

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 *In Re: Robinhood Outage Litigation*

Case No. 3:20-cv-01626-JD

CLASS ACTION

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7 **SUPPLEMENTAL DECLARATION OF CAMERON R. AZARI, ESQ. REGARDING**
8 **IMPLEMENTATION OF NOTICE PLAN**

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

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

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

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

18 4. This declaration will provide updated settlement administration statistics following the
19 successful implementation of the Settlement Notice Plan (“Notice Plan”) and notices (the “Notice” or
20 “Notices”) here for *In re Robinhood Outage Litigation*, Case No. 3:20-cv-01626-JD in the United States
21 District Court for the Northern District of California.

22 5. I previously executed my *Declaration of Cameron R. Azari, Esq. on Notice Plan and*
23 *Notices*, on August 4, 2022, which described the Settlement Notice Plan (“Notice Program” or “Notice
24 Plan”) and notice (the “Notice” or “Notices”) for *In re Robinhood Outage Litigation*. In my declaration,
25 I detailed Epiq’s design of the Notice Plan based on our extensive prior experience and research into the
26 notice issues particular to this case. We analyzed and proposed the most effective method practicable of
27 providing notice to the Settlement Class. I also detailed Hilsoft’s class action notice experience, attached
28

1 Hilsoft’s curriculum vitae, and provided my educational and professional experience relating to class
2 actions and my ability to render opinions on overall adequacy of notice programs. Subsequently, I
3 executed my *Supplemental Declaration of Cameron R. Azari, Esq. Regarding Notice Plan*, on October 7,
4 2022, which provided additional information as requested by the Court at the Preliminary Approval
5 Hearing on September 8, 2022. I detailed Epiq’s data security and privacy safeguards in its official
6 capacity as the Settlement Administrator. Per the Court’s request, I confirmed Epiq’s compliance with
7 the N.D. Cal. Procedural Guidance for Class Action Settlements, Preliminary Approval, Settlement
8 Administration (2)(b) (articulating best practices and procedures regarding settlement administrator’s
9 procedures for securely handling class member data, etc.), which were recently updated.¹ I also provided
10 additional information regarding the proposed form of notice to be used to reach Settlement Class
11 Members. I concurred with the Court that sending a Postcard Notice instead of the lengthy Long Form
12 Notice would still achieve the best notice practicable, and at a fraction of the cost with the reduced cost
13 of postage alone. Most recently, I executed my *Declaration of Cameron R. Azari Esq. Regarding*
14 *Implementation of Notice Plan* (“Implementation Declaration”) on March 24, 2023, which described the
15 implementation of the Notice Plan and provided settlement administration statistics.

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

18 **NOTICE PLAN METHODOLOGY**

19 7. Federal Rule of Civil Procedure, Rule 23 directs that notice must be “the best notice that is
20 practicable under the circumstances, including individual notice to all members who can be identified
21 through reasonable effort” and that “the notice may be by one or more of the following: United States
22 mail, electronic means, or other appropriate means.”² The Notice Plan here satisfied these requirements.

23 8. The Notice Plan individual notice efforts reached 99% of the identified members of the
24 Settlement Class with the email and/or mailed notice and digital notice efforts. The reach was further
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26 _____
27 ¹ N.D. Cal. Procedural Guidance for Class Action Settlements, published November 1, 2018; modified
28 December 5, 2018, and August 4, 2022.

² Fed. R. Civ. P. 23(c)(2)(B).

1 enhanced by internet sponsored search and a Settlement Website. In my experience, the reach of the
 2 Notice Plan was consistent with other court-approved notice plans, was the best notice practicable under
 3 the circumstances of this case, satisfied the requirements of due process, including its “desire to actually
 4 inform” requirement.³

CAFA NOTICE

5
 6 9. As detailed in my Implementation Declaration, CAFA Notice—as required by the federal
 7 Class Action Fairness Act of 2005 (CAFA), 28 U.S.C. § 1715, was provided on August 12, 2022, to 110
 8 officials (U.S. Attorney General, Attorneys General of each of the 50 states, the District of Columbia, and
 9 the United States Territories, and the state securities regulators of the 50 states, the District of Columbia,
 10 and the United States Territories of Puerto Rico and the Virgin Islands).

11 10. Subsequently, on August 31, 2022, Epiq sent 110 Supplemental CAFA Notice Packages
 12 (“Supplemental CAFA Notice”) to the same 110 officials. The Supplemental CAFA Notice provided
 13 notice that the preliminary approval hearing for the settlement in *In re Robinhood Outage Litigation* was
 14 moved from September 22, 2022, to September 8, 2022. In addition, on October 17, 2022, Epiq sent 110
 15 Second Supplemental CAFA Notice Packages (“Second Supplemental CAFA Notice”) to the same 110
 16 officials. The Second Supplemental CAFA Notice provided a Supplemental Brief in Support of Plaintiffs’
 17 Motion for Preliminary Approval in *In re Robinhood Outage Litigation*.

NOTICE PLAN IMPLEMENTATION

Individual Notice

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 19
 20 11. On January 30, 2023, Epiq received one file with names, mailing addresses, email addresses,
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22
 23 ³ *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 315 (1950) (“But when notice is a person’s
 24 due, process which is a mere gesture is not due process. The means employed must be such as one desirous
 25 of actually informing the absentee might reasonably adopt to accomplish it. The reasonableness and hence
 26 the constitutional validity of any chosen method may be defended on the ground that it is in itself reasonably
 27 certain to inform those affected . . .”); *see also In re Hyundai & Kia Fuel Econ. Litig.*, 926 F.3d 539, 567
 28 (9th Cir. 2019) (“To satisfy Rule 23(e)(1), settlement notices must ‘present information about a proposed
 settlement neutrally, simply, and understandably.’ ‘Notice is satisfactory if it generally describes the terms
 of the settlement in sufficient detail to alert those with adverse viewpoints to investigate and to come forward
 and be heard.’”) (citations omitted); N.D. Cal. Procedural Guidance for Class Action Settlements,
 Preliminary Approval (3) (articulating best practices and procedures for class notice).

1 telephone numbers, and trading information for 146,418 members of the Settlement Class. It is my
2 understanding from Counsel for the Parities that this data was for all members of the Settlement Class.

3 ***Individual Notice – Email***

4 12. As detailed in my Implementation Declaration, on March 2, 2023, Epiq sent 146,418 Email
5 Notices (an individualized version of the Long Form Notice) to all identified members of the Settlement
6 Class for whom a valid email address was available. After completion of these efforts, Email Notices
7 sent to 27,700 unique members of the Settlement Class were not deliverable (those individuals were sent
8 a Postcard Mailed notice). Epiq re-reviewed the 27,700 email records that were undeliverable, and on
9 March 30, 2023, re-sent 25,060 Email Notices that were determined to be likely valid email addresses.
10 After this second attempt, 2,403 Email Notices were undeliverable. After completion of the initial Email
11 Notice and the remail Email Notice efforts, a total of 5,043 unique email records remained undeliverable.

12 ***Individual Notice – Direct Mail***

13 13. As detailed in my Implementation Declaration, on March 2, 2023, Epiq sent 146,409 Mailed
14 Notices (Postcard Notices) via United States Postal Services (“USPS”) first class mail to all identified
15 members of the Settlement Class with an associated physical address.

16 14. The return address on the Postcard Notices is a post office box that Epiq maintains for this
17 case. The USPS automatically forwarded Postcard Notices with an available forwarding address order
18 that had not expired (“Postal Forwards”). Postcard Notices returned as undeliverable were re-mailed to
19 any new address available through USPS information, (for example, to the address provided by the USPS
20 on returned mail pieces for which the automatic forwarding order had expired, but was still within the
21 time period in which the USPS returned the piece with the address indicated), or to better addresses that
22 were found using a third-party address lookup service. Upon successfully locating better addresses,
23 Postcard Notices were promptly remailed. As of May 31, 2023, Epiq has processed 9,857 undeliverable
24 Mailed Notices, and 215 Mailed Notices have been remailed.

25 15. Additionally, a Long Form Notice was mailed to all persons who request one via the toll-
26 free telephone number or by mail. As of May 31, 2023, Epiq has mailed 14 Long Form Notices as a result
27 of such requests.

Notice Results

16. As of May 31, 2023, an Email Notice and/or Postcard Notice were delivered to 146,040 of the 146,418 unique, identified Settlement Class members. This means the combined individual notice efforts reached approximately 99% of the identified Settlement Class members.

Media Plan

Internet Notice Campaign

17. As detailed in my Implementation Declaration, the Notice Plan included targeted Digital Notice, which was provided using a “list activation” strategy via the *Google Display Network*, *Facebook*, and *Instagram*. This was accomplished by matching the actual email addresses of identified members of the Settlement Class with current consumer profiles. This strategy ensured that specific individuals received direct notice and also were provided reminder messaging online via Digital Notices.

18. The Digital Notices linked directly to the Settlement Website, thereby allowing visitors easy access to relevant information and documents. All Digital Notices appeared on desktop, mobile, and tablet devices and were distributed to the selected targeted audiences nationwide. Digital Notices were also targeted (remarketed) to people who clicked on a Digital Notice.

19. More details regarding the targeting, distribution, and specific ad sizes of the Digital Notices are included in the following table.

<i>Network/Property</i>	<i>Target</i>	<i>Ad Sizes</i>	<i>Delivered Impressions</i>
<i>Google Display Network</i>	List Activation for 146,418 email addresses	728x90, 300x250, 300x600, 970x250	2,477,293
<i>Facebook</i>	List Activation for 146,418 email addresses	Newsfeed & Right Hand Column	2,136,436
<i>Instagram</i>	List Activation for 146,418 email addresses	Instagram Feed Ads	2,150,554
TOTAL			6,764,283

20. Combined, approximately 6.7 million impressions were generated by the Digital Notices, nationwide.⁴ The internet notice campaign ran from March 2, 2023, through April 1, 2023. Clicking on

⁴ The third-party ad management platform, ClickCease, was used to audit Digital Notice ad placements.

1 a Digital Notice linked the reader to the Settlement Website, where they could easily obtain detailed
2 information about the Settlement.

3 ***Internet Sponsored Search Listings***

4 21. To facilitate locating the Settlement Website, sponsored search listings were acquired online
5 through the highly visited internet search engines: *Google, Yahoo!*, and *Bing*. When search engine visitors
6 searched on common keyword combinations to identify the Settlement, the sponsored search listings were
7 generally displayed at the top of the page prior to the search results or in the upper right-hand column of the
8 web-browser screen. A list of keywords was developed in conjunction with Counsel. The sponsored search
9 listings were displayed nationwide. All sponsored search listings were linked directly to the Settlement
10 Website. The sponsored search listings ran from March 2, 2023, through April 1, 2023. The sponsored
11 listings were displayed 9,471 times, which resulted in 892 clicks that displayed the Settlement Website.

12 ***Settlement Website***

13 22. The Settlement Website www.RobinhoodOutagesClassAction.com continues to be available
14 24 hours per day, 7 days per week. Relevant documents, including the Long Form Notice (in English and
15 Spanish), Settlement Agreement, Plan of Allocation, Complaint, Motion for Preliminary Approval,
16 Preliminary Approval Order, and Supplemental Preliminary Approval Filing documents are available on
17 the Settlement Website. In addition, the Settlement Website includes relevant dates, answers to frequently
18 asked questions (“FAQs”), contact information for the Settlement Administrator, and how to obtain other
19 case-related information.

20 23. As of May 31, 2023, there have been 28,532 unique visitor sessions to the Settlement
21 Website and 53,259 website pages presented.

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

23 24. The toll-free telephone number (877-283-6566) established for the Settlement continues to
24 allow members of the Settlement Class to call for additional information, listen to answers to FAQs, and

25 _____
26 This type of platform tracks all Digital Notice ad clicks to provide real-time ad monitoring, fraud traffic
27 analysis, blocks clicks from fraudulent sources, and quarantines dangerous IP addresses. This helps
28 reduce wasted, fraudulent, or otherwise invalid traffic (*e.g.*, ads being seen by ‘bots’ or non-humans, ads
not being viewable, etc.).

1 request that a Long Form Notice be mailed to them. This automated phone system continues to be
2 available 24 hours per day, 7 days per week. During standard business hours, callers are also able to talk
3 with a live agent.

4 25. As of May 31, 2023, there have been 698 calls to the toll-free telephone number representing
5 4,361 minutes of use, and live agents have handled 277 incoming calls representing 2,420 minutes and 51
6 outbound calls representing 151 minutes.

7 26. A postal mailing address was established and continues to be available, providing members
8 of the Settlement Class with the opportunity to request additional information or ask questions.

9 ***Requests for Exclusion and Objections***

10 27. The deadline to request exclusion from the Settlement or to object to the Settlement was
11 May 1, 2023. As of May 31, 2023, Epiq has received 14 unique requests for exclusion. The Request for
12 Exclusion Report is included as **Attachment 1**. As of May 31, 2023, I am aware of two objections to the
13 Settlement, which I have reviewed.

14 ***Distribution Options***

15 28. It is my understanding from counsel for the parties, that Robinhood will make automated
16 deposits to Settlement Class Members with an open Robinhood account. This will be the default method
17 of payment to Settlement Class Members. For those Settlement Class Members without an open
18 Robinhood account, the Settlement Class Members will have the option to receive their Settlement
19 Payment pursuant to the terms of this Settlement Agreement via digital methods (i.e., PayPal, Venmo,
20 etc.). These Settlement Class Members are able to make a payment election on the Settlement Website.
21 In the event the Settlement Class Members do not exercise this option, they will receive their Settlement
22 Payment via a physical check sent by USPS first class mail. To date, 1,931 Settlement Class Members
23 have made an election to receive an alternative method of payment.

24 **CONCLUSION**

25 29. In class action notice planning, execution, and analysis, we are guided by due process
26 considerations under the United States Constitution, by federal and local rules and statutes, and further by
27 case law pertaining to notice. This framework directs that the notice plan be designed to reach the greatest
28

1 practicable number of potential class members and, in a settlement class action notice situation such as
2 this, that the notice or notice plan itself not limit knowledge of the availability of benefits—nor the ability
3 to exercise other options—to class members in any way. All of these requirements were met in this case.

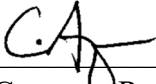
4 30. The Notice Plan included an extensive individual notice effort to virtually all members of
5 the Settlement Class. The Notice Plan notice efforts reached approximately 99% of the identified
6 members of the Settlement Class via email and/or mailed notice and digital notice. The reach was further
7 enhanced by internet sponsored search and a Settlement Website.

8 31. The Federal Judicial Center’s (“FJC”) Judges’ Class Action Notice and Claims Process
9 Checklist and Plain Language Guide states that “the lynchpin in an objective determination of the
10 adequacy of a proposed notice effort is whether all the notice efforts together will reach a high percentage
11 of the Settlement Class. It is reasonable to reach between 70–95%.”⁵ Here, the Notice Plan we have
12 developed and successfully implemented achieved a reach beyond the highest end of that standard.

13 32. The Notice Plan in this case provided the best notice practicable under the circumstances,
14 conformed to all aspects of Federal Rule of Civil Procedure Rule 23 regarding notice and the N.D. Cal.
15 Procedural Guidance for Class Action Settlements, comported with the guidance for effective notice
16 articulated in the Manual for Complex Litigation, Fourth and applicable FJC materials, and exceeded the
17 requirements of due process, including its “desire to actually inform” requirement.

18 33. The Notice Plan schedule afforded enough time to provide full and proper notice to the
19 members of the Settlement Class the opt-out and objection deadlines.

20 I declare under penalty of perjury that the foregoing is true and correct. Executed May 31, 2023.

21 
22 _____
Cameron R. Azari, Esq.

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24
25
26 _____
27 ⁵ FED. JUDICIAL CTR., JUDGES’ CLASS ACTION NOTICE AND CLAIMS PROCESS CHECKLIST AND PLAIN
28 LANGUAGE GUIDE 3 (2010), available at <https://www.fjc.gov/content/judges-class-action-notice-and-claims-process-checklist-and-plain-language-guide-0>.

Attachment 1



In re Robinhood Outage Litigation
Exclusion Report

Number	First Name	Last Name
1	David	Carney
2	John	Ezekiel
3	Angel	Delgado
4	Lawton	Campbell
5	Scott	Silva
6	Dallys-Tom	Medali
7	Mitchell	Galloway
8	Eric	Wilkison
9	Francisco Jose	Martorano
10	Earl	Herman
11	Christina	Phonsey
12	Jonathan	Yeung
13	Alex	Lizarde
14	Mark	Demsko