

**Electronically Filed
by Superior Court of CA,
County of Santa Clara,
on 11/12/2021 12:42 PM
Reviewed By: R. Walker
Case #17CV317775
Envelope: 7654429**

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10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SANTA CLARA
13

14
15 LARRY WALLACE, individually and on behalf of
all others similarly situated,

16 Plaintiffs,

17 vs.

18 WELLS FARGO & CO. and WELLS FARGO
19 BANK, N.A.,

20 Defendants.
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Case No. 17CV317775

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

Date: November 17, 2021
Time: 1:30 p.m.
Judge: Hon. Patricia M. Lucas
Dept. 3

Action filed: October 19th, 2017
Trial date: None Set

1 SUPERIOR COURT OF STATE OF CALIFORNIA
2 COUNTY OF SANTA CLARA

3 LARRY WALLACE, individually and on behalf of
4 himself and all others similarly situated,

5 Plaintiff,

6 v.

7 WELLS FARGO & CO. and WELLS FARGO
8 BANK, N.A.,

9 Defendant.

Case No. 17CV317775

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

10 I, Cameron Azari, declare as follows:

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

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

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

18 4. This declaration provides updated settlement administration statistics for the Settlement in
19 *Wallace v. Wells Fargo*, Case No. 17CV317775, Superior Court of the State of California in and for the County
20 of Santa Clara. I previously executed my *Declaration of Cameron R. Azari, Esq. Regarding Settlement Notice*
21 *Program* (“Implementation Declaration”), on October 25, 2021, in which I detailed the successful
22 implementation of the Notice Plan for the Settlement and provided settlement administration statistics. As
23 part of the declaration, I detailed Hilsoft’s class action notice experience and attached Hilsoft’s *curriculum*
24 *vitae*. I also provided my educational and professional experience relating to class actions and my ability to
25 render opinions on overall adequacy of notice programs. The facts in this declaration are based on my
26 personal knowledge, as well as information provided to me by my colleagues in the ordinary course of my
27 business at Hilsoft and Epiq.

1 **NOTICE PLAN**

2 ***Individual Notice***

3 5. As I stated in my Implementation Declaration, the Settlement Class Member data was used by
4 Epiq to provide individual notice to the Settlement Class. On August 30, 2021, Epiq mailed 177,817
5 Postcard Notices via first class USPS mail to identified Settlement Class Member records with a valid
6 mailing address.

7 6. The individual notice effort of the Notice Plan reached approximately 95.27% of identified
8 Class Members. This reach of the Notice Plan is consistent with other court-approved notice programs.
9 The Notice Plan was designed and implemented to meet due process requirements. In my opinion,
10 providing notice via individual notice in a case such as this with good and reliable data for the Settlement
11 Class fully satisfied the requirements of due process, including the “desire to actually inform” requirement.¹

12 7. Prior to mailing, all mailing addresses were checked against the National Change of Address
13 (“NCOA”) database maintained by the USPS.² In addition, the addresses were certified via the Coding
14 Accuracy Support System (“CASS”) to ensure the quality of the zip code, and verified through Delivery
15 Point Validation (“DPV”) to verify the accuracy of the addresses. This address updating process is standard
16 for the industry and for the majority of promotional mailings that occur today.

17 8. The return address on the Notices was a post office box maintained by Epiq. The USPS
18 automatically forwarded Notices with an available forwarding address order that has not expired (“Postal
19 Forwards”). For Notices returned as undeliverable, Epiq re-mailed the Notice to any new address available
20 through USPS (for example, to the address provided by the USPS on returned pieces for which the
21 automatic forwarding order has expired, but which is still during the period in which the USPS returns the
22

23 ¹ *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 315 (1950) (“But when notice is a person’s due,
24 process which is a mere gesture is not due process. The means employed must be such as one desirous of
25 actually informing the absentee might reasonably adopt to accomplish it. The reasonableness and hence the
26 constitutional validity of any chosen method may be defended on the ground that it is in itself reasonably
27 certain to inform those affected.”)

28 ² The NCOA database contains records of all permanent change of address submissions received by the
USPS for the last four years. The USPS makes this data available to mailing firms and lists submitted to it
are automatically updated with any reported move based on a comparison with the person’s name and known
address.

1 piece with the address indicated). Epiq also obtained better addresses by using a third-party lookup service.
2 Upon successfully locating better addresses, Notices were promptly re-mailed.

3 9. As of November 10, 2021, Epiq has received 19,145 undeliverable Notices (which includes any
4 re-mailed Notices that were also returned as undeliverable), and Epiq has re-mailed 13,402 Notices where
5 a forwarding address was provided or address research identified a new address.

6 ***Summary Notice Results***

7 10. As of November 10, 2021, 169,404 of the 177,817 Class Members' records were successfully
8 delivered Notice (Notices to 8,413 unique Class Members currently remain undeliverable). This means
9 Notices were successfully delivered to approximately 95.27% of the identified Class Members.

10 ***Settlement Website, Toll-free Telephone Number, and Postal Mailing Address***

11 11. The website established for the Settlement www.DebitCardOverdraftServiceSettlement.com.
12 continues to be available 24 hours per day, 7 days per week. At the website, Class Members are able to
13 obtain detailed information about the case and review key documents, including the Long Form Notice
14 (English and Spanish), Postcard Notice, Settlement Agreement, Complaint, Motion for Preliminary
15 Approval, Preliminary Approval Order, Unopposed Fee Application and Service Award Application, and
16 Unopposed Motion for Final Approval, as well as answers to frequently asked questions (FAQs). As of
17 November 10, 2021, there have been 2,982 visitors to the website and 4,944 website pages presented.

18 12. The toll-free telephone number (1-844-789-6861) established for the Settlement continues to
19 be available 24 hours per day, 7 days per week. Class Members can call for additional information in English
20 or Spanish, listen to answers to FAQs, and request that a Long Form Notice be mailed to them (in English
21 or Spanish). As of November 10, 2021, the toll-free telephone number has handled 379 calls representing
22 1,352 minutes of use. As of November 10, 2021, Epiq has mailed 35 Long Form Notices as a result of
23 such requests made via the toll-free telephone number.

24 13. The post office box established for correspondence about the Settlement allows Class
25 Members to contact the Settlement Administrator by mail with any specific requests or questions, which
26 included requests for exclusion.

1 *Requests for Exclusion and Objections*

2 14. The deadline to request exclusion from the Settlement or to object to the Settlement was
3 November 2, 2021. As of November 10, 2021, Epiq has not received any requests for exclusion. As of
4 November 10, 2021, I am aware of no objections to the Settlement.

5 *Conclusion*

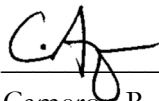
6 15. In class action notice planning, execution, and analysis, we are guided by due process
7 considerations under the United States Constitution, by state and local rules and statutes, and by case law
8 pertaining to the recognized notice standards. This framework directs that the notice program be optimized
9 to reach the class and, in a settlement class action notice situation such as this, that the notice or notice
10 program itself not limit knowledge of the availability of benefits—nor the ability to exercise other options—
11 to class members in any way. All of these requirements were met in this case.

12 16. As detailed previously, the Notice Plan reached approximately 95.27% of the identified Class
13 Members. It delivered “noticeable” Notices to capture Class Members’ attention and provided them with
14 information necessary to understand their rights and options.

15 17. The Notice Plan schedule afforded sufficient time to provide full and proper notice to Class
16 Members before the opt-out and objection deadlines.

17 18. The Notice Program described above, including individual notice to all identified Class
18 Members provided for the best notice practicable under the circumstances of this case, conformed to all
19 aspects of Federal Rules of Civil Procedure Rule 23, and comported with the guidance for effective notice
20 articulated in the Manual for Complex Litigation 4th Ed.

21 I declare under penalty of perjury of the laws of the United States and the State of California that
22 that the foregoing is true and correct. Executed on November 10, 2021.

23
24 
25 _____
26 Cameron R. Azari