

THE HONORABLE DAVID G. ESTUDILLO

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

AARON WILLIAMS, on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

PILLPACK LLC,

Defendant.

Case No. 3:19-cv-05282-DGE

**SUPPLEMENTAL BRIEF IN SUPPORT OF  
PLAINTIFF’S MOTION FOR FINAL  
APPROVAL OF SETTLEMENT**

**NOTED FOR CONSIDERATION WITH  
ARGUMENT:**  
APRIL 18, 2025 AT 9:00 A.M.

**I. INTRODUCTION**

Plaintiff has moved for final approval of a class settlement (Dkt. No. 355), and the matter is set for a final fairness hearing on April 18, 2025. Plaintiff makes this further submission in support of his motion for final approval based on the information in the Declaration of Cameron Azari regarding the Settlement Administrator’s notice and claims administration work. The Azari Declaration is dated March 27, 2025, and filed with this supplemental brief.

**II. SUPPLEMENT**

**A. The Administrator provided notice to attorneys’ general under the Class Action Fairness Act (CAFA).**

Plaintiff filed his motion for preliminary approval of the proposed class settlement on August 20, 2024. Dkt. No. 340. Ten days later, on August 30, 2024, the Administrator sent 68 CAFA notice packages to state and federal officials, including the attorneys general for all 50

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1 states and the U.S. Attorney General. Azari Decl. ¶ 16. The state and federal officials had more  
2 than 210 days to make any objection to the proposed settlement, more than twice the time  
3 required by federal law. *See* 28 U.S.C. § 1715(d) (requiring at least 90 days between the date of  
4 CAFA notice and the date of final approval). No state or federal officials have made any  
5 objection to the proposed settlement.

6 **B. The Administrator’s declaration confirms that the notice program was very effective**  
7 **and complied with the requirements of due process and Rule 23.**

8 The Administrator fully executed the notice program approved by the Court. Azari Decl.  
9 ¶¶ 19-37. There are 30,271 potential class members, but in some cases there is more than one  
10 person’s name associated with a telephone number on the class list. In those cases, notice was  
11 sent to all potential class members associated with the telephone number—a total of 52,264  
12 potential class members. Azari Decl. ¶ 19. The direct notice was extremely effective, with  
13 51,450 of those 52,264 potential class members receiving either an Email or Postcard Notice.  
14 Azari Decl. ¶ 26. That is a direct notice reach rate of 98.4%, which exceeds the Federal Judicial  
15 Center’s target reach range of 70 – 95%. Moreover, the notices previously approved by the  
16 Court were in plain and easily understood language. *See* Azari Decl., Attachments 2-6.

17 The direct notice was supplemented by the digital notice program, which resulted in  
18 more than 9,500,000 delivered impressions of banner ads on online platforms. Azari Decl.  
19 ¶¶ 30-32.

20 Rule 23(e)(1) requires the Court to “direct notice in a reasonable manner to all class  
21 members who would be bound by” a proposed settlement. Fed. R. Civ. P. 23(e)(1). Class  
22 members are entitled to the “best notice that is practicable under the circumstances” of any  
23 proposed settlement before it is finally approved by the Court. Fed. R. Civ. P. 23(c)(2)(B). Under  
24 Rule 23(c)(2)(B) “notice may be by one or more of the following: United States mail, electronic  
25 means, or other appropriate means.” To comply with due process, notice must be “the best  
26 notice practicable under the circumstances, including individual notice to all members who can  
27 be identified through reasonable effort.” *Amchem Prods. v. Windsor*, 521 U.S. 591, 617 (1997).

1 The direct notice program standing alone would have been sufficient to comply with the  
 2 requirements of due process because it reached more than 98% of potential class members,  
 3 with 51,450 of those 52,264 potential class members receiving either an Email or Postcard  
 4 Notice. Azari Decl. ¶ 26. A reach of 98% exceeds the Federal Judicial Center’s target reach range  
 5 of 70 – 95%. *See also In re Toyota Motor Corp. Unintended Acceleration Litig.*, 736 F. App’x 639,  
 6 640–40 (9th Cir. 2018) (unpublished) (that class settlement notice did not reach every identified  
 7 class member does not undermine due process). However, the reach was increased by the  
 8 digital notice program, which resulted in more than 9,500,000 delivered impressions of banner  
 9 ads on online platforms. Azari Decl. ¶¶ 30-32.

10 **C. The Administrator’s claims validation process is ongoing, but it has already validated**  
 11 **claims for more than 35% of class members.**

12 As of March 26, 2025, the Administrator had received a total of 18,486 Claim Forms.  
 13 Azari Decl. ¶ 40. Of those, 18,165 Claim Forms were submitted before the January 20, 2025,  
 14 deadline for filing claims, and 321 were submitted after the deadline (late claims). Azari Decl.  
 15 ¶ 40. Of the 321 late claims, 124 were complete and valid, except for their untimeliness. Azari  
 16 Decl. ¶ 40.

17 The Administrator sent deficiency letters to the remaining 7,356 deficient claims. Azari  
 18 Decl. ¶ 41.<sup>1</sup> As of March 26, 2025, the Administrator had received 570 responses to those  
 19 letters. Azari Decl. ¶ 42. The Administrator had fully processed 82 of the responses, and 27 of  
 20 those responses fully cured the deficiencies. Azari Decl. ¶ 42. The Administrator will continue to  
 21 process these responses and Class Counsel will submit to the Court a further update on the  
 22 responses to deficiency letters on or before April 17, 2025.

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 27 <sup>1</sup> Deficiency letters were not sent to claimants whose claims were late, because there is nothing  
 the claimant could do to cure the untimeliness.

1 The following table summarizes the status of claims as of March 26, 2025:

2 Total claims filed	18,486
3 Total timely claims filed	18,165
4 Totally untimely claims filed	321
5 Total valid timely claims filed	10,768
6 Total untimely but otherwise valid claims	124
7 Total deficiency letters sent	7,356
8 Total deficiency letter responses received	570
9 Total deficiency letter responses processed	82
10 Total deficient claims cured by response	27

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12 If the Eligible Claimants were determined to be those who submitted valid timely claims  
13 (10,768), plus those whose deficient claims have been cured to date (27), plus the late but  
14 otherwise valid claims that Class Counsel recommend the Court approve<sup>2</sup> (124), there would be  
15 a total of 10,919 Eligible Claimants. Each Eligible Claimant would receive a payment of at least  
16 \$354 and the valid claims rate would be 36%. As explained in Section III.C of Plaintiff's motion  
17 for preliminary approval, this is both a large per Claimant payment amount and high claims rate  
18 compared with other class settlements of TCPA claims that have been approved.

19 Assuming that more deficient claims will be cured when the Administrator has  
20 completed processing all deficiency letter responses, the Eligible Claimant payment amount will  
21 be slightly less, while the valid claims rate will be slightly higher.

### 22 III. CONCLUSION

23 For the reasons in Plaintiff's motion for final approval of the settlement (Dkt. No. 355),  
24 and this supplemental submission, Plaintiff requests that Court find the proposed settlement  
25 fair, adequate, and reasonable and finally approve it under Rule 23(e).

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27 <sup>2</sup> See Dkt. No. 355 at ECF page No. 16.

1 RESPECTFULLY SUBMITTED AND DATED this 3rd day of April, 2025.

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