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10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 THOMAS W. MCNAMARA, as the
Court-Appointed Receiver for Triangle
13 Media Corporation, Apex Capital
Group, LLC; and their successors,
14 assigns, affiliates, and subsidiaries,

15 Plaintiff,

16 v.

17 WELLS FARGO & COMPANY, a
corporation, WELLS FARGO BANKS,
18 N.A., a national banking association,

19 Defendants.

20 JOHN MCCRANER, SHARON
STIANSEN, JANET POLLARD,
21 MICHAEL DARLINGTON, SUSAN
R. LANDREAU, JOHN N. TUFFIELD,
22 individually and on behalf of all
similarly situated,

23 Plaintiffs,

24 v.

25 WELLS FARGO & COMPANY, a
corporation, WELLS FARGO BANKS,
26 N.A., a national banking association,

27 Defendants.

Lead Case No. 3:21-cv-1245-TWR-
DDL [Consolidated with Case No.
3:21-cv-1246-TWR-DDL]

**REPLY IN FURTHER SUPPORT
OF CLASS PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT
AND PLAN OF ALLOCATION**

Date: March 26, 2026
Time: 1:30 p.m.
Crtrm.: 14A

Judge: Todd W. Robinson

1 Plaintiffs John McCraner, Janet Pollard, Sharon Stiansen, Michael Darlington,
2 Susan R. Landreau, and John Tuffield (collectively “Class Plaintiffs”) respectfully
3 submit this memorandum in further support of: (i) Class Plaintiffs’ Motion for Final
4 Approval of Class Action Settlement and Plan of Allocation (ECF No. 390); and
5 (ii) Class Counsel’s Motion for an Award of Attorneys’ Fees and Reimbursement of
6 Litigation Expenses (ECF No. 391; the “Fee and Expense Application”).¹

7 **I. INTRODUCTION**

8 Pursuant to the Court’s November 4, 2025 Order: (1) provisionally certifying
9 the proposed Class; (2) appointing Class Counsel; (3) conditionally approving the
10 proposed notice program including the forms of notice (both short and long);
11 (4) approving Class Plaintiffs’ proposed Plan of Allocation; and (5) granting
12 preliminary approval of class action settlement (ECF No. 388; the “Preliminary
13 Approval Order”), more than one million potential Class Members were notified
14 about the Settlement by email and through a thorough publication campaign across
15 various digital and social media platforms.² The Court-approved Settlement
16 Administrator, Epiq Class Action & Claims Solutions, Inc. (“Epiq”) also posted the
17 Notice, Claim Form, Class Agreement, Preliminary Approval Order, and the
18 Complaint, among other important case-related documents on the Settlement Website
19 (www.freetrialrecurringbillingsettlement.com). *See* ECF No. 390-8 (the “Initial
20 Mailing Decl.”) at ¶37. The Notice and Settlement Website informed Class Members
21

22 ¹ Unless otherwise defined herein, all capitalized terms have the meanings set forth in
23 the Stipulation and Agreement of Settlement dated June 25, 2025 (ECF No. 383-2)
24 (the “Class Agreement”) or the Declaration of Jonathan M. Rotter in Support of
25 (1) Class Plaintiffs’ Motion for Final Approval of Class Action Settlement and Plan
26 of Allocation; and (2) Class Counsel’s Motion for an Award of Attorneys’ Fees and
Reimbursement of Litigation Expenses (ECF No. 390-1).

27 ² *See* Supplemental Declaration of Cameron R. Azari, Esq. Regarding Implementation
28 and Adequacy of Notice Plan (the “Suppl. Mailing Decl.”) attached hereto as
Exhibit 1, ¶15.

1 of the March 5, 2026 deadline to: (i) object to the Settlement, Plan of Allocation,
2 and/or Fee and Expense Application; or (ii) request exclusion from the Class.

3 On February 19, 2026, Class Plaintiffs and Class Counsel filed their opening
4 papers in support of final approval of the Settlement, Plan of Allocation, and request
5 for attorneys’ fees and reimbursement of Litigation Expenses. Those motions are
6 supported by declarations from Class Plaintiffs, Class Counsel, and the Settlement
7 Administrator. These papers are available on the public docket and on the Settlement
8 Website. *See* ECF Nos. 390-391; Suppl. Mailing Decl., ¶34.

9 Following this extensive notice process, **not one** Class Member objected to the
10 Settlement, the Plan of Allocation, or Class Counsel’s Fee and Expense Application
11 and **only two** requested exclusion from the Class. *Id.* at ¶41. The absence of any
12 objections and only two opt-outs by Class Members provides strong evidence of the
13 fairness and reasonableness of the proposed Settlement, Plan of Allocation, and
14 request for attorneys’ fees and reimbursement of Litigation Expenses. *See In re Signet*
15 *Jewelers Ltd. Sec. Litig.*, 2020 WL 4196468, at *6 (S.D.N.Y. July 21, 2020) (“The
16 absence of any objections and the small number of requests for exclusion support a
17 finding that the Settlement is fair, reasonable, and adequate.”); *id.* at *21 (“The
18 absence of any objections to the requested attorneys’ fees and Litigation Expenses
19 supports a finding that the request is fair and reasonable.”); *Ressler v. Jacobson*, 149
20 F.R.D. 651, 656 (M.D. Fla. 1992) (“The fact that there are no objections to either the
21 Settlement or to Petitioners’ request for attorney’s fees is strong evidence of the
22 propriety and acceptability of that request.”); *In re ECOTality, Inc. Sec. Litig.*, 2015
23 WL 5117618, at *3 (N.D. Cal. Aug. 28, 2015) (“After receiving notice of the proposed
24 settlement, class members in this suit have been silent. As a result, this factor weighs
25 heavily in favor of approval.”).³

26 For all the reasons set forth herein, and in the opening papers filed with the
27

28 ³ Unless otherwise indicated, all internal quotations and citations are omitted.

1 Court on February 19, 2026, Class Plaintiffs and Class Counsel respectfully request
2 that the Court approve the Settlement, Plan of Allocation, and request for attorneys’
3 fees and reimbursement of Litigation Expenses.

4 **II. ARGUMENT**

5 **A. The Positive Reaction Of The Class Supports Approval Of The**
6 **Settlement And Plan Of Allocation**

7 In this Circuit, “the reaction of the class members to the proposed settlement”
8 is one of the factors to consider in analyzing whether a settlement is fair, reasonable,
9 and adequate. *See, e.g., Linney v. Cellular Alaska P’ship*, 151 F.3d 1234, 1242 (9th
10 Cir. 1998); *Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1026 (9th Cir. 1998) (same).
11 “[T]he absence of a large number of objections to a proposed class action settlement
12 raises a strong presumption that the terms of a proposed class settlement action are
13 favorable to the class members.” *Nat’l Rural Telecomms. Coop. v. DIRECTV, Inc.*,
14 221 F.R.D. 523, 529 (C.D. Cal. 2004); *see also Ching v. Siemens Indus., Inc.*, 2014
15 WL 2926210, at *6 (N.D. Cal. June 27, 2014) (“the Court may appropriately infer
16 that a class action settlement is fair, adequate, and reasonable when few class
17 members object to it.”).

18 Here, the existence of only two opt-outs and zero objections to the Settlement
19 demonstrates that the proposed Settlement is fundamentally fair, reasonable, and
20 adequate. *See, e.g., In re Apollo Grp. Inc. Sec. Litig.*, 2012 WL 1378677, at *3 (D.
21 Ariz. Apr. 20, 2012) (“There have been no objections from Class Members or
22 potential class members, which itself is compelling evidence that the Proposed
23 Settlement is fair, just, reasonable, and adequate.”); *In re Omnivision Techs., Inc.*, 559
24 F. Supp. 2d 1036, 1043 (N.D. Cal. 2008) (“By any standard, the lack of objection of
25 the Class Members favors approval of the Settlement.”); *Khoja v. Orexigen*
26 *Therapeutics, Inc.*, 2021 WL 5632673, at *7 (S.D. Cal. Nov. 30, 2021) (“Considering
27 the number of Notice Packets mailed to potential Class Members and the fact that
28 zero objections have been filed, the Court finds that the reaction of the Class Members

1 to the Settlement weighs in favor of approving the Settlement.”).⁴

2 **B. The Class’s Reaction Supports Approval Of The Plan Of Allocation**

3 The favorable reaction of the Class also supports approval of the Plan of
4 Allocation. *See In re Heritage Bond Litig.*, 2005 WL 1594403, at *12 (C.D. Cal. June
5 10, 2005) (“In light of the lack of objectors to the plan of allocation at issue, and the
6 competence, expertise, and zeal of counsel in bringing and defending this action, the
7 Court finds the plan of allocation as fair and adequate.”); *Mauss v. NuVasive, Inc.*,
8 2018 WL 6421623, at *4 (S.D. Cal. Dec. 6, 2018) (concluding the proposed plan of
9 allocation was fair and reasonable after noting “[t]he Plan of Allocation was described
10 in detail in the notice and no class member objected.”); *In re Volkswagen “Clean
11 Diesel” Mktg., Sales Practices, & Prod. Liab. Litig.*, 2019 WL 2077847, at *3 (N.D.
12 Cal. May 10, 2019) (only one objection and 16 opt outs “supports [conclusion] that
13 the settlement and plan of allocation are fair, reasonable, and adequate.”).

14 **C. The Class’s Reaction Supports Approval Of The Fee And Expense
15 Application**

16 Finally, the reaction of the Class should be considered with respect to Class
17 Counsel’s motion for an award of attorneys’ fees and reimbursement of Litigation
18 Expenses, including the request to award Class Plaintiffs for their representation of
19 the Class. *See In re Stable Rd. Acquisition Corp. Sec. Litig.*, 2024 WL 3643393, at
20 *14 (C.D. Cal. Apr. 23, 2024) (“the existence or absence of objectors to the requested
21 attorneys’ fee is a factor is determining the appropriate fee award.”); *Omnivision*, 559
22 F. Supp. 2d at 1048 (“The reaction of the class may also be a determining factor in ...
23 determining the fee award.”).

24 ⁴ *See also Hanlon v. Chrysler Corp.*, 150 F.3d 1011, 1027 (9th Cir. 1998) (that the
25 “overwhelming majority” stayed in the class is “objective positive commentary as to
26 its fairness”); *Chun-Hoon v. McKee Foods Corp.*, 716 F. Supp. 2d 848, 852 (N.D.
27 Cal. 2010) (finding 16 opt-outs in a class of roughly 329 members, amounting to
28 4.86%, strongly supported settlement); *Maine State Ret. Sys. v. Countrywide Fin.
Corp.*, 2013 WL 6577020, at *16 (C.D. Cal. Dec. 5, 2013) (69 exclusion requests in
response to mailing of over 50,000 notices supports settlement).

1 Here, the absence of any objections from Class Members to the Fee and
2 Expense Application supports a finding that the request is fair and reasonable. *See In*
3 *re Immune Response Sec. Litig.*, 497 F. Supp. 2d 1166, 1177 (S.D. Cal. 2007) (“the
4 lack of objection from any Class Member supports the attorneys’ fees award.”); *In re*
5 *Banc of California Sec. Litig.*, 2020 WL 1283486, at *1 (C.D. Cal. Mar. 16, 2020)
6 (awarding 33% of \$19.75 million settlement fund where “over 35,000 copies of the
7 Notice were disseminated to potential Class Members ... and no objections to the fees
8 or expenses were filed by Class Members.”); *Waldbuesser v. Northrop Grumman*
9 *Corp.*, 2017 WL 9614818, at *5 (C.D. Cal. Oct. 24, 2017) (finding receipt of only two
10 objections to fee request, after mailing 210,000 notices, was “remarkably small given
11 the wide dissemination of notice,” and “conclud[ing] that the lack of significant
12 objections to the requested fees justifies an award of one-third of the [\$16.5 million]
13 settlement fund.”); *Omnivision*, 559 F. Supp. 2d 1036, 1049 (awarding plaintiffs
14 \$29,913.80 from the settlement fund in securities class action where class members
15 were provided notice and “no one objected.”); *Smith v. CRST Van Expedited, Inc.*,
16 2013 WL 163293, at *2 (S.D. Cal. Jan. 14, 2013) (granting service award of \$15,000,
17 where only ten requests for exclusion were received, and the total financial benefit of
18 the settlement was in excess of \$11,600,000, including a non-reversionary \$2,625,000
19 cash payout, as well as the defendant’s agreement to significant changes in the
20 defendant’s policies going forward); *Carlin v. DairyAmerica, Inc.*, 380 F. Supp. 3d
21 998, 1026 (E.D. Cal. 2019) (granting service awards of \$45,000 to each named
22 plaintiff where the average recovery was just over \$1,000, and 80 of 77,000 potential
23 claimants opted out and a handful of objections “weigh in favor of settlement”).⁵

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26 ⁵ *See also Kendall v. Odonate Therapeutics, Inc.*, 2022 WL 1997530, at *6 (S.D. Cal.
27 June 6, 2022) (awarding 33⅓% of \$12.75 million settlement fund where “no
28 objections to the settlement or requested attorneys’ fees, costs, or incentive award
have been filed.”).

1 In sum, the complete absence of objections and only two opt-outs strongly
2 militates in favor of a finding that: (i) the Settlement is fair, reasonable, and adequate;
3 (ii) the proposed Plan of Allocation is fair and equitable; and (iii) Class Counsel’s Fee
4 and Expense Application is fair and reasonable.

5 **III. CONCLUSION**

6 Based on the foregoing and the entire record herein, Class Plaintiffs and Class
7 Counsel respectfully request that the Court: (i) approve the Settlement and Plan of
8 Allocation as fair, reasonable, adequate, and in the best interest of the Class; (ii) award
9 attorneys’ fees to Class Counsel in the amount of 33⅓% of the Settlement Fund,
10 representing 4.83% above the 28.5% fee already approved for the Receiver action,
11 plus Class Counsel’s out-of-pocket expenses in the amount of \$2,416,461.45; and
12 (iii) award a total of \$60,000 to Class Plaintiffs (allocated as follows: \$12,500 to
13 plaintiff Pollard, \$7,500 to plaintiff Darlington, and \$10,000 each to plaintiffs
14 McCraner, Stiansen, Landreau, and Tuffield) related to their representation of the
15 Class.

16 The Settlement is conditioned on the entry of the [Proposed] Judgment. *See*
17 Class Agreement (ECF No. 383-2) at ¶¶34, 35(g); Ex. B. A conformed version of the
18 [Proposed] Judgment, which incorporates the relevant dates and lack of objections,
19 and two requests for exclusion, is submitted concurrently herewith, along with a
20 [Proposed] Order Approving Plan of Allocation of Net Settlement Fund, and a
21 [Proposed] Order Awarding Attorneys’ Fees and Reimbursement of Litigation
22 Expenses. Lead Plaintiff and Lead Counsel respectfully request that the Court enter
23 the accompanying proposed orders.

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1 DATED: March 19, 2026

**GLANCY PRONGAY WOLKE &
ROTTER LLP**

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PROOF OF SERVICE BY ELECTRONIC POSTING

I, the undersigned say:

I am not a party to the above case, and am over eighteen years old. On March 19, 2026, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Southern District of California, for receipt electronically by the parties listed on the Court’s Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 19, 2026, at Los Angeles, California.

/s/ Jonathan M. Rotter
Jonathan M. Rotter

EXHIBIT 1

1 **UNITED STATES DISTRICT COURT**
2 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

3 THOMAS W. MCNAMARA, as the Court-
4 Appointed Receiver for Triangle Media
5 Corporation, Apex Capital Group, LLC; and
6 their successors, assigns, affiliates, and
7 subsidiaries,

8 Plaintiff,

9 v.

10 WELLS FARGO & COMPANY, a
11 corporation, WELLS FARGO BANK, N.A., a
12 national banking association,

13 Defendants.

14 JOHN MCCRANER, SHARON STIANSEN,
15 JANET POLLARD, MICHAEL
16 DARLINGTON, SUSAN R. LANDREAU,
17 JOHN N. TUFFIELD, individually and on
18 behalf of all similarly situated,

19 Plaintiffs,

20 v.

21 WELLS FARGO & COMPANY, a
22 corporation, WELLS FARGO BANK, N.A., a
23 national banking association,

24 Defendants.

Lead Case No. 3:21-cv-1245-TWR-DDL
[Consolidated with Case No. 3:21-CV-1246-TWR-
DDL]

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

25 I, Cameron R. Azari, Esq., hereby declare and state as follows:

26 1. My name is Cameron R. Azari, Esq. I have personal knowledge of the matters set forth
27 herein, and I believe them to be true and correct.

28 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.

1 3. I am a Senior Vice President of Epiq Class Action & Claims Solutions, Inc. (“Epiq”) and the
2 Managing Director of Epiq Legal Noticing (aka Hilsoft Notifications), a business unit of Epiq that
3 specializes in designing, developing, analyzing, and implementing large-scale, un-biased, legal
4 notification plans.

5 4. The facts in this declaration are based on my personal knowledge, as well as information
6 provided to me by my colleagues in the ordinary course of business at Epiq and Epiq Legal Noticing
7 (hereinafter “Epiq”).

8 **OVERVIEW**

9 5. This declaration provides updated settlement administration statistics following the
10 successful implementation of the Settlement Notice Plan (“Notice Plan”) and notices (the “Notice” or
11 “Notices”) for *Thomas McNamara v. Wells Fargo & Co., et al.*, Case No. 3:21-cv-01245-TWR-DDL,
12 consolidated with *John McCraner et al. v. Wells Fargo & Co., et al.*, Case No. 3:21-cv-01246-TWR-
13 DDL, both pending in the United States District Court for the Southern District of California. I
14 previously executed my *Declaration of Cameron R. Azari, Esq on Notice Plan* (“Notice Plan
15 Declaration”) on September 26, 2025, which described the Notice Plan, detailed Epiq’s class action
16 experience, and attached Epiq’s *curriculum vitae*. I also provided my educational and professional
17 experience relating to class actions and my ability to render opinions on overall adequacy of notice
18 programs. Subsequently, I executed my *Declaration of Cameron R. Azari, Esq. Regarding*
19 *Implementation and Adequacy of Notice Plan* (“Implementation Declaration”) on February 18, 2026,
20 which described the successful implementation of the Settlement Notice Plan.

21 **NOTICE PLAN METHODOLOGY**

22 6. Federal Rules of Civil Procedure, Rule 23 directs that notice must be “the best notice that is
23 practicable under the circumstances, including individual notice to all members who can be identified
24 through reasonable effort” and that “the notice may be by one or more of the following: United States
25 mail, electronic means, or other appropriate means.”¹ The Notice Plan satisfied these requirements.

26
27 _____
28 ¹ Fed. R. Civ. P. 23(c)(2)(B).

1 [A]ll persons who were enrolled in recurring billing by any of the Tarr Entities,
2 Triangle Entities or Apex Entities from 2009 to present.

3 Excluded from the Class are Defendants and present and former officers and
4 directors of Wells Fargo. Also excluded from the Class are any persons or
5 entities that exclude themselves by submitting a request for exclusion that is
accepted by the Court.

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

10 **NOTICE PLAN**

11 ***Individual Notice***

12 11. As detailed in my Implementation Declaration, on November 6, 2025, Epiq received 98 data
13 files containing 10,690,904 purchase records, which included names and email addresses tied to
14 individual purchases (“Class List”). Epiq deduplicated and rolled-up the records and loaded the unique,
15 identified Class Member records into its database for this Settlement. These efforts resulted in 1,511,090
16 unique, potential Class Members records (of these, 229,014 records did not contain a valid email address
17 and were not sent Notice).

18 ***Individual Notice – Direct Email***

19 12. As detailed in my Implementation Declaration, on December 4, 2025, Epiq commenced
20 sending 1,298,179 Short-Form Notices to 1,282,076 potential Class Members, who transacted with Apex
21 and Triangle Entities for whom a valid email address was available in the business records available to
22 counsel. Some potential Class Members had more than one unique, valid email address and a Short-
23 Form Notice was sent to each valid email address. The following industry standard best practices were
24 followed for the Short-Form Notice efforts. The Short-Form Notice was drafted in such a way that the
25 subject line, the sender, and the body of the message overcame SPAM filters and ensured readership to
26 the fullest extent reasonably practicable. For instance, the Short-Form Notice used an embedded html
27 text format. This format provided easy-to-read text without graphics, tables, images and other elements
28

1 that in our experience increased the likelihood that the message was blocked by Internet Service
2 Providers (ISPs) and/or SPAM filters for this type of email communication. The Short-Form Notices
3 were sent from an IP address known to major email providers as one not used to send bulk “SPAM” or
4 “junk” email blasts. Each Short-Form Notice was transmitted with a digital signature to the header and
5 content of the Short-Form Notice, which allowed ISPs to programmatically authenticate that the Short-
6 Form Notices were from our authorized mail servers. Each Short-Form Notice was also transmitted with
7 a unique message identifier. The Short-Form Notice included an embedded link to the Settlement
8 Website. By clicking the link, recipients were able to access the long form Notice and other information
9 about the Settlement.

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

15 14. Additionally, a long form Notice (in English) and Claim Form (“Claim Package”) were
16 mailed to all persons who requested one via the toll-free telephone number or other means. As of March
17 18, 2026, Epiq mailed 32 Claim Packages as a result of such requests.

18 ***Notice Results***

19 15. As of March 18, 2026, an Email Notice was delivered to 1,030,382 of the 1,282,076 unique,
20 potential Class Members who transacted with Apex and Triangle Entities for whom a valid email address
21 was available in the business records available to counsel. This means the individual notice efforts
22 reached approximately 80% of the identified Class for whom emails were available.

23 **Media Plan**

24 ***Internet Digital Notice Campaign***

25 16. Internet advertising has become a standard component in legal notice programs. The internet
26 has proven to be an efficient and cost-effective method to target class members as part of providing
27

1 notice of class certification and/or a settlement for a class action case. According to MRI-Simmons³
2 data, 97% of all adults are online and 84% of all adults use social media.⁴

3 17. The Notice Plan included targeted digital advertising (“Digital Notices”) on the selected
4 advertising networks *Google Display Network* and *Basis Ad Network*, which combined, represents
5 thousands of digital properties across all major content categories. Digital Notices were targeted to
6 selected target audiences in English and Spanish and were designed to encourage participation by Class
7 Members. The Digital Notices linked directly to the Settlement Website, allowing visitors easy access
8 to relevant information and documents.

9 18. The Digital Notices were also placed on the leading social media platforms in the United
10 States, including *Facebook*, *Instagram*, *Reddit*, and *X (Twitter)*. The social media campaign used an
11 interest-based approach which focused on the interests that users exhibited while on the social media
12 platforms, capitalizing on the target audience’s propensity to engage in social media.

13 19. *Facebook* is the leading social networking site in the United States with a reach of
14 approximately 60% of the U.S. population aged 18 and older⁵ with 196 million users,⁶ and *Instagram*
15 has 171 million active users in the United States.⁷

16 20. *Reddit* is a widely used social forum website that contains more than one million
17 communities known as subreddits. These communities cover specific topics which made this an ideal
18

19 ³ MRI-Simmons is a leading source of publication readership and product usage data for the
20 communications industry. MRI-Simmons is a joint venture of GfK Mediamark Research & Intelligence,
21 LLC (“MRI”) and Simmons Market Research. MRI-Simmons offers comprehensive demographic,
22 lifestyle, product usage and exposure to all forms of advertising media collected from a single sample.
23 As the leading U.S. supplier of multimedia audience research, the company provides information to
24 magazines, televisions, radio, internet, and other media, leading national advertisers, and over 450
25 advertising agencies—including 90 of the top 100 in the United States. MRI-Simmons’s national
26 syndicated data is widely used by companies as the basis for the majority of the media and marketing
27 plans that are written for advertised brands in the United States.

28 ⁴ MRI-Simmons 2024 Survey of the American Consumer®.

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

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 Statista Digital 2025: Global Overview Report.

platform to reach individuals with focused interests. *Reddit* reaches 26% of internet users aged 18 to 29 years and 18% of users aged 30 to 49 years in the United States.⁸

21. *X (Twitter)* is a popular microblogging social media website that allows posts/tweets containing images or videos. Users can like, comment, and share/retweet posts. *X* has more than 103 million users in the United States.⁹

22. All Digital Notices appeared on desktop, mobile, and tablet devices. Digital Notices on *Google Display Network, Facebook, Instagram, Reddit, and X (Twitter)* were displayed nationwide. Digital Notices were also targeted (remarketed) to people who clicked on a Digital Notice.

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

<i>Digital Plan</i>	<i>Target</i>	<i>Language</i>	<i>Ad Size</i>	<i>Delivered Impressions</i>
<i>Google Display Network</i>	Affinity Audience: ¹⁰ 30 Tarr Products ¹¹	English & Spanish	728x90, 300x250, 300x600 & 970x250	13,349,924
<i>Google Display Network</i>	Intent Audience: ¹² 30 Tarr Products	English & Spanish	728x90, 300x250, 300x600 & 970x250	13,128,192
<i>Google Display Network</i>	Lookalike Targeting to 1.5 million email addresses	English & Spanish	728x90, 300x250, 300x600 & 970x250	7,915,405
<i>Basis Ad Network</i>	Lookalike Targeting to 1.5 million emails addresses	English & Spanish	728x90, 300x250, 300x600 & 970x250	7,785,713
<i>Facebook</i>	Interests: Diet and Nutrition, Physical Fitness, and/or Skin Care Cosmetics	English	Newsfeed & Right Hand Column	6,987,405

⁸ MRI-Simmons 2025 Survey of the American Consumer®.

⁹ Statista Digital 2025: Global Overview Report.

¹⁰ “Custom Affinity Audience” allowed targeting of specific websites, keywords, and/or relevant content that the target audience viewed.

¹¹ Products include: Alpha Rush Pro, Beauty Labs, Bella Labs Instant Wrinkle Reducer, Biofinite, Brain Storm Elite, Cellublast, Crème del Mar, Dermarose Eye Serum, Dermarose Face Cream, Elite Test 360, Fat Burn X, Fat Shred X, Flawless Raspberry Ketone, Forskolin Belly Buster, Garcinia Cambogia Slim Fast, Green Coffee Fat Burn, Jacked Muscle X, La Crème Anti-Wrinkle Cream, Miracle Garcinia Cambogia, Miracle Green Coffee, Miracle Muscle, Miracle Phytoceramides, Miracle Saffron, Perfect Age Skin Care, Ripped Muscle X, Superior Muscle X, Superior Test X, The Memory Plus, Try Miracle Cleanse, and Ultimate Muscle Black Edition.

¹² “Customer Intent Audience” allowed for targeting people that researched or purchased certain items on the internet.

<i>Digital Plan</i>	<i>Target</i>	<i>Language</i>	<i>Ad Size</i>	<i>Delivered Impressions</i>
<i>Instagram</i>	Interests: Diet and Nutrition, Physical Fitness, and/or Skin Care Cosmetics	English	Instagram Feed Ads	6,790,884
<i>Reddit</i>	Keyword Targeting: 30 Tarr Products	English	Reddit Feed Ads	3,594,558
<i>X (Twitter)</i>	Post Engagement Targeting: 30 Tarr Products	English	X Feed Ads	3,742,427
TOTAL				63,294,508

24. Combined, approximately 63.2 million impressions were generated by the Digital Notices, which were targeted nationwide. The Digital Notices ran for 30 days.¹³ Clicking on the Digital Notices linked the readers to the Settlement Website, where they could easily obtain detailed information about the Settlement.

Sponsored Search Listings

25. 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. As of March 18, 2026, there have been 73,283 impressions, resulting in 5,841 clicks to the Settlement Website. The sponsored search listings began on December 4, 2025, and ran through March 4, 2026.

Informational Release

26. To build additional reach and extend exposures, a party-neutral Informational Release (in both English and Spanish) was issued nationwide over PR Newswire’s U.S.1 and Hispanic newlines to

¹³ 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.).

1 approximately 13,000 general media (print and broadcast) outlets, including local and national
2 newspapers, magazines, national wire services, television and radio broadcast media across the United
3 States as well as over 4,000 websites, online databases, internet networks, and social networking media.
4 The Hispanic newswire reached over 1,900 Hispanic US general media contacts as well as up to 4,840
5 additional industry-specific Hispanic media contacts. The Hispanic release also included a guaranteed
6 placement on 40+ Hispanic websites and/or news portals.

7 27. The Informational Release included the address of the Settlement Website and the toll-free
8 telephone number. The Informational Release served a valuable role by providing additional notice
9 exposures beyond that which was provided by the paid media.

10 ***Claim Stimulation Supplemental Media***

11 28. To stimulate claim filing, supplemental Digital Notices were placed on *Google Display*
12 *Network* in English and Spanish, and placed on *Facebook* and *X (Twitter)* in English.

13 29. All supplemental Digital Notices appeared on desktop, mobile, and tablet devices. Digital
14 Notices on *Google Display Network*, *Facebook*, and *X (Twitter)* were displayed nationwide. The
15 supplemental Digital Notices were also targeted (remarketed) to people who clicked on a Digital Notice.

16 30. More details regarding the target audiences, specific ad sizes of the supplemental Digital
17 Notices, and the number of delivered impressions are included in the following table:

<i>Digital Plan</i>	<i>Target</i>	<i>Language</i>	<i>Ad Size</i>	<i>Delivered Impressions</i>
<i>Google Display Network</i>	Affinity Audience: 30 Tarr Products ¹⁴	English & Spanish	728x90, 300x250, 300x600 & 970x250	4,265,700
<i>Google Display Network</i>	Intent Audience: 30 Tarr Products	English & Spanish	728x90, 300x250, 300x600 & 970x250	4,081,457

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¹⁴ Products include: Alpha Rush Pro, Beauty Labs, Bella Labs Instant Wrinkle Reducer, Biofinite, Brain Storm Elite, Cellublast, Crème del Mar, Dermarose Eye Serum, Dermarose Face Cream, Elite Test 360, Fat Burn X, Fat Shred X, Flawless Raspberry Ketone, Forskolin Belly Buster, Garcinia Cambogia Slim Fast, Green Coffee Fat Burn, Jacked Muscle X, La Crème Anti-Wrinkle Cream, Miracle Garcinia Cambogia, Miracle Green Coffee, Miracle Muscle, Miracle Phytoceramides, Miracle Saffron, Perfect Age Skin Care, Ripped Muscle X, Superior Muscle X, Superior Test X, The Memory Plus, Try Miracle Cleanse, and Ultimate Muscle Black Edition.

<i>Digital Plan</i>	<i>Target</i>	<i>Language</i>	<i>Ad Size</i>	<i>Delivered Impressions</i>
<i>Google Display Network</i>	Lookalike Targeting to 1.5 million emails addresses	English & Spanish	728x90, 300x250, 300x600 & 970x250	2,062,067
<i>Facebook</i>	Interests: Diet and Nutrition, Physical Fitness, and/or Skin Care Cosmetics	English	Newsfeed & Right Hand Column	3,185,621
<i>X (Twitter)</i>	Post Engagement Targeting: 30 Tarr Products	English	X Feed Ads	4,354,337
TOTAL				17,949,182

31. Combined, approximately 17.9 million impressions were generated by the supplemental Digital Notices, which were targeted nationwide. The Digital Notices ran from February 3, 2026 through March 4, 2026.¹⁵

Claim Stimulation Reminder Notice

32. To stimulate claim filing, on January 30, 2026, Epiq commenced sending 1,999,827 Reminder Email Notices to all potential Class Members with a valid email address where the Short-Form Notice was not returned as undeliverable and who had not yet filed a Claim Form or requested exclusion from the Settlement.

Settlement Website

33. The Settlement Website (www.FreeTrialRecurringBillingSettlement.com), which was prominently displayed in the Notice and the Short-Form Notice, continues to be available 24 hours per day, 7 days a week. Relevant documents are posted on the Settlement Website, including the Class Agreement, Plan of Allocation, Preliminary Approval Order, long form Notice (in English and Spanish), Claim Form, and the operative Class Complaint. 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 deadlines, contact information for the

¹⁵ 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.).

1 Settlement Administrator, and how to obtain other case-related information. Class Members were also
2 able to file a Claim Form on the Settlement Website prior to the deadline.

3 34. At the request of Class Counsel, shortly after filing with the Court on February 19, 2026, Epiq
4 posted downloadable copies of the following documents on the Settlement Website: (1) Class Plaintiffs'
5 Notice of Motion and Motion for Final Approval of Class Action Settlement and Plan of Allocation (ECF
6 No. 390), (2) Class Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation
7 Expenses (ECF No. 391), and (3) Declaration of Jonathan M. Rotter in Support of (1) Class Plaintiffs'
8 Motion for Final Approval of Class Action Settlement and Plan of Allocation; and (2) Class Counsel's
9 Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses (ECF No. 390-1),
10 including the exhibits attached thereto (ECF Nos. 390-2 to 390-13).

11 35. As of March 18, 2026, there have been 117,512 unique visitor sessions to the Settlement
12 Website, and 202,089 web pages have been presented.

13 36. The Settlement Website will continue to be updated with relevant case information and Court-
14 related documents.

15 ***Toll-Free Telephone Number & Contact Information***

16 37. The toll-free telephone number (1-888-884-1172) established for the Settlement continues
17 to allow Class Members to call for additional information. Callers are able to hear an introductory
18 message and have the option to learn more about the Settlement in the form of recorded answers to
19 FAQs. This automated telephone system is available 24 hours per day, 7 days per week. The toll-free
20 telephone number was prominently displayed in the Notice and the Short-Form Notice. As of March
21 18, 2026, there have been 766 calls to the toll-free telephone number representing 2,033 minutes of use.

22 38. A postal mailing address and email address were established and continue to be available,
23 allowing Class Members the opportunity to request additional information or ask questions.

24 ***Claim Submission & Distribution Options***

25 39. The Notices provided a detailed summary of relevant information about the Settlement,
26 including the Settlement Website address and how Class Members could file a Claim Form online or by
27 mail prior to the deadline. With any method of filing a Claim Form, Class Members were given the option
28

1 of receiving a digital payment or a traditional paper check. Epiq worked with counsel for plaintiffs to
2 select an appropriate menu of payment options. The type of payment selected does not impact Epiq's
3 compensation for its work as the Settlement Administrator, and no one option is discouraged relative to
4 other options.

5 40. The deadline for Class Members to file a Claim Form was March 4, 2026. As of March 18,
6 2026, Epiq has received 1,363 Claim Forms (1,245 online and 118 paper). As the March 4, 2026, claims
7 deadline has recently passed, these numbers are preliminary and are subject to change. As standard
8 practice, Epiq is in the process of conducting a complete quality control review of Claim Forms received.
9 There is a likelihood that after detailed review, the total number of Claim Forms received will change
10 due to duplicate and denied Claim Forms.

11 ***Request for Exclusion and Objections***

12 41. The deadline to request exclusion from the Settlement or to object to the Settlement was March
13 5, 2026. As of March 18, 2026, Epiq has received two requests for exclusion. As of March 18, 2026, Epiq
14 is aware of no objections to the Settlement. The Exclusion Report is included as **Attachment 1**.

15 **CONCLUSION**

16 42. In class action notice planning, execution, and analysis, we are guided by due process
17 considerations under the United States Constitution, by federal and local rules and statutes, and by case
18 law pertaining to notice. This framework directs that the notice plan be designed to reach the greatest
19 practicable number of potential class members and, in a settlement class action notice situation such as
20 this, that the notice or notice plan not limit knowledge of the availability of benefits—nor the ability to
21 exercise other options—to class members in any way. All of these requirements were met in this case.

22 43. The Notice Plan individual notice effort via email reached in excess of 80% of potential
23 Class Members for whom email data was available. The reach was further enhanced by digital notice
24 and social media, internet sponsored search listings, an informational release, and a Settlement Website.
25 The Federal Judicial Center's ("FJC") *Judges' Class Action Notice and Claims Process Checklist and*
26 *Plain Language Guide*, which is relied upon for federal cases, and is illustrative for state courts, states
27 that, "the lynchpin in an objective determination of the adequacy of a proposed notice effort is whether
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1 all the notice efforts together will reach a high percentage of the class. It is reasonable to reach between
2 70–95%.”¹⁶ Here, we have developed a Notice Plan that readily achieved a reach within that standard.

3 44. The Notice Plan followed the guidance for how to satisfy due process obligations that a
4 notice expert gleans from the United States Supreme Court’s seminal decisions, which are: a) to endeavor
5 to actually inform the Class, and b) to demonstrate that notice is reasonably calculated to do so:

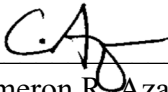
6 a) “[W]hen notice is a person’s due, process which is a mere gesture is not due process.
7 The means employed must be such as one desirous of actually informing the
8 absentee might reasonably adopt to accomplish it,” *Mullane v. Central Hanover*
Trust, 339 U.S. 306, 315 (1950); and

9 b) “[N]otice must be reasonably calculated, under all the circumstances, to apprise
10 interested parties of the pendency of the action and afford them an opportunity to
11 present their objections,” *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156 (1974) (citing
Mullane, 339 U.S. at 314).

12 45. The Notice Plan as designed and implemented for this case provided the best notice
13 practicable under the circumstances, conformed to all aspects of Federal Rules of Civil Procedure Rule
14 23 regarding notice, comported with the guidance for effective notice stated in the Manual for Complex
15 Litigation, Fourth and applicable FJC materials, and satisfied the requirements of due process, including
16 its “desire to actually inform” requirement.

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

19 I declare under penalty of perjury under the laws of the State of California that the foregoing is
20 true and correct. Executed March 18, 2026.

21 
22 _____
Cameron R. Azari, Esq.

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26 _____
27 ¹⁶ FED. JUDICIAL CTR, JUDGES’ CLASS ACTION NOTICE AND CLAIMS PROCESS CHECKLIST AND PLAIN
28 LANGUAGE GUIDE 3 (2010), available at <https://www.fjc.gov/content/judges-class-action-notice-and-claims-process-checklist-and-plain-language-guide-0>.

Attachment 1



Exclusion Report

McNamara v. Wells Fargo & Co., et al.

Number	First Name	Middle Name	Last Name
1	ERICH		KERR
2	STACEY		LATKOWSKI