

Tammy Raab v. Kent W. Abernathy and The Indiana Bureau of Motor Vehicles

The Marion County, Indiana Superior Court, Room No. 11

Cause No. 49D11-1310-PL-038001

NOTICE OF CLASS CERTIFICATION

If you paid one or more fees to the Indiana Bureau of Motor Vehicles for certain transactions since January 1, 2002, your rights may be affected by a lawsuit pending in this Court.

This is not a solicitation from a lawyer.

This is not a lawsuit against you and you are not being sued.

- In the case of *Tammy Raab v. Kent W. Abernathy and The Indiana Bureau of Motor Vehicles* (the “Lawsuit”), filed in the Marion County, Indiana, Superior Court (the “Court”), the Plaintiff has alleged that since January 1, 2002, the Indiana Bureau of Motor Vehicles (the “BMV”) has charged Indiana residents more than is allowed by law for certain transactions.
- On September 18, 2015, the Court certified a Plaintiff Class in the Lawsuit that includes the following: All persons and entities that paid to the Indiana Bureau of Motor Vehicles one or more of the Overcharged Fees during the corresponding Overcharge Period identified on the table attached hereto as Exhibit A.
- If you paid one or more of the Overcharged Fees during the corresponding Overcharge Period identified on the table attached hereto as Exhibit A, please read this Notice carefully to learn the legal rights and options available to you.

YOUR LEGAL RIGHTS AND OPTIONS:		DEADLINE
DO NOTHING	Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you keep the possibility of getting money that may come from the BMV through a trial or a settlement. Any judgment entered in the Lawsuit, whether favorable or not, will include all members of the Plaintiff Class who do not request exclusion. If you do nothing, you give up any rights to sue the BMV on your own about the same legal claims in the Lawsuit, and you are bound by all judicial decisions and orders issued in the Lawsuit.	N/A
ASK TO BE EXCLUDED	Get out of this lawsuit. Get no benefits from this lawsuit. Keep rights. If you ask to be excluded and money from the BMV is later awarded, you won’t share in that money. But, you will keep any rights to sue the BMV separately about the same legal claims in the Lawsuit.	August 13, 2016

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BASIC INFORMATION

1. What is this lawsuit about?

The Lawsuit says that since 2002 the BMV has overcharged Indiana residents who have paid one or more fees for certain transactions, and that these overcharges should be returned to the people and entities who paid them.

2. What is the purpose of this notice?

This notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. If you are a member of the Class, 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 the BMV, on your behalf, are correct. Judge John F. Hanley of the Marion County, Indiana, Superior Court is overseeing this class action. The Lawsuit is known as *Raab v. Abernathy and The Indiana Bureau of Motor Vehicles, Cause No. 49D11-1310-PL-038001*.

3. 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. The people together are a “Class” or “Class Members.” The Class Representative who sued—and all the Class Members like her—are called “the Plaintiffs”. The companies, state agencies or individuals sued by the Class Members are called “the Defendants”. One court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

4. 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 Indiana Trial Rule 23, which governs class actions in Indiana courts. Specifically, the Court found that:

- There are millions of persons who may fall within the defined Class;
- There are legal questions and facts that are common to each of them;
- The Class Representative's claims are typical of the claims of the rest of the Class;
- The Class Representative and the lawyers representing the Class will fairly and adequately represent the Class' 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.

More information about why the Court is allowing this lawsuit to be a class action is in the Court's order certifying the Class, which is available at www.BMVOverchargeLitigation.com.

THE CLAIMS IN THE LAWSUIT

5. What does the Lawsuit complain about?

In the Lawsuit, the Plaintiff says that all of the charges that may be imposed by the BMV for various services are set forth in statutes and Public Laws adopted by the Indiana General Assembly, and administrative rules promulgated by the BMV, but that since at least 2002 the fees imposed on Indiana drivers by the BMV for certain transactions have exceeded the charges that are authorized by these laws. You can read the Plaintiff's Amended Class Action Complaint at www.BMVOverchargeLitigation.com.

6. How do the Defendants answer?

The BMV admits overcharging for certain fees since 2002. However, the BMV denies many of the allegations in the Complaint and has asserted legal defenses. You can read the Defendants' Answer to the Class Action Complaint at www.BMVOverchargeLitigation.com.

7. Has the Court decided who is right?

The Court hasn't decided whether the Defendants or the Plaintiff is correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiff will win or lose this case. The Plaintiff must prove her claims and the claims of the Plaintiff Class against the Defendants at a trial. (See "The Trial" below on page 5.)

8. What is the Plaintiff asking for?

The Plaintiff is asking for a judgment requiring the BMV to refund to the Plaintiff Class the amount by which it overcharged for the fees on Exhibit A, plus interest.

9. Is there any money available now?

No. There will be no money available for distribution unless the Class wins the case or the case is settled.

WHO IS IN THE CLASS?

You need to decide whether you are affected by this lawsuit.

10. Am I part of the Class?

You are a member of the Class if you fall within the following definition set forth in Judge Hanley's order certifying the Class:

All persons and entities that paid to the Indiana Bureau of Motor Vehicles one or more of the Overcharged Fees during the corresponding Overcharge Period identified on the table attached hereto as Exhibit A.

11. I'm still not sure if I am included.

If you are still not sure whether you are included, you can get free help at www.BMVOverchargeLitigation.com, or by calling 1-855-730-8637.

YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or ask to be excluded before the trial, and you have to decide this now.

12. What happens if I do nothing at all?

You don't have to do anything now if you want to keep the possibility of getting money awarded in this lawsuit. By doing nothing you are staying in the Class. If you are a member of the Plaintiff Class and stay in the Class, and if the Plaintiff obtains money from the BMV, either as a result of the trial or a settlement, you will be eligible to participate in the distribution of that money. Keep in mind that if you do nothing now, regardless of whether the Plaintiffs win or lose the trial, you will not be able to sue, or continue to sue, the BMV on your own 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.

13. Why would I ask to be excluded?

If you would prefer to pursue your own lawsuit against the BMV you should ask to be excluded from the Class. If you exclude yourself from the Class—which also means to remove yourself from the Class, and is sometimes called “opting-out” of the Class—you won't get any money from this lawsuit either through the Plaintiff winning the case or from any settlement. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action. If you pursue your own lawsuit against the BMV after you exclude yourself, you'll have to hire and pay your own lawyer for that lawsuit, and you'll have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against the BMV, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

14. How do I ask the Court to exclude me from the Class?

To ask to be excluded, you must send an “Exclusion Request” in the form of a letter sent by mail, stating that you want to be excluded from the certified class in *Raab v. Abernathy and BMV*. Be sure to include your name, address and phone number, and sign the letter. You must mail your Exclusion Request postmarked by **August 13, 2016**, to:

BMV Overcharge Litigation
KCC Class Action Services
PO Box 43419
Providence, RI 02940-3419

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

The Court decided that the law firm of Cohen & Malad, LLP, of Indianapolis, IN, is qualified to represent you and all Plaintiff Class Members in this lawsuit. In this role, Cohen & Malad, LLP is called “Class Counsel.” More information about Class Counsel is available at www.cohenandmalad.com.

16. Should I get my own lawyer?

You are not required to hire your own lawyer in the Lawsuit because Class Counsel is working on your behalf. However, if you have not excluded yourself from the Plaintiff Class you may enter an appearance in the Lawsuit through counsel of your own choosing. If you want your own lawyer, you will have to pay that lawyer.

17. How will the lawyers be paid?

If Class Counsel obtains money or benefits for the Class from the BMV, they may ask the Court for fees and expenses. If the Court grants Class Counsel's request, the Court will determine how they are paid, such as from the money or benefits obtained, but you will not have to pay these fees and expenses out of your pocket. If the case is not successful, you do not owe any attorney fees and are not responsible for expenses.

THE TRIAL

The Court has scheduled a trial to decide who is right in this case.

18. How and when will the Court decide who is right?

As long as the case against the Defendants isn't resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiff's claims at a trial. The trial is currently set to start on September 28, 2016, in Marion County, Indiana, Superior Court No. 11, Indianapolis/Marion County City-County Building, 14th Floor, Indianapolis, Indiana. During the trial, the Judge will hear all of the evidence about whether the Plaintiff or Defendants are right about the claims in the Lawsuit. There is no guarantee that the Plaintiff will win, or that the Lawsuit will result in any money for the Class.

19. Do I have to come to the trial?

No, you do not need to attend the trial. Class Counsel will present the case for the Plaintiff Class, and counsel for the Defendants will present the defenses. You and/or your own lawyer are welcome to come at your own expense.

20. Will I get money after the trial?

If the Plaintiff Class obtains money from the BMV 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.

GETTING MORE INFORMATION

21. Are more details available?

Visit the website, www.BMVOverchargeLitigation.com, where you will find the Court's order certifying the class, the Complaint that the Plaintiff submitted, and other information about this case. You may also request additional information by calling 1-855-730-8637, or writing to:

BMV Overcharge Litigation
KCC Class Action Services
PO Box 43419
Providence, RI 02940-3419

DO NOT CALL THE COURT WITH QUESTIONS.

ALL QUESTIONS SHOULD BE DIRECTED AS SET FORTH ABOVE.

Exhibit A: Table of Alleged Overcharged Fees

Overcharged Fee	Overcharge Period
REGISTRATIONS	
New Passenger Vehicle Registrations	January 1, 2002 through November 5, 2008; July 1, 2012 through December 31, 2014
Renewed Passenger Vehicle Registration	January 1, 2002 through November 5, 2008
New Motorcycle Registrations	January 1, 2002 through November 5, 2008; July 1, 2012 through December 31, 2014
Renewed Motorcycle Registrations	January 1, 2002 through November 5, 2008
New Truck Registrations (Under 11,000 lbs.)	January 1, 2002 through November 5, 2008; July 1, 2012 through December 31, 2014
Renewed Truck Registrations (Under 11,000 lbs.)	January 1, 2002 through November 5, 2008
New Truck Registrations (11,000 lbs. and Over)	January 1, 2002 through November 5, 2008; July 1, 2012 through September 29, 2013
Renewed Truck Registrations (11,000 lbs. and Over)	January 1, 2002 through November 5, 2008
New Farm Truck Registrations	January 1, 2002 through November 5, 2008; July 1, 2012 through September 29, 2013
Renewed Farm Truck Registrations	January 1, 2002 through November 5, 2008

Overcharged Fee	Overcharge Period
New Tractor Registrations	January 1, 2002 through November 5, 2008; July 1, 2012 through September 29, 2013
Renewed Tractor Registrations	January 1, 2002 through November 5, 2008
New Farm Tractor Registrations	January 1, 2002 through November 5, 2008; July 1, 2012 through September 29, 2013
Renewed Farm Tractor Registrations	January 1, 2002 through November 5, 2008
New Trailer Registrations	January 1, 2002 through November 5, 2008; July 1, 2012 through September 29, 2013
Renewed Trailer Registrations	January 1, 2002 through November 5, 2008
New Farm Trailer Registrations	January 1, 2002 through November 5, 2008; July 1, 2012 through September 29, 2013
Renewed Farm Trailer Registrations	January 1, 2002 through November 5, 2008
New Semi Trailer Registrations (1 Year)	January 1, 2002 through November 5, 2008; July 1, 2012 through September 29, 2013
Renewed Semi Trailer Registrations (1 Year)	January 1, 2002 through November 5, 2008
New Farm Semi Trailer Registrations (1 Year)	January 1, 2002 through November 5, 2008; July 1, 2012 through September 29, 2013
Renewed Farm Semi Trailer Registrations (1 Year)	January 1, 2002 through November 5, 2008
New Semi Trailer Registrations (5 Year)	January 1, 2002 through November 5, 2008; July 1, 2012 through September 29, 2013
Renewed Semi Trailer Registrations (5 Year)	January 1, 2002 through November 5, 2008
New Farm Semi Trailer Registrations (5 Year)	January 1, 2002 through November 5, 2008; July 1, 2012 through September 29, 2013
Renewed Farm Semi Trailer Registrations (5 Year)	January 1, 2002 through November 5, 2008
New Semi Trailer Registrations (Permanent)	January 1, 2002 through November 5, 2008; July 1, 2012 through September 29, 2013
Renewed Semi Trailer Registrations (Permanent)	January 1, 2002 through December 31, 2014
New Farm Semi Trailer Registrations (Permanent)	January 1, 2002 through November 5, 2008; July 1, 2012 through September 29, 2013
Renewed Farm Semi Trailer Registrations (Permanent)	January 1, 2002 through December 31, 2014
New Intercity Bus Registrations	January 1, 2002 through November 5, 2008; July 1, 2012 through September 29, 2013
Renewed Intercity Bus Registrations	January 1, 2002 through November 5, 2008
New Intracity Bus Registrations	January 1, 2002 through November 5, 2008; July 1, 2012 through September 29, 2013
Renewed Intracity Bus Registrations	January 1, 2002 through November 5, 2008
New Buses Not for Hire Registrations	January 1, 2002 through November 5, 2008; July 1, 2012 through September 29, 2013
Renewed Buses Not for Hire Registrations	January 1, 2002 through November 5, 2008
New Church Bus Registrations	January 1, 2002 through November 5, 2008; July 1, 2012 through September 29, 2013
Renewed Church Bus Registrations	January 1, 2002 through November 5, 2008
New School Bus Registrations	January 1, 2002 through November 5, 2008; July 1, 2012 through September 29, 2013
Renewed School Bus Registrations	January 1, 2002 through November 5, 2008
New Recovery Vehicle Registrations	January 1, 2002 through November 5, 2008; July 1, 2012 through September 29, 2013
Renewed Recovery Vehicle Registrations	January 1, 2002 through November 5, 2008

Overcharged Fee	Overcharge Period
New Recreational Vehicle Registrations	January 1, 2002 through November 5, 2008; July 1, 2012 through September 29, 2013
Renewed Recreational Vehicle Registrations	January 1, 2002 through November 5, 2008
Special Machinery Registrations	January 1, 2002 through September 29, 2013
New Antique Passenger Vehicle Registrations	January 1, 2002 through December 31, 2014
Renewed Antique Passenger Vehicle Registration	January 1, 2002 through December 31, 2014
New Antique Motorcycle Registrations	January 1, 2002 through December 31, 2014
Renewed Antique Motorcycle Registrations	January 1, 2002 through December 31, 2014
New Antique Truck Registrations	January 1, 2002 through December 31, 2014
Renewed Antique Truck Registrations	January 1, 2002 through December 31, 2014
CREDENTIALS	
Operator's License (3 Year)	January 1, 2002 through December 31, 2005
Operator's License (4 Year)	January 1, 2002 through December 31, 2006
Operator's License (6 Year)	January 1, 2006 through March 6, 2007
Motorcycle Operator's License (3 Year)	January 1, 2002 through December 31, 2005
Motorcycle Operator's License (4 Year)	January 1, 2002 through December 31, 2005
Motorcycle Operator's License (6 Year)	January 1, 2006 through December 31, 2008
Chauffeur's License (6 Year)	January 1, 2002 through September 29, 2013
Public Passenger Chauffeur's License	January 1, 2002 through December 31, 2007
Motorcycle Endorsement on Operator's License (4 Year)	January 1, 2002 through December 31, 2005
Motorcycle Endorsement on Operator's License (5 Year)	March 26, 2012 through September 29, 2013
Motorcycle Endorsement on Operator's License (6 Year)	January 1, 2006 through September 29, 2013
Motorcycle Endorsement on Chauffeur's License	January 1, 2002 through September 29, 2013
Motorcycle Endorsement on Public Passenger Chauffeur's License	January 1, 2002 through September 29, 2013
Commercial Driver's License	January 1, 2002 through November 5, 2008
Upgrade Commercial Driver's License	July 1, 2012 through September 29, 2013
Amend / Replace Commercial Driver's License	January 1, 2002 through September 29, 2013
Learner's Permit	January 1, 2002 through November 5, 2008
Motorcycle Learner's Permit	January 1, 2002 through November 5, 2008
CDL Learner's Permit	January 1, 2002 through December 31, 2014
I.D.	January 1, 2002 through September 29, 2013
Duplicate / Amended I.D.	January 1, 2002 through September 29, 2013
Special I.D.	January 1, 2002 through September 29, 2013
Duplicate / Amended Special I.D.	January 1, 2002 through September 29, 2013
TITLES	
Titles	January 1, 2002 through December 31, 2014
Body Change	January 1, 2002 through December 31, 2014
Repossessions	January 1, 2002 through December 31, 2014
Corrections	January 1, 2002 through December 31, 2014
Mechanic's Lien	January 1, 2002 through December 31, 2014
Duplicate	January 1, 2002 through September 29, 2013
Salvage	January 1, 2002 through September 29, 2013

Overcharged Fee	Overcharge Period
MVIN (Special ID)	January 1, 2002 through September 29, 2013
Delinquent Fee	January 1, 2002 through December 31, 2014
Administrative Fee	January 1, 2002 through September 29, 2013
PLATE FEES	
96-Hour Temporary Permit	January 1, 2002 through November 5, 2008
30-Day Temporary Permit	January 1, 2002 through November 5, 2008
Antique Year of Manufacture	January 1, 2008 through September 29, 2013
Plate Transfer	January 1, 2002 through September 29, 2013
Personalize Plate	January 1, 2002 through September 29, 2013
Amateur Radio Plate	January 1, 2002 through December 31, 2005
WATERCRAFT TITLES	
Titles	January 1, 2002 through November 5, 2008
Repossessions	January 1, 2002 through November 5, 2008
Corrections	January 1, 2002 through November 5, 2008
Duplicates	January 1, 2002 through November 5, 2008