

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

4 STEVEN ROBERT PRESCOTT,
5 DONOVAN MARSHALL, MARIA
6 CHRISTINE ANELLO, DARLENE
7 KITTREDGE, TREAHANNA
8 CLEMMONS, and SUSAN ELIZABETH
9 GRACIALE, individually and on behalf of
10 all others similarly situated,

11 Plaintiffs,

12 vs.

13 RECKITT BENCKISER LLC,

14 Defendant.

Case No. 5:20-cv-02101-BLF

**SUPPLEMENTAL DECLARATION OF
CAMERON R. AZARI, ESQ., REGARDING
IMPLEMENTATION AND ADEQUACY OF
SETTLEMENT NOTICE PLAN AND
NOTICES**

Hon. Beth Labson Freeman

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

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

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

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

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

OVERVIEW

26 5. This declaration provides updated settlement administration statistics as well as an
27 update for the Court regarding the cost to provide notice and settlement administration for *Prescott*,

1 *et al. v. Reckitt Benckiser, LLC*, Case No. 5:20-cv-02101 in the United States District Court for the
2 Northern District of California. I previously executed my *Declaration of Cameron R. Azari, Esq.,*
3 *Regarding Settlement Notice Plan and Notices*, on June 7, 2023, which described the Notice Plan,
4 detailed Hilsoft’s class action notice experience, and attached Hilsoft’s curriculum vitae. I also
5 provided my educational and professional experience relating to class actions and my ability to render
6 opinions on overall adequacy of notice programs. Subsequently, I executed my *Declaration of*
7 *Cameron R. Azari, Esq, Regarding Implementation and Adequacy of Settlement Notice Plan and*
8 *Notices* (“Implementation Declaration”) on January 26, 2024, which described the successful
9 implementation of the Notice Plan and provided notice and settlement administration statistics.

10 ***Requests for Exclusion***

11 6. The deadline to request exclusions from the Settlement or to object to the Settlement
12 was December 19, 2023. As of February 16, 2024, Epiq has received no requests for exclusion. As
13 of February 16, 2024, I am aware of no objections to the Settlement.

14 ***Claims Process & Distribution Options***

15 7. The deadline for Settlement Class Members to file a Claim Form was December 19,
16 2023. As I stated in my Implementation Declaration, a simple Claim Form was used to allow
17 members of the Settlement Class to make a claim for a cash payment. Members of the Settlement
18 Class were able to file a Claim Form for as many as three bottles of the Product (Woolite laundry
19 detergent with a label bearing the phrases “Color Renew” and/or “revives colors” only) and are eligible
20 for a cash payment *without* providing proof of purchase. Additional bottles of the Product claimed
21 on a Claim Form were required to include proof of purchase for the claimant to be eligible for a cash
22 payment. The amount of the cash payments depends on the number of valid Claim Forms filed.
23 Additional details regarding the claims process and claim statistics are described in the *Declaration*
24 *of Julie Redell Regarding Settlement Administration Claims Processing* (“Claims Declaration,” ECF
25 No. 192-5 dated January 26, 2024).

26 8. Epiq completed an extensive analysis of all Claim Forms received (flagging and
27 removing Claim Forms identified as fraudulent) resulting in 129,003 valid Claim Forms. The valid

1 claims represent 349,928 bottles claimed¹ and are eligible for payment. As of February 16, 2024,
2 Epiq calculates the distribution amount for valid Claim Forms to be \$4.36 per bottle claimed (with
3 most Class Members claiming three bottles per claim, or \$13.08 per claim).

4 9. As standard practice, Epiq's fraud detection measures will be used throughout the
5 payment process. Any Claim Forms later deemed fraudulent or otherwise invalid as part of the
6 payment process will be removed.

7 ***Costs of Notice and Administration***

8 10. As detailed in my Implementation Declaration, Epiq's Estimate to provide notice and
9 administration services for the Settlement was \$306,757. Epiq has determined it will incur a total of
10 \$337,000 to provide all notice and settlement administration services for the Settlement. This
11 includes all previously invoiced amounts as well as additional work Epiq expects to perform to handle
12 all remaining aspects of administering the Settlement. Epiq is conscientious of cost and has been
13 working diligently with counsel for the parties throughout the administration of the Settlement.

14 11. The total amount for Epiq to provide notice and settlement administration services is
15 more than the estimate for two reasons. First, the notice efforts were effective in reaching members
16 of the Settlement Class and as a result, a higher than anticipated number valid claims were filed.
17 Epiq's Estimate provided for 100,000 Claim Forms and the actual number of valid Claim Forms is
18 129,003, a 29% increase. This resulted in an increase of Epiq's costs to process and review the
19 additional Claim Forms and it will also increase the costs to distribute payments to these additional
20 claimants. Second, Epiq worked aggressively to detect possible fraudulent claim filing by non-Class
21 Members, which required additional efforts by Epiq, including a custom data analysis to detect and
22 reject fraudulent Claim Forms.

23 12. The remaining work to be completed is a significant piece of Epiq's Estimate,
24 including: 1) distributing settlement funds to members of the Settlement Class with a valid Claim
25 Form (digital payments or physical checks and postage); 2) handling undeliverable payments; 3) re-

26 _____
27 ¹ In Julie Redell's Claims Declaration (ECF No. 192-5), the total number of bottles claimed was reported as 324,927 due
28 to clerical error. The correct number of bottles claimed is 349,928.

1 issuing payments; 4) communications with Members of the Settlement Class, including maintaining
2 the Settlement Website and toll-free telephone number throughout the remaining duration of the
3 settlement administration; 5) Qualified Settlement Fund (“QSF”) management, tax reporting, and
4 sales tax; and 6) associated project management and related billable hours to handle the distribution
5 and related settlement administration responsibilities.

6 13. The total cost to implement and administer the Notice Plan and Settlement are fair and
7 reasonable under the circumstances of this case, including the volume of fraudulent claims and the
8 larger than anticipated number of valid claims, necessitating administration that exceeded the initial
9 estimate. All costs are subject to the Service Contract under which Epiq is retained as the Settlement
10 Administrator, and the terms and conditions of that agreement.

11 I declare under penalty of perjury that the foregoing is true and correct. Executed on February
12 16, 2024.



Cameron R. Azari, Esq.