# Class Action Notice

*This is not an advertisement.  Authorized by the California Superior Court.*

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| **Did you own a motor vehicle with California license plates after June 2017?** | **There is a class action lawsuit that may affect your rights.** | **If you want to be part of the class action, you do not need to do anything.**<br><br>**If not, you need to opt out by sending a letter before March 7, 2024.** |

Important things to know:

- A California resident sued Digital Recognition Network, Inc. ("DRN" or "Defendant"), alleging that it violated California's Automated License Plate Recognition ("ALPR") statute by using a series of cameras to create a database that records every license plate that was captured along with the date, time, and GPS location where it was captured without providing the required notice or data protections.

- The Court has allowed the lawsuit to be a class action on behalf of "All residents of California whose California license plate data was collected by Defendant Digital Recognition Network, Inc. (either directly or through an affiliate) in the State of California at least fifteen times between June of 2017 and the date of final judgment."

- The Court has not decided whether DRN did anything wrong.  There is no money available now, and no guarantee that there will be.  Trial is scheduled for May 17, 2024.  However, if you take no action, you will be part of the case, you will be bound by the outcome of the case, and you will lose your right to file your own lawsuit based on the same issues.

- You can learn more about the case and find instructions for how to opt out at: DRNPrivacyClassAction.com.

**QUESTIONS?  CALL 833-200-7646 TOLL FREE OR VISIT WWW.DRNPRIVACYCLASSACTION.COM**

## 1. WHY SHOULD I READ THIS NOTICE?

This notice explains the lawsuit, the Court's order permitting it to proceed as a class action, as well as the rights of Class Members.  This notice explains that the Court has allowed, or "certified," a class action lawsuit that may affect you.  You have legal rights and options that you may exercise before the Court holds a trial.  The trial is to decide whether the claims being made against DRN, on your behalf, are correct.  The Honorable Joel R. Wohlfeil of the Superior Court of San Diego in California is in charge of this class action and authorized this notice.  The lawsuit is known as *Mata v. Digital Recognition Network, Inc.*, Case No. 37-2021-00023321-CU-MC-CTL.

## 2. WHAT IS THIS LAWSUIT ABOUT?

Plaintiff Guillermo Mata ("Plaintiff" or "Class Representative") filed a lawsuit against Digital Recognition Network, Inc. ("DRN" or "Defendant") in which he represents a class of all California residents whose license plate data was collected by Defendant (either directly or through a related company) in the State of California at least fifteen times since June of 2017 and the date the case is decided.

California law regulates the use of what is called an Automated License Plate Recognition ("ALPR") System.  An ALPR System is a searchable computer database made from one or more cameras that can read license plate numbers and insert them into the database, along with information about where the license plate was scanned and the date and time of the scan.

Plaintiff alleges that DRN operates an ALPR system, and that it provides ALPR cameras to a group of related companies who mount those cameras on vehicles that drive around public streets and highways in the State of California, capturing images of every license plate within sight along with the date, time, and GPS location where it was captured.  Plaintiff estimates that DRN has captured this license plate data for at least 23 million California residents more than 15 times since June of 2017.  Plaintiff alleges that DRN does so without the knowledge or consent of affected California residents, and that DRN makes the data it collects available for sale to its clients.  Plaintiff further alleges that DRN's activities violate certain provisions of California's Automated License Plate Recognition statute, Cal. Civ. Code § 1798.90.50, *et seq.*, by failing to adopt a usage and privacy policy consistent with respect for individual privacy and civil liberties; failing to implement reasonable security procedures and practices to protect ALPR information from unauthorized access, destruction, use, modification or disclosure; and failing to give adequate notice to the public of its ALPR activities.

The Court has not yet decided if Plaintiff's claims or DRN's defenses have merit.

## 3. HOW DOES DRN ANSWER?

DRN denies Plaintiff's allegations and maintains that its actions were lawful.  DRN maintains that it has at all times complied with the requirements of California law, and that its usage and privacy policy available on the homepage of its website fully complies with the ALPR statute.  DRN also maintains that the ALPR statute does not prohibit the collection or storage of ALPR information and that its ALPR system is secure and has never been breached.  Finally, DRN maintains that neither Plaintiff nor any similarly situated person has suffered any harm.

DRN's answer to the Complaint is also available at the website www.DRNPrivacyClassAction.com.

The Court has not yet decided if Plaintiff's claims or DRN's defenses have merit.

## 4. WHAT IS THE PLAINTIFF ASKING FOR?

Plaintiff alleges that DRN's alleged failures harmed Class Members by invading their privacy, and he seeks minimum liquidated damages of $2,500.00 per person as well as punitive damages and an injunction to stop DRN's conduct.

## 5. WHAT IS A CLASS ACTION AND WHO IS INVOLVED?

In a class action lawsuit, one or more people called "Class Representatives" sue on behalf of other people who have similar claims. These people together are a "Class" or "Class Members." One court resolves the issues in the case for everyone in the Class—except for those people who timely act to exclude themselves from the Class. In this case, the Court appointed Guillermo Mata as the Class Representative. Mr. Mata's vehicles with California license plates were scanned by DRN more than 15 times since June 2017.

## 6. WHY IS THIS LAWSUIT A CLASS ACTION?

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of the California Code of Civil Procedure 382, which governs class actions in California. Specifically, the Court found that:

- Many California residents' license plate data was captured by DRN;
- There are legal questions and facts that are common to each of them;
- Mr. Mata's claims are typical of the claims of the rest of the Class;
- Mr. Mata, and the lawyers representing the Class will fairly and adequately represent the Class's interests;
- The common legal questions and facts are more important than questions that affect only individuals; and,
- This class action will be more efficient than having many individual lawsuits.

## 7. IS THERE ANY MONEY AVAILABLE NOW?

No money or benefits are available now because the Court has not yet decided whether DRN did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified about how to ask for a share.

# WHO IS INCLUDED IN THE CLASS

## 8. AM I INCLUDED AS PART OF THE CLASS?

The Court decided that all people who fit this definition are included in the Class: "All California residents whose license plate data was collected by Defendant Digital Recognition Network, Inc. (either directly or through an affiliate) in the State of California at least fifteen times between June of 2017 and the date of final judgment."

As soon as the necessary information becomes available, you will be able to determine whether you are a member of the Class by visiting the case website at www.DRNPrivacyClassAction.com and submit the California license plate numbers for vehicles you own as well as the dates that you owned such vehicle. The website will indicate to you whether or not that license plate was scanned at least 15 times since June of 2017, and thus meets the criteria for membership in the Class. It is possible that, even if you are not a Class Member when you check, you may become one by the time the case terminates because DRN is still collecting ALPR information in California. If you wish to exclude yourself, you may do so even if you are not yet confirmed to be a Class Member, and that request will be honored if it is timely and you later become a member of the Class. If you do exclude yourself, and later become a member of the Class, you will be bound by the judgment in this lawsuit whether it is favorable or not.

For more information, please visit www.DRNPrivacyClassAction.com.

## 9. I'M STILL UNSURE IF I AM INCLUDED.

If you are still not sure whether you are included, you can get free help at www.DRNPrivacyClassAction.com, or by calling the lawyers appointed to represent Class Members in this case, Edelson PC ("Edelson") of San Francisco, California at (866) 354-3015. Please do not contact the Court or DRN.

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## YOUR RIGHTS AND OPTIONS

### 10. WHAT AM I GIVING UP IF I STAY IN THE CLASS?

Unless you exclude yourself from the Class and forgo the right to participate in any eventual monetary settlement or judgment, you are staying in the Class if you meet the criteria described above and will be bound by all orders of the Court. That means that you will not have the right to file a separate lawsuit against, or seek further money from, DRN for the legal claims asserted in this case.

### 11. WHAT IF I DO NOTHING?

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing you are staying in the Class. If you stay in and the Plaintiff obtains money or benefits for the Class, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement). Keep in mind that if you do nothing now, regardless of whether the Plaintiff wins or loses the trial, you will not be able to sue, or continue to sue, DRN—as part of any other lawsuit—about the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

### 12. HOW DO I GET OUT OF THE CLASS?

To exclude yourself from the Class you must submit a letter to the Notice Administrator by March 7, 2024 stating that you want to be excluded from the Class in *Mata v. Digital Recognition Network, Inc.*, Case No. 37-2021-00023321-CU-MC-CTL (Cal. Super. Ct.).

To be valid, any request for exclusion must be submitted by letter to *DRN Privacy Class Action*, Notice Administrator, P.O. Box 25413, Santa Ana, CA 92799. The letter must (a) identify the case name *Mata v. Digital Recognition Network, Inc.*, Case No. 37-2021-00023321-CU-MC-CTL (Cal. Super. Ct.); (b) state the full legal name and current residential address of the person in the Class seeking exclusion; (c) identify their California license plates since June of 2017 as well as the dates of ownership of such license plates, along with proof of ownership such as a copy of a vehicle registration document from the California Department of Motor Vehicles; (d) contain a statement to the effect that "I hereby request to be excluded from the Class in *Mata v. Digital Recognition Network, Inc.*, Case No. 37-2021-00023321-CU-MC-CTL (Cal. Super. Ct.)"; (e) contain the hand signature of the person(s) seeking exclusion; and (f) be postmarked or received by the Settlement Administrator on or before the Objection/Exclusion Deadline.

You may not request to be excluded from the Class through "mass" or "class" opt-outs or bulk mailing of requests, meaning that each individual who seeks to be excluded must submit an individual request for exclusion letter separate from any other individual's request to ensure the request manifests the individual's considered, personal decision. Additionally, the request to opt-out must be personally signed and may not be submitted by another person on your behalf.

### 13. WHAT IF I DO NOT EXCLUDE MYSELF FROM THE CLASS?

If you do not exclude yourself from the Class, you will remain in the Class. If the Class secures a favorable monetary settlement or judgment, you will retain the opportunity to participate in that benefit. You will also lose your right to separately sue DRN for the same legal claim asserted in this case, regardless of whether the Class wins or loses. If you have a pending case against DRN, please speak with your attorney immediately about this notice.

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## 14. WILL I GET ANYTHING IN THIS CASE IF I EXCLUDE MYSELF FROM THE CLASS?

No. If you exclude yourself, you will not receive anything in this case should the Class eventually secure a favorable monetary settlement or judgment. If you attempt to exclude yourself from the Class and later request to receive a payment from any favorable outcome, your request for exclusion will be given priority and you will not receive a payment.

# THE LAWYERS REPRESENTING YOU

## 15. DO I HAVE A LAWYER IN THIS CASE?

The Court has appointed Rafey S. Balabanian, J. Aaron Lawson, Yaman Salahi, Natasha Fernández-Silber, and Megan Delurey of the law firm of Edelson PC to represent you and all Class Members. These attorneys are called "Class Counsel."

The law firm is experienced in handling similar class action cases. More information about Edelson, its practices, and its lawyers' experience is available at www.Edelson.com.

The lawyers will not be paid unless they secure a favorable monetary judgment or settlement and the Court approves their request for attorney's fees. You will not be separately charged for these lawyers. If you do not exclude yourself from the Class and want to be represented by your own lawyer in this case, you may hire one at your expense.

## 16. HOW WILL THE LAWYERS BE PAID?

If Class Counsel gets money or benefits for the Class, they may ask the Court for fees and expenses. You won't have to pay these fees and expenses out of pocket. Instead, if the Court grants Class Counsel's request, the fees and expenses would either be deducted from any money obtained for the Class or paid separately by DRN.

In case Class Counsel secures a positive monetary result for the Class, Class Counsel's application for an award of attorney's fees, costs, and expenses and the class representative awards will be made available on the "Important Documents" page at www.DRNPrivacyClassAction.com.

# THE TRIAL

## 17. WHEN AND WHERE WILL THE COURT DECIDE WHETHER THE CLASS OR DEFENDANT WILL WIN THE CASE?

The trial in this case is scheduled for May 17, 2024 in Department 73 of the Superior Court of the State of California, County of San Diego at 330 West Broadway, San Diego, CA 92101. The trial will be open to members of the public. You are not required to appear, but you may attend as a member of the public if you wish. The trial may not proceed if, for example, DRN and the Class reach a class action settlement before the trial date or the Court determines as a matter of law before trial that Plaintiff has not been harmed and/or does not have standing to assert a claim under the ALPR statute. Please visit www.DRNPrivacyClassAction.com for updates about the status of trial and the litigation.

## 18. WILL I GET MONEY AFTER THE TRIAL?

If the Plaintiff obtains money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

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## 19. HOW DO I GET MORE INFORMATION?

This notice summarizes the litigation and the consequences of the Court's order allowing it to proceed as a class action. More details, including relevant court documents, are available online at www.DRNPrivacyClassAction.com. You may also contact Class Counsel at Edelson PC at 866-354-3015.

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS LITIGATION.**

BY ORDER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, COURT OF SAN DIEGO

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