

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

3 ALFRED SALAS and GLORIA ORTEGA,
4 individually and on behalf of all others
5 similarly situated,

6 Plaintiffs,

7 v.

8 TOYOTA MOTOR SALES, U.S.A., INC.

9 Defendant.

Case No: 2:15-cv-08629-HDV-E

10 **SUPPLEMENTAL DECLARATION OF CAMERON R. AZARI, ESQ. REGARDING**
11 **IMPLEMENTATION AND ADEQUACY OF CLASS NOTICE PLAN**

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

13 1. My name is Cameron R. Azari, Esq. I have personal knowledge of the matters set forth
14 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 an expert
16 in hundreds of federal and state cases involving class action notice plans.

17 3. I am a Senior Vice President of Epiq Class Action and Claims Solutions, Inc. (“Epiq”) and
18 the Director of Legal Notice for Hilsoft Notifications, a firm that specializes in designing, developing,
19 analyzing, and implementing large-scale, un-biased, legal notification plans. Hilsoft Notifications is a
20 business unit of Epiq. References to Epiq in this declaration include Hilsoft Notifications.

21 4. The facts in this declaration are based on my personal knowledge, as well as information provided
22 to me by my colleagues under my direction and control in the ordinary course of my business at Epiq.

23 **OVERVIEW**

24 5. This declaration provides updated settlement administration statistics following the
25 successful implementation of the Settlement Notice Plan (“Notice Plan”) for *Alfred Salas and Gloria*
26 *Ortega v. Toyota Motor Sales, U.S.A., Inc.*, Case No. 2:15-cv-08629-HDV-E pending in the United States
27 District Court for the Central District of California. I previously executed my *Declaration of Cameron*
28 *R. Azari, Esq. Regarding Class Notice Plan* (“Notice Plan Declaration”) on March 20, 2024, which

1 described the Notice Plan, detailed Hilsoft’s class action notice experience, and attached Hilsoft’s
2 *curriculum vitae* and Epiq’s Notice Plan. ECF No. 264-6. Subsequently, I executed my *Declaration of*
3 *Cameron R. Azari, Esq. Regarding Implementation and Adequacy of Class Notice Plan* (“Implementation
4 Declaration”) on August 28, 2024, which described the successful implementation of the Notice Plan and
5 provided then-current settlement administration statistics.

6 **NOTICE PLAN METHODOLOGY**

7 6. Federal Rule of Civil Procedure 23 directs that notice must be “the best notice that is
8 practicable under the circumstances, including individual notice to all members who can be identified
9 through reasonable effort” and that “[t]he notice may be by one or more of the following: United States
10 mail, electronic means, or other appropriate means.”¹ The Notice Plan as implemented satisfied these
11 requirements.

12 7. As of October 16, 2024, the Notice Plan’s individual notice efforts reached approximately
13 98% of the identified Settlement Class with a frequency of three times. The reach was further enhanced
14 by a Settlement Website. In my experience, the Notice Plan was consistent with other court-approved
15 notice plans for class action settlements, was the best notice practicable under the circumstances of this
16 case, and satisfied the requirements of due process, including its “desire to actually inform” requirement.²

17 **CAFA NOTICE**

18 8. As detailed in paragraph seven of my Implementation Declaration, Epiq sent 52 CAFA
19 Notice Packages (“CAFA Notice”), as required by the federal Class Action Fairness Act of 2005 (CAFA),
20 28 U.S.C. § 1715, on March 28, 2024. Further details regarding the CAFA Notice mailing were provided
21 in the Declaration of Kyle S. Bingham on Implementation of CAFA Notice, dated March 28, 2024, Dkt.
22 No.274-7 at ¶¶ 5-9.

23
24
25 ¹ Fed. R. Civ. P. 23(c)(2)(B).

26 ² *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 315 (1950) (“But when notice is a person’s
27 due, process which is a mere gesture is not due process. The means employed must be such as one desirous
28 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 . . .”).

NOTICE PLAN

Individual Notice

9. As detailed in paragraphs eleven and twelve of my Implementation Declaration, Toyota provided Epiq with the list of applicable Vehicle Identification Numbers (“VIN LIST”), which included 215,578 unique VIN numbers. Epiq sent the VIN LIST to S&P Global Automotive, formerly known as Polk (“Polk”), to purchase data containing identifying information and last known mailing addresses corresponding with the VINs provided by Toyota.³ Polk returned 413,313 unique records associated with the 215,578 unique VIN numbers. After deduplication, validation, and removal of business and defendant-related entities, 368,356⁴ Class Member records were identified and associated with the 215,578 unique VIN numbers. Email Notice was sent to all identified Class Members for whom a valid email address was available, and a Postcard Notice was sent via United States Postal Service (“USPS”) first class mail to all identified Class Members with an associated physical address for whom a valid email address was not available or for whom the Email Notice was undeliverable after multiple attempts.

Individual Notice – Email

10. As detailed in paragraphs thirteen and fourteen of my Implementation Declaration, commencing on May 31, 2024, Epiq sent 464,927 Email Notices to all identified Class Members for whom a valid email address was available (some Class Members had multiple email addresses associated with their name and an Email Notice was sent to each valid email address).

11. 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

³ For Polk to obtain and/or release this type of information for purposes of sending notice to Class Members, a Court Order authorizing Polk to obtain Class Vehicle owner information from the relevant state DMVs was needed because the Driver’s Privacy Protection Act (“DPPA”) requires states to protect the privacy of personal information contained in a person’s motor vehicle record. This Court Order was part of the Preliminary Approval Order issued on April 12, 2024.

⁴ On April 25, 2024, counsel for Toyota provided to Epiq a list of 55 individual who had previously opted out from the litigation class. Since these records are no longer associated with Class Members, they are not included in the 368,356 unique Class Member records.

1 deliver the Email Notice.

2 ***Individual Notice – Direct Mail***

3 12. As detailed in paragraphs fifteen to eighteen of my Implementation Declaration, on May
4 31, 2024, Epiq sent 149,937 Postcard Notices to identified Class Members with an associated physical
5 address for whom a valid email address was not available. Subsequently on July 12, 2024, Epiq sent
6 22,859 Postcard Notices to all identified Class Members with an associated physical address for whom
7 the Email Notice was undeliverable after multiple attempts and to Class Members included in data for
8 the State of New Hampshire (representing 17 Postcard Notices).⁵ The Postcard Notices were sent via
9 USPS first-class mail.

10 13. The return address on the Postcard Notices is a post office box that Epiq maintains for this
11 case. The United States Postal Service automatically forwards Postcard Notices with an available
12 forwarding address order that has not expired (“Postal Forwards”). Postcard Notices returned as
13 undeliverable were promptly re-mailed to any new address available through USPS information, (for
14 example, to the address provided by the USPS on returned mail pieces for which the automatic
15 forwarding order has expired, but is still within the time period in which the USPS returns the piece with
16 the address indicated). Upon successfully locating better addresses, Postcard Notices were promptly
17 remailed. As of October 16, 2024, Epiq has remailed 5,401 Postcard Notices of the 11,711 Postcard
18 Notices that were returned as undeliverable.

19 14. Additionally, a Claim Form and Long Form Notice (“Claim Package”) in English and/or
20 Spanish was mailed to all persons who requested one via the toll-free telephone number or by mail. As
21 of October 16, 2024, Epiq mailed 156 Claim Packages as a result of such requests.

22 **Media Plan**

23 ***Internet Digital Notice Campaign***

24 15. As detailed in paragraphs nineteen to twenty-four of my Implementation Declaration, the
25 Notice Plan included targeted digital advertising on the selected advertising network *Google Display*

26
27 ⁵ Epiq received the registration records from Polk for New Hampshire after Postcard Notices were mailed
28 on May 31, 2024. As a result, 17 Postcard Notices were sent on July 12, 2024, to these Class Members.

1 *Network*, in English and Spanish, which represents thousands of digital properties across all major content
2 categories. The Digital Notices were also placed on the social media sites *Facebook* and *Instagram*.

3 16. The Digital Notices were targeted to selected audiences who were geo-located within the state
4 of California and have shown an interest or affinity for content related to Toyota and/or Toyota Camry.
5 Combined, over 9 million targeted impressions were generated by the Digital Notices.⁶ The Digital
6 Notices ran from May 31, 2024, through June 29, 2024.

7 ***Sponsored Search Listings***

8 17. As detailed in paragraphs twenty-five and twenty-six of my Implementation Declaration,
9 to facilitate locating the settlement website, sponsored search listings were acquired on the three most
10 frequently visited internet search engines: *Google*, *Yahoo!* and *Bing*. The sponsored search listings were
11 available in California.

12 18. The sponsored search listings began on May 31, 2024, and ran through September 30, 2024.
13 As of October 16, 2024, the sponsored listings have been displayed 28,624 times, which resulted in 1,141
14 clicks that displayed the settlement website.

15 ***Informational Release***

16 19. As detailed in paragraphs twenty-seven and twenty-eight of my Implementation
17 Declaration, on May 31, 2024, a party-neutral Informational Release was issued broadly over PR
18 Newswire’s California newswire in English and Spanish. According to PR Newswire, the Informational
19 Release resulted in 495 new stories/postings regarding the settlement.

20 ***CLRA Publication Notice***

21 20. As detailed in paragraph twenty-nine of my Implementation Declaration, a Publication
22 Notice ran as a 1/4 page ad unit in the following issues of *USA Today*: “San Francisco” on May 31, 2024,
23 “Los Angeles” on June 7, 2024, and “Phoenix” on June 14, 2024 and June 21, 2024.

24
25 _____
26 ⁶ The third-party ad management platform, ClickCease was used to audit the Digital Notice ad
27 placements. This type of platform tracks all Digital Notice ad clicks to provide real-time ad monitoring,
28 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.).

Settlement Website

1
2 21. As detailed in paragraph thirty of my Implementation Declaration, the settlement website
3 (www.ToyotaCaliforniaHVACSettlement.com) was established on May 31, 2024, and it continues to be
4 available 24 hours per day, 7 days per week, in English and Spanish. Relevant documents, including the
5 Settlement Agreement, Long Form Notice, Complaint, Preliminary Approval Order, and other Court
6 documents, are posted on the settlement website. In addition, the settlement website includes relevant
7 dates, answers to frequently asked questions (“FAQs”), instructions for how Class Members could opt-
8 out (request exclusion) from or object to the settlement prior to the deadline, contact information for the
9 Settlement Notice Administrator, and how to obtain other case-related information. Class Members can
10 click on the Spanish language tab on the home page that provides Class Members with Spanish-language
11 information and documents about the settlement, including, for example, FAQs, notices, Claim Form,
12 the ability to check their VIN, and the ability to contact the Settlement Notice Administrator. Class
13 Members are also able to file a Claim Form on the settlement website. As of October 16, 2024, there
14 have been 19,933 unique visitor sessions to the settlement website, and 38,996 web pages have been
15 presented.

Toll-free Telephone Number and Postal Mailing Address

16
17 22. As detailed in paragraphs thirty-one and thirty-two of my Implementation Declaration, the
18 toll-free telephone number (1-888-907-6966) was established on May 31, 2024, and it continues to be
19 available for the case, in English and Spanish. Class Members are able to call for additional information,
20 listen to answers to FAQs, and request that a Claim Package be mailed to them. Callers also have the option
21 to connect with a live operator during normal business hours. The automated telephone system is available
22 24 hours per day, 7 days per week. As of October 16, 2024, there have been 1,151 calls to the toll-free
23 telephone number representing 7,614 minutes of use, and service agents have handled 736 incoming
24 calls representing 7,206 minutes of use, and 38 outgoing calls representing 63 minutes of use.

25 23. A postal mailing address was established and continues to be available, providing Class
26 Members with the opportunity to request additional information or ask questions.

1 *Requests for Exclusion and Objections*

2 24. The deadline to request exclusion from the settlement or to object to the settlement was
3 September 30, 2024. As of October 16, 2024, Epiq has received two requests for exclusion. The
4 Exclusion Report is included as **Attachment 1**. As of October 16, 2024, Epiq has not received any
5 objections to the settlement.

6 *Claim Filing and Distribution Options*

7 25. The deadline for Class Members to file a Claim Form for out-of-pocket expenses incurred
8 on or before May 31, 2024, is May 31, 2025. The deadline for Class Members to file a Claim Form for
9 out-of-pocket expenses incurred after May 31, 2024, is either May 31, 2025 (for Model Year 2012-2013
10 Subject Vehicles) or May 31, 2026 (for Model Year 2014-2015 Subject Vehicles). As of October 16,
11 2024, Epiq has received 245 Claim Forms (224 online submissions and 21 paper submissions). Since
12 the claim filing deadlines have not yet passed, these numbers are preliminary. As the claim filing
13 deadlines are months or more than a year away, I expect additional Claim Forms will be filed by Class
14 Members.

15 **CONCLUSION**

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

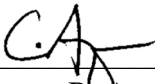
23 27. The Notice Plan included individual notice to identified Class Members and supplemental
24 media. The Notice Plan has currently reached approximately 98% of identified Class Members with a
25 frequency of three times. The reach was further enhanced by, among others, print publication notice, a
26 targeted online media effort, an informational release, and a settlement website. In 2010, the Federal
27 Judicial Center (“FJC”) issued a *Judges’ Class Action Notice and Claims Process Checklist and Plain*
28 *Language Guide*, which is illustrative for class actions in state court, states that, “the lynchpin in an

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

5
6 28. The Notice Plan provided for the best notice practicable under the circumstances of this case,
7 conformed to all aspects of Federal Rules of Civil Procedure, Rule 23 regarding notice, and comported
8 with the guidance for effective notice articulated in the Manual for Complex Litigation 4th Ed, and
9 followed the FJC’s Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide
10 (2010).

11 29. The Notice Plan schedule afforded sufficient time to provide full and proper notice to Class
12 Members before the Opt-Out Deadline and objection deadlines.

13 I declare under penalty of perjury under the laws of the United States of America that the foregoing
14 is true and correct. Executed October 16, 2024.

15
16 

Cameron R. Azari, Esq.

Attachment 1



Exclusion Report

Salas et al. v. Toyota Motor Sales, U.S.A., Inc.

Number	First Name	Last Name
1	Jason	Ibey
2	Marian	Jones