

EXHIBIT B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

SEAN ROSE and JAIME ROSE,	:	
	:	
Plaintiffs,	:	Case No. 2:19-cv-00977-GJP
	:	
v.	:	
	:	
THE TRAVELERS HOME AND MARINE	:	
INSURANCE COMPANY,	:	
	:	
Defendant.	:	
	:	
	X	

**SUPPLEMENTAL DECLARATION OF CAMERON R. AZARI, ESQ. ON
IMPLEMENTATION OF SETTLEMENT NOTICE PLAN**

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 dozens of federal and state cases involving class action notice plans.

3. I am 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 Class Action & Claims Solutions, Inc. (“Epiq”).

4. This declaration will provide updated administration stats following implementation of the Settlement Notice Plan (“Notice Plan” or “Plan”) here for the Settlement in *Rose v. The Travelers Home and Marine Insurance Company*, Case No. 2:19-cv-00977-GJP, in the United States District Court for the Eastern District of Pennsylvania. I previously executed my *Declaration of Cameron R. Azari, Esq. on Settlement Notice Plan*, on January 10,

2020, in which I 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 programs. Subsequently, I executed my *Declaration of Cameron R. Azari, Esq. on Implementation of Settlement Notice Plan*, (“Implementation Declaration”) on April 28, 2020, in which I detailed the implementation of the notice program and provided administration stats to date. The facts in this declaration are based on what I personally know, as well as information provided to me in the ordinary course of my business by my colleagues from Hilsoft and Epiq, who worked with us to implement the notification effort.

NOTICE PLAN SUMMARY

5. Rule 23 of the Federal Rules of Civil Procedure directs that the best notice practicable under the circumstances must include “individual notice to all members who can be identified through reasonable effort.”¹ The Notice Plan here, as implemented satisfied this requirement with individual notice to Settlement Class Members mailed via United States Postal Service (“USPS”) first class mail. Address updating (both prior to mailing and on undeliverable pieces) and re-mailing protocols met or exceeded those used in other class action settlements. Where email addresses were available, an Email Notice was also sent. Both individual mailed notice and email notice directed the recipients to a case website dedicated to the settlement where they can access additional information.

Individual Notice

6. As I stated in my Implementation Declaration, on April 13, 2020, Epiq sent 21,925

¹ FRCP 23(c)(2)(B).

Notice Packets “Claims Packet A” (which contained a Settlement Cover Letter, Long-Form Notice, Claim Form A, and a Prepaid Business Reply Envelope) to Settlement Class Members (for policy period records). On April 13, 2020, Epiq also sent 10,306 Notice Packets “Claims Packet B” (which contained a Settlement Cover Letter, Long-Form Notice, Claim Form B, and a Prepaid Business Reply Envelope) to Settlement Class Members (for statutory period records). The Notice Packets were sent via USPS first class mail.

7. The return address on the Notice Packets is a post office box maintained by Epiq. The USPS automatically forwards Notice Packets with an available forwarding address order that has not expired (“Postal Forwards”). For Notice Packets returned as undeliverable, Epiq re-mails the Notice to any new address available through the USPS information (for example, to the address provided by the USPS on returned pieces for which the automatic forwarding order has expired, but which is still during the period in which the USPS returns the piece with the address indicated). Epiq also obtains better addresses by using a third-party lookup service. Upon successfully locating better addresses, Notice Packets were promptly re-mailed. As of June 11, 2020, the USPS has sent 122 Postal Forwards. As of June 11, 2020, Epiq has received 1,014 undeliverable Notice Packets “Claims Packet A” and 726 undeliverable Notice Packets “Claims Packet B” and has re-mailed 242 Notice Packets “Claims Packet A” and re-mailed 137 Notice Packets “Claims Packet B” for those addresses where a forwarding address was provided or address research identified a new address.

8. Additionally, as I stated in my Implementation Declaration, on April 13, 2020, Epiq sent 25,077 Email Notices, to all potential Settlement Class Members for whom a facially valid email address was available. By clicking the link, recipients were able to easily access the Long-Form Notice, the Settlement Agreement, and other information about the settlement. As of April

22, 2020, 3,284 Email Notice remain undeliverable.

9. As of June 11, 2020, Epiq has mailed or emailed Notices to 32,243 unique records, with Notice to 600 unique Settlement Class Members currently known to be undeliverable, which is a 98.1% deliverable rate.

Case Website, Toll-free Telephone Number, and Postal Mailing Address

10. The dedicated website (www.RoseSettlement.com) continues to be available to Settlement Class Members. The website home page and important documents pages were recently updated with information that the Final Approval Hearing on June 23, 2020, will be via an “on the record telephone call.” The dial in number and conference code were also added to the website per the Court’s Order entered on June 8, 2020. As of June 11, 2020, there have been 5,348 unique visitors to the website and 13,275 website pages presented.

11. The toll-free telephone number (866-977-0336) continues to be available to Settlement Class Members. As of June 11, 2020, the toll-free telephone number has handled 2,976 calls representing 30,661 minutes of use and service agents have handled 2,085 incoming calls representing 24,622 minutes of use. Service agents have also made 505 outbound calls representing 1,251 minutes of use.

12. A post office box and email address for correspondence about the settlement have been established and are maintained by Epiq, which allow Settlement Class Members to contact Epiq by mail and/or email with any specific requests or questions.

Exclusion Requests and Objections

13. The deadline for Settlement Class Members to request exclusion from the Settlement or to object to the Settlement was May 13, 2020. As of June 11, 2020, Epiq has received requests for exclusion for 39 Settlement Class Members. As of June 11, 2020, I am aware of two

objections to the Settlement, which were sent to the Court and provided to Epiq by counsel. I have reviewed the objections, which do not relate to notice or administration of the settlement. A copy of the Exclusion Report is included as **Attachment 1**.

Status of Claims Processing

14. The deadline for Settlement Class Members to file a claim was May 28, 2020. As of June 11, 2020, Epiq has received 6,705 Claim Forms (4,815 Claim Forms A and 1,890 Claim Forms B). The claims received are subject to continued review and further auditing by Epiq as claims processing is still ongoing.

Cost of Notice Implementation and Settlement Administration

15. Based on reasonable assumptions, the cost to implement the Notice Plan and administer the settlement is estimated to be between \$280,000 and \$350,000 (this is not a minimum or a cap). This approximate cost encompasses emailed and mailed notice (including postage), undeliverable mail processing and address research, claims administration (claims processing, website/phone support and associated project management) and distribution related expenses (checks and associated postage). Final total costs are dependent upon variables such as the number of calls to the toll-free line, the number of claims submitted, the validity and completeness of those claim submissions and the number of Class Members sent a payment. All costs are subject to the Service Contract under which Epiq was retained as the Settlement Administrator, and the terms and conditions of that agreement.

CONCLUSION

16. In class action notice planning, execution, and analysis, we are guided by due process considerations under the United States Constitution, by state and local rules and statutes, and by case law pertaining to the recognized notice standards under Rule 23. This framework

directs that the notice plan be optimized to reach the class and, in a settlement class action notice situation such as this, that the notice or notice plan itself not limit knowledge of the availability of benefits—nor the ability to exercise other options—to class members in any way. All of these requirements have been met in this case.

17. The Notice Plan included individual, direct mail and email notice to all Settlement Class Members who could be identified with reasonable effort. With the address updating protocols employed, individual notice was delivered to approximately 98.1% of the identified Class. The case website also expanded the reach of the Notice. In 2010, the Federal Judicial Center issued a Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide. 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%." Here, we have developed and implemented a Notice Plan that readily achieved a reach at the higher end of that standard.

18. Our notice effort followed the guidance for how to satisfy due process obligations that a notice expert gleans from the United States Supreme Court's seminal decisions, which are: a) to endeavor to actually inform the class, and b) to demonstrate that notice is reasonably calculated to do so:

A. "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," *Mullane v. Central Hanover Trust*, 339 U.S. 306, 315 (1950).

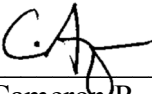
B. "[N]otice must be reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections," *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156 (1974) citing *Mullane* at 314.

19. The Notice Plan as implemented provided for the best notice practicable under the

circumstances of this case, conformed to all aspects of the Rule 23, and comported with the guidance for effective notice set out in the Manual for Complex Litigation, Fourth.

20. 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 June 11, 2020, at Beaverton, Oregon.



Cameron R. Azari

Attachment 1

Rose v. Travelers Settlement

Case No. 2:19-cv-00977-GJP

Requests for Exclusions

	Name(s)	Opt Out #
1	WILLIAM PARD DALLAS & LINDA DAVIS DALLAS	900000001
2	LEONARD K MILLER	900000002
3	HAROLD HACKNEY & LISA HACKNEY	900000003
4	SCOTT WILES	900000004
5	JONATHON S & EVELYN F ZULICK	900000005
6	YVONNE M. FORD	900000006
7	ARNOLD & ANDRA HOWARD	900000007
8	PAUL & TAMARA KORDIK	900000008
9	KRISTEN M BOOKMAN & FOREST R BOOKMAN	900000009
10	RONALD DRAKE	900000010
11	ELLEN K MARKHAM	900000011
12	RONNY HOESADA	900000012
13	CORINE B WORTHAM & WILLIE L WORTHAM	900000013
14	PAMELA EDWARDS	900000014
15	TIM DOLAN	900000015
16	JACK S CRANE	900000016
17	MARGARET A SCHULKE	900000017
18	JULIE A WHITE	900000018
19	DANIEL R & VICKIE THOMAS	900000019
20	PAMELA DOLAN	900000020
21	JERRY CRANE	900000021
22	SUSANNE M DANILOWICZ	900000022
23	DOROTHY LOEB & BARBARA HUDZIK	900000023
24	HARRIET E LAPP	900000024
25	JERI BAILEY	900000025
26	SANTA CRUZ ROUNDTREE HOMEOWNERS ASSOCIATION	900000026
27	ROY L ABRAMEIT & IRENE M ABRAMEIT	900000027
28	EVANGELINE COLLADO	900000028
29	JEANETH DECENA	900000029
30	CHRISTINA A HARBAUGH & SCOTT HARBAUGH	900000031
31	JANICE SCOTT	900000032
32	ADAM JELINSKI & ROXANNE JELINSKI	900000033
33	LEE E & JUANITA LODER	900000034
34	ELIZABETH LAUBACH	900000035
35	JAMES S. & MARY LOU GREEN	900000036
36	L DAVID RYAN & PATRICIA A RYAN	900000037
37	MARK MIKHAEL	900000038
38	PATRICIA METRIONE	900000039
39	RICHARD C & SALLY D WILLARD	900000040