

## If You Drove On the 73, 133, 241 and/or 261 Toll Roads in Southern California or Provided Information to the Operator of those Toll Roads, You May Be Entitled to a Payment from Two Class Action Settlements.

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

- Two Settlements have been reached in a class action lawsuit about whether TCA, 3M, and BRiC (the “Defendants”) improperly collected and shared with third parties the “Personally Identifiable Information” (“PII”) of operators of motor vehicles that used the 73, 133, 241, and/or 261 Toll Roads in Orange County, California or other individuals whose PII was provided to Defendants. The Defendants deny the allegations in the lawsuit. The Court has decided that certain allegations against Defendants lack merit but has not ruled on the remaining claims.
- Both Settlements cover vehicle operators, but one covers a shorter time period. The settlement between Plaintiffs and the TCA and BRiC (“TCA Settlement”) covers the time period from April 13, 2015 to June 16, 2021. The settlement between Plaintiffs and 3M (“3M Settlement”) covers from April 13, 2015 to June 30, 2015.
- You can receive benefits under both Settlements if you are a member of both Settlement Classes.
- The Settlements offer Settlement Class Members Cash Payments and/or Penalty Forgiveness as set forth below.
- Your legal rights are affected whether you act or do not act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THESE SETTLEMENTS		
	TCA SETTLEMENT	3M SETTLEMENT
<b>SUBMIT A CLAIM FORM</b>	You may submit a Claim Form seeking cash payment if you do <b>not</b> have penalties outstanding to the TCA as of the Effective Date of the TCA Settlement (see below).	You may submit a Claim Form seeking cash payment.
<b>AUTOMATIC PENALTY FORGIVENESS</b>	If you <b>have outstanding penalties</b> for driving on the TCA toll roads as of the Effective Date of the TCA Settlement (see below), you will receive automatic forgiveness of the lesser of your outstanding penalties and \$57.50. In addition, you might be eligible to receive additional forgiveness. If so, the total amount of your penalty forgiveness could be up to 100% of your outstanding penalties. 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 TCA Settlement.	Not applicable.

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

<b>EXCLUDE YOURSELF</b>	<p>Request to be excluded and get no benefits from the TCA Settlement. This is the only option that allows you to start or continue your own lawsuit against the TCA Defendants for the claims at issue in the TCA Settlement to the extent they aren't barred by applicable law or a prior Court ruling.</p> <p>You can request to be excluded from either or both of the Settlements (see question 12 below).</p>	<p>Request to be excluded and get no benefits from the 3M Settlement. This is the only option that allows you to start or continue your own lawsuit against 3M for the claims at issue in the 3M Settlement to the extent they aren't barred by applicable law or a prior Court ruling.</p> <p>You can request to be excluded from either or both of the Settlements (see question 12 below).</p>
<b>OBJECT</b>	Write to the Court about why you do not like the TCA Settlement.	Write to the Court about why you do not like the 3M Settlement.
<b>GO TO A HEARING</b>	Ask to speak in Court about the fairness of the TCA Settlement.	Ask to speak in Court about the fairness of the 3M Settlement.
<b>DO NOTHING</b>	You will not receive a cash payment but may still qualify for automatic forgiveness of penalties. Give up any rights you might have to sue the TCA Defendants about the claims resolved by the TCA Settlement.	You will not receive any benefits from the 3M Settlement. Give up any rights you might have to sue 3M about the claims resolved by the 3M Settlement.

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

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**BASIC INFORMATION**

**1. Why is there a notice?**

A Court authorized this notice because you have a right to know about two proposed Settlements 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 Settlements. This notice explains the lawsuit, the Settlements, and your legal rights.

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 “TCA Defendants” are BRiC-TPS, LLC (“BRiC”) and Foothill/Eastern Transportation Corridor Agency, San Joaquin Hills Corridor Transportation Agency, Michael Kraman, Craig Young, Scott Schoeffel, Ross Chun, Rhonda Reardon (collectively “TCA”). The 3M Defendant is 3M Company (“3M”). Collectively, the TCA Defendants and 3M are the “Defendants.” The lawsuit alleges that the Defendants provided to third parties Personally Identifiable Information (“PII”) in violation of Section 31490(a) of the California Streets and Highways Code. The lawsuit seeks statutory damages on behalf of the named Plaintiffs

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and a proposed class of all individuals in the United States that operated motor vehicles on certain Toll Roads 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 Constitution, violated the California CLRA and UCL statutes, and that they were negligent. There are other defendants, including the Orange County Transportation Authority and Cofiroute, who are not part of the Settlements.

There are **two separate Settlements** in this notice. The Plaintiffs settled separately with TCA and BRiC, on the one hand, and 3M, on the other. (In addition to these two Settlements, the Plaintiffs settled separately with the Orange County Transportation Authority and Cofiroute USA, LLC regarding their operation of the 91 Express Lanes in Orange County. That settlement is not part of this notice.) As explained further below, you may:

- get a cash payment if you are eligible by submitting a valid claim form;
- have certain outstanding penalties forgiven;
- object to one or both (or neither) of the Settlements; or
- request exclusion from one or both Settlements (or neither).

Defendants deny each and every allegation of wrongdoing, liability, and damages that was 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 some of the allegations but has not decided who is right on other allegations.

The Plaintiffs' Complaint, the Settlement Agreements, and other case-related documents are posted on the website [www.TollRoadsSettlements.com](http://www.TollRoadsSettlements.com). The Settlements resolve the claims against these Defendants in the lawsuit.

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

In the context of the Settlements, 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 Plaintiffs and Class Members operated motor vehicles are Toll Roads Routes 73, 133, 241 and 261. Visit the [www.TollRoadsSettlements.com](http://www.TollRoadsSettlements.com) website to see a map of the included Toll Roads. If you received this Notice, you are likely included in the TCA Settlement and may also be included the 3M Settlement because the Defendants' records have identified you as a person whose PII may have been shared.

## 4. Why is this a class action?

In a class action, one or more people called "Class Representatives" 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." Here, Plaintiffs Penny Davidi Borsuk, David Coulter, Todd Carpenter, Ebrahim Mahda, Lori Myers, Dan Golka and Todd Quarles are the Class Representatives for the TCA Settlement. For the 3M Settlement, the Class Representatives are the same people except for Todd Quarles and Ebrahim Mahda.

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## 5. Why are there Settlements?

The Court has not decided wholly in favor of the Plaintiffs or Defendants. Instead, Plaintiffs and Defendants have agreed to the Settlements. By agreeing to the Settlements, the Parties avoid the costs and uncertainty of a trial, and if the Settlements are approved by the Court, Settlement Class Members will receive the benefits described in this notice. The proposed Settlements do not mean that any law was broken or that the Defendants did anything wrong. The Defendants deny all legal claims in this case. Plaintiffs and their lawyers think the proposed Settlements are best for everyone who is affected.

## WHO IS PART OF THE SETTLEMENTS

### 6. Who is included in the Settlements?

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

<b>TCA SETTLEMENT</b>	<b>3M SETTLEMENT</b>
<p>The Settlement includes all individuals whose PII was provided by BRiC, 3M, or TCA to any other individual or entity from April 13, 2015 to June 16, 2021, including:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> <i>Any person with a transponder account with a Toll Agency whose PII was sent by BRiC, TCA or 3M to another Toll Agency (interoperability transmissions);</i></li><li><input type="checkbox"/> <i>Any person who used any of the TCA Toll Roads whose PII was sent by BRiC, TCA or 3M to a third party in connection with efforts to collect tolls or penalties (collection transmissions); and</i></li><li><input type="checkbox"/> <i>Any person whose PII was sent by BRiC, TCA or 3M to a third party for any reason other than those listed above (other transmissions).</i></li></ul>	<p>The Settlement includes all individuals whose PII was provided by 3M or TCA to any other individual or entity from April 13, 2015 to June 30, 2015, including:</p> <ul style="list-style-type: none"><li><input type="checkbox"/> <i>Any person with a transponder account with a Toll Agency whose PII was sent by 3M or TCA to another Toll Agency (interoperability transmissions);</i></li><li><input type="checkbox"/> <i>Any person who used any of the TCA Toll Roads whose PII was sent by 3M or TCA to a third party in connection with efforts to collect tolls or penalties (collection transmissions); and</i></li><li><input type="checkbox"/> <i>Any person whose PII was sent by 3M or TCA to a third party for any reason other than those listed above (other transmissions).</i></li></ul>
<p>Excluded from the Settlement Class are: (1) employees of TCA Defendants, including their current and former directors, officers and counsel; (2) any entity that has a controlling interest in TCA Defendants; (3) TCA Defendants' affiliates and subsidiaries; and (4) the judge to whom this case is or was assigned, any member of the judge's immediate family, and any member of the judge's staff.</p>	<p>Excluded from the Settlement Class are: (1) employees of 3M, including their current and former directors, officers and counsel; (2) any entity that has a controlling interest in 3M; (3) 3M affiliates and subsidiaries; and (4) the judge to whom this case is or was assigned, any member of the judge's immediate family, and any member of the judge's staff.</p>

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

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

## THE SETTLEMENT BENEFITS

### 8. What do the Settlements provide?

The benefits provided by each Settlement are as follows:

TCA SETTLEMENT	3M SETTLEMENT
<p>TCA will pay \$29 million to create a non-reversionary “Settlement Fund.” The TCA Settlement Fund will be used to pay all Settlement costs, including Notice and Administration costs, the Attorneys’ Fees Award, and Service Awards to the Class Representatives. The remainder (the “Net Settlement Funds”) will be distributed as cash payments to TCA Settlement Class Members who submit valid claims and who are not eligible for penalty forgiveness. The cash payments will be distributed on a pro rata basis to valid claimants depending on the number of valid claims submitted. Claimants who submit either (a) the unique identifier they receive in a direct notice or (b) identifying information that allows the Class Administrator to confirm their membership in the TCA Settlement Class will receive a full pro rata share of the cash payments. A claimant who attests to class membership but whose identifying information does not allow the Class Administrator to either confirm or reject membership in the TCA Settlement Class will receive half a pro rata share of the cash payments.</p>	<p>3M will pay \$11.95 million to create a non-reversionary “Settlement Fund.” The 3M Settlement Fund will be used to pay all Settlement costs, including Notice and Administration costs, the Attorneys’ Fees Award, and Service Awards to the Class Representatives. The remainder (the “Net Settlement Funds”) will be distributed as cash payments to 3M Settlement Class Members who submit valid claims. The cash payments will be distributed on a pro rata basis to valid claimants depending on the number of valid claims submitted. Claimants who submit either (a) the unique identifier they receive in a direct notice or (b) identifying information that allows the Class Administrator to confirm their membership in the 3M Settlement Class will receive a full pro rata share of the cash payments. A claimant who attests to class membership but whose identifying information does not allow the Class Administrator to either confirm or reject membership in the 3M Settlement Class will receive half a pro rata share of the cash payments.</p>
<p>\$135 Million in Toll Road penalty forgiveness;</p>	
<p>A one-time reset of all Class Members’ opt-in status for advertising and requiring consumers to opt-in again if they want to receive advertising, and substantive programmatic changes to the TCA’s practices going forward, including increased disclosures in their privacy policy about where consumers’ PII is sent, limiting the PII that is sent to rental car companies to only that information that is in a Notice of Violation, and limiting the</p>	

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information that is sent to the DMV or FTB for purposes of placing a registration hold or tax intercept; and	
An increase in the grace period for all drivers to pay tolls from five to seven days.	

**9. How do I submit a claim?**

If you qualify for a cash payment under one or both Settlements you must complete and submit a valid Claim Form. You can submit your Claim Form online at [www.TollRoadsSettlements.com](http://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. Claim Forms submitted by mail must be **postmarked** on or before **November 8, 2021** to:

Toll Roads 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 valid Class Members will be made only after the Court grants “final approval” to the Settlements 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 SETTLEMENTS**

If you do not want benefits from the Settlements, 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 one or both Settlements. This is called excluding yourself or “opting out” of the Settlement Class.

**11. How do I get out of the Settlement?**

To exclude yourself from one or both Settlements, you must send a letter or other written document by mail to:

Toll Roads Settlement Administrator  
 PO Box 3639  
 Portland, OR 97208-3639

Your request to be excluded must be personally signed by you and contain a statement that indicates your desire to be excluded from either the TCA Settlement Class or the 3M Settlement Class or both the TCA and 3M Settlement Classes. Note that you can request exclusion from one Settlement Class and not the other.

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.

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

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

If you are part of the TCA Settlement [see answer to Question 6], you must exclude yourself from the TCA Settlement in order to try to maintain your own lawsuit against the TCA Defendants.

If you are part of the 3M Settlement [see answer to Question 6], you must exclude yourself from the 3M Settlement in order to try to maintain your own lawsuit against 3M.

If you are part of both the TCA Settlement and the 3M Settlement [see answer to Question 6], you can choose to stay in both Settlements, one Settlement but not the other, or neither Settlement.

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 Classes?**

Unless you exclude yourself from a Settlement, you cannot sue or be part of any other lawsuit against the Defendants that is covered by the Settlement, including but not limited to any lawsuit, arbitration or other proceeding about the issues in this case. Unless you exclude yourself, all of the decisions and judgments by the Court related to that 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 14 of the 3M Settlement Agreement and Section 15 of the TCA Settlement Agreement.

The TCA and 3M Settlement Agreements are available at [www.TollRoadsSettlements.com](http://www.TollRoadsSettlements.com). The Settlement Agreements provide more detail regarding the releases and describe the released claims, so read them 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?**

No. You will not get a payment if you exclude yourself from both Settlements. If you request exclusion from just one Settlement and not the other, you only will be able to get a payment from the Settlement you do not exclude yourself from, assuming you qualify for a payment.

## **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 <sup>th</sup> 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 33.33% of the value of each Settlement for attorneys' fees, plus reimbursement of reasonable, actual out-of-pocket expenses incurred in the litigation. The fees and expenses awarded by the Court will be paid out of the Settlement Funds. The Court will decide the amount of fees and expenses to award.

Class Counsel also will request that Service Awards of up to \$15,000 each for the TCA Class Representatives and up to \$3,000 each for the 3M Class Representatives be paid from the respective Settlement Funds to the Class Representatives for their service as representatives on behalf of the whole Settlement Class.

### OBJECTING TO THE SETTLEMENT

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

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 belong to. 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 you are objecting to, including your legal and factual basis for each objection; 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 (using the Court's electronic filing system or in any manner in which the Court accepts filings) and mail your objection to each of the following eight (8) addresses, and your objection must be postmarked by **November 8, 2021**:

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

<b>BRIC COUNSEL</b>	<b>3M COUNSEL</b>	<b>TCA COUNSEL</b>
Stephen J. Erigero Ropers Majeski Kohn & Bentley PC 445 South Figueroa Street, Suite 3000 Los Angeles, CA 90071	Aaron D. Van Oort Faegre Drinker Biddle & Reath LLP 2200 Wells Fargo Center 90 South Seventh Street Minneapolis, MN 55402	Hyongsoon Kim Akin Gump Strauss Hauer & Feld LLP 4 Park Plaza, Suite 1900 Irvine, CA 92614

<b>CLASS COUNSEL</b>		
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 <sup>th</sup> 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 asking to be excluded?**

Objecting is simply telling the Court that you do not like something about a Settlement. Excluding yourself is telling the Court that you do not want to be part of a Settlement. You can object to a Settlement only if you do not exclude yourself from it. If you exclude yourself, you have no basis to object to a 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 Settlements 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 Settlements to the Court (“Fairness Hearing”).

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

The Special Master has scheduled a Fairness Hearing for both Settlements 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 1-888-490-0922 (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](http://www.TollRoadsSettlements.com) for updates. At this hearing, the Special Master will consider whether the Settlements are fair, reasonable, and adequate. The Special Master will also consider the requests by Class Counsel for attorneys’ fees and expenses and for Service Awards to the Class Representatives. 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 Settlements to the Court. The Special Master’s report and recommendation will be filed with the Court and posted to

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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.

#### **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 hearing at your own expense. If you file an objection, you do not have to attend the Fairness Hearing to talk about it. As long as you filed your written objection on time, and mailed 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 hearing, but it is not necessary.

#### **21. May I speak at the hearing?**

You may ask the Special Master for permission to speak at the Fairness Hearing. To do so, your filed objection must include a statement that you intend to appear at the Fairness Hearing (*See* Question 17 above).

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

### **IF YOU DO NOTHING**

#### **22. What happens if I do nothing at all?**

If you are a member of a Settlement Class and do nothing, you will be bound by the judgment entered by the Court on that Settlement. This means you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit or proceeding against the Defendants about the statements and claims at issue in this case. If you are a member of the TCA Settlement Class and do nothing, you may still receive non-cash benefits and penalty forgiveness from the TCA Settlement if you have outstanding penalties during the Settlement Class Period, as stated in Question 8, above. If you are a member of the 3M Settlement Class and do nothing, you will receive no benefits from the 3M Settlement.

### **GETTING MORE INFORMATION**

#### **23. How do I get more information?**

This notice summarizes the proposed Settlements. More details are in the Settlement Agreements. For a complete, definitive statement of the Settlements' terms, refer to the Settlement Agreements at [www.TollRoadsSettlements.com](http://www.TollRoadsSettlements.com). You may also write with questions to the Settlement Administrator at Toll Roads Settlement Administrator, PO Box 3639, Portland, OR 97208-3639, or call the toll-free number, 1-888-490-0922.