

**IN THE CIRCUIT COURT OF DUPAGE COUNTY
EIGHTEENTH JUDICIAL CIRCUIT**

SONYA JACKSON, JASON GOLDSTEIN,
and TAMMY HUTTEMEYER, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

FANDANGO MEDIA, LLC,

Defendant.

Case No. 2023LA000631

Hon. Timothy J. McJoynt

Candice Adams
e-filed in the 18th Judicial Circuit Court
DuPage County
ENVELOPE: 25106501
2023LA000631
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AP

**SUPPLEMENTAL DECLARATION OF CAMERON R. AZARI, ESQ. ON
IMPLEMENTATION AND ADEQUACY OF 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 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. The facts in this Declaration are based on my personal knowledge, as well as information provided to me by my colleagues in the ordinary course of my business at Epiq.

OVERVIEW

5. This Declaration provides updated settlement administration statistics following the successful implementation of the Notice Plan and notices (the “Notice” or “Notices”) for *Jackson et al. v. Fandango Media, LLC*, Case No. 2023LA000631, pending in the Circuit Court for DuPage County, Eighteenth Judicial Circuit, Illinois. I previously executed my *Declaration of Cameron*

R. Azari, Esq. on Implementation and Adequacy of Notice Plan (“Implementation Declaration”) on October 13, 2023, which described the Notice Plan, detailed Hilsoft’s class action notice experience, and attached Hilsoft’s *curriculum vitae*. I also provided my educational and professional experience relating to class actions and my ability to render opinions on overall adequacy of notice plans.

NOTICE PLAN SUMMARY

6. Illinois Code of Civil Procedure Sec. 2-803 states, “Upon a determination that an action may be maintained as a class action, or at any time during the conduct of the action, the court in its discretion may order such notice that it deems necessary to protect the interests of the class and the parties.”¹ The Notice Plan satisfied this requirement.

7. The Notice Plan was designed to reach the greatest practicable number of identified Settlement Class Members with individual notice. The Notice Plan individual notice efforts reached approximately 97% of the identified Settlement Class Members. The reach was further enhanced by a Settlement Website. In my experience, the reach of the Notice Plan was consistent with other court-approved notice plans, was the best notice practicable under the circumstances, and satisfied the requirements of due process, including its “desire to actually inform” requirement.²

NOTICE PLAN

Individual Notice

8. As detailed in my Implementation Declaration, on September 1, 2023, Epiq received one data file with 327,094 records for identified Settlement Class Members, which included email addresses (“Class List”). Epiq deduplicated and rolled-up the records and loaded the unique, identified Settlement Class Member records into its database. These efforts resulted in 327,088 unique, identified Settlement Class Member records. As a result, 326,851 unique,

¹ 735 ILCS 5/2-803.

² *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 315 (1950) (“But when notice is a person’s due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it. The reasonableness and hence the constitutional validity of any chosen method may be defended on the ground that it is in itself reasonably certain to inform those affected . . .”).

identified Settlement Class Members were sent an Email Notice (237 records had invalid email addresses and could not be sent an Email Notice). The individual notices directed the recipients to a dedicated Settlement Website where they could access additional information.

Individual Notice – Email Notice

9. As detailed in my Implementation Declaration, on September 13, 2023, Epiq sent 326,851 Email Notices to identified Settlement Class Members for whom a valid email address was available. If the receiving email server could not deliver the message, a “bounce code” was returned along with the unique message identifier. For any Email Notice for which a bounce code was received indicating that the message was undeliverable for reasons such as an inactive or disabled account, the recipient’s mailbox was full, technical autoreplies, etc., at least two additional attempts were made to deliver the Notice by email. After completion of the Email Notice efforts, 9,573 emails were not deliverable.

10. Additionally, a Claim Package (Long Form Notice and Claim Form) was mailed to all persons who request one via the toll-free telephone number or other means. As of November 1, 2023, Epiq has mailed four Claim Packages as a result of such requests.

Notice Results

11. As of November 1, 2023, an Email Notice was delivered to 317,515 of the 327,088 unique, identified Settlement Class Members. This means the individual notice efforts reached approximately 97% of the identified Settlement Class Members.

Settlement Website

12. The Settlement Website (www.FandangoVPPASettlement.com) continues to be available 24 hours per day, 7 days per week. The Settlement Website allows Settlement Class Members to obtain detailed information about the case and review relevant documents, including the Long Form Notice, Claim Form, Complaint, Settlement Agreement, and Preliminary Approval Order. In addition, the Settlement Website includes relevant dates, answers to frequently asked questions (“FAQs”), instructions for how Settlement Class Members were able to opt-out (request exclusion) from or object to the Settlement prior to the deadline, contact information for the

Settlement Administrator, and how to obtain other case-related information. Settlement Class Members are also able to file a Claim Form on the Settlement Website. As of November 1, 2023, there have been 11,625 unique visitor sessions to the Settlement Website, and 32,757 web pages have been presented.

Toll-Free Number

13. The toll-free telephone number (1-877-780-4416) continues to allow Settlement Class Members to call for additional information, listen to answers to FAQs, and to request that a Claim Package be mailed to them. This automated phone system is available 24 hours per day, 7 days per week. As of November 1, 2023, the toll-free number has handled 68 calls to the toll-free telephone number representing 136 minutes of use.

14. A postal mailing address continues to be available to allow Settlement Class Members to contact the Settlement Administrator to request additional information or ask questions.

Requests for Exclusion and Objections

15. The deadline to request exclusion from the Settlement or to object to the Settlement was October 30, 2023. As of November 1, 2023, Epiq has received two requests for exclusion. The Request for Exclusion Report is included as **Attachment 1**. As of November 1, 2023, I am aware of no objections to the Settlement.

Claim Submissions

16. The deadline for Settlement Class Members to file a Claim Form was October 30, 2023. As of November 1, 2023, Epiq has received 7,094 Claim Forms (7,053 online and 41 paper claims). The following is a breakdown of the Claim Forms received by remedy election type.

Claim Form Remedy Election	Count
\$5.00 Cash Payment	1,903
\$15 Movie Ticket Voucher (for use on Fandango’s website)	5,191
Total	7,094

17. As standard practice, Epiq is in the process of conducting a complete review and audit of all Claim Forms received. There is a likelihood that after detailed review, the total number of Claim Forms received will change due to duplicate and denied Claim Forms.

CONCLUSION

18. In class action notice planning, execution, and analysis, we are guided by due process considerations under the United States Constitution, by state rules and statutes, and further by case law pertaining to notice. This framework directs that the notice plan be optimized to reach the class and that the notice or notice plan itself not limit knowledge of the availability of options—nor the ability to exercise those options—to class members in any way. All of these requirements were met in this case.

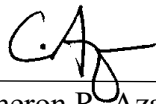
19. The Notice Plan included individual notice via email to identified Settlement Class Members. With the address updating protocols that were used, the Notice Plan individual notice efforts reach approximately 97% of the identified Settlement Class Members. The reach was further enhanced by the Settlement Website. In 2010, the Federal Judicial Center (“FJC”) issued a *Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide*, which is relied upon for federal cases, and is illustrative for state court courts. This Guide states that, “the lynchpin in an objective determination of the adequacy of a proposed notice effort is whether all the notice efforts together will reach a high percentage of the class. It is reasonable to reach between 70–95%.”³ Here, we have developed and implemented a Notice Plan that readily achieved a reach beyond that standard.

20. The Notice Plan described above provided for the best notice practicable under the circumstances of this case, conformed to all aspects of the Illinois Code of Civil Procedure Sec. 2-803 regarding notice, and comported with the guidance for effective notice set out in the Manual for Complex Litigation, Fourth.

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

21. The Notice Plan schedule afforded sufficient time to provide full and proper notice to Settlement Class Members before the opt-out and objection deadlines.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 6, 2023, at Beaverton, Oregon.



Cameron R. Azari, Esq.

filed by: Carl V. Malmstrom, Wolf Haldenstein Adler Freeman & Herz LLC; Attorney No. 285105
111 W. Jackson Blvd., Suite 1700, Chicago, IL 60604; (312) 984-0000; malmstrom@whafh.com

Attachment 1



Exclusion Report

Jackson v. Fandango Media, LLC

Number	First Name	Middle Name	Last Name
1	JENNIFER	D	TEMPLETON
2	KAREN		OCHILTREE