IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

Jaime Todd, et al., *Plaintiffs*, v. Ashley Furniture Industries, LLC, et al., *Defendants*.	Case No. 3:24-cv-00615-wmc

DECLARATION OF CAMERON R. AZARI, ESQ. REGARDING IMPLEMENTATION AND ADEQUACY OF NOTICE PLAN

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 describes the successful implementation of the Settlement notice plan ("Notice Plan") and notices (the "Notice" or "Notices") for *Todd v. Ashley Furniture Industries, LLC*, Case No. 3:24-cv-00615, United States District Court for the Western District of Wisconsin. Previously, I executed my *Declaration of Cameron R. Azari, Esq. Regarding Notice Plan* ("Notice Plan Declaration") on February 24, 2026, which described the Notice Plan, detailed

Epiq's class action 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 programs.

CAFA NOTICE

6. Pursuant to the Class Action Fairness Act (CAFA), 28 U.S.C. § 1715, on March 6, 2026, Epiq sent 57 CAFA Notice Packages ("CAFA Notice"). The CAFA Notice was mailed via United States Postal Service ("USPS") Priority Mail to 51 officials (the Attorneys General of 46 states, the District of Columbia, Guam, Puerto Rico, the Northern Marina Islands, and the U.S. Virgin Islands). Per the direction of the Office of the Alaska, Nevada, New York, and Connecticut Attorneys General, the CAFA Notice was sent to the Alaska, 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 and the American Samoa Attorney General. Details regarding the CAFA Notice mailing are provided in the *Declaration of Kyle S. Bingham on Implementation of CAFA Notice*, dated March 6, 2026. *See, Doc. 104.*

NOTICE PLAN METHODOLOGY

7. Rule 23 of the Federal Rules of Civil Procedure 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" and that "the notice may be by one or more of the following: United States mail, electronic means, or other appropriate means."[1] The Notice Plan satisfied these requirements.

8. The Notice Plan as designed and implemented reached the greatest practicable number of Class Members. The Notice Plan reached at least 70% of the Class with individual notice via email combined with a digital notice program (digital and social media notice) with an average frequency of 1.8 times each. The reach was further enhanced by internet sponsored search listings, and a Settlement Website, which are not included in the reach calculation. "Reach" refers

[1] Fed. R. Civ. P. 23(c)(2)(B).

to the percentage of the unduplicated audience exposed to the notice. Notice exposure is defined as the opportunity to see a notice. "Frequency" of notice exposure is the average number of times that those reached by a notice were exposed to the notice. In my experience, the Notice Plan was consistent with other court-approved notice programs, 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.[2]

NOTICE PLAN DETAIL

9. On March 19, 2026, the Court approved the Notice Plan and appointed Epiq as the Administrator in the *Opinion and Order* ("Preliminary Approval Order"). In the Preliminary Approval Order, the Court certified, for settlement purposes only, the following "Class":

> [All] individual end consumers who purchased an Affected Mattress in the United States from October 1, 2017 to June 30, 2024, which was designed, manufactured, produced, distributed, sold, or marketed by Defendants and contained fiberglass as a fire-retardant material in the inner sock of the mattress.

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

NOTICE PLAN

Individual Notice

11. Commencing on April 8, 2026, Epiq received three data files with 3,696,915 identified Class Member records, which included names and email addresses for identified Class Members ("Class Data"). Epiq deduplicated, rolled-up, and loaded the unique, identified Class Member records into its database for this Settlement. These efforts resulted in 3,447,069 unique,

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[2] *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 . . .").

identified Class Member records (of these, 278,499 records did not include a valid email address and were not sent Notice).

Individual Notice – Email

12. On May 8, 2026, Epiq commenced sending 3,168,396 Email Notices to 3,168,570 Class Members for whom a valid email address was available.[3] If a valid email address was associated with multiple identified Class Members, then only one Email Notice was sent per unique, valid email address. Also, if identified Class Members had more than one valid email address, an Email Notice was sent to each valid email address. Prior to sending the Email Notices, email validation and hygiene tools were used to standardize the email addresses, verify whether the email addresses were valid, and identify and remove email addresses that were a fraud/reputation threat – such as email addresses maintained by bots, spammers, and phishers. This is a necessary and critical process for the effectiveness of email campaigns today. Without being proactive and using these tools, Email Notices inadvertently sent to bad actor email addresses would jeopardize and damage the reputation of the entire email campaign; likely causing the campaign itself to be flagged and blocked as a source of spam, preventing or delaying Email Notices from being sent to valid email addresses of Class Members.

13. In addition, the following industry standard best practices were followed. The Email Notice was drafted in such a way that the subject line, the sender, and the body of the message avoided SPAM filters and ensured readership to the fullest extent reasonably practicable. For instance, the Email Notice used an embedded html text format. This format provided easy-to-read text combined with intentional use of some graphic elements, that in our experience increase engagement without increasing the likelihood that the message could be blocked. The Email Notices were sent from an IP address or multiple IP addresses known to major email providers as being associated with a legitimate bulk email sender. A digital signature and unique message

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[3] It was subsequently determined that approximately 194,688 records were associated with purchases that were not "Affected Mattresses." Records containing ineligible purchases solely unrelated to Affected Mattresses were not sent the Reminder Email Notice.

identifier were transmitted with each Email Notice, allowing Email Service Providers and Email Monitoring Services to programmatically authenticate that the Email Notices were from authorized email servers. The Email Notice included an embedded link to the Settlement Website. By clicking the link, recipients were able to access the Long Form Notice and other information about the Settlement. The Email Notice is included as **Attachment 1**.

14. 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 Notice by email.

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 by other means. As of September 16, 2026, Epiq has mailed 267 Claim Packages as a result of such requests. The Long Form Notice is included as **Attachment 2**. The Claim Form is included as **Attachment 3**.

Direct Notice Results

16. As of September 16, 2026, an Email Notice was delivered to 3,059,443 of the 3,447,069 unique, identified Class Members. This means the individual notice efforts reached approximately 88.7% of the identified Class Members sent an Email Notice.

Reminder Email Notice

17. On June 17, 2026, Epiq commenced sending reminder Email Notices to all identified Class Members with a valid email address that was not previously returned as undeliverable and who had not submitted a Claim Form or requested exclusion from the Settlement.

18. On August 27, 2026, Epiq commenced sending email notices containing information regarding attorneys' fees ("Attorneys' Fee Email Notice") to all identified Class Members with a valid email address that was not previously returned as undeliverable and who had not submitted a Claim Form or requested exclusion from the Settlement. The Attorneys' Fee Email Notice is included as **Attachment 4.**

Media Plan

Internet Digital Notice Campaign

19. Internet advertising has become a standard component in legal notice programs. The internet has proven to be an efficient and cost-effective method to target class members as part of providing notice of class certification and/or a settlement for a class action case. According to MRI-Simmons data,[4] 97% of all adults are online and 84% of all adults use social media.[5]

20. The Notice Plan included targeted digital advertising ("Digital Notices") on the selected advertising network *Google Display Network* which represents thousands of digital properties across all major content categories. Geofence advertising was also included in the plan. If a person had location services enabled on their mobile phone, and visited an intended location within the past 12 months, Geofence advertising allowed those individuals to be served the Digital Notice while browsing the internet at a later time. Digital Notices were targeted to selected target audiences and were designed to encourage participation by members of the Class—by linking directly to the Settlement Website, allowing visitors easy access to relevant information and documents.

21. Digital Notices were also placed on the leading social media platforms in the United States, *Facebook* and *Instagram*. The social media campaign used an interest-based approach

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[4] MRI-Simmons is a leading source of publication readership and product usage data for the communications industry. MRI-Simmons is a joint venture of GfK Mediamark Research & Intelligence, LLC ("MRI") and Simmons Market Research. MRI-Simmons offers comprehensive demographic, lifestyle, product usage and exposure to all forms of advertising media collected from a single sample. As the leading U.S. supplier of multimedia audience research, the company provides information to magazines, televisions, radio, internet, and other media, leading national advertisers, and over 450 advertising agencies—including 90 of the top 100 in the United States. MRI-Simmons's national syndicated data is widely used by companies as the basis for the majority of the media and marketing plans that are written for advertised brands in the United States.

[5] MRI-Simmons 2025 Survey of the American Consumer®.

which focused on the interests that users exhibited while on the social media platforms, capitalizing on the target audience's propensity to engage in social media.

22. *Facebook* is one of the leading social networking sites in the United States with 196 million users, and *Instagram* has 171 million active users in the United States.[6]

23. The Digital Notices were distributed to a variety of target audiences, including those relevant to individuals' demonstrated interests and/or likes. All Digital Notices appeared on desktop, mobile, and tablet devices. Digital Notices on the *Google Display Network*, geofence advertising, *Facebook*, and *Instagram* were displayed nationwide. Digital Notices were also targeted (remarketed) to people who clicked on a Digital Notice.

24. More details regarding the target audiences, specific ad sizes of the Digital Notices, and the number of delivered impressions[7] are included in the following table:

Network/Property	*Target*	*Ad Size*	*Delivered Impressions*
Google Display Network	Ages 18+	728x90, 300x250, 300x600, 970x250	25,811,533
Google Display Network	Ages 18+ and intent targeting[8] for Ashley furniture mattress, Resident Home mattress, memory foam mattress, hybrid mattress, bed in a box, mattress replacement and/or inexpensive mattress	728x90, 300x250, 300x600, 970x250	25,259,960
Geofence Advertising	Ages 18+ who have visited an Ashley Furniture location in the past 12 months	728x90, 300x250, 300x600, 970x250	10,699,250
Facebook	Ages 18+ and interest in Ashley Furniture, mattress and/or memory foam mattress	Newsfeed & Right Hand Column	50,193,493

[6] Statista Digital 2025: Global Overview Report. Statista, founded in 2007, is a leading provider of worldwide market and consumer data and is trusted by thousands of companies around the world for data. Statista.com consolidates statistical data on over 80,000 topics from more than 22,500 sources and makes it available in German, English, French and Spanish.

[7] As Epiq received data for more Class Members and sent a larger volume of direct notices to identified Class Members than originally anticipated, the scope of the Digital Notices was reduced accordingly.

[8] "Intent Targeting" allowed Epiq to target individuals who have searched for information on this specific targeted content on the internet.

Network/Property	*Target*	*Ad Size*	*Delivered Impressions*
Instagram	Ages 18+ and interest in Ashley Furniture, mattress and/or memory foam mattress	Instagram Feed Ads	45,278,259
TOTAL			**157,242,495**

25. Combined, approximately 157 million targeted impressions were generated by the Digital Notices, which ran from May 8, 2026, through June 15, 2026, and were targeted nationwide.[9] Clicking on the Digital Notices linked the readers to the Settlement Website, where they could easily obtain detailed information about the Settlement. Examples of the Digital Notices are included as **Attachment 5**.

Sponsored Search Listings

26. To facilitate locating the Settlement Website, sponsored search listings were acquired on the three most highly-visited internet search engines: *Google*, *Yahoo!*, and *Bing*. When visitors to these search engines searched for selected keyword combinations related to the Settlement, the sponsored search listing advertisement created for this Settlement was displayed. Generally, the sponsored search listing advertisement appeared at the top of the visitor's website page prior to the search results or in the upper right-hand column of the web-browser screen. The sponsored search listings were displayed nationwide. All sponsored search listings linked directly to the Settlement Website.

27. The sponsored search listings ran from May 8, 2026, through July 17, 2026, and were displayed 94,415 times, resulting in 4,360 clicks that displayed the Settlement Website. A complete list of sponsored search keyword combinations is included as **Attachment 6**. Examples of the sponsored search listing as displayed on each search engine are included as **Attachment 7**.

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[9] The third-party ad management platform, ClickCease was used to audit the 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.).

Settlement Website

28. On May 8, 2026, Epiq established a dedicated website for the Settlement with an easy to remember domain name (www.MattressClassActionSettlement.com). Relevant documents are posted on the Settlement Website, including the Operative Complaint, Settlement Agreement, Motion for Preliminary Approval, the Preliminary Approval Order, Long Form Notice, Claim Form, Motion for Class Counsel Fees Payment, Class Counsel Expenses Payment and Class Representative Service Payment, and other case-related documents In addition, the Settlement Website includes relevant dates, answers to frequently asked questions ("FAQs"), instructions for how Class Members could opt-out (request exclusion) from or object to the Settlement prior to the deadline, contact information for the Administrator, and how to obtain other case-related information. Class Members were also able to file a Claim Form on the Settlement Website prior to the deadline. The Settlement Website address was prominently displayed in all Notice documents. As of September 16, 2026, there have been 242,852 unique visitor sessions to the Settlement Website, and 844,417 web pages have been presented.

Toll-Free Telephone Number & Contact Information

29. On May 8, 2026, a toll-free telephone number (1-877-268-2879) was established 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. The 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 September 16, 2026, there have been 1,573 calls to the toll-free telephone number representing 3,821 minutes of use.

30. A postal mailing address and email address were established, allowing Class Members the opportunity to request additional information or ask questions.

Requests for Exclusion & Objections

31. The deadline to request exclusion from or object to the Settlement was September 16, 2026. As of September 16, 2026, Epiq has received 189 requests for exclusion. As of

September 16, 2026, Epiq is aware of nine objections to the Settlement, which are unrelated to noticing or settlement administration. The Exclusion Report is included as **Attachment 8**.

Claim Submission & Distribution Options

32. The Notices provided a detailed summary of relevant information about the Settlement, including the Settlement Website address, and how Class Members could submit a Claim Form online or by mail prior to the deadline.

33. The deadline for Class Members to submit a Claim Form was July 17, 2026. As of September 16, 2026, Epiq has received 144,450 Claim Forms (143,895 online and 555 paper). 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.

Fraud Prevention & Detection for Claim Submissions

34. Fraudulent claim filing is an unfortunate reality in many class action settlements in recent years. Given the current trends within the Class Action Industry with fraudulent claim filing by bad actors, some level of fraudulent claim filing was anticipated in a case like this. Epiq partners with the top resources in the industry to combat fraud, following best practices to deter and detect fraud.

35. Epiq is conducting an analysis of Claim Forms by looking at numerous known indicators of indicia of fraud. Epiq anticipates that some portion of the total number of Claim Forms submitted will be deemed fraudulent.

PLAIN LANGUAGE NOTICE DESIGN

36. The Notices were designed to be "noticed" and reviewed by Class Members and were written in plain language so the Notices would be understood by 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. Many courts, and as previously cited, the FJC itself, have approved notices written by our notice experts and designed in a similar fashion. The Notices contained substantial and easy-to-read, summaries of all of the key information about

Class Members' rights and options. Consistent with our normal practice, all notice documents underwent a final edit for grammatical errors and accuracy.

37. The Notices were designed to increase noticeability and comprehension. Once people "noticed" the Notices, it is critical that they could understand them. As such, the Notices, as written, were clearly worded with an emphasis on simple, plain language to encourage readership and comprehension.

38. The Notices featured a prominent headline in bold text. These design elements alerted recipients and readers that the Notice was an important document authorized by a court and that the content may affect them, thereby supplying reasons to read the Notice.

39. The Long Form Notice provided substantial information to Class Members. It began with a summary page, which provided a concise overview of the important information and a table, which highlighted key options available to Class Members. The Notice was categorized into logical sections, which helped to organize the information, while a question and answer format made it easy to find answers to common questions by breaking the information into simple headings.

CONCLUSION

40. 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 program 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 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.

41. The Notice Plan reached at least 70% of the Class with individual notice via email combined with a digital notice program (digital and social media notice) with an average frequency of 1.8 each. The reach was further enhanced by internet sponsored search listings and a Settlement Website, which were not included in the reach calculation. 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. 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%."[10] Here, we have developed and implemented a Notice Plan that readily achieved a reach within that standard.

42. The Notice Plan 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 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).

43. 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.

44. The Notice Plan schedule afforded enough time to provide full and proper notice to the Class Members before the opt-out and objection deadlines.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 16, 2026.

Cameron R. Azari, Esq.

[10] 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.