

IN THE COURT OF CLAIMS OF OHIO

KELLIE MADYDA, et al.,  
Plaintiffs,  
v.  
OHIO DEPARTMENT OF PUBLIC SAFETY,  
Defendant.

Case No. 2019-00426JD  
Judge Dale A. Crawford

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OF OHIO  
2022 JUL 13 PM 3:05

**[AMENDED PROPOSED] ORDER APPROVING CLASS ACTION NOTICE PLAN AND APPOINTING CLASS NOTICE ADMINISTRATOR**

Presently before the Court is Defendant Ohio Department of Public Safety (“ODPS”)’s and Plaintiffs Kellie Madyda, individually and as legal representative for E.M., a minor; David Cornelius; Aaron Hoyt; and Caitlin Rader (collectively, “Plaintiffs”)’ (ODPS and Plaintiffs are, collectively, the “Parties”) Joint Motion for Approval of Class Notice Plan and Appointment of Class Notice Administrator (“Motion”). The Motion is **GRANTED**, and it is **HEREBY ORDERED, ADJUDGED AND DECREED** as follows:

1. **Class Definition.** On March 20, 2020, this Court certified a class of “[a]ll individuals who were issued an Ohio credential and were charged a lamination fee that was paid by the Ohio credential holder or paid on the Ohio credential holder’s behalf to a Deputy Registrar for the State of Ohio on or after July 2, 2018 until July 2, 2019” (the “Class”).

2. **Sufficiency of Notice Plan.** The Court has reviewed the Parties’ jointly proposed plan for disseminating notice of class certification (the “Notice Plan”). The Court finds that the form and method of the proposed Notice Plan appear to be adequate and proper under Ohio Civil Procedure Rule 23 and Due Process requirements. The Court additionally finds that the content of the various forms of notice and the matter of dissemination described below represent the best

2022 JUL 13 PM 3:05

practicable notice under the circumstances and are reasonably calculated to apprise members of the Class (“Class Members”) of the nature of this action, the definition of the class, the claims and defenses at issue in this case, that any Class Member may enter an appearance through an attorney, that any Class Member may request exclusion from the class, the procedure to request exclusion from the class, and the binding effect of judgment in this case.

3. **Class Notice Administrator.** KCC Class Action Services (“KCC”) is appointed as the Class Notice Administrator.

4. **Online Renewal Notice.** ODPS shall create a technology system that includes the components set forth in this paragraph for Class Members who opt to renew their credentials online. Before the Class Members shall be able to proceed with an online credential renewal process, they shall encounter a screen that includes the notice language specified in Exhibit 1. On that screen, each Class Member shall have the opportunity to read, download, and/or print the notice as it appears on the screen. In order to move past this notice screen into the online renewal system, each Class Member renewing his or her credential online shall be required to click an acknowledgment that he or she has read and understands the notice. The online renewal system shall track which Class Members have received online notice through the record of these acknowledgements. The online renewal system shall be in place from July 2, 2022 through and including August 31, 2023.

5. **In-Person Renewal Notice.** ODPS shall create a technology system that includes the components set forth in this paragraph for Class Members who opt to renew their credentials in person. The Class Members who renew their credentials by visiting a Deputy Registrar office shall receive direct notice of class certification in this lawsuit by way of a postcard sized handout. When a Class Member enters a Deputy Registrar’s office and initiates a transaction to renew an

2022 JUL 13 PM 3:05

Ohio credential, the Deputy Registrar representative coordinating that transaction on the Class Member's behalf shall receive an electronic notification that the customer initiating the transaction is a Class Member. Once the Deputy Registrar representative receives that notification, he or she shall physically hand a postcard sized notice to the Class Member customer. The language to be included on that postcard sized handout is attached hereto as Exhibit 1. After disseminating this direct notice to the individual Class Member, the Deputy Registrar representative shall then electronically indicate on the popup notification that he or she has indeed handed the Class Member the physical postcard sized notice. The technology system shall, in this way, track which Class Members have received handout notice throughout the prescribed period. The handout protocol described in this paragraph shall be in place from July 2, 2022 through and including August 31, 2023.

6. **Postcard Notice.** No later than September 14, 2023, ODPS shall provide to the Class Notice Administrator in Excel format a report from the notice tracking systems that shall inform the Parties which Class Members actually received the online notice from the Registrar's website or the handout notice at a Deputy Registrar's office. From this report, the Parties shall determine which Class Members did not receive direct notice during the prescribed time period. For each Class Member who did not receive online notice from the Registrar's website or handout notice at a Deputy Registrar's office, the Class Notice Administrator shall print and mail postcard notice directly to that Class Member's last known address. The Class Notice Administrator shall complete the postcard mailing no later than September 21, 2023. The language to be included in the mailed postcards is attached hereto as Exhibit 2.

7. **Email Notice.** ODPS possesses 428,528 email addresses for Class Members. ODPS shall send an email to each email address on file to provide direct email notice of class

2022 JUL 13 PM 3:05

certification in the lawsuit. The language to be included in the email notice is attached hereto as Exhibit 3.

8. **Text Message Notice.** ODPS possesses phone numbers capable of receiving text messages for 17,750 Class Members. ODPS shall send a text message to each phone number on file to provide direct text message notice of class certification in the lawsuit. The language to be included in the text message notice is attached hereto as Exhibit 4.

9. **BMV Website Notice.** The Ohio Bureau of Motor Vehicles (“BMV”) shall conspicuously post class notice on the BMV website homepage (<https://www.bmv.ohio.gov/>). The website notice shall be posted from July 2, 2022 through August 31, 2023. The language to be included in the website post is attached hereto as Exhibit 5.

10. **Deputy Registrar Office Posted Notice.** Each Ohio Deputy Registrar office shall prominently display within the portion of the office accessible to the public a written notice of class certification in the lawsuit from July 2, 2022 to August 31, 2023. The language to be included in the Deputy Registrar office posted notice is attached hereto as Exhibit 6.

11. **Facebook Notice.** BMV’s Facebook page manager shall post notice as a “pinned post” to BMV’s Facebook page. The notice post shall be created within two weeks after the date of this Order, and the post shall remain pinned to the top of the Facebook page for a period of ninety days. Thereafter, the post shall remain in the BMV Facebook page’s long-term post feed. The language to be included in the Facebook post is attached hereto as Exhibit 7.

12. **Twitter Notice.** BMV’s Twitter page manager shall post notice to BMV’s Twitter page. The notice post (also known as a “tweet” on Twitter) shall be created within two weeks after the date of this Order, and the post shall remain pinned to the top of the Twitter page for a period

2022 JUL 13 PM 3:05

of ninety days. Thereafter, the post shall remain in the BMV Twitter page's long-term post feed.

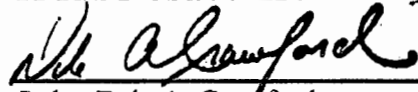
The language to be included in the Twitter post is attached hereto as Exhibit 8.

13. **Case Website.** KCC shall establish and maintain a case-specific website to allow Class Members the ability to obtain information and relevant documents concerning the litigation. The case website shall allow users to read, download, and print relevant documents, such as the Complaint, Amended Answer to the Complaint, Class Certification Order, and Long Form Notice. Class Members shall also be able to access a list of Frequently Asked Questions and Answers and obtain contact information for Class Counsel. The Parties have negotiated and agreed upon the long form notice language to be posted on the case website for Class Members to review. The long form notice is attached hereto as Exhibit 9.

14. **Opt Out Deadline.** Any Class Member seeking to exclude himself or herself from the Class must opt out of the Class no later than November 6, 2023. A Class Member may opt out either online or by mail. To opt out online, a Class Member must submit an online Opt Out form—available at [www.OhioLaminationFeesLitigation.com](http://www.OhioLaminationFeesLitigation.com)—to the Class Notice Administrator by November 6, 2023. To opt out by mail, the Class Member must send a letter to the Class Notice Administrator at KCC, P.O. Box 5100, Larkspur, CA 94977-5100. The letter must include the Class Member's name, address, and signature, and the Class Member must clearly state in the letter that the Class Member wants to be excluded from the Class in *Kellie Madyda, et al. v. Ohio Department of Public Safety, Bureau of Motor Vehicles*, Case No. 2019-00426JD (Court of Claims of Ohio). To be effective, any opt out letter must be postmarked by November 6, 2023.

15. Costs and Fees. ODPS shall pay the costs and fees associated with all aspects of the Notice Plan.

IT IS SO ORDERED.



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Case No. 2019-00426JD

-7-

ORDER

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