

Michael Livingston v. MiTAC Digital Corporation, No. 4:18-cv-05993-JST
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA
NOTICE OF CLASS ACTION SETTLEMENT

You are not being sued. This notice affects your rights. Please read it carefully

To: All persons who purchased a Magellan RoadMate Navigator with Free Lifetime Map updates in the United States of America on or after September 28, 2014 and before June 30, 2019 (“Class Members”).

On April 29, 2020, the Honorable Jon S. Tigar of the United States District Court, Northern District of California granted preliminary approval of this class action settlement and ordered the litigants to notify all Class Members of the settlement. **You have received this notice because you may be a Class Member, and, if so, are therefore entitled to the remedies provided by the settlement.**

The Final Approval Hearing on the adequacy, reasonableness, and fairness of the Settlement will be held at 2:00 p.m. on November 4, 2020 in Courtroom 6, 2nd Floor of the United States District Court, Northern District of California located at 1301 Clay Street, Oakland, California 94612. You are not required to attend the Hearing.

Note: The date for the Final Approval Hearing may change without further notice to Class Members. Please check www.MagellanRoadMateSettlement.com for updates.

Summary of the Litigation

Plaintiffs Michael Livingston and Sharon McGill, on behalf of themselves and on behalf of all Class Members, allege that Defendant MiTAC Digital Corporation (“Defendant” or “Magellan”) misled Class Members to believe that their Magellan RoadMate Navigators would receive free lifetime updates, when in fact Defendant allegedly required Class Members to purchase updates. Defendant denies these allegations, and denies that it has acted improperly or wrongfully in any way. Defendant believes that the lawsuit has no merit.

The Court has not decided who is right.

After the exchange of relevant information and evidence, Plaintiffs and Defendant (together, the “Parties”) agreed to enter into settlement negotiations in an attempt to resolve the claims in the case. On May 8, 2019, the Parties participated in a mediation with Hon. Jay C. Gandhi (Ret.), a former federal judge who is an experienced and well-respected class action mediator. With Judge Gandhi’s guidance, the Parties negotiated a complete settlement of Plaintiffs’ claims.

The proposed Settlement does not mean that any law was broken or that Defendant did anything wrong. Defendant denies all legal claims in this case. Plaintiffs think the proposed Settlement is best for everyone affected.

Summary of The Proposed Settlement Terms

Free Registration for Lifetime Map Subscriptions. If you purchased a Magellan RoadMate Navigator with Free Lifetime Map Updates on or after September 28, 2014 and before June 30, 2019, and you would like to receive free map data updates, you must register your lifetime map subscription on or before September 17, 2020. Registration is quick and free. You can either register on Magellan’s website at <https://www.magellangps.com/support/livingston-registration> or, at your request, Magellan will mail a registration form to you. Registering your subscription will ensure that you receive free map data updates made available for your particular Navigator device for the next three years. At the end of this three-year period, you can renew your three-year registration at no charge. You can either renew your registration on Magellan’s website at <https://www.magellangps.com/support/livingston-registration> or, at your request, Magellan will mail a renewal form to you. You can continue to renew your three-year registration at no charge for as long as you use your Navigator

Questions? Contact the Settlement Administrator toll free at 1-888-416-0917

device. To have a registration form or a renewal form mailed to you, please contact Magellan's customer support team at <https://service.magellangps.com>.

Reimbursement for Map Updates. Magellan will reimburse customers with free lifetime map subscriptions for verified purchases of map updates and for other incurred expenses relating to the lifetime map subscription, plus interest. This offer is available to customers who have purchased a Magellan RoadMate Navigator with Free Lifetime Map Updates on or after September 28, 2014 and before June 30, 2019. To submit a claim for reimbursement, complete the Reimbursement Form at www.MagellanRoadMateSettlement.com.

New Terms and Conditions for Lifetime Map Subscriptions. On June 18, 2018, Magellan posted a FAQ on its website describing the terms and conditions of lifetime map subscriptions (the "FAQ"). Magellan has since learned that some of its customers are not sure whether the terms and conditions in this FAQ apply to the Navigator devices that they purchased. Magellan regrets any confusion that this FAQ may have caused to its customers. Magellan will clarify to its customers that the terms and conditions in this FAQ apply only to RoadMate Navigators with Free Lifetime Map Updates purchased on or after June 30, 2019. The terms and conditions in this FAQ do not apply to RoadMate Navigators with Free Lifetime Map Updates purchased before June 30, 2019. Magellan will update its website, marketing, and packaging of RoadMate Navigators with Free Lifetime Map Updates to state clearly the terms and conditions as provided in the FAQ or advise potential purchasers where they can read the terms and conditions. Magellan will also instruct its third-party resellers and distributors to update their websites and any marketing material and packaging in their possession accordingly. Magellan has already begun implementing these changes and expects to complete these changes by June 30, 2020.

Customer Support for Free Map Updates. Magellan is devoted to ensuring that its customers who purchased Navigator devices with free lifetime map subscriptions are able to receive free map data updates. If you are experiencing any difficulties in obtaining a free map update for your RoadMate Navigator with Free Lifetime Map Updates, please contact Magellan's customer support team for assistance. Customer support is available through Magellan's website at <https://service.magellangps.com>.

Your Options Under the Settlement

Do Nothing And Remain a Member of the Class. If you do not exclude yourself from the Class, you will remain a member of the Class, you will be eligible for the benefits provided by the settlement, you will be bound by the settlement, and you will give up the claims that are released by the settlement.

Exclude Yourself From the Class. You may exclude yourself from the Class by completing the Exclusion Form online at www.MagellanRoadMateSettlement.com. All Exclusion Forms must be submitted on or before August 18, 2020.

Object to the Settlement. You can ask the Court to deny approval by filing an objection. You can't ask the Court to order a different settlement; the Court can only approve or reject the settlement. If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object.

Any objection to the proposed settlement must be in writing. If you file a timely written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney. All written objections and supporting papers must (a) clearly identify the case name and number (*Michael Livingston v. MiTAC Digital Corporation*, Case No. 4:18-cv-05993-JST), (b) be submitted to the Court either by mailing them to the Class Action Clerk, United States District Court for the Northern District of California, 1301 Clay Street, Oakland, CA 94612, or by filing them in person at any location of the United States District Court for the Northern District of California, and (c) be filed or postmarked on or before August 18, 2020.

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Attorneys' Fees And Costs

The attorneys representing the Class will ask the Court to award attorneys' fees and litigation costs up to \$320,000. This amount is subject to Court approval. All attorneys' fees and costs awarded by the Court will be paid by Defendant and do not come out of the recovery for the Class.

Incentive Awards

Plaintiffs will request the Court to approve incentive awards payable to Plaintiffs in amounts not to exceed \$2,500, each. The incentive awards are in consideration for Plaintiffs' assistance with the prosecution of the Action. All incentive awards awarded by the Court will be paid by Defendant and do not come out of the recovery for the Class.

Additional Information

This notice summarizes the proposed settlement. For the precise terms and conditions of the settlement, please see the settlement agreement available at www.MagellanRoadMateSettlement.com, by contacting Class Counsel at info@MiTacLawsuit.com, by accessing the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, 1301 Clay Street, Oakland, CA 94612, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.