

NOTICE OF CLASS ACTION SETTLEMENT

SUPERIOR COURT OF THE STATE OF CALIFORNIA,
IN AND FOR THE COUNTY OF RIVERSIDE

Fuentes v. Fesmire & Williams, Attorneys at Law Case No. CVRI2300506

To: All individuals identified by Fesmire & Williams, Attorneys at Law (“F&W”) and to whom Fesmire & Williams, Attorneys at Law (“F&W”) sent notice on or about September 27, 2022, that their information may have been impacted in the Data Security Incident, defined below.

A proposed Settlement has been reached in the class action lawsuit titled, *Fuentes v. Fesmire & Williams, Attorneys at Law*, No. CVRI2300506 (Riverside County Superior Court). **The Court has not yet approved this Settlement. The Court has only determined that there is sufficient evidence to suggest that the proposed settlement might be fair, adequate and reasonable. Any final determination of those issues will be made at the final hearing.** The lawsuit asserts claims against Defendant F&W related to a security incident that occurred on November 17, 2021, and about which Defendant notified potentially impacted individuals on September 27, 2022 (the “Data Security Incident”). Defendant denies all the claims and denies that it did anything wrong.

The Settlement offers payments to all individuals in the United States to whom Defendant sent Notice of a Data Security Incident that was discovered on or about November 17, 2021, and involved unauthorized individuals gaining access to F&W’s information network which contained Personal Identifying Information and/or Protected Health Information belonging to impacted individuals (“Settlement Class”). Through this settlement, Class Members may be eligible to **receive a cash payment of \$25.00.**

If you are a Settlement Class Member, your options are:

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|--------------------------|---|
| DO NOTHING: | You will receive \$25 and will no longer be able to sue Defendant over the claims resolved in the Settlement. |
| EXCLUDE YOURSELF: | You may exclude yourself from this Settlement and keep your right to sue separately. If you exclude yourself, you receive no payment. Exclusion instructions are provided in this Notice. |
| OBJECT: | If you do not exclude yourself, you may fill out the enclosed objection form and return it to the Settlement Administrator as instructed. The Court may reject your objection. You will receive \$25 if the Settlement is approved. |

The Court must give final approval to the Settlement before it takes effect but has not yet done so. No payments will be made until after the Court gives final approval and any appeals are resolved.

Please review this Notice carefully. You can learn more about the Settlement by visiting www.cptgroupcaseinfo.com/FesmireSettlement or by calling 1-888-544-9705.

Further Information about this Notice and the Lawsuit

1. *Why was this Notice issued?*

Settlement Class Members are eligible to receive payment from a proposed Settlement of the Lawsuit. The court overseeing the Lawsuit pending in the Superior Court of California, County of Riverside authorized this Notice

to advise Settlement Class Members about the proposed Settlement that will affect their legal rights. This Notice explains certain legal rights and options Settlement Class Members have in connection with the Settlement.

2. *What is the Lawsuit about?*

The proposed class action lawsuit brought on behalf of certain current and former F&W clients and third parties who shared information with the firm whose information may have been accessed and exfiltrated by unauthorized individuals as part of the Data Security Incident. The Data Security Incident potentially affected certain personal information of current and former F&W employees, and customers.

The Lawsuit claims Defendant is legally responsible for the Data Security Incident and asserts various legal claims, including negligence, and seeks injunctive and other equitable relief. Defendant denies these claims and denies that it did anything wrong.

3. *Why is the Lawsuit a class action?*

In a class action, one or more representative plaintiffs bring a lawsuit on behalf of others who have similar claims. Together, all these people are the “Class” and each individual is a “Class Member.” There is one Representative Plaintiff in this case: Ana Fuentes. The class in this case is referred to in this Notice as the “Settlement Class.”

4. *Why is there a Settlement?*

The Representative Plaintiff in the Lawsuit, through her attorneys, investigated the facts and law relating to the issues in the Lawsuit. The Representative Plaintiff and Class Counsel believe that the Settlement is fair, reasonable, and adequate and will provide substantial benefits to the Settlement Class. The Court has not decided whether the Representative Plaintiff’s claims or Defendant’s defenses have any merit, and it will not do so if the proposed Settlement is approved. By agreeing to settle, both sides avoid the cost and risk of a trial, and people who submit valid claims will receive compensation. The Settlement does not mean that Defendant did anything wrong, or that the Representative Plaintiff and the Class would or would not win the case if it were to go to trial.

Terms of the Proposed Settlement

5. *Who is in the Settlement Class?*

The Settlement Class is defined by the Court as all persons residing in the United States to whom Defendant sent Notice of a Data Security Incident that was discovered on or about November 17, 2021, and involved an unauthorized persons gaining access to certain email account that contained Personal Identifying Information and/or Personal Health Information. Excluded from the Settlement Class is any judge presiding over the Litigation and any members of their first-degree relatives, judicial staff, and persons who timely and validly request exclusion from the Settlement Class.

6. *What are the terms of the Settlement?*

The proposed Settlement provides relief to all Settlement Class Members unless they exclude themselves from the settlement. The key terms of the Settlement are that each Settlement Class Member will receive a cash payment of \$25. Additionally, Class Counsel will ask the Court to approve the reimbursement of attorneys’ fees, litigation costs and the costs necessary to administer the settlement in the amount of \$150,000. Class Counsel will also ask the Court to approve a Service award to the Representative Plaintiff of \$2,250. The Settlement also releases all claims or potential claims of Settlement Class Members against Defendant arising from or related to the Data Security Incident, as detailed in the Class Settlement Agreement and Release.

The Settlement Agreement was filed at the Superior Court of California, County of Riverside, 4050 Main Street, Riverside, CA 92501, in Department 1 as an exhibit to the Corrected Declaration of Scott Edward Cole, Esq., on May 3, 2024. You may view the Settlement Agreement on the Court's website at <https://www.riverside.courts.ca.gov/online-services/search-court-records-public-access>.

7. *What claims are Settlement Class Members giving up under the Settlement?*

Settlement Class Members who do not validly exclude themselves from the Settlement will be bound by the Class Settlement Agreement and Release and any final judgment entered by the Court and will give up their right to sue Defendant for the claims being resolved by the Settlement, including all claims or potential claims of Settlement Class Members against Defendant arising from or related to the Data Security Incident. The claims that Settlement Class Members are releasing are described in the Class Settlement Agreement and Release, and include (i) any and all claims or causes of action alleged in the Action and/or relating to or arising from the Data Breach in any way, and (ii) any and all claims or causes of action related to or arising from Defendant's policies and procedures related to the protection of its firm email account from the data breach.

Your Options as a Settlement Class Member

8. *If I am a Settlement Class Member, what options do I have?*

If you are a Settlement Class Member, you do not have to do anything to remain in the Settlement. If you do not want to give up your right to sue Defendant about the Data Security Incident or the issues raised in this case, you must exclude yourself (or "opt out") from the Settlement Class. See Question 10 below for instructions on how to exclude yourself.

If you wish to object to the Settlement, you must remain a Settlement Class Member (*i.e.*, you may not also exclude yourself from the Settlement Class by opting out) and submit a written objection. See Question 13 below for instructions on how to submit an objection.

9. *What happens if I do nothing?*

If you do nothing, you will receive a \$25 cash payment from the Settlement. Unless you exclude yourself, after the Settlement is granted final approval and the judgment becomes final, you will be bound by the judgment and you will never be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendant related to the claims released by the Settlement.

10. *How do I exclude myself from the Settlement?*

To opt out of the Settlement you must make a signed, written request that (i) says you wish to exclude yourself from the Settlement Class in this Lawsuit, and (ii) includes your name, address and phone number. You must submit your request via email or mail your request to this address below:

Fuentes v. Fesmire & Williams, Attorneys at Law
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606
Email: FesmireSettlement@cptgroup.com

Your request must be submitted via email or postmarked by **September 17, 2024**.

11. *If I exclude myself, can I receive any payment from this Settlement?*

No. If you exclude yourself, you will not be entitled to any award. However, you will also not be bound by any judgment in this Lawsuit.

12. *If I do not exclude myself, can I sue Defendant for the Data Security Incident later?*

No. Unless you exclude yourself, you give up any right to sue Defendant 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.

13. *How do I object to the Settlement?*

All Settlement Class Members who do not request exclusion from the Settlement Class have the right to object to the Settlement or any part of it. 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 made using the enclosed Objection Form and must be mailed to the Settlement Administrator at the mailing address listed below. Your objection must be postmarked no later than the objection deadline, **September 17, 2024**:

Fuentes v. Fesmire & Williams, Attorneys at Law
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606

To object, please use the Objection Form included with this Notice and include all information requested on the form.

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.

Court Approval of the Settlement

14. *How, when and where will the Court decide whether to approve the Settlement?*

The Court will hold a Final Approval Hearing to decide whether to approve the Settlement. That hearing is scheduled for **October 4, 2024 at 8:30 a.m.** at Superior Court of California, County of Riverside, 4050 Main Street, Riverside, CA 92501, in Department 1. Please visit the Court's website at <https://www.riverside.courts.ca.gov/> for current information regarding courthouse access and court hearings. At the Final Approval Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are timely objections, the Court will consider them and will listen to people who attend the hearing. The Court may also consider Settlement Class Counsel's request for attorneys' fees and costs, and the request for service award for the Representative Plaintiff. After the hearing, the Court will decide whether to approve the Settlement.

It is possible the Court could reschedule the hearing to a different date or time without notice, so it is a good idea before the hearing to check www.cptgroupcaseinfo.com/FesmireSettlement or access the Court docket in this

case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <http://www.cod.uscourts.gov/CourtOperations/PACER.aspx> to confirm the schedule if you wish to attend.

15. *Do I have to attend the hearing?*

No. You do not need to attend the hearing unless you object to the Settlement and/or wish to appear in person. It is not necessary to appear in person in order to make an objection. The Court will consider any written objections properly submitted according to the instructions in Question 13. You or your own lawyer are welcome to attend the hearing at your expense, but are not required to do so.

16. *What happens if the Court approves the Settlement?*

If the Court approves the Settlement and no appeal is taken, F&W will deposit with the Settlement Administrator sufficient funds to pay approved claims, after which you will receive your payment unless you elect to exclude yourself from the settlement.

If any appeal is taken, it is possible the Settlement could be disapproved on appeal.

17. *What happens if the Court does not approve the Settlement?*

If the Court does not approve the Settlement, no Settlement Fund will be created, there will be no Settlement payments to Settlement Class Members, Settlement Class Counsel or the Representative Plaintiff, and the case will proceed as if no Settlement had been attempted.

Lawyers for the Settlement Class and Defendant

18. *Who represents the Settlement Class?*

The Court has appointed the following Class Counsel to represent the Settlement Class in this Lawsuit: Scott Edward Cole, COLE & VAN NOTE, 555 12th Street, Suite 2100, Oakland, California 94607; (510) 891-9800.

Settlement Class Members will not be charged for the services of Settlement Class Counsel. Settlement Class Counsel will be paid subject to Court approval. However, you may hire your own attorney at your own cost to advise you in this matter or represent you in making an objection or appearing at the Final Approval Hearing.

19. *How will the lawyers for the Settlement Class be paid?*

Settlement Class Counsel will request the Court's approval of an award for attorneys' fees, costs of litigation and costs of settlement administration of up to \$150,000. Settlement Class Counsel will also request approval of a service award of \$2,250 for the Representative Plaintiff.

20. *Who represents Defendant in the Lawsuit?*

Defendant is represented by the following lawyer: John P. Girarde, MURPHY, PEARSON, BRADLEY & FEENEY, P.C., 580 California Street, Suite 1100, San Francisco, CA 94104

For Further Information

21. *What if I want further information or have questions?*

This Notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please

see the Class Settlement Agreement and Release available at www.cptgroupcaseinfo.com/FesmireSettlement, by contacting Settlement Class Counsel at the phone number provided in response to Question 18 above, by accessing the Court docket in this case, for a fee, through the Court's Public Access system at <https://www.riverside.courts.ca.gov/online-services/search-court-records-public-access> or by visiting the Office of the Clerk Superior Court of California, County of Riverside, 4050 Main Street, Riverside, CA 92501, between 7:30 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

CPT Group will act as the Settlement Administrator for the Settlement. You can contact the Settlement Administrator at:

Fuentes v. Fesmire & Williams, Attorneys at Law
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606
Phone: 1-888-544-9705
Email: FesmireSettlement@cptgroup.com

Please do not contact the Court.