

LEGAL NOTICE

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

**Individuals Whose Minnesota Driver's License Records Were Accessed for
Illegitimate Reasons May Benefit from a Class Action Settlement.**

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

- This is a class action about whether improper searches of Minnesota driver's license records were conducted by a former Rock County employee in violation of the law.
- You may receive money as a result of this Settlement.
- Your legal rights are affected by this Settlement. **Read this Notice carefully.**

LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:	
DO NOTHING AND REMAIN IN THE CLASS	The only way to potentially receive money from this Settlement.
EXCLUDE YOURSELF BY March 15, 2014	Receive no money. Maintain the right to bring a lawsuit and bring the same claim against the Defendants.
OBJECT BY March 15, 2014	Write to the Court about why you object to the Settlement.
GO TO A HEARING ON April 3, 2014	Ask to speak in Court about the fairness of the Settlement.

The 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. Checks will be mailed if searches of your Minnesota driver's license were deemed to be illegitimate and the Court approves the Settlement. Please be patient.

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BASIC INFORMATION

1. Why did I get this notice?

You received this notice because your Minnesota driver's license records may have been improperly accessed. The improper access of this information is a violation of several laws.

The Court sent you this notice because you have the right to know about a proposed settlement of a class action lawsuit, and your options under that lawsuit, before the Court decides whether to approve the Settlement. If the Court approves the Settlement, and after objections and any possible appeals are resolved, the Settlement Administrator retained by Class Counsel will mail checks to eligible Class Members.

This document explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of the case is the United States District Court for the District of Minnesota. The case is known as *Bertrand et al. v. Patten et al.*, Case No. 12-cv-02971 (DWF/JJG). The people who sued are called the "Plaintiffs," and the parties they sued are called "Defendants."

2. What is this lawsuit about?

The lawsuit claimed that Defendants violated the Drivers Privacy Protection Act ("DPPA"), the Fourth and Fourteenth Amendments pursuant to 42 U.S.C. 1983, common law invasion of privacy and negligent supervision. The violations are a result of allegedly improper searches of Minnesota driver's license records conducted by defendant Janet Patten. Defendants deny any fault, wrongdoing or liability.

3. What is a class action and why is this case a class action?

In a class action, one or more people, called Class Representatives, sue on behalf of the others like them. These people, and all people who had searches conducted on their Minnesota driver's license records by defendant Janet Patten from April 19, 2010 until May 2, 2011, are a "Class" or "Class Members." In a class action lawsuit, one court resolves the case for all Class Members, except for those who exclude themselves from the Class.

4. Why is there a Settlement?

The Court did not decide in favor of Plaintiffs or Defendants. Instead, both sides agreed to a settlement. That way, they avoid the cost of a trial, and any people affected will be sent a check. The Class Representatives and the attorneys think the settlement is best for all class members. The settlement does not mean that the Defendants did anything wrong.

WHO IS IN THE SETTLEMENT?

5. How do I know if I am part of the Settlement?

The class includes all people whose Minnesota Driver's License Records were accessed by Defendant Janet Patten from April 19, 2010 to May 2, 2011, when she was an employee of Rock County, Minnesota.

This class has been further broken down into two classes, known as "subclasses." The first subclass is called the "Illegitimate Search Subclass." This group of people had their Minnesota Driver's License Records accessed by Defendant Janet Patten from April 19, 2010 to May 2, 2011 for improper¹ reasons. This group of people will find an additional notice called "NOTICE OF INCLUSION IN THE ILLEGITIMATE SUBCLASS" on page 6.

The second subclass is called the "Legitimate Search Subclass." This group of people includes individuals who:

- had a child support case with Rock County Family Services Department during the course of Patten's employment; or

¹Defendants in no way admit that Ms. Patten's conduct was, in fact, improper. This language is being used solely for the purpose of description and settlement, and it is understood that this language will have no presumptive effect in any subsequent action.

- were a parent, grandparent, child, spouse or sibling of a person who had a child support case with the Rock County Family Services Department during the course of Patten’s employment; or
- had a name with a spelling similar to a parent with child support case with Rock County Family Services Department during the course of Patten’s employment and was searched within one business day as a person with a child support case; or
- inquired or was the subject of an inquiry regarding child support made to the Rock County Family Services Department during the course of Patten’s employment; and
- whose Minnesota Driver’s License Records were accessed by Janet Patten from April 19, 2010 to May 2, 2011.

Members of this subclass will receive an additional notice entitled, “NOTICE OF INCLUSION IN THE LEGITIMATE SUBCLASS” on page 6.

Your inclusion in one of these two subclasses was determined through the cooperation of Class Counsel and Defendants’ counsel.

6. Help me understand whether I am included.

If you have received this Notice, you are included in the class. You should also find either the NOTICE OF INCLUSION IN THE ILLEGITIMATE SUBCLASS or the NOTICE OF INCLUSION IN THE LEGITIMATE SUBCLASS on page 6. The notice on page 6 will tell what subclass you belong to.

7. I’m still not sure if I am included.

If you are still not sure whether you are included, you can call any of the following attorneys who have been designated as Class Counsel in this case:

GASKINS BENNETT BIRRELL SCHUPP LLP
 Robert Bennett/Jeffrey S. Storms
 333 South 7th St., Suite 3000
 Minneapolis, MN 55402
 612.333.9500

FARRISH JOHNSON LAW OFFICE
 Scott V. Kelly/Daniel J. Bellig
 1907 Excel Drive
 Mankato, MN 56001
 507.625.2525

MALTERS, SHEPHERD & VON HOLTUM
 James E. Malter
 727 Oxford Street
 P.O. Box 517
 Worthington, MN 56187
 507.376.4166

THE SETTLEMENT BENEFITS- WHAT YOU GET

8. What does the Settlement provide?

This case settled for \$2,000,000. Attorneys’ fees and expenses, and payments to the Class Representatives will be deducted from the \$2,000,000. Additionally, \$200,000 will be set aside for individuals who choose to opt-out of this settlement. After the attorneys’ fees and expenses, payment to Class Representatives and the \$200,000 are deducted, the remaining settlement funds will be distributed to Class Members in the Illegitimate Search Subclass, or those individuals whose Minnesota Driver’s License Records were improperly searched by Defendant Janet Patten. People in the Illegitimate Search Subclass will have received the NOTICE OF INCLUSION IN THE ILLEGITIMATE SUBCLASS.

There may also be a second distribution to the members of the Illegitimate Search Subclass of the \$200,000 set aside for individuals that opt-out of this settlement after all opt-outs and appeals are resolved. Unclaimed funds may also later be distributed amongst the Illegitimate Search Subclass members, such as checks that fail to be cashed.

HOW YOU GET A CHECK

9. How can I get a check?

Only people whose Minnesota Driver’s License were improperly searched will receive a check based upon the number of times their Driver’s License Records were improperly searched by Janet Patten. These people are part of the Illegitimate Search Subclass and received the NOTICE OF INCLUSION IN THE ILLEGITIMATE SUBCLASS. If you are included in the illegitimate subclass, you need to take no additional action to receive your check.

A “search” will mean the initial accessing of the individual’s Minnesota Driver’s License Records. A search does not mean the

viewing of historical photos or “page views.” After the initial distribution, there may be a second distribution. This means, members of the illegitimate subclass may receive two checks.

If your Minnesota Driver’s License was not found to be improperly searched, then you will not receive any money from this Settlement. These individuals are part of the Legitimate Search Subclass and received the NOTICE OF INCLUSION IN THE LEGITIMATE SUBCLASS. If you believe that you are wrongly included in the Legitimate Search Subclass, please contact Class Counsel listed above. Class Counsel will verify the accuracy of the information and approve your request for a check if appropriate. The Court may also review your request.

10. When would I get my check?

The Court will hold a hearing on April 3, 2014 at 2:00 p.m. to decide whether to finally approve the Settlement. If the Court approves the Settlement, there could be appeals. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps several months. Please be patient.

11. What am I giving up to stay in the Class and potentially get a check?

Unless you exclude yourself, you are staying in the Class, and that means that you cannot sue, continue to sue, or be part of any other lawsuit against the Defendants regarding the claims in *this* case. It also means that all of the Court’s orders will apply to you and legally bind you. If you stay in the class you will agree to the releases and covenants not to sue as described in Paragraph 23 of the Settlement Agreement, which can be viewed at www.gaskinsbennett.com.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want to receive a check or be a part of this Settlement, and you want to keep the right to sue the Defendants about the legal claims in this case, then you must take steps to get out. This is called excluding yourself -- or is sometimes referred to as opting out of the Settlement Class.

12. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a written and signed request to opt-out stating:

- (1) your name, address, and telephone number,
- (2) a reference to the Litigation, and
- (3) that you wish to opt-out of the Class.

You must mail your Request for Exclusion and it must be postmarked no later than **March 15, 2014**, to:

Scott V. Kelly
Farrish Johnson Law Office
1907 Excel Drive
Mankato, MN 56001

If you do not submit a timely opt-out request that complies with these requirements, your opt-out request will be deemed invalid and you will not be excluded from the class. **The deadline for exclusion from (opting out of) the settlement is March 15, 2014.**

You cannot exclude yourself on the phone or by e-mail. If you mail an opt-out request, you will not get any settlement check, and you cannot object to the Settlement. You will not be legally bound by anything that happens in this lawsuit. If you have injuries from the Defendants regarding the claims in this case and you opt-out, you may be able to sue the Defendants in the future.

13. If I don’t exclude myself, can I sue the Defendant for the same thing later?

No. Unless you exclude yourself, you give up the right to sue Defendant for the claims that this Settlement resolves. More information on released claims can be found in the Settlement Agreement at Paragraph 23.

14. If I exclude myself, can I get a check from the settlement?

No. If you exclude yourself, you cannot receive a check under the Settlement. But, you may still sue the Defendant regarding the legal claims made in this lawsuit.

THE LAWYER REPRESENTING YOU

15. Do I have a lawyer in the case?

The Court appointed the law firms Gaskins Bennett Birrell Schupp LLP, Farrish Johnson Law Office and Malters Shepherd & Von Holtum to represent you as “Class Counsel.” The lawyers representing you may be contacted at the addresses and phone numbers provided above.

16. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But you may enter an appearance through an attorney if you choose to do so at your own expense. For example, you can ask an attorney to appear in Court for you if you want

someone other than Class Counsel to speak for you. You should contact your lawyer about this Notice if you still have any questions.

17. How will the lawyer be paid?

Class Counsel will ask the Court for legal fees not to exceed 30% of the settlement plus expenses incurred. These amounts represent the legal fees and costs for the period of time Class Counsel has litigated this dispute. The amounts sought will pay Class Counsel for the time they spent litigating this dispute and assuming the risk of bringing the action on your behalf. The Court may award less than the amount requested.

OBJECTING TO OR SUPPORTING THE SETTLEMENT

You can tell the Court that you agree or do not agree with the Settlement or some part of it.

18. How do I tell the Court that I either like the settlement or do not like the settlement?

If you are a Class Member, you can write the Court and state that you approve of the Settlement or some part of it. You can also write the Court to object to the Settlement if you do not like any part of it. You can give reasons why you think the Court should approve the Settlement or not approve it. The Court will consider your views.

To object, you must submit a written statement setting forth: (1) your name, address, email address, and telephone number; (2) your objection/intervention, with any comments or supporting arguments; (3) notice of your intention to appear; (4) a detailed statement describing the specific ground(s) to be raised; and (5) any supporting documentation that you desire the Court to consider, including any memorandum or brief. Any such documents must be mailed no later than March 15, 2014, addressed to:

Clerk of the United States District Court
District of Minnesota
Attn: Patten Driver's License Litigation
Case No. 12-cv-02971 (DWF/JJG)
300 South Fourth Street
Minneapolis, MN 55415

DO NOT CALL THE COURT. ALL REQUESTS MUST BE IN WRITING.

You must also mail or otherwise deliver identical copies of your written submission to Class Counsel, at the addresses listed above, and Defendants' Counsel at the following addresses:

RATWIK, ROSZAK & MALONEY, P.A.
Ann R. Goering
300 U.S. Trust Building
730 Second Avenue South
Minneapolis, MN 55402
612.339.0060

IVERSON REUVERS CONDON
Jon K. Iverson
9321 Ensign Ave. South
Bloomington, MN 55438
952.548.7204

Your written objection or request to intervene must be received by the Court no later than March 15, 2014. Your submission to the Court must include a certification that you have caused identical copies to be delivered to Plaintiffs' Counsel and Defendants' Counsel on or before March 15, 2014 (or mailed to them via first class mail). You cannot object or request to intervene if you have opted out of the class. Only those that remain in the Class may object to this settlement or request to intervene. Any person who fails to object in the manner provided herein shall be deemed to have waived his/her objections and shall be forever barred from making any such objections in this litigation.

You may also attend the Settlement Hearing either in person or through an attorney retained by you at your own expense. You may ask to be heard by Judge Frank at the Settlement Hearing. In order to be heard, however, you must have submitted a written objection or request to intervene in compliance with this subsection and include in your comments a statement that you intend to appear and wish to be heard at the Settlement Hearing.

19. What is the difference between objecting and excluding?

Objecting is formally telling the Court that you do not like something about the Settlement and that you believe the Settlement should be rejected. You can object only if you stay in the Class. If the Settlement is approved you will give up your right to sue the Defendant for the claims the Settlement resolves. Excluding yourself is telling the Court that you do not want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you do not have to.

20. When and where will the Court decide whether to approve the settlement?

The Honorable Donovan W. Frank will hold a Fairness Hearing at 2:00 p.m. on April 3, 2014, at United States District Court,

724 Federal Building, 316 N. Robert Street, St. Paul, MN 55101.

At this hearing, the Court will consider whether the Settlement is fair, reasonable and adequate. If there are objections, the Court will consider them. Judge Frank will listen to Class Members who have asked to speak at the hearing against the Settlement. The Court will also decide how much to pay Class Counsel and Class Representatives. Class Counsel shall ask for no more than 30% of the settlement amount as attorneys' fees plus expenses incurred and the Class Representatives have asked for \$500 each in addition to their payment for illegitimate searches. The funds for Class Counsel or Class Representatives will come out of the recovery for the Class. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take. If the Court approves the Settlement, then checks for approved individuals will be mailed. If the Court does not approve the Settlement, then the parties will continue to litigate the case in Court.

21. Do I have to come to the hearing?

No. Class Counsel will answer questions Judge Frank may have. But you are welcome to come at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you filed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

22. May I speak at the hearing?

You may speak at the Fairness Hearing if you wish to oppose the Settlement. In order to object to the Settlement you must follow the instructions set forth above. You cannot speak at the hearing if you excluded yourself.

IF YOU DO NOTHING

23. What happens if I do nothing at all?

If you are a Class Member and you do nothing, you may get money if you are found to be a part of the Illegitimate Search Subclass. You will give up the right to start a lawsuit, or be part of any other lawsuit against the Defendant about the legal issues in this case, ever again. Please see No. 11 above for more information about the claims you are releasing as a class member.

GETTING MORE INFORMATION

24. Are there more details available?

This Notice summarizes the proposed Settlement. More details are available in the Settlement Agreement, which is included with this Notice. If you did not receive a copy of the Settlement Agreement, please contact Class Counsel identified above.

The description of the Litigation set forth in this notice is general and does not cover all of the issues and proceedings thus far. For a more detailed statement of the matters involved in the Litigation, reference is made to the pleadings, to the Settlement Agreement, to the orders entered by the Court, and to the other papers filed in the litigation, which may be inspected at the Office of the Clerk of Court, United States District Court for the District of Minnesota, 300 South Fourth Street, Minneapolis, MN 55415, during business hours of each business day. Please note that the Clerk's Office is not permitted to give legal advice.

DO NOT CONTACT THE COURT FOR INFORMATION.

NOTICE OF INCLUSION IN THE ILLEGITIMATE SUBCLASS

You have been identified as a member of the "Illegitimate Search Subclass" for the purpose of this settlement. This means that your Minnesota Driver's License Records were deemed improperly accessed by Defendant Janet Patten. As a result, you **are** entitled to monetary compensation.

The precise amount of monetary compensation you are entitled to will not be known with specificity until the Court holds the Final Settlement Approval Hearing. The formula used to determine your monetary compensation is set forth in detail in this Notice. Basically, each illegitimate search will be worth an assigned dollar value. You will receive that value for each illegitimate search. For example, if the amount is determined to be \$300 and you were illegitimately searched 2 times, you would receive \$600 (\$300 x 2). Again, this example does not reflect the precise amount of compensation you are entitled to.

If your payment ultimately exceeds \$600, you will need to complete a W-9 form in order to receive the entirety of your payment. If your payment exceeds \$600, you will be mailed a W-9 after the Court finally approves the Settlement. If you do not return the completed W-9 form by the designated deadline, the Claims Administrator acting on Class Counsel's behalf will be required to withhold taxes on your payment and you will only receive a check for 72% of your entitled share and the remainder will be paid to the IRS as backup withholding.

If you remain a Class Member who is a member of the illegitimate subclass, you will be responsible for any taxes due as a result of any settlement payments you receive. You should seek the advice of a tax professional to assist you in determining whether any settlement payments you receive are taxable to you.

REQUEST FOR EXCLUSION (OPT-OUT FORM)

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Bertrand et al. v. Patten et al.

Case No. 12-cv-02971 (DWF/JJG)

IMPORTANT NOTICE: You will not be allowed to opt out of the settlement if your signed Request for Exclusion form is not post-marked (first class postage prepaid) by March 15, 2014.

(Print or type)
My full name is

first

middle

last

I reside at

number

street

city

state

zip

I **do not** wish to be a Member of the Class Action called *Bertrand et al. v. Patten et al.*, Case No. 12-cv-02971 (DWF/JJG).

I have read either the Summary Publication Notice or the mailed Notice regarding the class action litigation of the above-referenced case. I am sufficiently advised of my rights to remain in the Class and be bound by any judgment rendered therein. By opting out, I am excluding myself from the binding effect of judgment and from all consideration available to Class Members. I also realize that, if I exclude myself from the Class Action by opting out and subsequently choosing to bring an independent action, I will be responsible for choosing and compensating my own attorney(s) and that the statute of limitations for bringing claims set forth in this litigation will again begin to run from the date of my request for exclusion.

Signature: _____ Date: ____ / ____ / ____

Mail to: Scott V. Kelly, Esq., Farrish Johnson Law Office, 1907 Excel Drive, Mankato, MN 56001.



FARRISH JOHNSON LAW OFFICE
Scott V. Kelly/Daniel J. Bellig
1907 Excel Drive
Mankato, MN 56001

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