

McClintic v. Lithia Motors, Inc. Class Action Litigation
No. C11-859RAJ, United States District Court for the Western District of Washington

COURT-APPROVED SUMMARY NOTICE OF SETTLEMENT

TO: A settlement class of all persons in the United States who received one or more text messages from or on behalf of Lithia Motors, Inc. (“Lithia”) at any time between April 21, 2007 and June 11, 2012, including all persons in the United States who received a second text message from Lithia after attempting to opt out of receiving additional text messages.

- The court has preliminarily approved a settlement that will pay you approximately \$175 and as much as approximately \$675, depending on how many text messages you received and whether you attempted to opt out of receiving future text messages.
- **To claim a cash award, you must make a claim on the enclosed postage-prepaid “Claim or Exclusion Form” postmarked no later than September 14, 2012.**
- You may also exclude yourself from this lawsuit or object to the settlement. You may also do nothing, in which case you will give up claims against Lithia but receive no cash award.
- Participating in this settlement will cost you nothing, although you will give up your claims against Lithia.
- As part of the settlement, lawyers for the settlement class (“class counsel”) will request up to \$600,000, inclusive of out-of-pocket costs. You may review this request and object to it.
- This notice only summarizes the settlement. Complete information is available at www.TextClassSettlement.com.
- The court will hold a hearing on October 11, 2012 at 2:00 p.m. PDT to decide whether to give final approval to the settlement. You may attend this hearing, but you are not required to.
- **PLEASE DO NOT CALL THE COURT, LITHIA, OR CLASS COUNSEL.** If you have questions, you may contact the settlement administrator at 1-888-624-6705.

In April of 2011, Lithia or people acting on Lithia’s behalf sent text messages to the cellular telephones of customers in portions of the United States. Kevin McClintic filed a class action against Lithia alleging that these messages were unlawful under state and federal law.

Lithia and McClintic reached a settlement of the class action. Judge Richard A. Jones of the United States District Court for the Western District of Washington at Seattle preliminarily approved the settlement. You are a member of the settlement class and may receive a cash award by completing the enclosed postage-prepaid “Claim or Exclusion Form.” If your claim is approved and you received one or two text messages, you will receive approximately \$175.00 for each text message you received. If you tried to opt out of receiving text messages from Lithia but still received a second text, you will receive approximately \$500.00 for the second text. In the event that the number of approved claims exceeds the amount available to pay claims (approximately \$1,740,000), then payments will be reduced pro rata. If the number of approved claims does not exhaust the amount available to pay claims, then approved claim payments will be increased pro rata.

You can exclude yourself from the settlement by marking the appropriate box on the enclosed postage-prepaid "Claim or Exclusion Form" and mailing it to the settlement administrator at the address below.

You can object to the settlement by putting the reason for your objection in writing and mailing it to the settlement administrator, postmarked no later than September 14, 2012. If you submit a timely objection, you may also attend the October 11, 2012 hearing to explain your objection to the court.

Whether you wish to claim a cash award or exclude yourself from the settlement, you must mail your postage-prepaid "Claim or Exclusion Form" postmarked no later than September 14, 2012. If you do not mail the "Claim or Exclusion Form" by the deadline, you will be deemed to have released (given up) all claims, but you will not receive any payment. If you wish to object to the settlement, you must also mail your objection postmarked no later than September 14, 2012.

Please read the full Legal Notice of the proposed settlement at the settlement administrator's website at www.TextClassSettlement.com or by requesting a copy from the settlement administrator by mail. The full Legal Notice contains other details regarding the settlement, including the release that you would be giving unless you affirmatively request to be excluded from the settlement by timely submitting the enclosed "Claim or Exclusion Form." A summary version of the release is as follows:

This Release means that by participating in the settlement or by failing to exclude yourself from the settlement, you will be prohibited from suing any of the released parties for any claims relating to text messages you received that were sent on by or behalf of Lithia from April 21, 2007, until and through June 11, 2012. The Released Parties are Lithia Motors, Inc., and DMEautomotive LLC. When the Court gives Final Approval of the Settlement, Lithia and DMEautomotive will be released by you for any claim related to this Lawsuit concerning the receipt of any Text Messages sent to you by Lithia or DMEautomotive.

If you have any questions, or if you need additional information, please contact the Settlement Administrator:

McClintic v. Lithia Motors, Inc.
c/o GCG
P.O. Box 9786
Dublin, OH 43017-5686
1-888-624-6705

Please do not contact the court, Lithia, or class counsel.