

If You Used a FasTrak Account To Pay a Toll On The 91 Express Lanes, Or Received a Toll Violation For the 91 Express Lanes in Orange County, California, You May Be Entitled To Benefits From A Class Action Settlement

A federal court directed this notice. This is not a solicitation from a lawyer.

- A settlement has been reached in a class action lawsuit about whether the Orange County Transportation Authority and Cofiroute USA, LLC (the “Defendants”) improperly shared with third parties certain “Personally Identifiable Information” (“PII”) of owners or operators of motor vehicles that used the 91 Express Lanes in Orange County, California. The Defendants deny the allegations in the lawsuit. The Court has decided that certain claims against the Defendants lack merit but has not ruled on one remaining claim.
- The settlement between Plaintiff Dan Golka and the Defendants (“Settlement”) covers the time period from June 29, 2015 to May 27, 2021.
- The Settlement offers eligible Settlement Class Members cash payments or penalty forgiveness as set forth below.
- Your legal rights are affected whether you act or do not act. Read this notice carefully.

SUBMIT A CLAIM FORM	You may submit a Claim Form seeking a cash payment of up to \$15.00 if your toll violation was sent to a debt collector and you are not entitled to automatic penalty forgiveness (see below).
AUTOMATIC PENALTY FORGIVENESS	If you have outstanding penalties for driving on the 91 Express Lanes that were sent to a third-party debt collector (including Linebarger Goggan Blair & Sampson) as of the Effective Date of the Settlement (see below), you will receive automatic forgiveness of a portion of the penalty for such violation(s). The penalty on each of your toll violations will automatically be reduced to \$100.00. You will also receive approximately an additional \$40.00 off the total debt owed. You do not have to do anything to participate in the penalty forgiveness program - your account will automatically be credited if you are in this Class and do not exclude yourself from the Settlement.
EXCLUDE YOURSELF	You may request to be excluded and get no benefits from the Settlement. This is the only option that allows you to start or continue your own lawsuit against the Defendants for the claims at issue in the Settlement (see question 12 below).
OBJECT	If you do not exclude yourself from the Settlement, you may submit a written objection to the Court about why you do not like the Settlement.
GO TO A HEARING	You may ask to speak in Court about the fairness of the Settlement.
DO NOTHING	You will not receive a cash payment but may still qualify for automatic forgiveness of a portion of your toll violation penalties. You will give up any rights you might have to sue the Defendants about the claims resolved by the Settlement.

**Questions? Call 1- 888-490-0922 or visit www.TollRoadsSettlements.com
Si desea recibir esta notificación en español, llámenos o visite nuestra página web.**

- These rights and options—**and the deadlines to exercise them**—are explained in this notice.
- The Court still has to decide whether to approve the Settlement. If it does, and after any appeals are resolved, benefits will be distributed to eligible class members who submit qualifying claim forms or are found eligible for automatic forgiveness of toll violation penalties. Please be patient.

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Questions? Call 1- 888-490-0922 or visit www.TollRoadsSettlements.com

BASIC INFORMATION

1. Why is there a notice?

A Court authorized this notice because you have a right to know about the proposed Settlement in a class action lawsuit known as *In re Toll Roads Litigation*, Case No. 8:16-cv-262-ODW(ADSx) (C.D. Cal.), and about all of your options, before the Court decides whether to give final approval to the Settlement. This notice explains the lawsuit, the Settlement, and your legal rights regarding the Settlement.

Judge Otis D. Wright II of the United States District Court, Central District of California is overseeing this case. The people who sued are called the “Plaintiffs.” The Orange County Transportation Authority, Darrell Johnson and Lori Donchak (collectively “OCTA”) and Cofiroute USA, LLC (“CUSA”) are collectively called the “Defendants.” The lawsuit alleges that in the course of operating the 91 Express Lanes, the Defendants in violation of Section 31490 of the California Streets and Highways Code provided personally identifiable information (as defined in section 31490, “PII”) to certain third parties. The lawsuit seeks statutory damages on behalf of the named Plaintiffs and a proposed class of all individuals in the United States who operated motor vehicles on the 91 Express Lanes and had their PII captured and shared with third parties. The lawsuit also alleges that Defendants’ toll collection practices and imposition of penalties violated the excessive fines and due process clauses of the U.S. and California Constitution, violated the California constitutional right of privacy and the California Consumer Legal Remedies Act and Unfair Competition Law, and that they were negligent. There are other defendants, including Foothill/Eastern Transportation Corridor Agency, San Joaquin Hills Corridor Transportation Agency, Michael Kraman, Craig Young, Scott Schoeffel, Ross Chun, Rhonda Reardon (collectively “TCA”), 3M Company (“3M”) and BRiC-TPS, LLC (“BRiC”), who entered into separate settlement agreements with the Plaintiffs, and are not part of this Settlement.

There are **three separate settlements** in this single lawsuit. In addition to this Settlement, the Plaintiffs settled separately with TCA and BRiC on the one hand, and 3M on the other regarding their operation of the 73, 133, 241 and 261 Toll Roads in Orange County.

You received notice because the records of one or more of the defendants showed that you may be a member of the OCTA/CUSA settlement class. United States District Court Judge Otis D. Wright II ordered OCTA, CUSA and TCA to provide your name and contact information (either your mailing address or your email address) to the Class Administrator so that notice could be sent to you.

As explained further below, from the Settlement with OCTA and CUSA you may:

- get a cash payment if your toll violation was sent to a third-party debt collector and you do not currently owe any additional penalties, by submitting a valid claim form;
- have a portion of your outstanding toll violation penalties forgiven;
- object to the Settlement; or
- request exclusion from the Settlement.

Defendants deny each and every allegation of wrongdoing, liability, and damages that were or could have been asserted in the litigation and further deny that the claims in the litigation would be appropriate for class treatment if the litigation were to proceed through litigation and trial. The Court ruled for Defendants on most of the Plaintiffs’ privacy claims but has not decided who is right on one remaining class privacy claim.

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The Plaintiffs' Complaint, the Settlement Agreement, the Court's ruling on the privacy claims, and other case-related documents are posted on the website www.TollRoadsSettlements.com. The Settlement resolves the claims against OCTA and CUSA in the lawsuit.

2. What is "Personally Identifiable Information" or PII?

In the context of the Settlement, Personally Identifiable Information ("PII") means "any information that identifies or describes a person including, but not limited to, travel pattern data, address, telephone number, email address, license plate number, photograph, bank account information, or credit card number," as provided in Section 31490(o) of the California Streets and Highways Code.

3. Which toll roads are the subject of the lawsuit?

Plaintiffs allege that the toll roads upon which motor vehicles owned or driven by Plaintiffs and Class Members were operated include the 91 Express Lanes operated by OCTA and other California toll roads in California operated by other public entities, including the TCA. Visit the www.TollRoadsSettlements.com website to see a map of the included toll roads. If you received this Notice, you are likely included in the Settlement because the defendants' records have identified you as a person whose PII may have been shared as part of the operation of the 91 Express Lanes.

4. Why is this a class action?

In a class action, one or more people called "Class Representative(s)" (in this case, Plaintiff Dan Golka) sue on behalf of themselves and other people with similar claims. Together, all the people with similar claims (except those who exclude themselves) are members of a "Settlement Class."

5. Why is there a Settlement?

The Court has ruled in favor of the Defendants on a number of the privacy claims raised in the lawsuit, but has not decided wholly in favor of either the Plaintiffs or Defendants. Instead, Plaintiff Dan Golka and Defendants have agreed to the Settlement. By agreeing to the Settlement, the Parties avoid the costs and uncertainty of a trial, and if the Settlement is approved by the Court, Settlement Class Members will receive the benefits described in this Notice. The proposed Settlement does not mean that any law was broken or that the Defendants did anything wrong. The Defendants deny all liability and legal claims against them in this case. Plaintiff Dan Golka and the lawyers representing the class think the proposed Settlement is best for everyone who is affected.

WHO IS PART OF THE SETTLEMENT

6. Who is included in the Settlement?

If you received a Notice by email or mail you are likely a Settlement Class Member.

The following individuals whose PII was provided by OCTA or CUSA to an individual or entity described below between June 29, 2015 and May 27, 2021 are included in the Settlement:

- **Any person with a transponder account with a California toll road operator other than OCTA whose PII including the date, time and location of a toll transaction on the 91 Express Lanes was sent by Defendants to another California toll road operator between June 29, 2015 and May 27, 2021 for purposes of collecting a toll incurred on the 91 Express Lanes (the "Interoperability Subclass"); and**

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- Any person whose PII was sent by Defendants between June 29, 2015 and May 27, 2021 to: a) the California Department of Motor Vehicles or out-of-state equivalent in connection with more than one alleged toll violation incurred on the 91 Express Lanes (the “DMV Subclass”); b) a car rental company in connection with an alleged toll violation incurred on the 91 Express Lanes (the “Car Rental Subclass”); and/or c) a third-party debt collector for collection of unpaid tolls and/or toll violation penalties incurred on the 91 Express Lanes (the “Debt Collection Subclass”)

The following individuals are excluded from the Settlement Class: Current members of the OCTA Board of Directors, OCTA’s Chief Executive Officer, the General Manager of the 91 Express Lanes, OCTA’s 91 Express Lanes Project Manager III, and the attorneys representing OCTA and Cofiroute in this Litigation.

The Settlement Agreement does not include any of the following claims:

- The claims expressly asserted in the January 6, 2020 First Amended Complaint on file in the case entitled *Mathew Skogebo et al., vs. Cofiroute USA, LLC, et al.*, Orange County Superior Court Case No. 30-2019-01118474;
- The claims expressly asserted in the January 13, 2020 Second Amended Complaint on file in the case entitled *Harvey J. Thompson, et al., vs. Cofiroute USA, LLC, et al.*, Orange County Superior Court Case No. 30-2019-01108804; and
- The claims expressly asserted in the January 3, 2020 Corrected First Amended Complaint on file in the case entitled *Sanket Vinod Thakur, et al., vs. Cofiroute USA, LLC, et al.*, United States District Court, Central District of California, Case No. 8:19-CV-02233 ODW (JDEx).

7. What if I am not sure whether I am included in the Settlement?

If you are still not sure whether you are in the Settlement Class or have any other questions about the Settlement, visit the settlement website at www.TollRoadsSettlements.com or call the toll-free number, 1-888-490-0922.

THE SETTLEMENT BENEFITS

8. What does the Settlement provide?

The benefits provided by the Settlement are as follows:

OCTA will pay \$1 million to create a “Settlement Fund.” The Settlement Fund will be used to pay all Settlement costs, including notice and administration costs, the Special Master’s fees and costs, any attorneys’ fees awarded to the attorneys representing the Settlement Class, and any approved service award to the Class Representative. The remainder (the “Net Settlement Funds”) will be distributed as cash payments to eligible Settlement Class Members who had a toll violation sent to a third-party debt collector and who submit valid claims and who are not eligible for the penalty forgiveness described below. The cash payments will be distributed on a pro rata basis to valid claimants depending on the number of valid claims submitted, up to a maximum of \$15.00 per person. Any amount remaining will be donated to Privacy Rights Clearinghouse, a Southern California non-profit privacy rights advocacy organization.

OCTA will also provide \$40 million in toll violation penalty forgiveness. This will be allocated as follows: Every toll violation penalty currently assigned to a third party debt collector for collection will be reduced to \$100.00. In addition, each toll violator who currently owes OCTA a debt for one

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or more toll violation penalties assigned to a third party debt collector will have the amount of that debt reduced by approximately \$40.00. You do not have to submit a claim to obtain this reduction. If you do not submit a request to be excluded from the Settlement Class, and you have a qualifying toll violation debt, you will automatically receive this benefit.

9. How do I submit a claim?

If you qualify for a cash payment (i.e., you had a toll violation sent to a third-party debt collector and are not eligible for penalty forgiveness) you must complete and submit a valid Claim Form. You can submit your Claim Form online at www.TollRoadsSettlements.com. The deadline to submit a claim online is **11:59 p.m. PST on November 8, 2021**.

You may also submit your Claim Form via regular mail. A Claim Form can be downloaded from the website at www.TollRoadsSettlements.com. Claim Forms submitted by mail must be **postmarked** on or before **November 8, 2021 and mailed** to:

91 Express Lanes Settlement Administrator
PO Box 3639
Portland, OR 97208-3639

No matter which method you choose to submit your Claim Form, please read the Claim Form carefully and provide all the information required, including the unique identifying number provided to you on the notice you were sent by email or mail (if you received a notice). Only one Claim Form per Settlement Class Member may be submitted.

10. When will I receive my payment?

Payments to eligible Class Members who submit valid claims and reductions in outstanding toll violation penalties will be made only after the Court grants final approval to the Settlement and after any appeals are resolved (*see* “The Court’s Fairness Hearing” below). If there are appeals, resolving them can take time. Please be patient.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want benefits from the Settlement, and you want to keep any rights you might have to sue the settling Defendants about the issues in this case, then you must take steps to get out of the Settlement. This is called excluding yourself or “opting out” of the Settlement Class.

11. How do I exclude myself from the Settlement?

To exclude yourself from the Settlement, you must send a letter or other written document by mail to:

91 Express Lanes Settlement Administrator
PO Box 3639
Portland, OR 97208-3639

Your request to be excluded from the Settlement must be personally signed by you and contain a statement that indicates your desire to be excluded from the Settlement Class. A request to be excluded will not affect your eligibility to participate in any settlement regarding any toll roads other than the 91 Express Lanes.

Your exclusion request must be postmarked no later than **November 8, 2021**. You cannot ask to be excluded on the phone, by email, or at the website.

Questions? Call 1- 888-490-0922 or visit www.TollRoadsSettlements.com

12. If I do not exclude myself, can I sue the Defendants for the same thing later?

No. Unless you exclude yourself, you give up any right you might have to sue the Defendants for legal claims that the Settlement resolves.

If you start your own lawsuit, you will have to hire your own lawyer, and you will have to prove your claims.

13. What am I giving up to stay in the Settlement Class?

If you stay in the Settlement Class and do not exclude yourself, you cannot sue or be part of any other lawsuit or other proceeding against the Defendants about the issues settled in this case, except even if you don't exclude yourself you can still pursue informal or formal administrative procedures to contest a prior toll evasion violation that has not been resolved. If you stay in the Settlement Class, all of the decisions and judgments by the Court related to the Settlement will bind you. If you submit a Claim Form or do nothing at all, you will be releasing Defendants from all of the claims described and identified in Section 15 of the Settlement Agreement. Whether you exclude yourself or stay in the Settlement Class, you cannot bring a new claim based on the fact that one or more of the defendants provided your name and contact information to the Class Administrator so notice of the Settlement could be sent to you.

The Settlement Agreement is available at www.TollRoadsSettlements.com. The Settlement Agreement provides more detail regarding the release and describes the released claims, so read it carefully. You can talk to the law firms representing the Class listed in Question 15 for free, or you can, at your own expense, talk to your own lawyer if you have any questions about the released claims or what they mean.

14. If I exclude myself, can I still get a payment or a reduction of penalties?

No. You will not get a payment from the Settlement Fund if you exclude yourself from the Settlement. And if you owe toll violation penalties assigned to a debt collector, those penalties will not be reduced if you exclude yourself.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in the case?

The Court has appointed the following lawyers as Class Counsel to represent all members of the Settlement Class.

Helen Zeldes Schonbrun Seplow Harris Hoffman & Zeldes, LLP 501 W. Broadway, Suite 800 San Diego, CA 92101	Blake J. Lindemann 433 North Camden Drive 4 th Floor Beverly Hills, CA 90201	Michael Flannery Cuneo Gilbert & LaDuca LLP 500 North Broadway, Suite 1450 St. Louis, MO 63102
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You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

16. How will the lawyers be paid?

Class Counsel intend to request up to \$250,000 for attorneys' fees, plus reimbursement of reasonable, actual out-of-pocket expenses incurred in the litigation. Any fees and expenses awarded by the Court will be paid out of the cash Settlement Fund. The Court will decide the amount of fees and expenses to award, if any.

Class Counsel will also request a Service Award of up to \$5,000 for Plaintiff Daniel Golka, to be paid from the Settlement Fund, for his service as representative on behalf of the whole Settlement Class.

The motion by Class Counsel for attorneys' fees, costs and Service Awards will be posted on the Settlement website at least two weeks before the **November 8, 2021** deadline for filing an objection to the Settlement or excluding yourself from the Settlement.

OBJECTING TO THE SETTLEMENT

17. How do I tell the Court if I do not like the Settlement?

If you are a Settlement Class Member (and do not exclude yourself from the Settlement Class), you can object to any part of the Settlement. You can object even if you also submit a claim for benefits under the Settlement. To object, you must file a letter or other written document with the Court that includes the following:

- 1) A heading that includes the case name and case number: *In re Toll Roads Litigation*, Case No. 8:16-cv-262-ODW(ADSx) (C.D. Cal.);
- 2) Your name, address, telephone number, and if represented by counsel, the name, bar number, address, and telephone number of your counsel;
- 3) A signed declaration stating, under penalty of perjury, that you are a member of the Settlement Class;
- 4) A statement of all your objections to the Settlement, including the legal and factual basis for each objection and whether your objections apply only to you, to a specific subset of the class, or to the entire class; and
- 5) A statement of whether you intend to appear at the Fairness Hearing, either with or without counsel, and if with counsel, the name, bar number, address, and telephone number of your counsel who will attend.

You must file your objection with the Court (in the manner provided by the Local Rules for the Central District of California) and mail your objection to each of the following eight addresses, and your objection must be postmarked by **November 8, 2021**:

CLERK OF THE COURT	ADMINISTRATOR
Clerk of the Court United States District Courthouse Central District of California 350 W. 1st Street Los Angeles, CA 90012	91 Express Lanes Settlement Administrator P.O. Box 3639 Portland, OR 97208-3639

OCTA COUNSEL	CUSA Co-COUNSEL	CUSA Co-COUNSEL
M. Lois Bobak Woodruff, Spradlin & Smart, 555 Anton Boulevard Suite 1200 Costa Mesa, CA 92626-7670	Ken E. Steelman General Counsel Cofiroute USA, LLC 200 Spectrum Center Drive Suite 1650 Irvine, CA 92618	David F. Brown Corbett, Steelman & Specter 27281 Las Ramblas, Suite 200 Mission Viejo, CA 92691-8303

CLASS COUNSEL		
Helen Zeldes Schonbrun Seplow Harris Hoffman & Zeldes, LLP 501 W. Broadway, Suite 800 San Diego, CA 92101	Blake J. Lindemann 433 North Camden Drive 4 th Floor Beverly Hills, CA 90201	Michael Flannery Cuneo Gilbert & LaDuca LLP 500 North Broadway, Suite 1450 St. Louis, MO 63102

18. What is the difference between objecting and excluding myself?

Objecting is simply telling the Court that you want to be part of the Settlement Class but you do not like something about the Settlement. You can object to a Settlement only if you do not exclude yourself from it. Excluding yourself is telling the Court that you do not want to be part of the Settlement. If you exclude yourself, you have no basis to object to the Settlement because you will not be part of the settling class.

THE COURT’S FAIRNESS HEARING

The Court has appointed the U.S. District Court Judge who presided over this case for four years and is now retired, Hon. Andrew J. Guilford, Ret., as Special Master to consider whether the Settlement should be approved and submit a report and recommendation to the Court. The Special Master will hold a hearing on whether to recommend approval of the Settlement to the Court (“Fairness Hearing”).

19. When and where will the Court decide whether to approve the Settlement?

The Special Master has scheduled a Fairness Hearing on approval of the Settlement to occur on January 4th, 2022 at 10:00 a.m., via Zoom. You may request the Zoom link and/or telephone number for the hearing by calling 888-490-0922 (or visiting the FAQs on the settlement website). The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.TollRoadsSettlements.com for updates. At this hearing, the Special Master will consider whether the Settlement is fair, reasonable, and adequate. The Special Master will also consider the requests by Class Counsel for attorneys’ fees and expenses and for a service award to the Class Representative. If there are objections, the Special Master will consider them at that time. After the hearing, the Special Master will decide whether to recommend approval of the Settlement to the Court. The Special Master’s report and recommendation will be filed with the Court and posted to the website. Judge Wright will decide whether to accept it or not and enter an order accordingly. It is unknown how long these decisions will take.

Questions? Call 1- 888-490-0922 or visit www.TollRoadsSettlements.com

20. Do I have to attend the hearing?

No. Class Counsel will answer any questions the Special Master may have. But, you are welcome to attend the Fairness Hearing at your own expense. If you file an objection, you do not have to attend the Fairness Hearing to talk about it, but you are free to do so. As long as you file your written objection on time, and mail it to the proper addresses, and it complies with the other requirements set forth above, the Special Master will consider it. You may also pay your own lawyer to attend the Fairness Hearing, but it is not necessary.

21. May I speak at the hearing?

It is in the discretion of the Special Master whether to allow oral arguments at the Fairness Hearing. If you want to speak at the Fairness Hearing, include a statement in your objection that you intend to appear at the Fairness Hearing (*See* Question 17 above) and want to speak.

You cannot speak at the hearing if you exclude yourself from the Settlement.

IF YOU DO NOTHING

22. What happens if I do nothing at all?

If you are a member of the Settlement Class and do nothing, you will be bound by the judgment entered by the Court on the Settlement, including the release in the Settlement Agreement. This means you will not be able to start a lawsuit, continue with this lawsuit, or be part of any other lawsuit or proceeding against the Defendants about the claims settled and released in this case, except even if you do nothing you can still pursue informal or formal administrative procedures to contest a prior toll evasion violation that has not been resolved. If you are a member of the Settlement Class and owe toll violation penalties assigned to a debt collector for collection you will receive the reduction in your penalties (discussed in response to Question 8, above) even if you do nothing in response to this notice.

GETTING MORE INFORMATION

23. How do I get more information?

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement. For a complete, definitive statement of the Settlement's terms, refer to the Settlement Agreement at www.TollRoadsSettlements.com. You may also write with questions to the Settlement Administrator at 91 Express Lanes Settlement Administrator, PO Box 3639, Portland, OR 97208-3639, or call the toll-free number, 1-888-490-0922.