

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 FAITH BAUTISTA,

Case No. 15-cv-05557-RS

4 Plaintiff,

5 vs.

6 VALERO MARKETING AND SUPPLY
7 COMPANY,

8 Defendant.
9

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11 **DECLARATION OF CAMERON AZARI, ESQ., ON**
12 **PROPOSED SETTLEMENT NOTICE PLAN**

13 I, CAMERON R. AZARI, ESQ., hereby declare and state as follows:

14 1. My name is Cameron R. Azari, Esq. I am over the age of twenty-one, I have personal
15 knowledge of the matters set forth herein, and I believe them to be true and correct.

16 2. I am a nationally recognized expert in the field of legal notice and I have served as a
17 legal notice expert in dozens of federal and state cases involving class action notice plans.

18 3. I am the Director of Legal Notice for Hilsoft Notifications (“Hilsoft”), a firm that
19 specializes in designing, developing, analyzing and implementing large-scale, un-biased, legal
20 notification plans. Hilsoft has been involved with some of the most complex and significant
21 notices and notice programs in recent history. Hilsoft is a business unit of Epiq Class Action &
22 Claims Solutions, Inc. (“Epiq”). Hilsoft Notifications implemented the Class Certification Notice
23 Plan ordered by the Court and described in my *Declaration of Cameron R. Azari, Esq., on*
24 *Implementation of Notice Plan*, executed on November 28, 2018.
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4. The facts in this declaration are based on what I personally know, as well as information provided to me in the ordinary course of my business by my colleagues at Hilsoft and Epiq.

NOTICE PLAN DETAIL

5. This declaration will describe the proposed Settlement Notice Plan (“Notice Plan” or “Plan”) if a settlement class is certified in *Bautista v. Valero Marketing and Supply Company*, Case No. 15-05557-RS (N.D. Cal). On October 4, 2017, in the *Order Granting Motion for Class Certification* (“Notice Order”), and through later modification, the Court certified the following class:

“[a]ll persons who, between December 3, 2011, and the final disposition of this action, purchased gasoline using a debit card at a Valero-branded station in California that does not disclose how gasoline purchased with a debit card is priced, and were charged more money per gallon than the advertised ‘cash’ price.”

ECF No. 152 at 6 (modifying class definition); *see also* ECF No. 123 (certifying class).

6. I understand that the parties are proposing a definition for the proposed Settlement Class that is intended to include the same members and is therefore modified only for clarity, not substance, as follows: “All persons who, between December 3, 2011 and the date of preliminary approval, purchased gasoline using a debit card at a Valero-branded station in California that advertised a ‘cash’ price and ‘credit’ price on Relevant Valero-Branded Signage but the Relevant Valero-Branded Signage did not affirmatively disclose how gasoline purchased with a debit card was priced, and were charged more money per gallon than the advertised ‘cash’ price.”

7. The Settlement Notice Plan is substantially identical to the Class Certification Notice Plan the Court approved, and Hilsoft and Epiq previously implemented following Class certification. *See* ECF Nos. 136, 157, 164, and 246.

Print Publication Notice

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3 8. A Publication Notice will be published in the *Sacramento Bee*, *San Jose Mercury*
4 *News/Easy Bay Times*¹, *Los Angeles Times*, *Orange County Register*, and *San Diego Union-*
5 *Tribune* as an approximate 2 column x 7” ad unit in the Sunday editions. In addition, in order to
6 satisfy the requirements of the Consumer Legal Remedies Act, the Publication Notice will also be
7 published in the *San Francisco Chronicle* as an approximate 2 column x 7” ad unit in four separate
8 Sunday editions (one time per week over four consecutive weeks). The combined circulation of
9 the publications is approximately 1.5 million.
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11 ***Internet Banner Notices***

12 9. Internet Banner Notices will be placed on the online networks *Google Display*
13 *Network* and *Verizon (Formerly Yahoo) Audience Network* in English and Spanish. Banner
14 Notices will also be placed on *Facebook*, *Twitter*, and *Instagram*. A portion of the Banner Notices
15 will be geo-targeted to the State of California with the remaining Banner Notices targeted
16 nationwide.
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18 10. Combined, approximately 55 million impressions will be generated in California and
19 approximately 24 million impressions will be generated nationwide by the Banner Notice, which
20 will run for six weeks. Clicking on the Banner Notice will link the reader to the case website
21 where they could obtain information about the settlement, including the necessary steps to object
22 to or opt-out of the settlement.
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24 ***Informational Release***

25 11. To build additional reach and extend exposures, a party-neutral Informational
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28 ¹ Newspapers are purchased as a combination buy.

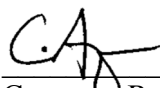
1 Release will be issued over PRNewswire's US1 and National Hispanic Newslines. The US1
2 release will be issued broadly to more than 15,000 media outlets, including newspapers,
3 magazines, national wire services, television, radio and online media in all 50 states. The Hispanic
4 newslines reaches over 7,000 U.S. Hispanic media contacts including online placement of
5 approximately 100 Hispanic websites nationally.
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8 12. The Informational Release will serve a valuable role by providing additional notice
9 exposures beyond that which will be provided by the paid media.

10 *Case Website*

11 13. A neutral informational case website will be established for the settlement to enable
12 potential Settlement Class members to obtain additional information and documents including the
13 Order Granting Preliminary Approval, Second Amended Class Action Complaint, Settlement
14 Agreement, and Long Form and Short Form Notice, and answers to frequently asked questions,
15 including instructions to object to or opt-out of the settlement. The case website address will be
16 prominently displayed in all printed notice documents. The Banner Notices will link directly to
17 the case website.
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20 I declare under penalty of perjury that the foregoing is true and correct. Executed on
21 September 2, 2020.
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25 _____
26 Cameron R. Azari, Esq.
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