

Legal Notice

If You Are a Licensed Driver or Own a Motor Vehicle

A Proposed Class Action Settlement May Affect Your Rights

PARA UNA NOTIFICACION EN ESPANOL. VISITAR www.flhsmv.gov/ddl/DPPAInfo.html

There is a Proposed Settlement in a class action lawsuit, *Collier, et al. v. Dickinson, et al.*, Case No. 04-21351-CIV-MARTINEZ-BROWN, in the U.S. District Court for the Southern District of Florida.

The Proposed Settlement affects a "Class", or group, of people that may include you. This is just a summary of your rights. To get complete information you should visit www.flhsmv.gov/ddl/DPPAInfo.html

What Is the Case About?

The people who filed this lawsuit, the plaintiffs, claim that the Defendants knowingly disclosed personal information from motor vehicle records in violation of a federal law, the Driver's Privacy Protection Act ("DPPA").

The individuals that were sued, the Defendants, don't think they did anything wrong. They agreed to the Proposed Settlement to avoid the further expense, inconvenience, and the burden of this litigation.

Who Is Involved?

All natural persons who held a Florida driver's license, identification card or motor vehicle registration at any time between June 1, 2000 and September 30, 2004.

Defendants are: Fred O. Dickinson, III, Carl A. Ford and Sandra Lambert.

What Does the Settlement Provide?

The relief provided is equitable relief and monetary credit incidental to the equitable relief as follows:

1. **Equitable Relief.** This means that the Defendants and have obtained the agreement of the Florida Department of Highway Safety and Motor Vehicles ("DHSMV") to implement the following equitable relief:

(A) **Transparency.**

(1) The DHSMV will print a statement on Florida driver license ("DL") and Florida motor vehicle registration ("DMV") renewal notices and on GoRenew.com that refers the recipients of such renewal notices to a webpage which specifically addresses Florida and federal DPPA law and policies (the "DPPA webpage"). The DHSMV will also post similar information in DHSMV offices visited by the public.

(2) Within the DPPA webpage the DHSMV will create a link to its public

records request webpage that will include information for obtaining the name and address of those companies that, and persons who, have purchased DPPA-protected information ("DPI") under a DPPA exemption, including authorized re-sellers, along with a description of the records requested and the DPPA exemption under which the records were requested and provided. There will be a notation on the DPPA webpage that explains the DHSMV is unable to determine which individual records were contained in these disclosures of DPI by the DHSMV to third parties.

(3) The DHSMV will create a webpage that the public will be referred to in ¶1(A)(1) above (*i.e.*, the DPPA webpage), which will be dedicated to and set forth applicable federal and Florida law and policies pertaining to the DPPA. This webpage will include a link to the public records request described in ¶1(A)(2) above.

(B) **Personnel Training.** The DHSMV shall prepare and implement written DPPA policies and procedures, to be followed by training in DPPA compliance, for DHSMV personnel tasked with responding to requests from third parties for DPI.

(C) **Customer Credentialing.** The DHSMV will modify form HSMV 85054 and each of its memoranda of understanding with resellers of DPI to require the requestor of DPI to the state intended use of such DPI, under penalty of perjury, as well as affirmative statements that such DPI will only be used for DPPA-permitted purposes.

(D) **Adherence to Requirements of DPPA.** The Defendants shall not knowingly obtain, disclose, or use Personal information from DHSMV motor vehicle records for purposes not permitted by the DPPA.

2. **Monetary Relief.** The DHSMV will provide a \$1.00 credit to each Class Member who registers, or renews the registration of a motor vehicle with DHSMV between July 1, 2009 and June 30, 2010, inclusive. Each Class Member shall be entitled to only one \$1.00 credit regardless of the number of motor vehicles he or she registers during the applicable period. If a Class Member registers or renews the registration on more than one motor vehicle during the applicable period, the \$1.00 credit shall be applied to the first of such motor vehicles so registered.

3. **Expense of Relief.** Parties agree that the injunctive relief called for in this Agreement is of substantial, calculable value and benefit to the Class. The DHSMV shall bear any and all costs associated with its compliance with the Relief called for under this Agreement.

Who Represents Me?

The Court has appointed attorneys to represent the Class. Class Counsel will request that the Court authorize attorney's fees and expenses in an amount not to exceed \$2,850,000.00. Defendants will pay the Court approved amount. No Class Member will owe or pay anything for attorneys' fees or costs to the appointed attorneys. You may hire your own attorney, if you wish. However, you will be responsible for your attorney's fees and expenses.

What Are My Legal Rights?

If the Court approves the Proposed Settlement, you will be bound by the

Court's decisions. You will not be able to sue the Defendants for the claims that were made in this lawsuit, including claims for statutory liquidated damages. But you will be able to sue for actual money damages in an individual lawsuit. For full information about the rights you are giving up, please read the *Notice of Proposed Class Action Settlement*.

You can tell the Court if you do not like the Proposed Settlement. To object or comment, you must send a letter that is mailed and postmarked no later than May 22, 2009, as outlined in the *Notice of Proposed Class Action Settlement*.

Will the Court Approve the Proposed Settlement?

The Court will hold a Final Fairness Hearing on June 24, 2009 at 10:00 a.m. to consider whether the Proposed Settlement is fair, reasonable, and adequate and whether to approve the agreed upon payment of attorneys' fees and expenses. If comments or objections have been received, the Court will consider them at this time.

**For more information on the Proposed Settlement, and to get a copy of
the *Notice of Proposed Class Action Settlement*,
Visit www.flhsmv.gov/ddl/DPPAInfo.html**