

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

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

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**If You Purchased a VIZIO Smart TV that was connected to the Internet between February 1, 2014 to February 6, 2017, You Could Be Eligible for a Payment from a Class Action Settlement**

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- You could receive money from a \$17 million class action Settlement.
- Estimated monetary compensation is between \$13 and \$31 per television. You could receive more or less depending in part on how many class members submit eligible claims.
- The lawsuit alleges VIZIO violated privacy laws and consumer-protection laws by collecting sensitive information about what was displayed on certain VIZIO Smart TVs during the time period above for sale to advertisers. The lawsuit also alleges VIZIO did this without the consent or knowledge of persons who bought these TVs. VIZIO denies these allegations.
- Visit [www.VizioTVsettlement.com](http://www.VizioTVsettlement.com) to make a claim. You can also opt out of, comment on, or object to the Settlement.
- Please read this notice carefully. Your legal rights will be affected, and you have a choice to make now.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS		DEADLINE
<b>SUBMIT A CLAIM FORM FOR PAYMENT</b>	You must submit a valid claim in order to receive compensation under this Settlement. For instructions on how to submit a claim, see Question 11.	April 29, 2019
<b>EXCLUDE YOURSELF</b>	You can exclude yourself from the Settlement by submitting a Request for Exclusion at the Settlement website <a href="http://www.VizioTVsettlement.com">www.VizioTVsettlement.com</a> or by mailing a letter to the Settlement Administrator saying you want to opt out. This is the only option that allows you to keep your legal right to sue VIZIO for claims related to this case.  If you exclude yourself, you will <u>not</u> be eligible to receive compensation from this Settlement.	April 29, 2019
<b>OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING</b>	You can write the Court about why you like or do not like the Settlement or object to Court approval, but you can't ask the Court to order a larger settlement. You can also ask to speak to the Court at the hearing on May 31, 2019 about the fairness of the Settlement, with or without your own attorney.	April 29, 2019
<b>DO NOTHING</b>	If you take no action, you get no payment and you give up your legal right to continue to sue VIZIO for claims related to this case.	No Deadline

This Settlement affects your legal rights even if you do nothing.  
Questions? Go to [www.VizioTVsettlement.com](http://www.VizioTVsettlement.com) or call 877-252-4685

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## BASIC INFORMATION

### 1. Why is there a notice?

A Court authorized this notice because you have a right to know how the proposed Settlement may affect your rights. This notice explains the nature of the litigation, the general terms of the proposed Settlement and what it may mean to you. This notice also explains the ways you may participate in, or exclude yourself from, the Settlement.

**To learn if you qualify, see the answer to Question 6.**

### 2. What is this lawsuit about?

VIZIO is a company that makes and sells Smart Televisions. Certain individuals who purchased these TVs filed class action lawsuits. These individuals—or Plaintiffs—allege VIZIO violated privacy laws and consumer-protection laws by collecting information about what was displayed on certain VIZIO Smart TVs from February 1, 2014 and February 6, 2017 for sale to advertisers. This information is called Viewing Data.

VIZIO denies these allegations.

### 3. Who are the Defendants in the lawsuit?

The Defendants are VIZIO, Inc., VIZIO Holdings, Inc., VIZIO Services, LLC (formerly known as “VIZIO Inscape Services, LLC”), and Inscape Data, Inc. (formerly known as “VIZIO Inscape Technologies, LLC”). This notice refers to all four Defendants collectively as “VIZIO.”

### 4. Why is this a class action?

Even if you have not filed your own lawsuit against VIZIO regarding the allegedly unauthorized collection of Viewing Data, you can obtain the benefits provided by this Settlement because the litigation is proceeding as a class action.

In a class action, one or more people file a lawsuit to assert legal claims on behalf of themselves and other persons who have experienced the same or similar circumstances. Here, six persons who purchased VIZIO Smart TVs that were then connected to the Internet during the class period are named as Plaintiffs in a consolidated class action complaint against VIZIO. They serve as Settlement Class Representatives to represent their personal interests and the interests of all the Settlement Class members.

Judge Josephine L. Staton of the United States District Court for the Central District of California presides over this litigation. The case is *In re VIZIO, Inc., Consumer Privacy Litigation*, No. 8:16-ml-02693-JLS (KESx).

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## 5. Why is there a Settlement?

Settlements avoid the costs and uncertainty of a trial and related appeals, while providing benefits to Settlement Class Members when the Settlement becomes final. The Court has not decided in favor of Plaintiffs or Defendants. The Settlement Class Representatives and Class Counsel think the settlement is in the best interests of everyone affected.

### SETTLEMENT CLASS MEMBERSHIP

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

You are a Settlement Class member, and you are affected by this Settlement, if you are:

- an individual in the United States who purchased a VIZIO Smart Television for personal or household use, and not for resale, that was subsequently connected to the Internet at any time between February 1, 2014 and February 6, 2017.

Only one purchaser per Smart TV per household may qualify. Anyone who purchased more than one qualifying Smart TV (see bullet point above) may submit a claim for each TV.

If you are not sure whether you are included in the class, you can ask for free help by calling the Settlement Administrator at 877-252-4685 for more information.

### THE SETTLEMENT BENEFITS

## 7. What does the Settlement provide?

VIZIO will pay \$17,000,000 into a Settlement Fund. After deductions for attorneys' fees, litigation costs, and other expenses (Question 19), the Fund will be distributed to class members who submit valid claims.

After this lawsuit was filed, and substantially because of it, VIZIO changed its disclosures to VIZIO Smart TV consumers regarding its Viewing Data collection and sharing practices. As part of this change, VIZIO provided notice of Viewing Data collection and asked for affirmative express consent. Under this Settlement, VIZIO will make additional changes to its Viewing Data disclosures. To read more about these developments, see Question 9.

VIZIO will delete all Viewing Data it collected during the class period. To read more about this, see Question 10.

## 8. How much money can I get from the Settlement?

You must file a timely, valid claim in order to receive monetary compensation. Estimated monetary compensation is between \$13 and \$31 per purchase of a single eligible VIZIO Smart TV per

household. You could receive more or less depending on how many class members submit eligible claims, and on how much the Court awards in fees, costs, and expenses.

For information on how to make claim, see Question 11 and [www.VizioTVsettlement.com](http://www.VizioTVsettlement.com).

### **9. Will the Settlement change VIZIO's Viewing Data collection and privacy disclosure practices?**

Beginning in December 2016, VIZIO changed its disclosures to VIZIO Smart TV consumers regarding its Viewing Data collection and sharing practices. This lawsuit was a substantial cause of this change. Following this change, VIZIO collects Viewing Data only upon providing a TV-screen notice and seeking affirmative express consent. No Viewing Data is collected from a TV that is unable to display this request.

As part of the Settlement, VIZIO will modify its on-screen disclosure, in order to include an explicit “Accept” and “Decline” option, and to communicate that declining Viewing Data collection will not affect the functionality of the TV. The disclosure will be displayed to new customers during the set-up process. You can see the new disclosures at [www.VizioTVsettlement.com/disclosures](http://www.VizioTVsettlement.com/disclosures).

VIZIO will also provide information about Viewing Data collection in a “quick-start” guide that will be included in new Smart TVs that are capable of collecting Viewing Data.

Even if you do not file a claim for monetary compensation, VIZIO will implement the changes described above after the Settlement becomes effective with court approval. Remember, however, the only way for you to obtain monetary compensation is to file a timely, valid claim.

### **10. Will VIZIO delete the Viewing Data it collected during the class period?**

As part of the Settlement, VIZIO will delete all Viewing Data it collected during the class period. An independent third party will confirm that Viewing Data has been successfully deleted.

Even if you do not file a claim for monetary compensation, VIZIO will delete all such Viewing Data. Remember, however, the only way for you to obtain monetary compensation is to file a timely, valid claim.

## **HOW TO GET A PAYMENT—MAKING A CLAIM**

### **11. How can I get a payment?**

To receive money from this Settlement, you must complete a Claim Form that asks you to state under oath that you personally bought an eligible VIZIO Smart TV. You are not required to provide a receipt.

You can fill out a Claim Form online at [www.VizioTVsettlement.com](http://www.VizioTVsettlement.com).

If you prefer a paper claim form, you can ask for one by contacting the Settlement Administrator by telephone at 877-252-4685 or by email at [info@VizioTVsettlement.com](mailto:info@VizioTVsettlement.com), or by U.S. mail at VIZIO TV Settlement, P.O. Box 170500, Milwaukee, WI 53217.

This Settlement affects your legal rights even if you do nothing.  
Questions? Go to [www.VizioTVsettlement.com](http://www.VizioTVsettlement.com) or call 877-252-4685

**12. What is the deadline for submitting a claim form?**

To be eligible for payment, claim forms must be submitted electronically or postmarked no later than April 29, 2019.

**13. When and how will I get my payment?**

The Court will hold a hearing on May 31, 2019, to decide whether to approve the Settlement. If the Court approves the Settlement, there may be an appeal of that decision. It is hard to estimate how long it might take for any appeals to be resolved. If the Settlement is approved and no appeals are filed, the Settlement Administrator anticipates that payments will be sent out within 3 months.

Settlement payments will be digitally sent to you via email. Please ensure you provide a current, valid email address on the Claim Form. When you receive the email notifying you of your Settlement payment, you will be provided with a number of digital payment options such as PayPal, Venmo, Apple Pay, Amazon, or direct deposit. For many, this is the easiest and quickest option to receive your money.

You will also have the opportunity to request that a check be mailed to you by the Settlement Administrator.

Updates regarding the Settlement and when payments will be made will be posted on the Settlement website, [www.VizioTVsettlement.com](http://www.VizioTVsettlement.com).

**14. What happens if my contact information changes after I submit a claim?**

If, after you submit a claim form, you change your mailing address or email address, it is your responsibility to inform the Settlement Administrator of your updated information. Notify the Settlement Administrator of any changes to your mailing address or email address by writing:

VIZIO TV Settlement  
P.O. Box 170500  
Milwaukee, WI 53217

**15. What happens if some of the money from this Settlement is not claimed?**

VIZIO is not entitled to retain any part of the Settlement Amount that is not paid out or distributed as part of the administration of the Settlement for any reason. To the extent, if any, that an unpaid or undistributed part of the Settlement Amount is held by the Settlement Administrator at the completion of the administration of the Settlement, such remaining funds will be directed to a court-approved “next best” recipient.

The Court has approved Electronic Privacy Information Center, Privacy Rights Clearinghouse, and World Privacy Forum as the “next best” recipients because they have committed to using such

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funds, if any, to benefit the class or substantial portions of it and to address issues related to the basis of the lawsuit.

### LEGAL RIGHTS RESOLVED THROUGH THE SETTLEMENT

#### 16. What am I giving up if I stay in the Settlement Class?

If you make a claim, or if you do nothing, you will be releasing all of your legal claims relating to VIZIO's collection and sale of Viewing Data. The VIZIO released parties are (i) Defendants (see Question 3) and (ii) each of their respective owners, shareholders, parents, affiliates, subsidiaries, divisions, predecessors, successors, assigns, insurers, employees, administrators, agents, hardware suppliers, officers, directors, principals, law firms, and legal representatives, as well as the past and present heirs, personal representatives, executors, administrators, predecessors, successors, and assigns of each of the foregoing.

This notice provides only a summary of the claims being released. The specific details of the claims being released by Settlement Class Members who do not exclude themselves from the Settlement are set forth in Section I, Paragraph 40 and Section XVII of the Settlement Agreement, which may be viewed at [www.VizioTVsettlement.com](http://www.VizioTVsettlement.com).

### THE LAWYERS REPRESENTING YOU

#### 17. Do I have a lawyer in the case?

Yes. The Court appointed Eric H. Gibbs and Andre M. Mura of Gibbs Law Group LLP and Joseph W. Cotchett and Adam J. Zapala of Cotchett, Pitre & McCarthy LLP to represent you and the other Settlement Class Members. These attorneys are called Class Counsel. You will not be charged for their services.

**Gibbs Law Group LLP**  
Eric H. Gibbs  
Andre M. Mura  
505 14<sup>th</sup> Street, Suite 1110  
Oakland, CA 94612  
Telephone: 510-350-9700

**Cotchett, Pitre & McCarthy, LLP**  
Joseph W. Cotchett  
Adam J. Zapala  
840 Malcolm Road, Suite 200  
Burlingame, CA 94010  
Telephone: 650-697-6000

#### 18. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. If you want your own lawyer, you may hire one, but you will be responsible for any payment for that lawyer's services. For example, you can ask your own lawyer to appear in Court for you if you want someone other than Class Counsel to speak for you. You may also appear for yourself without a lawyer.

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## 19. How will the lawyers be paid?

You do not have to pay Class Counsel. Class Counsel have not been paid for their services since this case began. They will seek an award of attorneys' fees out of the Settlement Fund, as well as reimbursement for litigation costs they advanced in pursuing the claims. The fees will compensate Class Counsel for investigating the facts, litigating the case, and negotiating and administering the Settlement. Class Counsel's attorneys' fee request will not exceed 33 percent of the Settlement Amount of \$17,000,000. Additionally, Class Counsel will seek reimbursement of their out-of-pocket litigation expenses, not to exceed \$300,000 to be paid out of the Settlement Fund.

Class Counsel will also ask the Court to approve service award payments of \$5,000 to each of the individual class representatives, who are Dieisha Hodges, Rory Zufolo, John Walsh, Chris Rizzitello, Linda Thomson, and Mark Queenan.

The costs of providing this notice and administering the Settlement are being paid from the Settlement Fund.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want monetary compensation from the Settlement, and you want to keep your right, if any, to sue VIZIO on your own about the legal issues in this case, then you must take steps to get out of the Settlement. This is called excluding yourself—or “opting out” of—the class.

## 20. How do I exclude myself from the Settlement?

If you want to keep the right to sue or continue to sue VIZIO based on claims this Settlement resolves (see Question 16 for discussion of released claims), you must take steps to exclude yourself from the Settlement Class. This is sometimes called “opting out.” If you exclude yourself, however, you will not be eligible to receive a monetary payment.

You may opt out of the Settlement by submitting a Request for Exclusion at the Settlement website [www.VizioTVsettlement.com](http://www.VizioTVsettlement.com) or by mailing a letter to the Settlement Administrator with the following information:

- Your full name and mailing address, telephone number, and/or email address;
- The statement, “I wish to exclude myself from the Settlement Class and do not wish to participate in the settlement in In re VIZIO, Inc., Consumer Privacy Litigation, No. 8:16-ml-02693,” or substantially similar clear and unambiguous language.
- Your handwritten or electronically imaged written (e.g., “DocuSign”) signature. An attorney's signature, or a typed signature, is not sufficient.

Your letter must be sent First Class mail, postmarked by April 29, 2019, to:

VIZIO TV Settlement  
ATTN: EXCLUSIONS  
P.O. Box 173001  
Milwaukee, WI 53217

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Questions? Go to [www.VizioTVsettlement.com](http://www.VizioTVsettlement.com) or call 877-252-4685

Your exclusion letter must be signed by you, personally, and not your lawyer or anyone else acting on your behalf. “Mass” or “class” opt-outs made on behalf of multiple persons or classes of persons will be deemed invalid.

You cannot exclude yourself by mailing a notification to any other location or after April 29, 2019. You cannot exclude yourself by telephone or by email.

If you submit a Request for Exclusion at the Settlement website, your electronic signature included with the electronic Request for Exclusion form will have the same binding effect as a handwritten signature. Remember, the deadline to submit a Request for Exclusion at the Settlement website is April 29, 2019.

If you submit a Claim Form and also a Request for Exclusion, the Request for Exclusion will be deemed invalid.

#### **21. If I don’t exclude myself, can I sue VIZIO for the same thing later?**

No. Unless you opt out, you give up the right to sue VIZIO for the claims the Settlement resolves. You must exclude yourself from the class if you want to try to pursue your own lawsuit.

#### **22. What happens if I exclude myself?**

If you exclude yourself, you will not have any rights as a member of the Settlement Class under the Settlement; you will not receive any payment as part of the Settlement; you will not be bound by any further orders or judgments in this case; and you will keep the right, if any, to sue on the claims alleged in the case at your own expense.

#### **23. If I exclude myself, am I still represented by Class Counsel?**

No. Class Counsel represents the members of the Settlement Class. If you exclude yourself from the Settlement Class, you are not represented by Class Counsel.

### **COMMENTING ON OR OBJECTING TO THE SETTLEMENT**

#### **24. How do I tell the Court that I like or don’t like the Settlement?**

If you’re a class member and do not opt out of the Settlement, you can comment on or object to the Settlement, including to tell the Court that you like or don’t like the Settlement. By filing an objection, however, you are asking the Court to deny approval of the Settlement. You can’t ask the Court to order a larger settlement; the Court can only approve or deny the Settlement.

If the Court denies approval, no settlement payments will be sent out, VIZIO will be under no obligation to make the change to its disclosures and to destroy viewing data as negotiated by the parties, and the lawsuit will continue. If that is what you want to happen, you must object.

To comment on or object to the Settlement, you must mail a letter containing the following information:

- The name and case number of this lawsuit, In re VIZIO, Inc., Consumer Privacy Litigation, No. 8:16-ml-02693;
- Your full name and mailing address, and email address or telephone number;
- An explanation of why you believe you are a Settlement Class Member;
- If you are objecting, a statement whether the objection applies only to the objector, or to a specific subset of the Class, or to the entire Class;
- All reasons for your objection or comment, stated with specificity;
- A statement identifying the number of class action settlements you have objected to or commented on in the last five years;
- Whether you intend to personally appear and/or testify at the Final Approval Hearing;
- The name and contact information of any and all attorneys representing, advising, or assisting you, including any counsel who may be entitled to compensation for any reason related to your objection or comment;
- Whether any attorney will appear on your behalf at the Final Approval Hearing, and if so the identity of that attorney;
- The identity of any persons who wish to be called to testify at the Final Approval Hearing; and
- Your handwritten or electronically imaged written (e.g. “DocuSign”) signature. An attorney’s signature, or a typed signature, is not sufficient.

To be considered by the Court, your objection must be mailed, postmarked no later than April 29, 2019, to the following recipient at this address:

VIZIO TV Settlement  
ATTN: OBJECTIONS  
P.O. Box 173001  
Milwaukee, WI 53217

## 25. What’s the difference between excluding yourself and objecting?

Excluding yourself from the Settlement Class means that you are no longer a Settlement Class Member and don’t want the Settlement to apply to you. Once you are excluded, you lose any right to receive any benefits from the Settlement or to object to any aspect of the Settlement because the case no longer affects you.

You object to the Settlement when you disagree with some aspect of the Settlement and think the Court should not give Final Approval to the Settlement. An objection, like a comment, allows your views to be heard in Court.

## DOING NOTHING

### 26. What happens if I do nothing at all?

If you do nothing and the Court grants Final Approval, you'll be a member of the Settlement Class, you'll get no money from this Settlement, and you won't be able to sue VIZIO for the conduct alleged in this case. VIZIO, however, will change its disclosures and will delete all viewing data it collected during the class period even if you do nothing.

## THE COURT'S FAIRNESS HEARING

### 27. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Fairness Hearing at 10:30 a.m. on May 31, 2019, at Ronald Reagan Federal Building and United States Courthouse, 411 W. Fourth St., Santa Ana, CA, 92701, Courtroom 10A, 10th Floor.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing.

The Court may also decide how much to pay to Class Counsel in fees and expense reimbursements. After the hearing, the Court will decide whether to approve the Settlement.

The Court may reschedule the Fairness Hearing or change any of the deadlines described in this notice. The date of the Fairness Hearing may change without further notice to the class members. Be sure to check the website, [www.VizioTVsettlement.com](http://www.VizioTVsettlement.com), for news of any such changes. You can also access the case docket via the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>.

### 28. Do I have to come to the Fairness Hearing?

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

### 29. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must include a statement in your written objection (discussed above at Question 24) that you intend to appear at the hearing. Be sure to include your name, address, and signature as well.

You cannot speak at the hearing if you exclude yourself from the class.

## GETTING MORE INFORMATION

### 30. How do I get more information?

This notice summarizes the proposed Settlement—more details are in the Settlement Agreement and other important case documents. You can get a copy of the Settlement Agreement, view other case documents, and get additional information and updates by visiting [www.VizioTVsettlement.com](http://www.VizioTVsettlement.com).

All of the case documents that have been filed publicly in this case are also available online through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>. This case is called *In re VIZIO, Inc., Consumer Privacy Litigation*, and the case number is No. 8:16-ml-02693-JLS (KESx). You may also obtain case documents by visiting the office of the Clerk of the Court for the United States District Court for the Central District of California, Southern Division (Santa Ana), 411 West 4th Street, Room 1053 Santa Ana, CA 92701-4516, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding court-observed holidays.

You can get additional information or request a copy of the Settlement Agreement by calling toll-free 877-252-4685 or writing to the Settlement Administrator by email at [info@VizioTVsettlement.com](mailto:info@VizioTVsettlement.com) or mail to VIZIO TV Settlement, P.O. Box 170500, Milwaukee, WI 53217.

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