes of use and 198 outbound calls representing 379 minutes of use.

17 15. The post office box for correspondence about the case continues to be available to
18 allow Class Members to contact the Settlement Administrator by mail with any requests or questions.

19 ***Requests for Exclusion and Objections***

20 16. The deadline to request exclusion from the Settlement or to object to the
21 Settlement was October 14, 2021. As of October 18, 2021, Epiq has received 96 requests for
22 exclusion. As of October 18, 2021, I am aware of five objections to the Settlement. I have
23 reviewed all objections and none relate to notice or settlement administration. The Exclusion
24 Request Report is included as **Attachment 1**.

25 ***Status of Claims Process***

26 17. The deadline for Class Members to file a claim is November 8, 2021. As of
27 October 18, 2021, Epiq has received 332,608 Claim Forms (328,969 online and 3,639 paper).

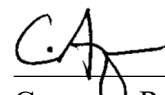
1 Epiq is in the process of reviewing these claims, so these are not final numbers of valid claims. A
 2 breakdown of the gross number of claims and the gross amount claimed (before final review) is
 3 provided in the following table.

<i>Number Bottles Claimed</i>	<i>Claim Count</i>	<i>Bottle Count</i>
<i>1</i>	9,079	9,079
<i>2</i>	19,577	39,154
<i>3</i>	268,453	805,359
<i>4+</i>	35,499	1,135,941
<i>Totals</i>	332,608	1,989,533

10 18. Epiq calculates that of the claims submitted by October 18, 2021, the estimated
 11 net aggregate amount claimed ranges from \$24,043,470 to \$28,443,470 after these claims are all
 12 processed and validated, and duplicates and fraudulent claims are removed.

13 19. Since there still a few weeks for Class Members to file a claim before the claim
 14 filing deadline, these numbers are preliminary. As the deadline approaches, I expect additional
 15 claims will be filed by Class Members. As standard practice, Epiq is in the process of conducting
 16 a complete review and audit of all claims received. There is a likelihood that after detailed review,
 17 the total number of Claim Forms received will change due to duplicate and denied Claim Forms.
 18 Based on Epiq's experience administering many structurally similar class action settlements, the
 19 claims rate experienced to date in this Settlement, and the time remaining in the claims period,
 20 Epiq estimates the net aggregate of valid claims will range from \$27 million to \$30 million by the
 21 November 8, 2021, Claim Deadline. Therefore, after claims processing and validation is
 22 complete, we expect that each valid claim will receive at least the full refund amount with the
 23 possibility of a slight additional pro rata increase.

24 I declare under penalty of perjury of the laws of the United States and the State of California
 25 that the foregoing is true and correct. Executed on October 21, 2021, at Beaverton, Oregon.

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28
 Cameron R. Azari

Attachment 1

Yamagata v. Reckitt Benckiser LLC**TIMELY REQUESTS FOR EXCLUSION**

Opt Out #	Name
1	ANNA BIGUS
2	BARBARA BOYDSION
3	BARBARA J BABCOCK
4	BARBARA S DUDLEY
5	BARBARA STRICKLAND
6	BETTY G WEATHERBEE
7	BRENDA HODGEN
8	CAROL J STOEFLER
9	CAROL MCGHEE
10	CAROLE DIAZ
11	CAROLYN A MOHR
12	CHRISTINE RINAUDO
13	CORAL GELATKA
14	DANIEL SIBELRUD
15	DAVID EYTCHISON
16	DEANNE PENNING
17	DIANE TOBIN
18	DIANNE VICKERY
19	DONALD P SPARKS
20	DONNA L CROTTY
21	DOYLE RUNYAN
22	ELVA G ST CLAIR
23	GARY E THOMPSON
24	GEORGE K MUIRU
25	HE WEI
26	HELEN WANG
27	HITASHA MITERA
28	JAMES C WHITAKER
29	JAMES MORRIS
30	JEAN BROWN
31	JEANETTE OLSON
32	JEANNE BURNS
33	JOAN R LYONS
34	JOHN W BUTLER
35	JOYCE EVERINGHAM
36	JOYCE J ERICKSON
37	JUDITH KASZA
38	KATHLEEN I HAMAMOTO
39	LARELL PATTERSON
40	LINDA G MARTEL

41	LINDA HOUSE
42	LINDA S HENSON
43	LOLA NELSON
44	LUCILLE CANTU
45	MAGDELEINE HUNG
46	MARIANNE P MCKENNA
47	MARK R MULHOLLAND
48	MARLENE I JOHNSON
49	MARSINE F STRATTON
50	MARY A BLAYDES
51	MARY A HEISEL
52	MARY COOK
53	MARY L RUSS
54	MARY R ERICKSON
55	MAUREEN DONOHUE
56	MILLIE ROBITAILLE
57	NADJA M ORLUCK
58	NANCY KOZAK
59	NINGXIN XI
60	NORMAN LOUGHLIN
61	OLIVER STEPHENSON
62	PATIENCE CAMPBELL
63	PATRICIA M WHITLEY
64	PETER J MURAD
65	RANDY YORK
66	RICHARD D HOWARD
67	RITA BERGEVIN
68	ROBERT ELLIS
69	ROGER E TEMPLETON
70	ROGER HART
71	RON M FANNING
72	RONALD WALTON
73	ROSE M WILLIAMS
74	ROSS MAY
75	RUTH A JOHNSON
76	RUTH KORTE
77	SANDIA SOMMER
78	SARA DAVIS
79	SHIRLEY SOBCHAK
80	SHIRLEY STEPHENSON
81	STEPHANIE JARA
82	SUE CARTER
83	SUSAN RUNYAN
84	SYLVIA Y ALARCON
85	TAMARA VOGEL
86	THERESA CHENG
87	TIFFANY FELIX

88	TIM SERSHEN
89	VESTORIA JOHNSON
90	WILLIAM BILL MEHL
91	WILLIAM GELATKA
92	WILLIAM SCHERR
93	YONGQI ZHANG
94	YUNFEI ZHANG
95	YVONNE KMIECIK
96	ZHAN ZHU

BLOOD HURST & O' REARDON, LLP

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CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2021, I electronically filed the foregoing **Third Supplemental Declaration of Cameron R. Azari, Esq. Re Implementation and Adequacy of Class Notice Program** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List.

I further certify that I caused to be served the foregoing **Third Supplemental Declaration of Cameron R. Azari, Esq. Re Implementation and Adequacy of Class Notice Program** via the United States Postal Service to the non-CM/ECF participants indicated on the attached Service List, and that there is regular communication by mail between the place of mailing and the places so addressed.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 21, 2021.

s/ Timothy G. Blood

TIMOTHY G. BLOOD

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Gordon Noboru Yamagata; Stamatis F. Pelardis v. Reckitt Benckiser LLC
Northern District of California, No. 3:17-cv-03529-VC

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