

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

IN RE: PREMIERA BLUE CROSS
CUSTOMER DATA SECURITY BREACH
LITIGATION

Case No. 3:15-md-02633-SI

This Document Relates to All Actions.

**SUPPLEMENTAL DECLARATION OF CAMERON R. AZARI, ESQ. ON
IMPLEMENTATION AND ADEQUACY 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 hundreds 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 report updated administration statistics for the settlement administration in *In re: Premiera Blue Cross Customer Data Security Breach Litigation*, Case No. 3:15-md-02633-SI, in the United States District Court for the District of Oregon, Portland Division. I previously executed my *Declaration of Cameron R. Azari, Esq. on Settlement Notice Plan* on May 31, 2019, 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 and Adequacy of Settlement Notice Plan and Notices* on December 30, 2019 (“Implementation Declaration”), in which I detailed Hilsoft’s implementation of the notice program and provided administration stats to date.

NOTICE PLAN SUMMARY

5. As I stated in my Implementation Declaration, from September 13, 2019 through October 15, 2019, Epiq sent 8,671,074 “Double-Postcard” Notices via USPS first-class mail to all records with an associated valid physical address and on November 13, 2019, Epiq sent 1,416,369 Email Notices to 1,383,858 unique Settlement Class Members with a facially valid email address. All Settlement Class Members for whom an email address and a physical address were available, were sent a Double-Postcard Notice and an Email Notice. Additionally, a Publication Notice appeared on August 29, 2019, in the *Wall Street Journal* Western Edition (with circulation in Alaska, Arizona [except the northeast corner], California, Colorado, Hawaii, Idaho, Montana, western Nebraska, Nevada, Oregon, western South Dakota, Utah, Washington, Wyoming and southwestern Canada). An Informational Release was also issued on August 29, 2019.

Individual Notice

6. The return address on the Double-Postcard Notices is a post office box maintained by Epiq. The United States Postal Service (“USPS”) automatically forwards Double-Postcard Notices with an available forwarding address order that has not expired (“Postal Forwards”). For Double-Postcard Notices returned as undeliverable, Epiq re-mails the Notice to any new address available through postal service information (for example, to the address provided by 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, Double-Postcard Notices are promptly re-mailed. As of January 8, 2020, USPS has sent 88,034 Postal Forwards. As of January 8, 2020, Epiq has received 1,775,986 undeliverable Double-Postcard Notices and re-mailed 1,278,782 Double-Postcard Notices for those addresses where a forwarding address was provided or address research identified a new address. Address updating and re-mailing for undeliverable Double-Postcard Notices is ongoing and will continue through the Final Approval Hearing.

7. Additionally, a Long Form Notice and Claim Form (“Notice Packet”) have been and will be mailed to all persons who request one via the toll-free telephone number or by mail. As of January 8, 2020, 900 Notice Packets in English and 18 Notice Packets in Spanish have been mailed as a result of such requests. The Long Form Notices and Claim Forms are also available to download or print at the case website.

Internet Sponsored Search Listings

8. As of January 8, 2020, the sponsored listings geo-targeted to Alaska, Washington, Oregon, and California have been displayed 32,801 times, resulting in 13,061 clicks that displayed the case website. The Sponsored Search Listings will run through the January 29, 2020, Exclusion and Objection deadlines.

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

9. Both the dedicated website (www.PremeraSettlement.com) and the toll-free telephone number (1-877-202-7335) continue to be available to Settlement Class Members. As of January 8, 2020, there have been 1,923,554 website pages presented. As of January 8, 2020, the toll-free telephone number has handled 11,355 calls representing 77,595 minutes of use and

service agents have handled 5,463 incoming calls representing 64,822 minutes. Service agents have also made 1,698 outbound calls representing 3,485 minutes.

10. The post office box for correspondence about the settlement continues to be maintained, to allow Settlement Class Members to contact the Settlement Administrator by mail with any specific requests or questions, including requests for exclusion.

Exclusion Requests and Objections

11. The deadline for Settlement Class Members to request exclusion or to object is January 29, 2020 deadline. As of January 8, 2020, Epiq has received 560 requests for exclusion from the Settlement Class. I will provide a supplemental declaration to the Court prior to the Final Approval Hearing to provide information regarding the requests for exclusions and any objections to the Settlement.

Status of Claim Filings

12. As of January 8, 2020, Epiq has received 691,870 claim forms (266,973 website claim forms, 424,409 postcard claim forms and 488 paper claim forms). Claim form processing is ongoing. As of January 8, 2020, all website claim forms have been processed and 284,624 of the postcard claim forms that have been received have been processed. Multiple benefit options could be selected on the same claim form; therefore, the cumulative totals represented in the table below are higher than the number of claim forms received.

Benefit Option Selected	Web Claims (All Processed)	Processed Postcard Claims	Combined Totals
Credit Monitoring	131,143	184,710	315,853
Default Payment	262,737	262,312	525,049
California Settlement Payment	22,420	10,793	33,213
Out of Pocket Expense Claimed	512	n/a	512

13. Since the claim filing deadline is March 30, 2020, these numbers are preliminary.


CONCLUSION

14. In class action notice planning, execution, and analysis, we are guided by the Federal Rules of Civil Procedure generally, Federal Rule 23, and the United States Constitution, including its Due Process Clause. This framework directs that the notice program be optimized to reach the class and, in a settlement class action notice situation such as this, that the notice or notice program 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 were met or exceeded in this case.

15. Many courts have accepted and understood that a 75 or 80 percent reach is more than adequate. 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 developed and implemented a Notice Plan that (once all re-mailing efforts are completed) we are confident will reach in excess of 90% of the Settlement Class, is broad in scope and is designed to reach the greatest practicable number of Settlement Class Members.

16. Since the notice re-mailing efforts are still underway and the exclusion and objection deadlines have not passed, I will provide a supplemental declaration to the Court prior to the Final Approval Hearing to provide updated information regarding re-mailing totals, final reach of the notice effort, administration statistics, requests for exclusions and any objections to the Settlement.

I declare under penalty of perjury that the foregoing is true and correct. Executed on
January 10, 2020, at Beaverton, Oregon.


Cameron R. Azari