

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4

5 IN RE JUUL LABS, INC., MARKETING,  
6 SALES PRACTICES, AND PRODUCTS  
7 LIABILITY LITIGATION

Case No. 19-md-02913-WHO

**SUPPLEMENTAL DECLARATION OF  
CAMERON R. AZARI, ESQ., IN SUPPORT  
OF PLAINTIFFS’ RESPONSE TO  
ALTRIA’S RESPONSE AND OBJECTIONS  
TO PLAINTIFFS’ MOTION FOR  
PRELIMINARY APPROVAL AND  
PROPOSED NOTICE PLAN**

8 This Document Relates to:  
9 CLASS ACTIONS  
10  
11

12 I, Cameron R. Azari, Esq., declare as follows:

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

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

17 3. I am a Senior Vice President with Epiq Class Action & Claims Solutions, Inc.  
18 (“Epiq”) and the Director of Legal Notice for Hilsoft Notifications (“Hilsoft”); a firm that  
19 specializes in designing, developing, analyzing and implementing large-scale legal notification  
20 plans. Hilsoft is a business unit of Epiq.<sup>1</sup>

21 4. I previously executed my *Declaration of Cameron R. Azari, Esq. Regarding Notice*  
22 *Plan* (“Class Certification Declaration”) on August 12, 2022, Dkt. 3381-2, which described the  
23 proposed Class Certification Notice Plan (which was approved by the Court but not implemented  
24 due to the intervening Settlement), detailed Hilsoft’s class action notice experience, and attached  
25 Hilsoft’s *curriculum vitae*. I also provided my educational and professional experience relating to  
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28 <sup>1</sup> All references to Epiq within this declaration include Hilsoft Notifications.

1 class actions and my ability to render opinions on overall adequacy of notice programs.  
2 Subsequently, I executed my *Declaration of Cameron R. Azari, Esq. in Support of Motion for*  
3 *Preliminary Approval of Settlement* (“Settlement Notice Plan Declaration”) on December 19, 2022,  
4 Dkt. 3724-13, which described the proposed Settlement Notice Plan detailed Hilsoft’s class action  
5 notice experience, and attached Hilsoft’s *curriculum vitae*.

6 5. The facts in this declaration are based on my personal knowledge, as well as  
7 information provided to me by my colleagues in the ordinary course of my business at Epiq.

8 **OVERVIEW**

9 6. I have reviewed *Altria’s Response and Objections to Plaintiffs’ Motion for*  
10 *Preliminary Approval and Proposed Notice Plan* (Dkt. 3741) (“Altria’s Response”) and also the  
11 accompanying *Declaration of Kent M. Lancaster, PH.D., on Plaintiffs’ Notice Plan on Settlement*  
12 *and Ongoing Litigation* (Lancaster Declaration) (Dkt. 3741-2). Generally, both documents touch  
13 on the reach and adequacy of the overall proposed notice effort (to the proposed Settlement Class,  
14 and also to the Court Class remaining against Altria), and the proposed content of the various  
15 notices. I will address each issue in the following paragraphs.

16 ***Reach of Notice Plan***

17 7. Section V of Altria’s Response states, “Plaintiffs also fail to demonstrate that their  
18 notice plan provides ‘the best notice that is practicable under the circumstances.’ Fed. R. Civ. P.  
19 23(c)(2). Plaintiffs’ expert claims that the notice plan will reach ‘at least 80% of the Class  
20 Members,’ Azari Decl. ¶ 52, but Plaintiffs fail to provide sufficient evidence to support that claim.”  
21 The Lancaster Declaration does a thorough job of showing the opposite. Even though Mr.  
22 Lancaster parses the proposed Settlement Notice Plan and the methods for estimating reach in far  
23 more detail than is customary or necessary to evaluate its adequacy, his conclusions in paragraphs  
24 35 and 36 are that, depending on programmatic assumptions on media notice delivery, the  
25 Settlement Notice Plan as designed by Hilsoft will reach approximately 78.1% - 88% “of the  
26 potential 17.1 million potential class members.” This analysis and conclusion are in complete  
27 alignment and supportive of the conclusion expressed in my *Declaration of Cameron R. Azari, Esq.*

1 *in Support of Motion for Preliminary Approval of Settlement* that, “As a result of the Individual  
2 Notice combined with the extensive Media Plan, we reasonably expect the Settlement Notice Plan  
3 to reach at least of 80% of the identified Class Members (and likely higher).”

4 8. Further, in my experience it is common for most standalone class certification notice  
5 efforts to be less expansive than settlement notice efforts and reach no higher than 70% of a target  
6 class (the minimum acceptable reach expressed in the Federal Judicial Center’s Judges’ Class  
7 Action Notice and Claims Process Checklist and Plain Language Guide). Here, because the parties  
8 wanted a robust notice program with a high reach in order to drive claims as a part of the  
9 Settlement, the Altria notice is part of a more extensive notice effort than is typically employed  
10 when providing notice only of a class certification decision. The overall Notice Plan to all JUUL  
11 Product purchasers (including both the Settlement Class and the Court Class for Altria and other  
12 non-settling Defendants) provides the best notice practicable under the circumstances of this case,  
13 conforms to all aspects of Federal Rule of Civil Procedure 23, comports with the guidance for  
14 effective notice articulated in the Manual for Complex Litigation 4th Ed, and is consistent with the  
15 Federal Judicial Center’s Judges’ Class Action Notice and Claims Process Checklist and Plain  
16 Language Guide (2010).

17 ***Combined Settlement and Certification Notice***

18 9. In Section II of Altria’s Response, Altria further states that, “Plaintiffs’ proposal to  
19 notify different classes about different claims in different procedural postures in a single class  
20 notice would confuse class members, prejudice Altria, and should not be approved.” In my  
21 experience it is possible to combine a notice of a proposed settlement and a notice of class  
22 certification as to non-settling defendants into a single hybrid notice. A hybrid notice can be an  
23 efficient way to provide a concise, plain language description of both the settlement and the class  
24 certification for non-settling defendants, which clearly explains the legal rights and avoids  
25 confusion by all class members. Combined notice is by no means unprecedented based on my  
26 experience. The key for the success of a hybrid notice is to have substantially the same target  
27 audience (actual class members) who will be provided notice, which we have here. In terms of

1 reaching Class Members, there is no functional difference between the Settlement Class and the  
2 Court Class for Altria (except that the Court Class has a narrower class period). It is the same list  
3 of identified Class Members for the individual Email and Postcard notice and the same target  
4 audience for the media plan.

5 10. For this case, the goal of the Summary Notices (Email, Postcard, and Banner  
6 Notices) is to apprise Class Members (people who purchased JUUL Products) of the litigation, that  
7 there is a Settlement that will provide money, and that their rights are affected by the litigation (as  
8 to both settling defendants and non-settling defendants). Class Members are then directed to the  
9 case website via links in the Email Notice, the QR Code and text in the Postcard Notice, and links  
10 from the Banner Notices. Thus, the purpose of the short form notice (as the name suggests) is not  
11 to provide class members with extensive information about the litigation, but to direct them to  
12 where that information can be found. On the website, Class Members can learn the details about  
13 both the Settlement and the ongoing litigation against Altria, including clear distinctions between  
14 the Settlement Class and the Court Classes.

15 11. Additionally, it is very likely that the proposed Settlement Notice Plan will make  
16 more Class Members aware of the procedural posture in the ongoing litigation against Altria than  
17 ever would happen in a stand-alone class certification notice effort. This is because JUUL Product  
18 purchasers will be driven to the case website by the opportunity to receive a payment from the  
19 Settlement with JUUL Labs. Typically, standalone class certification notice efforts result in  
20 relatively fewer visitors (usually substantially fewer) to a case website and fewer calls to an  
21 available toll-free telephone number than in a settlement notice effort. The combination of the  
22 notice efforts here will likely enhance awareness of the ongoing litigation against Altria.

23 12. For these reasons, I do not agree with Mr. Lancaster's speculation that, because the  
24 short form notices do not describe the litigation against Altria in detail, the reach will likely  
25 therefore be lower than 78-88% for the Court Classes. My opinion that the Notice Plan would  
26 "reach at least of 80% of the identified Class Members" applies to both the Settlement Class and the  
27 Court Classes, as would Mr. Lancaster's reach calculations.

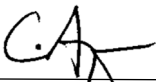
1 ***Notice Content***

2 13. Altria’s Response spends significant time addressing concerns with the content of  
3 the proposed Notices. I understand that Class Counsel and Altria are conferring on proposed edits  
4 to the Long Form Notice to address Altria’s concerns. I have been provided some redline edits to  
5 the Long Form Notice and I have no concerns with the proposed redline changes. Further, Altria  
6 requests drafts of the proposed Email Notice, Press Release and Website and Toll-Free Scripts.  
7 Epiq worked with Class Counsel to provide drafts of each of these documents and it is my  
8 understanding that these documents have been shared with Counsel for Altria. Epiq will work with  
9 the counsel for the parties and make edits to the final versions of each notice document to reflect  
10 any agreement made regarding the content.

11 **CONCLUSION**

12 14. As stated in my *Declaration of Cameron R. Azari, Esq. in Support of Motion for*  
13 *Preliminary Approval of Settlement*, the Settlement Notice Plan will provide the best notice  
14 practicable under the circumstances of this case, conforms to all aspects of Federal Rule of Civil  
15 Procedure 23, comports with the guidance for effective notice articulated in the Manual for  
16 Complex Litigation 4<sup>th</sup> Ed, and is consistent with the Federal Judicial Center’s Judges’ Class Action  
17 Notice and Claims Process Checklist and Plain Language Guide (2010).

18 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
19 January 10, 2023.

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22 \_\_\_\_\_  
Cameron R. Azari, Esq.