

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: DEALER MANAGEMENT
SYSTEMS ANTITRUST LITIGATION**

This Document Relates To:

THE DEALERSHIP CLASS ACTION

MDL No. 2817
Case No. 18-cv-00864

Honorable Rebecca R. Pallmeyer

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

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 and Claims Solutions, Inc. (“Epiq”) and the Director of Legal Notice for Hilsoft Notifications, a firm that specializes in designing, developing, analyzing, and implementing large-scale, un-biased, legal notification plans. Hilsoft Notifications is a business unit of Epiq. References to Epiq in this declaration include Hilsoft Notifications.

4. I previously filed declarations in this matter related to Epiq’s administration of the Settlement with Reynolds (“Reynolds Settlement”), *Declaration of Cameron Azari, Esq. Regarding Notice Administration*, executed December 19, 2018 (ECF No. 479-2) and *Supplemental Declaration of Cameron Azari, Esq. Regarding Notice Administration*, executed January 15, 2019 (ECF No. 494).

5. 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.

OVERVIEW

6. This declaration provides updated settlement administration statistics following the successful implementation of the Settlement notice plan (“Notice Plan”) and notices (the “Notice” or “Notices”) for *In re Dealer Management Systems Antitrust Litigation*, MDL No. 2817, in the United States District Court for the Northern District of Illinois for the Settlement with Dealership Class Plaintiffs, both individually and on behalf of the CDK Settlement Class, and CDK Global, LLC (“CDK”) (“CDK Settlement”). I previously executed my *Declaration of Cameron R. Azari, Esq. Regarding Settlement Notice Plan and Notices* (“Notice Plan Declaration”) on August 16, 2024, which described the Notice Plan, detailed Hilsoft’s class action notice experience, and attached Hilsoft’s *curriculum vitae*. In the Notice Plan Declaration, I also provided my educational and professional experience relating to class actions and my ability to render opinions on overall adequacy of notice plans. Subsequently, I executed my *Declaration of Cameron R. Azari, Esq. Regarding Implementation and Adequacy of Settlement Notice Plan and Notices* (“Implementation Declaration”) on November 26, 2024, which described the successful implementation of the Notice Plan and provided then-current administration statistics.

NOTICE PLANNING METHODOLOGY

7. As detailed in my Implementation Declaration, the Notice Plan individual notice efforts reached over 98% of the CDK Settlement Class using individual notice via email and/or mail to identified CDK Settlement Class Members. The reach was further enhanced by a Publication Notice in a select national print publication for the automotive industry, digital media, an informational release, and a settlement website. In my experience, the reach of the Notice Plan was consistent with other court-approved notice plans, was the best notice practicable under the circumstances of this case, and satisfied the requirements of due process, including its “desire to actually inform” requirement.¹

¹ *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

CAFA NOTICE

8. As detailed in my Implementation Declaration, CAFA Notice—as required by the federal Class Action Fairness Act of 2005 (CAFA), 28 U.S.C. § 1715, was provided to 57 federal and state officials on August 20, 2024.

NOTICE PLAN

Individual Notice

9. As detailed in my Implementation Declaration, Epiq received data containing 13,942 records for identified CDK Settlement Class Members. Subsequently, Epiq received one data file from Reynolds containing 4,484 records for identified CDK Settlement Class Members. Additionally, 8,290 records for identified Reynolds Settlement Class Members, already in Epiq’s database from the 2018 class certification notice effort, including entities who had requested to be kept informed of the status of the Settlement, were added to the current database.

10. Epiq consolidated deduplicated and rolled-up the records and loaded the unique records into its database. These efforts resulted in 25,235 unique, identified Settlement Class Member records. An Email Notice was sent to all identified CDK Settlement Class Members for whom a valid email address was available. A postcard Mail Notice was sent via USPS first class mail to all identified CDK Settlement Class Members with an associated physical address for whom a valid email address was not available, or for whom the Email Notice was returned as undeliverable after several attempts.

Individual Notice – Email

11. As detailed in my Implementation Declaration, commencing on September 23, 2024, Epiq sent 15,996 Email Notices to 14,287 identified CDK Settlement Class Members for whom a valid email address was available (some CDK Settlement Class Members had multiple

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 . . .”).

email addresses, and an Email Notice was sent to each unique email address).

12. If the receiving email server could not deliver the message, a “bounce code” was returned along with the unique message identifier. For Email Notices for which a bounce code was received indicating that the message was undeliverable for reasons such as an inactive or disabled account, the recipient’s mailbox was full, technical autoreplies, etc., at least two additional attempts were made to deliver the Email Notice.

Individual Notice – Direct Mail

13. As detailed in my Implementation Declaration, commencing on September 23, 2024, Epiq sent 10,948 postcard Mail Notices to all identified CDK and Reynolds Settlement Class Members with an associated physical address for whom a valid email address was not available. Subsequently, 2,251 Mail Notices were sent to CDK Settlement Class Members with an associated mailing address for whom the Email Notice was returned as undeliverable after several attempts.

14. The return address on the Mail Notices was a post office box that Epiq maintains for this case. The USPS automatically forwarded Mail Notices with an available forwarding address order that has not expired (“Postal Forwards”). Mail 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 has expired, but is still within the time period in which the USPS returns the piece with the address indicated), and to better addresses that were found using a third-party lookup service. Upon successfully locating better addresses, Mail Notices were promptly remailed. As of January 22, 2025, Epiq has remailed 925 Mail Notices.

15. Additionally, a Long-Form Posted Notice and/or Claim Form was mailed to all persons who requested one via the toll-free telephone number or by other means. As of January 22, 2025, Epiq mailed two Long-Form Posted Notices and two Claim Forms as a result of such requests.

Media Plan Summary

16. The Media Plan included various forms of notice including Publication Notice in a select national print publication for the automotive industry, digital/internet notice, and an informational release.

Publication Notice

17. As detailed in my Implementation Declaration, to supplement the individual notice efforts, a Publication Notice appeared on page nine of the national edition of *Automotive News*, as an approximate 4” x 9” page ad unit, on September 30, 2024. The national circulation of *Automotive News* is approximately 64,547.

Internet Digital Notice Campaign

18. As detailed in my Implementation Declaration, the Notice Plan included targeted Digital Notice advertising on *AutoNews.com*² and *CBT News – Homepage Banner*.

19. All Digital Notices appeared on electronic devices and were distributed to the selected targeted audiences. Digital Notices were also targeted (remarketed) to people who click on a Digital Notice.

20. More details regarding the duration, specific ad sizes, and number of delivered impressions of the Digital Notices are included in the following table.

<i>Network/Property</i>	<i>Ad Sizes</i>	<i>Duration</i>	<i>Delivered Impressions</i>
<i>AutoNews.com</i>	300x600, 300x250	2 weeks	35,076
<i>CBT News – Homepage Banner</i>	1140x418	1 week	59,945
TOTAL			95,021

² *AutoNews.com* is the online/digital corollary of *Automotive News*’ national print circulation. See *supra* and ¶ 21.

21. Combined, 95,021 impressions were generated by the Digital Notices.³ Digital Notices ran on *AutoNews.com* from September 13, 2024, through October 13, 2024, and on *CBT News* from September 23, 2024, through September 29, 2024. Clicking on the Digital Notices linked the readers to the settlement website, where the reader could easily obtain detailed information about the Settlement.

Informational Release

22. As detailed in my Implementation Declaration, on September 23, 2024, a party-neutral Informational Release was issued nationwide over the Auto Wire and Automotive Industry microlist to media outlets, including local and national newspapers, magazines, national wire services, etc. across the United States as well as websites, online databases, internet networks, blogs, and social networking media.

Settlement Website

23. The settlement website (www.dealershipclassDMSsettlement.com) continues to be available 24 hours per day, 7 days per week. Relevant documents are posted on the settlement website, including the Complaint, Long-Form Posted Notice, Claim Form, Settlement Agreement, Preliminary Approval Order, Final Approval Order, and select other case-related documents. The settlement website also provided the ability for CDK Settlement Class Members to file an online Claim Form prior to the deadline. In addition, the settlement website includes relevant dates, answers to frequently asked questions (“FAQs”), instructions for how CDK Settlement Class Members were able to opt-out (request exclusion) from or object to the Settlement, Fee and Expense Application and/or Allocation Plan prior to the deadline, contact information for the Settlement Administrator, and how to obtain other case-related information. From September 23, 2024, to

³ The third-party ad management platform, ClickCease, was used to audit Digital Notice ad placements. This type of platform tracks all Digital Notice ad clicks to provide real-time ad monitoring, fraud traffic analysis, blocks clicks from fraudulent sources, and quarantines dangerous IP addresses. This helps reduce wasted, fraudulent or otherwise invalid traffic (*e.g.*, ads being seen by ‘bots’ or non-humans, ads not being viewable, etc.).

January 22, 2025, there have been 12,399 unique visitor sessions to the case website, and 55,730 web pages have been presented.

Toll-Free Telephone Number

24. The toll-free telephone number (1-888-842-3161) established for the settlement continues to allow callers to hear an introductory message and have the option to learn more information in the form of recorded answers to FAQs, and to request that a Long-Form Posted Notice and/or a Claim Form be mailed to them. The automated telephone system continues to be available 24 hours per day, 7 days per week. From September 23, 2024 to January 22, 2025, there have been 349 calls to the toll-free telephone number, representing 993 minutes of use. The settlement website also contained information on a settlement hotline operated by Class Counsel from September 23, 2024, to January 13, 2025.

25. Epiq's postal mailing and email addresses continue to be available, allowing Settlement Class Members the opportunity to request additional information or ask questions.

Requests for Exclusion

26. The deadline to request exclusion from the CDK Settlement or to object to the CDK Settlement was November 7, 2024. As of January 22, 2025, Epiq has received no requests for exclusion from the CDK Settlement. As of January 22, 2025, Epiq is aware of no objections to the CDK Settlement.

Claim Submission & Distribution Options

27. As detailed in my Implementation Declaration, the CDK Settlement provides CDK Settlement Class Members the option of filing a Claim Form. The Notices contained a detailed summary of the relevant information, including the settlement website address and how CDK Settlement Class Members could file a Claim Form online or by mail. With any method of filing a Claim Form, CDK Settlement Class Members will receive a traditional paper check.

28. The deadline for CDK Settlement Class Members to file a Claim Form was extended to January 10, 2025 due to the January 9, 2025 postal holiday. As of January 22, 2025,

Epiq has received 9,029 Claim Forms (4,679 online and 4,350 paper), reflecting a current claim rate of 35.7%.⁴ The number of Claim Forms may rise as Claim Forms are processed by Epiq. Epiq is in the process of conducting a complete review and audit of all Claim Forms received. The number of Claim Forms ultimately accepted will be determined by the audit process.

CONCLUSION

29. The Notice Plan’s individual notice efforts via direct email and/or mail to identified CDK Settlement Class Members reached over 98% of the CDK Settlement Class. The reach was further enhanced by a Publication Notice as set forth in the Media Plan in a select national print publication for the automotive industry, digital media, an informational release, and a settlement website. The Federal Judicial Center’s (“FJC”) *Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide*, which is relied upon for federal cases, 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%.”⁵ Here, we have developed a Notice Plan that readily achieved a reach beyond the high end of that standard.

30. The Notice Plan provided the best notice practicable under the circumstances, 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 Plan schedule afforded enough time to provide full and proper notice to the CDK Settlement Class Members before the Opt-Out Deadline and objection deadline.

⁴ The claims rate reflects the total number of Claim Forms received by Epiq divided by the unique identified Settlement Class Members. *See* ¶10, *supra*.

⁵ 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 on
January 22, 2025.

A handwritten signature in black ink, consisting of the letters 'C', 'A', and 'Z' in a stylized, cursive font.

Cameron R. Azari, Esq.