

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

*IN RE CENTER FOR VEIN RESTORATION  
DATA BREACH LITIGATION*

CASE NO. 8:24-CV-03593

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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 *In Re Center for Vein Restoration Data Incident*, Case No. 8:24-cv-03593, currently pending in the United States District Court for the District of Maryland. Previously, I executed my *Declaration of Cameron R. Azari, Esq. Regarding Implementation and Adequacy of Notice Program* (“Implementation Declaration”) on September 17, 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.

**NOTICE PROGRAM SUMMARY**

6. Federal Rule of Civil Procedure 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 United States Postal Service (“USPS”) first-class mail to identified Settlement Class members. With the address updating protocols that were used, the Notice Program’s individual notice efforts reached approximately 95.3% of the identified Settlement Class. The reach was further enhanced by a Settlement Website. In my experience, the reach of 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>

***Settlement Website***

8. The Settlement Website ([www.CVRDataSettlement.com](http://www.CVRDataSettlement.com)) continues to be available 24 hours per day, 7 days per week. Relevant documents are posted on the Settlement Website, including the Settlement Agreement, Preliminary Approval Order, Motion for Final Approval, Long Form Notice, Claim Form, and Postcard Notice. 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

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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 . . .”).

deadlines, instructions for submitting a Claim Form, contact information for the Settlement Administrator, and how to obtain other case-related information. Settlement Class Members were also able to submit a Claim Form on the Settlement Website prior to the deadline. The Settlement Website address was prominently displayed in all notice documents. As of October 16, 2025, there have been 21,382 unique visitor sessions to the Settlement Website, and 92,017 web pages have been presented.

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

9. The toll-free telephone number (1-888-817-7038) 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 October 16, 2025, there have been 6,761 calls to the toll-free telephone number representing 18,921 minutes of use.

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

***Requests for Exclusion and Objections***

11. The Opt-Out Period and Objection Period for the Settlement ended on October 6, 2025. As of October 16, 2025, Epiq has received 37 requests for exclusion. As of October 16, 2025, Epiq is aware of no objections to the Settlement. The Exclusion Report is included as **Attachment 1**.

***Claim Submission & Distribution***

12. 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 submitting 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. The type of digital payment selected does not impact Epiq' compensation for its work as the Settlement Administrator, and no digital payment option was discouraged relative to other options.

13. The deadline for Settlement Class Members to file a Claim Form was October 21, 2025. As of October 16, 2025, Epiq has received 14,726 Claim Forms (14,079 online and 647 paper). Since the October 21, 2025, deadline has recently passed, these numbers are preliminary and are 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**

14. Given the current scope and volumes for the settlement administration, Epiq has agreed to cap its fees at \$362,409.84. The fees include CAFA Noticing, mailed notice (including postage), undeliverable mail processing and address research, claims administration, website and telephone support, and associated project management, as well as future distribution related expenses (digital payments and checks and associated postage). 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.

#### **CONCLUSION**

15. 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.


16. The Notice Program included individual notice via USPS first-class mail to identified Settlement Class members. With the address updating protocols that were used, the

Notice Program’s individual notice efforts reached approximately 95.3% 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>3</sup> Here, we have developed and implemented a Notice Program that readily achieved a reach at the high end of that standard.

17. The Notice Program provided the best notice practicable under the circumstances of this case, conformed to all aspects of Federal Rules of Civil Procedure, Rule 23 regarding notice, comported with the guidance for effective notice articulated in the Manual for Complex Litigation 4<sup>th</sup> Ed. and FJC guidance, and satisfied the requirements of due process, including its “desire to actually inform” requirement.

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

I declare under penalty of perjury that the foregoing is true and correct. Executed October 20, 2025.

  
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Cameron R. Azari, Esq.

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<sup>3</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>.