

IN THE CIRCUIT COURT, FIRST JUDICIAL CIRCUIT, COOK COUNTY, ILLINOIS

**If you were notified by Bansley & Kiener, L.L.P. of the
2020 Data Incident, you may be eligible for a
payment from a class action settlement.**

Para una notificación en Español, visitar www.B-Kdatasettlement.com.

A state court authorized this Notice. This is not junk mail, an advertisement, or a solicitation from a lawyer.

- A settlement has been reached in a class action lawsuit against Bansley & Kiener, L.L.P. (“Bansley”) relating to a cyberattack against Bansley’s computer systems that occurred in 2020 (the “Data Incident”). The computer systems affected by the Data Incident may have contained some personal information (such as names, dates of birth, and/or Social Security numbers).
- If you were sent notification from Bansley of the Data Incident, you are included in this Settlement as a “Settlement Class member.”
- The Settlement provides payments to people who submit valid claims for out-of-pocket expenses and charges that were incurred and plausibly arose from the Data Incident, for other extraordinary unreimbursed monetary losses and for reimbursement for time spent dealing with the Data Incident. The Settlement also provides for identity theft protection services.
- Your legal rights are affected regardless of whether you do or do not act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
SUBMIT A CLAIM FORM	This is the only way you can get payment.	December 12, 2022
EXCLUDE YOURSELF FROM THE SETTLEMENT	You will not get any payment from the Settlement, but you also will not release your claims against Bansley. This is the only option that allows you to be part of any other lawsuit against Bansley or related parties for the legal claims resolved by this Settlement.	October 10, 2022
OBJECT TO THE SETTLEMENT	Write to the Court with reasons why you do not agree with the Settlement.	October 10, 2022

GO TO THE FINAL FAIRNESS HEARING	You may ask the Court for permission for you or your attorney to speak about your objection at the Final Fairness Hearing.	November 17, 2022
DO NOTHING	You will receive nothing from this Settlement and you will give up certain legal rights. Submitting a claim form is the only way to obtain benefits from this Settlement.	No Deadline

- These rights and options—and the deadlines to exercise them—are explained in this Notice. For complete details, view the Settlement Agreement, available at www.B-Kdatasettlement.com, or call [1-844-426-5046](tel:1-844-426-5046).
- The Court in charge of this case still has to decide whether to grant final approval of the Settlement. Payments will only be made after the Court grants final approval of the Settlement and after any appeals are resolved.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION.....	PAGE 5
1. Why is this Notice being provided?	5
2. What is this lawsuit about?	5
3. What is a class action?	5
4. Why is there a Settlement?	5
WHO IS INCLUDED IN THE SETTLEMENT?.....	PAGE 6
5. How do I know if I am part of the Settlement?	6
6. Are there exceptions to being included in the Settlement?	6
THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY.....	PAGE 6
7. What does the Settlement provide?	6
8. What payments are available for Expense Reimbursement?	6
9. What payments are available for Extraordinary Expense Reimbursement?	7
HOW TO GET BENEFITS—SUBMITTING A CLAIM FORM.....	PAGE 7
10. How do I get benefits from the Settlement?	7
11. How will claims be decided?	7
12. When will I get my payment?	8
REMAINING IN THE SETTLEMENT.....	PAGE 8
13. Do I need to do anything to remain in the Settlement?	8
14. What am I giving up as part of the Settlement?	8
EXCLUDING YOURSELF FROM THE SETTLEMENT.....	PAGE 8
15. If I exclude myself, can I still get payment from the Settlement?	8
16. If I do not exclude myself, can I sue Bansley for the same thing later?	8
17. How do I get out of the Settlement?	9
THE LAWYERS REPRESENTING YOU.....	PAGE 9
18. Do I have a lawyer in this case?	9
19. How will Class Counsel be paid?	9
OBJECTING TO THE SETTLEMENT.....	PAGE 9
20. How do I tell the Court that I do not like the Settlement?	9
21. What is the difference between objecting to and excluding myself from the Settlement?	10
THE COURT’S FINAL FAIRNESS HEARING.....	PAGE 10
22. When and where will the Court decide whether to approve the Settlement?	10
23. Do I have to come to the Final Fairness Hearing?	11
24. May I speak at the Final Fairness Hearing?	11
IF YOU DO NOTHING.....	PAGE 11
25. What happens if I do nothing?	11

GETTING MORE INFORMATION..... PAGE 11

- 26. Are more details about the Settlement available?11
- 27. How do I get more information?11

BASIC INFORMATION

1. Why is this Notice being provided?

The Court directed that this Notice be provided because you have a right to know about a settlement that has been reached in this class action lawsuit and about all of your options before the Court decides whether to grant final approval of the Settlement. If the Court approves the Settlement, and after objections or appeals, if any, are resolved, the Claims Administrator appointed by the Court will distribute the payments that the Settlement allows. This Notice explains the lawsuit, the Settlement, your legal rights, what payments are available, who is eligible for them, and how to get them.

The Court in charge of this case is the Circuit Court, First Judicial Circuit, Cook County, Illinois. The case is known as *Nelson v. Bansley & Kiener, L.L.P.*, Case No. 2021CH06274 (the “Lawsuit”). The persons who filed the Lawsuit are called the Plaintiffs and the entity they sued, Bansley & Kiener, L.L.P., is called the Defendant.

2. What is this lawsuit about?

Plaintiffs claim that Bansley was responsible for the Data Incident and asserts claims such as: negligence; unjust enrichment; breach of contract; and declaratory judgment. Plaintiffs seek, among other things, payment for persons who were injured by the Data Incident.

Bansley denies the claims and says it did not do anything wrong.

The Court has not decided who is right or wrong.

3. What is a class action?

In a class action, one or more people called Class Representatives (in this case, Gregg Nelson and Daniel Cozza) sue on behalf of people who have similar claims. Together, all of these people are called a Class or Class members. One Court and one judge resolves the issues for all Class members, except for those who exclude themselves from the Settlement Class.

4. Why is there a Settlement?

The Court did not decide in favor of the Class Representatives or Bansley. Instead, the Class Representatives negotiated a settlement with Bansley that allows both Class Representatives and Bansley to avoid the risks and costs of lengthy and uncertain litigation and the uncertainty of a trial and appeals. It also allows Settlement Class members to obtain payment without further delay. The Class Representatives and their attorneys think the Settlement is best for all Settlement Class members. This Settlement does not mean that Bansley did anything wrong.

WHO IS INCLUDED IN THE SETTLEMENT?

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

You are part of this Settlement as a Settlement Class member if you previously received a notification from Bansley of the Data Incident.

6. Are there exceptions to being included in the Settlement?

Yes. Specifically excluded from the Settlement Class are: (i) Bansley and its partners; (ii) all Settlement Class members who timely and validly request exclusion from the Settlement Class; (iii) the Judge assigned to evaluate the fairness of this settlement; and (iv) any other Person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding, or abetting the criminal activity occurrence of the Data Incident or who pleads *nolo contendere* (a no-contest plea, while not technically a guilty plea, has the same immediate effect as a guilty plea and is often offered as part of a plea bargain) to any such charge.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

7. What does the Settlement provide?

Bansley has agreed to pay \$900,000 into a Settlement Fund.

The Settlement will provide payments to people who submit valid claims.

There are two types of payments that are available: (1) Ordinary Expense Reimbursement, including lost time (Question 8, below) and (2) Extraordinary Expense Reimbursement (Question 9, below). You may submit a claim for either or both types of payments. In order to claim each type of payment, you must provide related documentation with the Claim Form.

The Settlement also provides for twelve (12) months of identity theft protection service to all Settlement Class members who claim the service.

8. What payments are available for Expense Reimbursement?

Class members are eligible to receive reimbursement of up to \$1,000 (in total) for the following categories of out-pocket expenses resulting from the Data Incident:

- bank fees, long distance phone charges, cell phone charges (only if charged by the minute), data charges (only if charged based on the amount of data used), postage, or gasoline for local travel;
- fees for credit reports, credit monitoring, or other identity theft insurance products purchased between August 20, 2020 and December 12, 2022 (if Settlement Class

member makes affirmative statement that it was purchased primarily because of the Data Incident);

- reimbursement of up to 5 hours of attested lost time (at \$25 per hour) spent dealing with the Data Incident, e.g., time spent ordering and reviewing credit report, dealing with replacement card issues and/or reversing fraudulent charges.

9. What payments are available for Extraordinary Expense Reimbursement?

Class members who had other extraordinary unreimbursed monetary losses because of information compromised as part of the Data Incident are eligible to make a claim for reimbursement of up to \$5,000. As part of the claim, the Class member must show that: (1) it is an actual, documented, and unreimbursed monetary loss; (2) the loss was more likely than not caused by the Data Incident; (3) the loss occurred during the time period from August 20, 2020 through and including December 12, 2022; (4) the loss is not already covered by one or more of the categories in Question 8; and (5) a reasonable effort was made to avoid or seek reimbursement for the loss.

More details are provided in the Settlement Agreement, which is available at www.B-Kdatasettlement.com.

HOW TO GET BENEFITS—SUBMITTING A CLAIM FORM

10. How do I get benefits from the Settlement?

To ask for a payment, you must complete and Submit a Claim Form. Claim Forms are available at www.B-Kdatasettlement.com, or you may request one by mail by calling 1-844-426-5046. Read the instructions carefully, fill out the Claim Form, and mail it **postmarked on or before December 12, 2022** to:

Bansley Claims Administrator
P.O. Box 3654
Baton Rouge, LA 70821

11. How will claims be decided?

The Claims Administrator will initially decide whether the information provided on a Claim Form is complete and valid. The Claims Administrator may require additional information from any claimant. If the required information is not timely provided, the claim will be considered invalid and will not be paid.

If the claim is complete and the Claims Administrator denies the claim entirely or partially, the claimant will be provided an opportunity to have their claim reviewed by an impartial Claim Referee who has been appointed by the Court.

12. When will I get my payment?

The Court will hold a Final Fairness Hearing at **11:00 am** on **November 17, 2022** to determine whether the Settlement is fair, reasonable, and adequate. If the Court approves the Settlement, there may be appeals. It is always uncertain whether any appeals can be resolved favorably, and resolving them can take time, perhaps more than a year. It also takes time for all the Claim Forms to be processed, depending on the number of claims submitted and whether any appeals are filed. Please be patient.

REMAINING IN THE SETTLEMENT

13. Do I need to do anything to remain in the Settlement?

You do not have to do anything to remain in the Settlement, but if you want a payment you must submit a Claim Form postmarked on or before **December 12, 2022**.

14. What am I giving up as part of the Settlement?

If the Settlement becomes final, you will give up your right to sue Bansley for the claims being resolved by this Settlement. The specific claims you are giving up against Bansley are described in Section 1.22 of the Settlement Agreement. You will be “releasing” Bansley and all related people or entities as described in Section 6 of the Settlement Agreement. The Settlement Agreement is available at www.B-Kdatasettlement.com.

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions about what this means you can talk to the law firms listed in Question 18 for free or you can, of course, talk to your own lawyer at your own expense.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment from this Settlement, but you want to keep the right to sue Bansley about issues in the Litigation, then you must take steps to get out of the Settlement Class. This is called excluding yourself from – or is sometimes referred to as “opting out” of – the Settlement Class.

15. If I exclude myself, can I still get payment from the Settlement?

No. If you exclude yourself from the Settlement, you will not be entitled to any benefits of the Settlement, but you will not be bound by any judgment in this case.

16. If I do not exclude myself, can I sue Bansley for the same thing later?

No. Unless you exclude yourself from the Settlement, you give up any right to sue Bansley for the claims that this Settlement resolves. You must exclude yourself from the Settlement Class to start

your own lawsuit or to be part of any different lawsuit relating to the claims in this case. If you exclude yourself, do not submit a Claim Form to ask for a payment.

17. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a letter by mail stating that you want to be excluded from the Settlement in *Nelson v. Bansley & Kiener, LLP.*, Case No. 2021CH06274. Your letter must also include your name, address, and signature. You must mail your exclusion request postmarked on or before **October 10, 2022** to:

Bansley Settlement Exclusions
P.O. Box 3654
Baton Rouge, LA 70821

THE LAWYERS REPRESENTING YOU

18. Do I have a lawyer in this case?

The court has appointed David K. Lietz and Gary M. Klinger of Milberg Coleman Bryson Phillips Grossman, PLLC; Terence R. Coates of Markovits, Stock & DeMarco, LLC; Kyle Pozan and Kate M. Baxter-Kauf of Lockridge Grindal Nauen PLLP; and Gayle M. Blatt of Casey Gerry Schenk Francavilla Blatt & Penfield, LLP, to represent the Settlement Class. These lawyers are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

19. How will Class Counsel be paid?

If the Settlement is approved and becomes final, Class Counsel will ask the Court to award attorneys' fees up to \$300,000 and expenses not to exceed \$15,000. Class Counsel will also request approval of a \$5,000 service award for the Class Representatives (for a total award of \$10,000). If approved, these amounts, as well as the costs of notice and settlement administration, will be paid from the \$900,000 settlement fund established by the Settlement.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the Settlement or some part of it.

20. How do I tell the Court that I do not like the Settlement?

If you are a Settlement Class member, you can object to the Settlement if you do not like it or a portion of it. You can give reasons why you think the Court should not approve the Settlement. The Court will consider your views before making a decision. To object, you must file with the Court and mail copies to Class Counsel and Bansley's Counsel a written notice stating that you object to the Settlement in *Nelson v. Bansley & Kiener, L.L.P.*, Case No. 2021CH06274.

Your objection must include:

- 1) your full name, address, telephone number, and e-mail address;
- 2) information or proof showing you are a Settlement Class member;
- 3) the reasons why you object to the Settlement, including any documents supporting your objection;
- 4) the name and address of your attorney, if you have retained one;
- 5) the name and address of any attorneys representing you that may appear at the Final Fairness Hearing;
- 6) a statement confirming whether you and/or your counsel intend to personally appear and/or testify at the Final Fairness Hearing;
- 7) your signature or the signature of your attorney or other duly authorized representative (along with documentation illustrating representation).

Your objection must be filed with the Clerk of the Circuit Court, First Judicial District, Cook County, Illinois on or before **October 10, 2022**. You must also mail copies of your objection to Class Counsel and Bansley’s Counsel postmarked on or before **October 10, 2022**, at all of the addresses below.

CLASS COUNSEL	BANSLEY’S COUNSEL
Terence R. Coates Markovits, Stock & DeMarco, LLC 119 E. Court Street, Suite 530 Cincinnati, OH 45202	Christopher A. Wiech BAKER & HOSTETLER LLP 1170 Peachtree Street, Suite 2400 Atlanta, Georgia 30309

21. What is the difference between objecting to and excluding myself from the Settlement?

Objecting is telling the Court that you do not like something about the Settlement. Excluding yourself is telling the Court that you do not want to be part of the Class in this Settlement. If you exclude yourself from the Settlement, you have no basis to object or submit a Claim Form because the Settlement no longer affects you.

THE COURT’S FINAL FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you do not have to. You cannot speak at the hearing if you exclude yourself from the Settlement.

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

The Court will hold a Final Fairness Hearing at **11:00 am on November 17, 2022**, in the Circuit Court, First Judicial District, Cook County, Illinois. At this hearing, the Court will determine whether the Settlement is fair, reasonable, and adequate. The Court will take into consideration any properly-filed written objections and may also listen to people who have asked to speak at the

hearing (*see* Question 20). The Court will also decide whether to approve fees and costs to Class Counsel, and the service awards to the Class Representatives.

23. Do I have to come to the Final Fairness Hearing?

No. However, you are welcome to attend at your own expense. If you file an objection, you do not have to come to Court to talk about it. You may also hire your own lawyer to attend, at your own expense, but you are not required to do so.

24. May I speak at the Final Fairness Hearing?

Yes, you may ask the Court for permission to speak at the Final Fairness Hearing. To do so, you must follow the instructions provided in Question 20 above. You cannot speak at the hearing if you exclude yourself from the Settlement.

IF YOU DO NOTHING

25. What happens if I do nothing?

If you do nothing, you will not receive any compensation from this Settlement. If the Court approves the Settlement, you will be bound by the Settlement Agreement and the Release. This means you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Bansley or related parties about the issues involved in the Lawsuit, resolved by this Settlement, and released by the Settlement Agreement.

GETTING MORE INFORMATION

26. Are more details about the Settlement available?

Yes. This Notice summarizes the proposed Settlement. More details are in the Stipulation and Settlement Agreement, which is available at www.B-Kdatasettlement.com, or by writing to the Bansley Claims Administrator, P.O. Box 3654, Baton Rouge, LA 70821.

27. How do I get more information?

This notice summarizes the proposed Settlement. For precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.B-Kdatasettlement.com. You may also call 1-844-426-5046 or write to *Bansley Claims Administrator*, P.O. Box 3654, Baton Rouge, LA 70821.

***Please do not call the Court or the Clerk of the Court for additional information.
They cannot answer any questions regarding the Settlement or the Lawsuit.***