

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Mobile Emergency Housing v. HP Inc., No. 5:20-cv-09157-SVK (N.D. Cal.)

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

A Court authorized this notice.

A Settlement has been reached with HP in a class action lawsuit about Dynamic Security on certain HP LaserJet printers. Certain HP printers use Dynamic Security measures as part of a process to authenticate cartridges as original HP cartridges. In the lawsuit, Plaintiffs allege that Dynamic Security caused printers to stop working if they were using certain non-HP toner cartridges. HP denies that it did anything wrong. HP agrees under the Settlement to continue making certain disclosures about its use of Dynamic Security, and to continue to provide printer users with the option to either install or decline to install firmware updates that include Dynamic Security.

If you are a class member, you can comment on or object to the Settlement by writing to the Court about why you like or do not like the Settlement. You can't ask the Court to order a different Settlement. You can also ask to speak to the Court at the hearing on **March 18, 2025** about the fairness of the Settlement, with or without your own attorney.

The Court in charge of this case still has to decide whether to approve the Settlement.

The people who sued are called the Plaintiffs.

1. What is this lawsuit about?

HP installed Dynamic Security via firmware on certain of its LaserJet printer models in 2020. Because of Dynamic Security, some HP printers with certain non-HP cartridges stopped printing. Plaintiffs claim that some users of these printers were injured by HP's use of Dynamic Security measures. HP denies Plaintiffs' claims, and denies that any users were injured.

2. What is a class action?

In a class action the Plaintiffs act as "Class Representatives" and sue on behalf of themselves and other people who have similar claims. This group of people is called the "class," and the people in the class are called "class members." One Court resolves the issues for all class members. Judge Susan van Keulen of the United States District Court for the Northern District of California is in charge of this case. The case is *Mobile Emergency Housing v. HP Inc.*, No. 5:20-cv-09157-SVK (N.D. Cal.). In this case, the Court previously certified four classes for purposes of obtaining "injunctive relief" against HP. Pursuant to the Court's class certification order, class members are not seeking monetary relief or damages against HP.

3. Why is there a settlement?

The Court did not decide in favor of either Plaintiffs or HP. Instead, both sides agreed to a Settlement. That way, they avoid the costs and risks of a trial, and class members get certain benefits. The Class Representatives and their attorneys think the Settlement is best for the class.

4. Who is in the settlement?

You are a class member, and are included in the Settlement, if, during the period November 1, 2020, through October 1, 2021, you (1) resided in the United States; (2) owned a Class Printer; (3) used a third-party cartridge in the printer; (4) viewed a "Supply Problem" error message on the printer at a time when the printer was using a third-party cartridge; and (5) did not view any disclosures from HP regarding the potential for printers using third-party cartridges to cease functioning before you viewed the "Supply Problem" error message.

You are also a class member, and are included in the Settlement, if, during the period January 1, 2017, through October 1, 2021, (1) you resided in the United States; (2) you owned a Class Printer; (3) HP collected your printer's data; and (4) you did not view any disclosures about HP's data-collection practices before HP collected your printer's data.

The Class Printers are the following product models:

- HP Color LaserJet Pro M254DW
- HP Color LaserJet Pro MFP M180NW
- HP Color LaserJet Pro MFP M281FDW
- HP Color LaserJet Pro MFP M281CDW
- HP Color LaserJet Pro MFP M182NW
- HP Color LaserJet Pro MFP M183FW
- HP Color LaserJet Pro MFP M283CDW
- HP Color LaserJet Pro MFP M283FDW
- HP Color LaserJet Pro M255DW
- HP Color LaserJet Pro MFP M479DW
- HP Color LaserJet Pro MFP M479FNW
- HP Color LaserJet Pro MFP M479FDN
- HP Color LaserJet Pro MFP M479FDW
- HP LaserJet Pro M404N
- HP LaserJet Pro M404DN
- HP LaserJet Pro M404DW
- HP Color LaserJet Pro M454DN
- HP Color LaserJet Pro M454DW
- HP LaserJet Pro MFP M428DW
- HP LaserJet Pro MFP M428FDN
- HP LaserJet Pro MFP M428FDW

You can tell what model you own or owned by looking for a model number on the front of your printer. If you are unable to determine which model HP printer you own, please call HP customer service at (888) 266-2271 and a customer service representative will assist you.

5. What does the Settlement provide?

HP agrees to continue making disclosures it currently makes about Dynamic Security and about its collection of data for a period of one to four years, depending on the disclosure. HP also agrees to continue to provide printer users with the option to either install or decline to install firmware updates that include Dynamic Security. The Settlement does not call for HP to pay any money to class members, and class members do not release any of their claims for monetary relief or damages against HP.

6. Do I have a lawyer in the case?

Yes. The Court appointed attorneys at the law firms of Zimmerman Law Offices, P.C. and Javitch Law Office to represent the classes. These firms are called Class Counsel. You will not be charged for their services.

7. 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 of 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.

8. How will lawyers be paid?

You do not have to pay Class Counsel. Class Counsel will seek an award to be paid separately by HP. Class Counsel have not been paid for their services in this case since it began, and will seek an award of attorneys' fees and reimbursement of litigation costs from the Court of no more than \$725,000. The fees will compensate Class Counsel for investigating the facts, litigating the case, and negotiating and presenting the Settlement for Court approval.

Class Counsel will also ask the Court to approve service award payments of \$5,000 to each of the individual Class Representatives—Mobile Emergency Housing Corp., Track Rat Enterprises, Inc. d/b/a Performance Automotive & Tire Center, and David Justin Lynch—to compensate them for the services they performed on behalf of the classes. If approved, these awards will be paid separately by HP.

9. How do I tell the Court if I don't like the Settlement?

If you're a class member, you can ask the Court to deny approval of the Settlement by filing an objection by **February 23, 2025**. You can't ask the Court to order a different Settlement; the Court can only approve or deny the Settlement. If the Court denies approval, the lawsuit will continue. If that is what you want to happen, you must object.

You may object to the proposed Settlement in writing. If you object in writing by **February 23, 2025**, you may also 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 paying that attorney.

To object, you must file a document with the Court saying that you object to the proposed Settlement in *Mobile Emergency Housing v. HP Inc.*, No. 5:20-cv-09157-SVK (N.D. Cal.). Be sure to include:

- Your name, address, and signature;
- A written statement of your objection, as well as the specific reason(s), if any, for each objection, including any legal support you wish to bring to the Court's attention;
- Any evidence or other information you wish to introduce in support of the objection;
- A statement of whether you intend to appear and argue at the Final Approval Hearing; and
- Proof that you are a member of the Class.

You can mail the objection by First Class U.S. Mail, postmarked no later than **February 23, 2025**, to the following address:

Clerk of the Court
U.S. District Court of the Northern District of California
280 South 1st Street, Room 2112
San Jose, CA 95113
Case No. 5:20-cv-09157-SVK

If you do not mail the objection, you must either deliver it in person to the above address or file it electronically at <https://www.cand.uscourts.gov/cm-ecf>, no later than **February 23, 2025**.

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

The Court will hold a Final Approval Hearing at **10:00 a.m.** on **March 18, 2025**, in Courtroom 6 of the San Jose federal courthouse, located at 280 South 1st Street, San Jose, CA 95113.

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 filed a timely objection and asked to speak at the hearing.

The Court may also decide how much Class Counsel should receive in attorneys' fees and expense reimbursements, and the amount of Service Awards for the Class Representatives. After the hearing, the Court will decide whether to approve the Settlement.

The Court may reschedule the Final Approval Hearing or change any of the deadlines described in this notice. The date of the Final Approval Hearing may change without further notice to the class members. You can access the case docket via the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>.

11. Do I have to come to the Final Approval 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 the hearing 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.

12. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must include a statement in your written objection (discussed above at Question 9) that you intend to appear at the hearing. Be sure to include your name, address, and signature as well.

13. Are more details about the Settlement available?

Yes. This notice summarizes the proposed Settlement—more details are in the Settlement Agreement. You can get a copy of the Settlement Agreement by visiting <https://www.attorneyzim.com>, by contacting Class Counsel at (312) 440-0020, by accessing the docket in this case 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, Robert F. Peckham Federal Building and United States Courthouse, 280 South 1st Street, San Jose, CA 95113, 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.

14. How do I get more information?

Class Counsel can be reached by calling Tom Zimmerman at (312) 440-0020 or emailing firm@attorneyzim.com.

Dated: December 10, 2024

By Order of the Court
The Honorable Susan van Keulen
United States District Judge