

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

GERALD E. REED, IV,
Plaintiff,

v.

Case No. 6:19-cv-1751-RBD-LHP

COSTA DEL MAR, INC.,
Defendant.

JOINT NOTICE REGARDING PROPOSED CLASS NOTICE

Plaintiff, Gerald E. Reed, IV (“Plaintiff”), and Defendant, Costa Del Mar, Inc. (“Costa”) (collectively, the “Parties”), pursuant to this Court’s Order Granting Class Certification (Dkt. 161, the “Certification Order”), hereby provide the information requested by the Court in the Certification Order, and state as follows:

1. On June 7, 2019, Plaintiff filed the operative Complaint in this action (Dkt. 22), asserting a class claim against Costa for violation of the Florida Deceptive and Unfair Trade Practices Act (“FDUTPA”).
2. On June 27, 2025, Plaintiff moved for class certification (Dkt. 106).
3. On January 28, 2026, the Court granted Plaintiff’s Motion for Class Certification and certified the following class:

All citizens of the United States who purchased non-prescription, non-promotional Costa sunglasses

before January 1, 2018, and who were charged a fee by Costa, from four years prior to the date of the filing of this Complaint to the present, to repair or replace components of their sunglasses that Costa determined were damaged as a result of accident, normal wear and tear, or misuse. The class excludes Florida citizens.

See Dkt. 161 at 16–17.

4. In its Certification Order, the Court directed the parties to “file a joint notice that: (1) describes the proposed identification of class members and their contact information; (2) describes the method of disseminating class notice; and (3) proposes a notice to be disseminated to the class.” See Dkt. 161 at 17.

Proposed Identification of Class Members and Their Contact Information

5. Plaintiff has retained Epiq Legal Noticing (“Epiq”) as class notice and claims administrator in this case. Attached hereto as **Exhibit 1** is the Declaration of Cameron R. Azari, Esq. (the “Azari Declaration”), Senior Vice President at Epiq.

6. Costa has furnished information to Plaintiff sufficient to identify all class members and their names, email addresses, mailing addresses, and other identifying information (“Class List”) for repairs through January 28, 2025, which information has been provided to Epiq in a format that can be used to generate and disseminate the class notice. See Azari Decl. ¶ 20.

7. After an initial review, Epiq estimates there are approximately 357,944 unique class member records. This number may change after roll-up and deduplication. *See* Azari Decl. ¶ 20.

8. On February 23, 2026, Costa produced supplemental data identifying all repairs and class members between January 28, 2025, and January 28, 2026, which information has been provided to Epiq for use to finalize the class notice (“Supplemental Class List”).¹ *See* Azari Decl. ¶ 21. Epiq is still processing the data.

9. Notice will be provided to the class members identified on the Supplemental Class List in the same format and through the same notice program as explained herein. *See* Azari Decl. ¶ 23.

The Method of Disseminating Class Notice

10. As set forth in the Azari Declaration, class notice will be disseminated as follows:

- a. Epiq will send an Email Notice to all identified class members for whom a valid email address is available. *See* Azari Decl. ¶ 24.

¹ To the extent the Court desires a spreadsheet with the names and contact information of all class members, the Parties are prepared to file the same under seal upon order of the Court.

- b. The Email Notice will be drafted in such a way that the subject line, the sender, and the body of the message overcome SPAM filters and ensure readership to the fullest extent reasonably practicable. *See Azari Decl.* ¶ 24.
- c. The Email Notices will be sent from an IP address known to major email providers as one not used to send bulk “SPAM” or “junk” email blasts. *See Azari Decl.* ¶ 24.
- d. If the receiving email server cannot deliver the message, a “bounce code” will be returned along with the unique message identifier. *See Azari Decl.* ¶ 25.
- e. The Email Notice will include an embedded link to the case website. By clicking the link, recipients will be able to access the Long Form Notice and other information about the case. *See Azari Decl.* ¶ 24.
- f. For Email Notices for which a bounce code is 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 will be made to deliver the Notice by email. *See Azari Decl.* ¶ 25.

- g. Epiq will then send a Postcard Notice to all identified class members with an associated physical address for whom the Email Notice is returned as undeliverable after several attempts. *See* Azari Decl. ¶ 26.
- h. The Postcard Notice will be sent via United States Postal Service (“USPS”) first class mail. *See* Azari Decl. ¶ 26.
- i. Prior to mailing the Postcard Notices, all mailing addresses will be checked against the National Change of Address (“NCOA”) database maintained by the USPS. In addition, the addresses will be certified via the Coding Accuracy Support System (“CASS”) to ensure the quality of the zip code, and verified through Delivery Point Validation (“DPV”) to verify the accuracy of the addresses. *See* Azari Decl. ¶ 27.
- j. The return address on the Postcard Notices will be a post office box that Epiq will maintain for this case. *See* Azari Decl. ¶ 28.
- k. The USPS will automatically forward Postcard Notices with an available forwarding address order that has not expired (“Postal Forwards”). *See* Azari Decl. ¶ 28.

l. Postcard Notices returned as undeliverable will be re-mailed to any new address available through USPS information, for example, to the address provided by the USPS on returned pieces for which the automatic forwarding order has expired, or to better addresses that may be found using a third-party lookup service. *See Azari Decl. ¶ 28.*

m. Upon successfully locating better addresses, Postcard Notices will be promptly re-mailed. *See Azari Decl. ¶ 28.*

11. Epiq will create and maintain a dedicated website for the case with an easy to remember domain name that is agreed to by the parties. Relevant documents, including the Long Form Notice, Complaint, Class Certification Order, and any other case-related documents will be available on the case website. In addition, the case website will include relevant dates, answers to frequently asked questions (“FAQs”), instructions for how class members may opt-out (request exclusion) from the case, contact information for the Notice Administrator, and how to obtain other case-related information. The case website address will be prominently displayed in all notice documents. *See Azari Decl. ¶ 29.* All FAQs and written representations about the case will be agreed to by the parties.

12. A toll-free telephone number will be established for the case. Callers will be able to hear an introductory message, have the option to learn more about the case in the form of recorded answers to FAQs, and request that a Long Form Notice be mailed to them. The automated telephone system will be available 24 hours per day, 7 days per week. *See* Azari Decl. ¶ 30.

**Proposed Form of Notice
To Be Disseminated to The Class**

13. The parties have conferred and agreed on the proposed forms of notice.

14. Attached as **Exhibit 2** is the proposed Long Form Notice that will be disseminated to the class.

15. Attached as **Exhibit 3** is the proposed Short Form Notice that will be disseminated to the class.

16. Attached as **Exhibit 4** is the proposed Email Notice that will be disseminated to the class.

17. As set forth in the Azari Declaration, for trial to proceed in a timely fashion on May 4, 2026, Epiq must begin implementing the notice plan expeditiously. Accordingly, Plaintiff respectfully requests that the Court approve the proposed notice plan no later than March 5, 2026.

18. Costa's position is that the case should be stayed, including sending class notice, until after resolution of Costa's Rule 23(f) Petition to

the Court of Appeals. Costa accordingly asks that the Court not enter Plaintiff's proposed notice plan at this time.

19. Additionally, Costa objects to Plaintiff's notice plan as giving insufficient time for certain class members to opt out. Based on Plaintiff's proposed notice plan, Epiq is intending to re-mail postcard notices that are returned undeliverable (*See* Azari Decl. ¶¶ 26-28); however, there is not sufficient time for that process. Postcard mailings are proposed to be sent out on March 24, 2026. For any postcard mailing that is returned undeliverable, there will not be sufficient time for Epiq to perform a skip trace, re-mail the postcard notice and give those class members 30 days to opt out before trial is scheduled to commence on May 4, 2026. It is Costa's position that class members must have at least 30 days to exercise their opt out rights and often courts give 60 days for opt outs.² *See Greco v. Ginn Dev. Co., LLC*, 635 F. App'x 628, 634 (11th Cir. 2015) ("Courts have consistently held that 30 to 60 days between the mailing (or other dissemination) of class notice and the last date to object or opt out . . . affords class members an adequate opportunity."); *Fla. Educ. Ass'n v. State*, No. 4-17-cv-414-RH/CAS, 2019 U.S. Dist. LEXIS 229456, at *21 (N.D. Fla. Nov. 4, 2019) (finding that

² Based on the parties' prior settlement, which was ultimately vacated by the Eleventh Circuit, Costa expects a meaningful number of both email and postcard mailing to be returned as undeliverable and will have to be remailed.

“60 days from mailing of the notice to submit a claim, opt out, or object” was sufficient). Plaintiff’s cases are factually distinguishable. *See Grunin v. Int’l House of Pancakes*, 513 F.2d 114, 121 (8th Cir. 1975) (explaining that franchisee class members were involved in the litigation for almost two years prior to settlement and that Franchisee Association spent weeks lobbying in advance of the settlement in favor of franchisees’ support); *Amchem Prods. v. Windsor*, 521 U.S. 591, 606, 117 S. Ct. 2231, 2241 (1997) (considering appeal that was unrelated to “three-month” opt out notice period in that case).

20. Although Plaintiff recognizes that some small percentage of postcard notices may need to be re-mailed and could result in notices received inside the 30 days for that small subset of recipients, Plaintiff believes that the proposed notice plan meets the “best practical notice” standard. In *Greco v. Ginn Development Co.*, which Costa cites for the proposition that there is a bright-line 30-day requirement in the Eleventh Circuit, the court cited a treatise which makes clear that courts nationwide have approved notice periods ranging from 19 to 60 days. *Greco v. Ginn Development Co., LLC*, 635 Fed.Appx. 628, 634 (11th Cir. 2015) (citing 2 *McLaughlin on Class Actions* § 6:18 (11th ed.)); *see also Grunin v. International House of Pancakes*, 513 F.2d 114, 121 (8th Cir. 1975) (19 days’

notice was enough time to object). The “best notice practicable” standard is inherently context-specific. *See, e.g., Amchem Prods., Inc. v. Windsor*, 521 U.S. 591, 593, 117 S. Ct. 2231, 2235, 138 L. Ed. 2d 689 (1997) (“To alert Rule 23(b)(3) class members to their right to ‘opt out,’ Rule 23 requires ‘the best notice practicable under the circumstances.’”).

21. The proposed notices contain various blanks that will be filled in upon Court approval of the notice plan. Pursuant to Paragraph 34 of the Azari Declaration, Plaintiff proposes the following schedule to govern notice.

Website and IVR Go Live	March 10, 2026
Notice Campaign Commences	March 11, 2026
Email Notice Completes	March 15, 2026
Postcard Notice Mailed to Failed Email Notices	March 24, 2026
Opt-Out Deadline	May 1, 2026
Declaration Reporting Opt-Outs and Implementation of Notice Filed with the Court	May 1, 2026
Trial	May 4, 2026

Respectfully submitted this 25th day of February, 2026.

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