

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO. Case No. 2023-001405-CA-01

FARAHNAZ HREBENAR, individually and
on behalf of all others similarly situated,

Plaintiff,

CLASS ACTION

JURY TRIAL DEMANDED

v.

DAVIS YULEE, LLC d/b/a DAVIS CHRYSLER
DODGE JEEP RAM OF YULEE,

Defendant.

**PLAINTIFF'S NOTICE OF FILING SUPPLEMENTAL DECLARATION OF CLASS
ADMINISTRATOR**

Plaintiff Farahnaz Hrebenar, through her undersigned counsel, hereby files the Supplemental Declaration of Cameron R. Azari, Esq. on Implementation and Adequacy of Notice Program, attached hereto as **Exhibit A**.

Date: July 11, 2023

Respectfully submitted,

EISENBAND LAW, P.A.
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/s/ Michael Eisenband
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Counsel for Plaintiff and the Class

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DAVIS YULEE, LLC d/b/a DAVIS CHRYSLER
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Defendant.

**SUPPLEMENTAL DECLARATION OF CAMERON R. AZARI, ESQ. ON
IMPLEMENTATION AND ADEQUACY OF NOTICE PROGRAM**

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 of Epiq Class Action and Claims Solutions, Inc. (“Epiq”) and the Director of Legal Notice for Hilsoft Notifications, a firm that specializes in designing, developing, analyzing, and implementing large-scale, un-biased, legal notification plans. Hilsoft is a business unit of Epiq. All references to Epiq within this declaration include Hilsoft.

4. This declaration provides updated settlement administration statistics following the successful implementation of the Class Notice Program for *Farahnaz Hrebenar v. Davis Yulee, LLC d/b/a Davis Chrysler Dodge Jeep Ram of Yulee*, 2023-001405-CA-01, in the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. I previously executed my

SUPPLEMENTAL DECLARATION OF CAMERON R. AZARI, ESQ. ON IMPLEMENTATION
AND ADEQUACY OF NOTICE PROGRAM

EXHIBIT A

Declaration of Cameron R. Azari, Esq. on Implementation and Adequacy of Notice Program (“Implementation Declaration”) on June 22, 2023, which described the implementation of the Class Notice Program and provided settlement administration statistics.

5. 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.

NOTICE PLAN SUMMARY

6. Florida Rule 1.220 directs that, “notice shall be given to each member of the class who can be identified and located through reasonable effort and shall be given to the other members of the class in the manner determined by the court to be most practicable under the circumstances.”¹ The Class Notice Program here satisfied these requirements.

7. As detailed in my Implementation Declaration, the Class Notice Program was designed to reach the greatest practicable number of Settlement Class Members with individual notice via e-mail and/or mail. The Class Notice Program efforts reached approximately 98.8% of the identified Settlement Class Members. The reach was further enhanced by a Settlement Website. In my experience, the reach of the Class Notice Program 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 DETAIL

Individual Notice

8. As detailed in my Implementation Declaration, Epiq received data for identified Settlement Class Members and de-duplicated the data after sending records to a third-party lookup service to perform “reverse lookups.” As a result, 3,883 unique Settlement Class Members were identified (of these records, five records had no physical mail or e-mail address

¹ Florida Rule of Civil Procedure 1.220 (d)(2).

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 . . .”).

that was mailable). This resulted in 3,878 unique, identified Settlement Class Members sent notice – 2,789 were sent an E-mail Notice and 1,089 were sent a Notice.

Individual Notice – E-mail

9. As detailed in my Implementation Declaration, on May 9, 2023, Epiq sent an E-mail Notice to 2,789 identified Settlement Class Members for whom a valid e-mail address was available. After completion of the E-mail Notice efforts, 142 e-mails were not deliverable.

Individual Notice – Direct Mail

10. As detailed in my Implementation Declaration, on May 9, 2023, Epiq sent 1,089 Notices to identified Settlement Class Members with an associated physical mailing address. The Notices were sent via United States Postal Service (“USPS”) first-class mail. Subsequently, on May 26, 2023, Epiq sent 151 Notices to identified Settlement Class Members with an associated physical address for whom an E-mail Notice was undeliverable after multiple attempts. The Notices were sent via USPS first-class mail.

11. Prior to sending the Notice, all mailing addresses were checked against the National Change of Address (“NCOA”) database maintained by the USPS to ensure all address information was up-to-date and accurately formatted for mailing.³ In addition, the addresses were certified via the Coding Accuracy Support System (“CASS”) to ensure the quality of the zip code and verified through Delivery Point Validation (“DPV”) to verified through Delivery Point Validation (“DPV”) to verify the accuracy of the addresses. This address updating process is standard for the industry and for the majority of promotional mailings that occur today.

12. The return address on the Notices is a post office box that Epiq maintains for this case. The USPS automatically forwarded Notices with an available forwarding address order that had not expired (“Postal Forwards”). Notices returned as undeliverable were re-mailed to any new address available through USPS information, (for example, to the address provided by the USPS on returned mail pieces for which the automatic forwarding order had expired, but was

still within the time period in which the USPS returns the piece with the address indicated), or to better addresses that were found using a third-party address lookup service. Upon successfully locating better addresses, Notices were promptly remailed. As of July 10, 2023, Epiq has remailed 112 Notices.

13. Additionally, a Long Form Notice and/or Claim Form was mailed to all persons who request one via the toll-free telephone number or other means. As of July 10, 2023, Epiq has sent seven Long Form Notices and/or Claim Forms as a result of requests via the toll-free telephone number or other means.

Notice Results

14. As of July 10, 2023, an E-mail Notice or Notice were delivered to 3,839 of the 3,883 unique, identified Settlement Class Members. This means the individual notice efforts reached approximately 98.8% of the identified Settlement Class Members.

Settlement Website

15. The Settlement Website www.davisyuleeftsasettlement.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, Short Form Notice, Claim Form, Settlement Agreement, Notice of Filing, Motion for Preliminary Approval of Settlement, Notice of Hearing, Filed Complaint, 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, contact information for the Administrator, and how to obtain other case-related information. As of July 10, 2023, there have been 96 unique visitor sessions to the Settlement Website, and 287 web pages have been presented.

Toll-Free Number and Other Contact Information

16. The toll-free telephone number (888-520-2773) established for the Settlement continues to be available to allow Settlement Class Members to call for additional information,

listen to answers to FAQs, and to request that a Long Form Notice and/or Claim Form be mailed to them. This automated phone system is available 24 hours per day, 7 days per week. As of July 10, 2023, the toll-free number has handled 25 calls for 37 minutes of use.

17. The postal mailing address that was established continues to be available to allow Settlement Class Members to contact the Administrator to request additional information or ask questions.

Requests for Exclusion and Objections

18. The deadline to request exclusion from the Settlement or to object to the Settlement was June 28, 2023. As of July 10, 2023, Epiq has received no requests for exclusion. As of July 10, 2023, I am aware of no objections to the Settlement.

CONCLUSION

19. 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 program be optimized to reach the class and that the notice or notice program 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.

20. The Class Notice program included individual notice via e-mail and/or mail to identified Settlement Class Members. With the address updating protocols that were used, the Class Notice Program individual notice efforts reached approximately 98.8% of the identified Settlement Class Members. The reach was further enhanced by a Settlement Website.

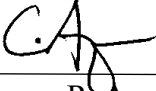
21. In 2010, the Federal Judicial Center (“FJC”) issued a *Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide*, which is relied upon for federal cases, and is illustrative for state court courts. This Guide states that, “the lynchpin in an objective determination of the 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%.⁴ Here, we have developed and implemented a Class Notice program that readily achieved a reach at the highest end of that standard.

22. The Class Notice Program described above provided the best notice practicable under the circumstances of this case, conformed to all aspects of Florida Rule of Civil Procedure 1.220 (d)(2) regarding notice and Constitutional Due Process, and comported with the guidance for effective notice set out in the Manual for Complex Litigation, Fourth.

23. The Class Notice Program 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 July 11, 2023.



Cameron R. Azari, Esq.

⁴ 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>.