

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 25-CV-20117-RAR**

**ASHLEY OWINGS, et al., on behalf of  
themselves, and all others similarly situated,**

Plaintiffs,

v.

**MEDUSIND, INC.,**

Defendant.

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**SUPPLEMENTAL DECLARATION OF CAMERON R. AZARI, ESQ. REGARDING  
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 & Claims Solutions, Inc. (“Epiq”) and the Managing Director of Epiq Legal Noticing (aka Hilsoft Notifications), a business unit of Epiq that specializes in designing, developing, analyzing, and implementing large-scale, un-biased, legal notification plans.
4. 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 and Epiq Legal Noticing (hereinafter “Epiq”).

**OVERVIEW**

5. This declaration provides updated settlement administration statistics following the successful implementation of the Settlement Notice Program (“Notice Program”) and notices (the “Notice” or “Notices”) for *Ashley Owings, et al. v. Medusind, Inc.*, Case No. 1:25-cv-20117, pending in the United States District Court for the Southern District of Florida. Previously, I

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executed my *Declaration of Cameron R Azari, Esq. Regarding Implementation and Adequacy of Notice Program* (“Implementation Declaration”) on November 25, 2025, which described the successful implementation of the Notice Program, detailed Epiq’s class action notice experience, and attached Epiq’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 plans. The Notice Program as designed and implemented was the most practicable under the circumstances to provide notice to the Settlement Class.

### **NOTICE PROGRAM SUMMARY**

6. Federal Rule of Civil Procedure, Rule 23 directs that notice must be “the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice may be by one or more of the following: United States mail, electronic means, or other appropriate means.”<sup>1</sup> The Notice Program satisfied these requirements.

7. The Notice Program, as designed and implemented reached the greatest practicable number of Settlement Class members with individual notice via mail to identified Settlement Class members. With the address updating protocols that were used, the Notice Program individual notice efforts reached 93.8% of the identified Settlement Class. The reach was further enhanced by a Settlement Website. In my experience, the Notice Program was consistent with other court-approved notice programs, was the best notice practicable under the circumstances, and satisfied the requirements of due process, including its “desire to actually inform” requirement.<sup>2</sup>

### **CAFA NOTICE**

8. As detailed in my Implementation Declaration, on July 21, 2025, Epiq sent 57

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<sup>1</sup> Fed. R. Civ. P. 23(c)(2)(B).

<sup>2</sup> *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 . . .”).

CAFA Notice Packages (“CAFA Notice”), as required by the Federal Class Action Fairness Act of 2005 (CAFA), 28 U.S.C. § 1715. The CAFA Notice was mailed via United States Postal Service (“USPS”) Priority Mail to 53 officials, which included the Attorneys General of 47 states, the District of Columbia, and the United States Territories. Per the direction of the Offices of the Nevada, New York, and Connecticut Attorneys General, the CAFA Notice was sent to the Nevada, New York, and Connecticut Attorneys General electronically via email. The CAFA Notice was also sent via United Parcel Service (“UPS”) to the Attorney General of the United States.

### **NOTICE PROGRAM DETAIL**

9. As detailed in my Implementation Declaration, on July 22, 2025, the Court approved the Notice Program and appointed Epiq as the Settlement Administrator in the *Order Granting Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement* (“Preliminary Approval Order”). In the Preliminary Approval Order, the Court provisionally certified the following “Settlement Class”:

All living individuals residing in the United States who were sent a notice of the Data Incident<sup>3</sup> indicating their Private Information may have been impacted in the Data Incident.

A subset of the Settlement Class is the California Settlement Class of “Settlement Class Members residing in California as of December 29, 2023.”

Excluded from the Settlement Class are (1) all persons who are directors, officers, and agents of Defendant, or their respective subsidiaries and affiliated companies; (2) governmental entities; and (3) the Judge assigned to the Action, that Judge’s immediate family, and Court staff.

10. After the Court’s Preliminary Approval Order was entered, Epiq implemented the Notice Program. This declaration details the notice activities undertaken to date and explains how and why the Notice Program was comprehensive and well-suited to reach the Settlement Class. This declaration also discusses the administration activity to date.

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<sup>3</sup> Data Incident means the unauthorized access to or acquisition of the Private Information that took place on or about December 29, 2023, as a result of the infiltration of Defendant’s computer systems.

## **NOTICE PROGRAM**

### ***Individual Notice***

11. As detailed in my Implementation Declaration, on July 25, 2025, Epiq received one data file with 715,208 identified Settlement Class member records, which included names, and physical mailing addresses (if available) (“Class List”). Epiq deduplicated and rolled-up the records and loaded the unique, identified Settlement Class member records into its database for this Settlement. These efforts resulted in 702,115 unique, identified Settlement Class member records (of these, 34 records did not have an associated physical mailing address and were not sent Notice).

### ***Individual Notice – Direct Mail***

12. As detailed in my Implementation Declaration, on August 29, 2025, Epiq commenced sending 702,081 double postcard notices with a postage prepaid detachable Claim Form (“Postcard Notice”) to identified Settlement Class members for whom an associated physical mailing address was available. The Postcard Notice was sent via USPS first-class mail. The Postcard Notice clearly and concisely described the Settlement and the legal rights of the Settlement Class members. In addition, the Postcard Notice also directed the recipients to the Settlement Website where they could access the Long Form Notice and additional information about the Settlement.

13. Prior to sending the Postcard 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.<sup>4</sup> 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 verify the

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<sup>4</sup> The NCOA database is maintained by the USPS and consists of approximately 160 million permanent change-of-address (COA) records consisting of names and addresses of individuals, families, and businesses who have filed a change-of-address with the Postal Service™. The address information is maintained on the database for 48 months and reduces undeliverable mail by providing the most current address information, including standardized and delivery-point-coded addresses, for matches made to the NCOA file for individual, family, and business moves.

accuracy of the addresses. This address updating process is standard for the industry and for the majority of promotional mailings that occur today.

14. The return address on the Postcard Notices is a post office box that Epiq maintains for this Settlement. The USPS automatically forwarded Postcard Notices with an available forwarding address order that has not expired (“Postal Forwards”). Postcard 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 returned 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, Postcard Notices were promptly remailed. As of December 31, 2025, Epiq has remailed 33,143 Postcard Notices.

15. Additionally, a Long Form Notice and Claim Form (“Claim Package”) were mailed to all persons who requested one via the toll-free telephone number or other means. As of December 31, 2025, Epiq mailed 616 Claim Packages as a result of such requests.

#### ***Notice Results***

16. As of December 31, 2025, a Postcard Notice was delivered to 658,717 of the 702,115 unique, identified Settlement Class members. This means the individual notice effort reached approximately 93.8% of the identified Settlement Class.

#### ***Settlement Website***

17. The Settlement Website ([www.MedusindDataIncidentSettlement.com](http://www.MedusindDataIncidentSettlement.com)) continues to be available 24 hours per day, 7 days per week. Relevant documents, including the Consolidated Class Action Complaint, Settlement Agreement, Motion for Preliminary Approval, Preliminary Approval Order, Long Form Notice, Claim Form, and Motion for Final Approval are posted on the Settlement Website. In addition, the Settlement Website includes relevant dates, answers to frequently asked questions (“FAQs”), instructions for how Settlement Class members could opt-out (request exclusion) from or object to the Settlement prior to the deadlines, instructions for submitting a Claim Form prior to the deadline, contact information for the

Settlement Administrator, and how to obtain other case-related information. The Settlement Website also provided the ability for Settlement Class Members to submit an online Claim Form prior to the deadline. The Settlement Website address was prominently displayed in all notice documents. As of December 31, 2025, there have been 24,431 unique visitor sessions to the Settlement Website, and 85,798 web pages have been presented.

***Toll-Free Telephone Number and Other Contact Information***

18. The toll-free telephone number (1-888-885-6687) continues to be available for the Settlement. Callers are able to hear an introductory message and have the option to learn more about the Settlement in the form of recorded answers to FAQs. This automated telephone system is available 24 hours per day, 7 days per week. The toll-free telephone number was prominently displayed in all notice documents. As of December 31, 2025, there have been 4,228 calls to the toll-free telephone number representing 10,795 minutes of use.

19. A postal mailing address and email address were established and continue to be available to allow Settlement Class members the opportunity to request additional information or ask questions.

***Requests to Opt-Out and Objections***

20. The Opt-Out Deadline and Objection Deadline for the Settlement was December 14, 2025. As reported in my Implementation Declaration, as of November 25, 2025, Epiq had received four opt-out requests, of which two were incomplete. As of December 31, 2025, Epiq has received one additional opt-out request, resulting in a total of five opt-out requests, of which two are currently incomplete. As of December 31, 2025, Epiq is aware of no objections to the Settlement. The Opt-Out Report is included as **Attachment 1**.

***Claim Submission & Distribution Options***

21. The Notices provided a detailed summary of the relevant information about the Settlement, including the Settlement Website address and how Settlement Class Members could submit a Claim Form online or by mail prior to the deadline. With any method of filing a Claim Form, Settlement Class Members were given the option of receiving a digital payment or a

traditional paper check. Epiq worked with counsel for the parties to select an appropriate menu of payment options. With selecting a digital payment option, the type of digital payment selected does not impact Epiq's compensation for its work as the Settlement Administrator, and no digital option is discouraged relative to other options.

22. The deadline for Settlement Class Members to file a Claim Form was December 29, 2025. As of December 31, 2025, Epiq has received 43,535 Claim Forms (11,958 online and 31,577 paper). Since the Claim Form Deadline has recently passed, these numbers are preliminary and subject to change. As standard practice, Epiq is in the process of conducting a complete quality control review of Claim Forms received. There is a likelihood that after detailed review, the total number of Claim Forms received will change due to duplicate and denied Claim Forms.

#### **NOTICE & SETTLEMENT ADMINISTRATION COSTS**

23. Through November 2025, Settlement Administration Costs total \$634,309. This is not a minimum or a cap of costs to be incurred. This does not reflect costs incurred during December 2025. Based on the current scope of Settlement administration, Epiq estimates approximately \$85,000 of additional fees and expenses will be incurred to complete the Settlement administration, leading up to and following the Final Approval Hearing.

24. Additional work remains leading up to and following the Final Approval Hearing to complete all aspects of the Settlement administration. The remaining work to be completed includes: (a) processing Claim Forms and completing quality review; ; (b) distributing Settlement Class Member Benefits to Settlement Class Members with a valid Claim Form (digital payments or physical checks and postage for Cash Payments and emails with Credit Monitoring activation codes); (c) handling undeliverable payments; (d) re-issuing payments; (e) communicating with Settlement Class Members, including maintaining the Settlement Website and toll-free telephone number throughout the remaining duration of the Settlement administration; and (f) associated project management and related billable hours to handle the distribution and related Settlement administration responsibilities. All costs are subject to the Service Contract under which Epiq is retained as the Settlement Administrator, and the terms and conditions of that agreement.

### **PLAIN LANGUAGE NOTICE AND CLAIM FORM DESIGN**

25. As detailed in my Implementation Declaration, the Notices were designed to be “noticed,” reviewed, and—by presenting the information in plain language—understood by Settlement Class members. The design of the Notices followed the principles embodied in the Federal Judicial Center’s (“FJC”) illustrative “model” notices posted at [www.fjc.gov](http://www.fjc.gov). Many courts, and the FJC itself, have approved notices that Epiq’s noticing experts have written and designed in a similar fashion. The Notices contained substantial, albeit easy-to-read, summaries of all of the key information about Settlement Class members’ rights and options. Consistent with our normal practice, all notice documents underwent a final edit prior to actual mailing and publication for grammatical errors and accuracy.

26. The Notices sent to identified Settlement Class members provided substantial information to the Settlement Class. The Notices included (i) details regarding the Settlement Class members’ ability to opt-out or object to the Settlement Agreement, (ii) the deadline to opt-out or object, and (iii) the date, time, and location of the Final Approval Hearing, among other information.

### **CONCLUSION**

27. In class action notice planning, execution, and analysis, we are guided by due process considerations under the United States Constitution, by federal and local rules and statutes, and further by case law pertaining to notice. This framework directs that the notice plan be designed to reach the greatest practicable number of potential class members 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 were met in this case.

28. The Notice Program included individual notice via mail to identified Settlement Class members. With the address updating protocols that were used, the Notice Program individual notice efforts reached 93.8% of the identified Settlement Class. The reach was further enhanced by a Settlement Website. In 2010, the 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 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%.”<sup>5</sup> Here, we have developed and implemented a Notice Program that readily achieved a reach at the high end of that standard.

29. The Notice Program followed the guidance for satisfying due process obligations that a notice expert gleans from the United States Supreme Court’s seminal decisions, which emphasize the need: (a) to endeavor to actually inform the Settlement Class, and (b) to ensure that notice is reasonably calculated to do so:

- a) “[W]hen 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); and
- 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*, 339 U.S. at 314).

30. The Notice Program as implemented provided the best notice practicable under the circumstances of this case, conformed to all aspects of Federal Rule of Civil Procedure 23 regarding notice, comported with the guidance for effective notice articulated in the Manual for Complex Litigation Fourth and applicable FJC materials, and satisfied the requirements of due process, including its “desire to actually inform” requirement.

31. The Notice Program schedule afforded sufficient time to provide full and proper notice to Settlement Class members before the Opt-Out Deadline and Objection Deadline.

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<sup>5</sup> 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>.

I declare under penalty of perjury that the foregoing is true and correct. Executed  
January 2, 2026.



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Cameron R. Azari, Esq.

# Attachment 1



**Exclusion Report**  
***Ashley Owings v. Medusind, Inc.***

Number	Name	Status	Reason for Incomplete Status	Outreach Date
1	JANET RULLO	INCOMPLETE	MISSING TELEPHONE NUMBER AND SIGNATURE	10/9/25
2	VICTORIA FIGUEIREDO	COMPLETE	N/A	N/A
3	ANNA FIGUEIREDO	COMPLETE	N/A	N/A
4	DONNA BURROUGHS	INCOMPLETE	MISSING TELEPHONE NUMBER AND NAME OF ACTION	10/9/25
5	NINI KISISKHELASHVILI	COMPLETE	N/A	N/A