

**If You Drove On the South Bay Expressway (State Route 125) and/or the I-15 Express Lanes in San Diego County, California, or Provided Information to the Operator of those Toll Roads, You May Be Entitled to a Payment from a Class Action Settlement.**

*A 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 San Diego Association of Governments (“SANDAG” or “Defendant”) improperly collected and shared with third parties the “Personally Identifiable Information” (“PII”) of operators of motor vehicles that used the South Bay Expressway (State Route 125) and/or the I-15 Express Lanes in San Diego County, California or other individuals whose PII was provided to Defendant. Defendant denies the allegations in the lawsuit.
- The Settlement covers the time period from January 19, 2018, to October 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.

	<b>Your Legal Rights and Options</b>
<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 SANDAG as of the Effective Date of the Settlement (see below).
<b>AUTOMATIC PENALTY FORGIVENESS</b>	If you <b>have outstanding penalties</b> for driving on the SANDAG Toll Roads as of the Effective Date of the Settlement (see below), you will receive automatic forgiveness of the lesser of your outstanding penalties and \$60.00. In addition, you may receive additional forgiveness 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 the Class and do not exclude yourself from the Settlement.
<b>EXCLUDE YOURSELF</b>	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 Defendant for the claims at issue in the Settlement to the extent they aren’t barred by applicable law or a prior Court ruling.
<b>OBJECT</b>	Write to the Court about why you do not like the Settlement.
<b>GO TO A HEARING</b>	Ask to speak in Court about the fairness of the Settlement.
<b>DO NOTHING</b>	You will not receive a cash payment but may still qualify for automatic forgiveness of penalties. If you do nothing, you will give up any rights you might have to sue the Defendant about the claims resolved by the 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 Settlement. 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.

**QUESTIONS? CALL 1-844-918-4842 OR VISIT [www.sdtollroadssettlement.com](http://www.sdtollroadssettlement.com)**  
**Si desea recibir esta notificación en español, llámenos 1-844-918-4842 visite nuestra**  
**página web [www.sdtollroadssettlement.com](http://www.sdtollroadssettlement.com).**

## WHAT THIS NOTICE CONTAINS

<b>BASIC INFORMATION</b> .....	<b>PAGE 3</b>
1. Why is there a notice?	
2. What is “Personally Identifiable Information” or PII?	
3. Which Toll Roads are the subject of the lawsuit?	
4. Why is this a class action?	
5. Why is there a Settlement?	
<b>WHO IS PART OF THE SETTLEMENT</b> .....	<b>PAGE 4</b>
6. Who is included in the Settlement?	
7. What if I am not sure whether I am included in the Settlement?	
<b>THE SETTLEMENT BENEFITS</b> .....	<b>PAGE 4-5</b>
8. What does the Settlement provide?	
9. How do I file a claim?	
10. When will I receive my payment?	
<b>EXCLUDING YOURSELF FROM THE SETTLEMENT</b> .....	<b>PAGE 5</b>
11. How do I get out of the Settlement?	
12. If I do not exclude myself, can I sue the Defendant for the same thing later?	
13. What am I giving up to stay in the Settlement Class?	
14. If I exclude myself, can I still get a payment?	
<b>THE LAWYERS REPRESENTING YOU</b> .....	<b>PAGE 6</b>
15. Do I have a lawyer in the case?	
16. How will the lawyers be paid?	
<b>OBJECTING TO THE SETTLEMENT</b> .....	<b>PAGE 6-7</b>
17. How do I tell the Court if I do not like the Settlement?	
18. What is the difference between objecting and asking to be excluded?	
<b>THE COURT’S FINAL APPROVAL HEARING</b> .....	<b>PAGE 7</b>
19. When and where will the Court decide whether to approve the Settlement?	
20. Do I have to attend the hearing?	
21. May I speak at the hearing?	
<b>IF YOU DO NOTHING</b> .....	<b>PAGE 8</b>
22. What happens if I do nothing at all?	
<b>GETTING MORE INFORMATION</b> .....	<b>PAGE 8</b>
23. How do I get more information?	

**QUESTIONS? CALL 1-844-918-4842 OR VISIT [www.sdtollroadssettlement.com](http://www.sdtollroadssettlement.com)**

## BASIC INFORMATION

### 1. Why is there a notice?

A court authorized this notice because you have a right to know about a proposed Settlement in a class action lawsuit, pending in San Diego County Superior Court, entitled *Luis Quintero v. San Diego Association of Governments*, Case No. 37-2019-00017834-CU-NP-CTL, 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.

Judge Eddie C. Sturgeon is overseeing this case. The person who sued is called the “Plaintiff.” The “Defendant” is the San Diego Association of Governments (“SANDAG”). The lawsuit alleges that the Defendant 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 Plaintiff and a proposed class of all individuals that operated motor vehicles on certain Toll Roads and had their PII captured and shared with third parties. The lawsuit also alleges that Defendant was negligent.

As explained further below, you may:

- get a cash payment if you are eligible by filing a valid Claim Form;
- have certain outstanding penalties forgiven;
- object to the Settlement; or
- request exclusion from the Settlement.

Defendant denies each and every allegation of wrongdoing, liability, and damages that was or could have been asserted in the litigation and further denies that the claims in the litigation would be appropriate for class treatment if the litigation were to proceed through litigation and trial.

The Plaintiff’s Complaint, the Settlement Agreement, and other case-related documents are posted on the website [www.sdtollroadssettlement.com](http://www.sdtollroadssettlement.com). The Settlement resolves the claims against the Defendant 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?

Plaintiff alleges that the Toll Roads upon which Plaintiff and Class Members operated motor vehicles are the South Bay Expressway (State Route 125) and the I-15 Express Lanes in San Diego County, California. If you received a Notice, you are likely included in the Settlement because the Defendant’s 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, Plaintiff Luis Quintero is the Class Representative for the Settlement.

### 5. Why is There a Settlement?

The Court has not decided in favor of the Plaintiff or Defendant. Instead, Plaintiff and Defendant 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 Defendant did anything wrong. The Defendant denies all legal claims in this case. Plaintiff and his lawyers think the proposed Settlement is best for everyone who is affected.

**QUESTIONS? CALL 1-844-918-4842 OR VISIT [www.sdtollroadssettlement.com](http://www.sdtollroadssettlement.com)**

## 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 settlement includes all individuals whose PII was provided by Defendant to any non-Defendant individual or entity between January 19, 2018, and October 27, 2021, except as otherwise specified. The Settlement Class consists of:

- Any person with a transponder account with SANDAG or a Non-Party Toll Agency whose PII was sent by Defendant to a Non-Party Toll Agency between January 19, 2018, and October 27, 2021 (the “Interoperability Subclass”);
- Any person who used any of SANDAG’s Toll Roads whose PII was sent by the Defendant to a third party between January 19, 2018, and October 27, 2021, in connection with Defendant’s efforts to collect tolls and/or penalties (the “Collection/Enforcement Subclass”); and
- Any person whose PII was sent by Defendant, acting as a transportation agency subject to Streets and Highways Code section 31490, to a third party between January 19, 2018, and October 27, 2021, for any reason other than those listed above (the “Communications Subclass”).

Excluded from the Settlement Class are: (1) employees of Defendant, including their current and former directors, officers, board members, and counsel; (2) any entity that has a controlling interest in Defendant; (3) Defendant’s 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.

### 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.sdtollroadssettlement.com](http://www.sdtollroadssettlement.com) or call the toll-free number, 1-844-918-4842.

## THE SETTLEMENT BENEFITS

### 8. What does the Settlement provide?

The benefits provided by the Settlement are as follows:

- SANDAG will pay \$1.75 million to create a non-reversionary “Settlement Fund.” The Settlement Fund will be used to pay all Settlement costs, including Notice and Administration costs, the Attorneys’ Fees Award, and Service Award to the Class Representative. The remainder (the “Net Settlement Funds”) will be distributed as cash payments to 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 filed. 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 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 Settlement Class will receive half a pro rata share of the cash payments;
- \$8.75 Million in penalty forgiveness;
- SANDAG will fix “broken” links on its website that link to its privacy policy.

### 9. How do I file a claim?

If you qualify for a cash payment under the Settlement you must complete and submit a valid Claim Form. You can file your Claim Form online at [www.sdtollroadssettlement.com](http://www.sdtollroadssettlement.com). The deadline to file a claim online is **11:59 p.m. PST on March 21, 2022.**

You may also file your Claim Form via regular mail. Claim Forms submitted by mail must be **postmarked** on or before **March 21, 2022**, to:

**QUESTIONS? CALL 1-844-918-4842 OR VISIT [www.sdtollroadssettlement.com](http://www.sdtollroadssettlement.com)**

No matter which method you choose to file 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 Settlement and after any appeals are resolved (*see* “The Court’s Final Approval 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 Defendant 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 get out of the Settlement?

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

Quintero v SANDAG Class Settlement  
ATTN: Exclusions Request  
P.O. Box 58220  
Philadelphia, PA 19102

Your request to be excluded must be personally signed by you and contain a statement that indicates your desire to be excluded from the Settlement Class.

Your exclusion request must be postmarked no later than **March 21, 2022**. 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 Defendant for the same thing later?

No. Unless you exclude yourself from the Settlement, you give up any right you might have to sue the Defendant 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?

Unless you exclude yourself from the Settlement, you cannot sue or be part of any other lawsuit against the Defendant about the issues in this case, including any existing litigation, arbitration, or proceeding. Unless you exclude yourself, all the decisions and judgments by the Court will bind you. If you file a Claim Form or do nothing at all, you will be releasing Defendant from all of the claims described and identified in Section 14 of the Settlement Agreement.

The Settlement Agreement is available at [www.sdtollroadssettlement.com](http://www.sdtollroadssettlement.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?

No. You will not get a payment if you exclude yourself from the Settlement.

## 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 I. Zeldes Ben Travis 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 J. Flannery Cuneo Gilbert & LaDuca LLP 500 North Broadway, Suite 1450 St. Louis, MO 63102
--	--	--

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 one-third of the value of the 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 Fund. The Court will decide the amount of fees and expenses to award.

Class Counsel will also request that a Service Award of up to \$10,000 be paid from the Settlement Fund to the Class Representative for his service as representative on behalf of the whole Settlement Class.

## 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 submit a letter or other written document that includes the following:

- 1) A heading that includes the case name and case number: *Luis Quintero v. San Diego Association of Governments*, Case No. 37-2019-00017834-CU-NP-CTL;
- 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 your legal and factual basis for each objection; and
- 5) A statement of whether you intend to appear at the Final Approval Hearing, either with or without counsel, and if with counsel, the name, bar number, address, and telephone number of your counsel who will attend.

The settling Parties will have the right to obtain document discovery and take depositions relevant to your Objection. Any Settlement Class Member who has timely filed an Objection and indicated an intent to appear, may appear at the Final Approval Hearing, either in person or through an attorney hired at the Settlement Class Member’s own expense, to object to the fairness, reasonableness, or adequacy of the Settlement.

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) so that your Objection is **received** by March 21, 2022. You must also mail your Objection to each of the following four (4) addresses, and your Objection must be postmarked by March 21, 2022 :

**QUESTIONS? CALL 1-844-918-4842 OR VISIT [www.sdtollroadssettlement.com](http://www.sdtollroadssettlement.com)**

<b>SANDAG COUNSEL</b>
Rick E. Rayl Nossaman, LLP 18101 Von Karman Avenue, Suite 1800 Irvine, CA 92612

<b>CLASS COUNSEL</b>		
Helen Zeldes Ben Travis 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 the Settlement. Excluding yourself is telling the Court that you do not want to be part of the Settlement. You can object to the Settlement only if you do not exclude yourself from it. 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 FINAL APPROVAL HEARING**

The Court will hold a hearing to decide whether to approve the Settlement and any requests for fees and expenses (“Final Approval Hearing”).

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

The Court has scheduled a Final Approval Hearing for the Settlement to occur on April 22, 2022, at 1:30 p.m. in Department 67 of the San Diego Superior Court, Central Division, Hall of Justice, 330 West Broadway, San Diego, CA 92101. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check [www.sdtollroadssettlement.com](http://www.sdtollroadssettlement.com) for updates. At the Final Approval Hearing, the Court will determine whether the Settlement should be finally approved as fair, reasonable, and adequate, rule on Objections to the Settlement, determine whether the attorneys’ fees and costs award and the service award to the Class Representative should be approved, and determine whether a Judgment finally approving the Settlement should be entered. 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 Court 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 Final Approval Hearing to talk about it. As long as you filed your written Objection on time, mailed it to the proper addresses, and it complies with the other requirements set forth above, the Court 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 Court for permission to speak at the Final Approval Hearing. To do so, your filed Objection must include a statement that you intend to appear at the Final Approval Hearing (*See* Question 17 above).

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. 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 Defendant about the statements and claims at issue in this case. If you do nothing, you may still receive non-cash benefits and penalty forgiveness from the Settlement if you have outstanding penalties as of the Effective Date, as stated in Question 8, above.

## 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.sdtollroadssettlement.com](http://www.sdtollroadssettlement.com). You may also write with questions to the Settlement Administrator at Quintero v SANDAG Class Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103, [www.sdtollroadssettlement.com](http://www.sdtollroadssettlement.com), or call the toll-free number, 1-844-918-4842.

**QUESTIONS? CALL 1-844-918-4842 OR VISIT [www.sdtollroadssettlement.com](http://www.sdtollroadssettlement.com)**