

A Settlement providing potential cash benefits of up to \$3,000 per claimant has been reached in a class action lawsuit against LendUS, LLC claiming personal information of approximately 11,570 individuals was compromised due to a Data Incident.

A federal court ordered this notice. This is not a solicitation from a lawyer.

- A proposed Settlement has been reached in a class action lawsuit involving LendUS, LLC that alleges LendUS was the target of a cyberattack, between February 2, 2021, and March 22, 2021, in which third-party criminals attempted to gain unauthorized access to LendUS' employee email accounts and client accounts ("Data Incident") that potentially exposed personal information including names, Social Security Numbers, passport numbers, government ID numbers, driver's license numbers, and more. LendUS denies the claims and that it did anything wrong.
- The Settlement includes approximately 11,570 individuals that LendUS notified about the Data Incident on or around January 19, 2022. You are included in the Settlement if you were mailed this notice by LendUS or if LendUS previously notified you by mail about the Data Incident.
- You should have received an email or a letter from the Claims Administrator if you are a member of the Settlement Class. That notification included a unique Class Member ID for you to verify your identity to receive the Settlement benefits described in this notice. If for some reason you have not received login information, but believe you are a Settlement Class Member, please call 833-709-0097 to verify your identity and receive further information on how to file a claim.
- The Settlement provides reimbursement of up to \$500 for documented out-of-pocket expenses and attested-to lost time up to \$60 (3 hours at \$20/hrs.) that resulted from the Data Incident for persons who file a valid Claim Form, as further described below. The Settlement provides up to \$2,500 for proven monetary extraordinary expenses for Settlement Class Members who have incurred extraordinary expenses and who submit a valid Claim Form. Additionally, the Settlement provides \$100 for Settlement Class Members who were California residents at the time of that Data Incident, who attest to same, and who submit a valid Claim Form. Lastly, the Settlement provides 36 months of free Identity-Theft Protection and other benefits called "Financial Shield" by Pango to all Settlement Class Members.
- You must file a Claim Form to receive a payment. You can file a claim online on this website, www.LendUSSettlement.com, download a Claim Form and mail it, or you may call 833-709-0097 and ask that a Claim Form be mailed to you. The Claims Deadline is April 19, 2023. You must use the Class Member ID you received with your notification to verify your identity as a member of the Settlement Class. If for some reason you did not receive a Class Member ID, but believe you are a Settlement Class Member, please call 833-709-0097 to verify your identity and receive further information on how to file a claim.

Your legal rights are affected even if you do nothing.

Read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
FILE A CLAIM	The only way to get monetary benefits under this Settlement. You must file a claim by April 19, 2023 .
OPT-OUT OF THE SETTLEMENT	Get no benefits. This is the only option that may allow you to sue LendUS over the claims being resolved by this Settlement. You must opt-out of the Settlement by March 20, 2023 .
OBJECT	Write the Court about why you do not think this Settlement is fair, reasonable, or adequate. You may also ask to speak in Court about the fairness of the Settlement. However, you still must file a timely claim to receive a monetary award if the Court approves the Settlement. You must object by March 20, 2023 .
IF YOU DO NOTHING	Get no monetary benefits. Give up your rights to sue LendUS about the legal claims in this case. You may still enroll in “Financial Shield” by Pango.

- These rights and options – **and the deadlines to exercise them** – are explained in this notice.
- 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 in favor of the Settlement.

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BASIC INFORMATION

1. Why was this notice issued?

The Court authorized this notice because you have a right to know about the proposed Settlement in this Class Action lawsuit and about all of your options before the Court decides whether to give “Final Approval” to the Settlement. This notice explains the legal rights and options that you may exercise before the Court decides whether to approve the Settlement.

Judge Edward M. Chen of the United States District Court for the Northern District of California is overseeing this case. The case is known as *Remoundos, et al. v. LendUS, LLC*, Case No. 4:22-cv-00749-EMC. The people who sued are called the Plaintiffs. LendUS is called the defendant.

2. What is this lawsuit about?

The Plaintiffs in the lawsuit claim that LendUS is responsible for the Data Incident that occurred and further allege that, as a result of the Data Incident, the criminals gained access to Plaintiffs’ and “other consumers[’]” personal information, including without limitation, “first and last names, mailing addresses, dates of birth, Social Security Numbers, and tax information” (collectively, “PII”). The lawsuit seeks compensation for people who had losses as a result of the Data Incident.

LendUS denies all of Plaintiffs’ claims and asserts that it did not do anything wrong.

3. Why is this lawsuit a class action?

In a Class Action, one or more people called “Plaintiffs” sue on behalf of all people who have similar claims. All of these people together are the “Settlement Class Members.” In this case, the Plaintiffs are Evangelia Remoundos, John Biegger, and Anne Biegger. From the onset of the litigation, and over the course of several months, the Settling Parties engaged in Settlement negotiations. As a result of these negotiation, the Settling Parties reached a Settlement, which is memorialized in the Settlement Agreement.

4. Why is there a Settlement?

By agreeing to settle, both sides avoid the cost and risk of a trial, and people who submit Valid Claims will get compensation. The Representative Plaintiffs and their attorneys believe the Settlement is fair, reasonable, and adequate and, thus, in the best interest of the Settlement Class and its members. The Settlement does not mean that LendUS did anything wrong.

WHO IS IN THE SETTLEMENT?

5. How do I know if I am included in the Settlement?

The Settlement Class includes all persons to whom LendUS mailed notice that between February 2, 2021 and March 22, 2021, LendUS was the target of a cyberattack in which third-party criminals gained unauthorized access to LendUS’ network, encrypted some of LendUS’ systems, and may have gained unauthorized access to the personal information of consumers.

Specifically excluded from the Settlement Class are: (i) LendUS and its respective officers and directors; (ii) all members of the Settlement Class who timely and validly request exclusion from the Settlement Class; (iii) the Judge and Magistrate 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 Data Incident or who pleads *nolo contendere* to any such charge.

6. What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are included in the Settlement, or have any other questions related to the Settlement, you may:

1. Call 833-709-0097
2. Write to:

Remoundos v LendUS
c/o Kroll Settlement Administration
P.O. Box 5324
New York, NY 10150-5324

Please do not contact the Court with questions.

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

The Settlement provides payments to people who submit Valid Claims for expenses or time incurred as a result of the Data Incident. If for some reason you have not received unique class member ID information, but believe you are a Settlement Class Member, please call 833-709-0097 to verify your identity and receive further information on how to file a claim.

All members of the Settlement Class are eligible for 36 months of free identity-theft protection, called “Financial Shield” by Pango. For members of the Settlement Class who opted to receive the one year of credit monitoring initially offered by LendUS, the 36 months of “Financial Shield” shall be in addition to that year.

In addition to the above benefits, California Subclass Members who submit a Valid Claim will also be eligible for an additional benefit of \$100 each.

8. What payments are available?

Members of the Settlement Class seeking reimbursement must complete and submit a Claim Form to the Claims Administrator, postmarked or submitted online on or before **April 19, 2023**. This is the only way to get a payment or receive the free credit monitoring.

Lost Time Cash Payment. Members of the Settlement Class are eligible to receive up to three hours at \$20 per hour of lost time spent dealing with issues arising out of the Data Incident (\$60 maximum). Members of the Settlement Class must attest on the Claim Form to the time spent.

Claims made for lost time can be combined with claims made for out-of-pocket expenses and, together with the out-of-pocket expenses, are subject to the \$500 cap for each member of the Settlement Class. The amount of money received by Settlement Class Members who submit Valid Claims may be increased on a *pro rata* basis based on the number of Valid Claims for lost time that are submitted. For purposes of the *pro rata* increase discussed immediately above, the \$500 cap for each Settlement Class Member shall not apply.

Cash Payment for California Settlement Subclass Members. All California Settlement Subclass Members who submit a Valid Claim using the Claim Form shall be eligible to receive a payment of \$100 provided that the California Settlement Subclass Member attests, under oath, that he or she was a resident

of the State of California at some point between February 2, 2021 and March 22, 2021 (“California Cash Payment Claim”). This additional amount can be combined with a claim for reimbursement for lost time and for out-of-pocket losses under expense reimbursement and can be combined (if applicable) with reimbursement for losses under extraordinary expense reimbursement. All California Cash Payment Claims shall be subject to the \$500 per-Settlement Class Member cap on compensation for ordinary loss and lost time. The amount of money a California Subclass Member receives for his or her California Cash Payment Claim may be increased on a *pro rata* basis based on the number of Valid Claims submitted. For purposes of the *pro rata* increase discussed immediately above, the \$500 cap for each Settlement Class Member shall not apply.

Identity-Theft Protection. All members of the Settlement Class are eligible for 36 months of free identity-theft protection, called “Financial Shield” by Pango. For members of the Settlement Class who opted to receive the one year of credit monitoring initially offered by LendUS, the 36 months of “Financial Shield” shall be in addition to that year. Financial Shield includes additional benefits, such as up to \$1 Million Dollars of identity theft insurance and dark web monitoring, among other benefits.

Expense Reimbursement. All members of the Settlement Class who submit a Valid Claim using the Claim Form are eligible for the following documented out-of-pocket expenses, not to exceed \$500 per member of the Settlement Class, that were incurred as a result of the Data Incident:

- I. unreimbursed bank fees;
- II. unreimbursed card reissuance fees;
- III. unreimbursed overdraft fees;
- IV. unreimbursed charges related to unavailability of funds;
- V. unreimbursed late fees; (vi) unreimbursed over-limit fees;
- VI. long distance telephone charges;
- VII. cell minutes (if charged by minute), Internet usage charges (if charged by the minute or by the amount of data usage and incurred solely as a result of the Data Incident), and text messages (if charged by the message and incurred solely as a result of the Data Incident);
- VIII. unreimbursed charges from banks or credit card companies;
- IX. interest on payday loans due to card cancellation or due to over-limit situation incurred solely as a result of the Data Incident;
- X. costs of credit report(s), credit monitoring, and/or other identity theft insurance products purchased by members of the Settlement Class between February 2, 2021 and the date of the Claims Deadline; and
- XI. other losses incurred by Settlement Class Members determined by the Claims Administrator to be fairly traceable to the Data Incident, including, but not limited to, the cost of postage and gas for local travel. To receive reimbursement for any of the above-referenced out-of-pocket expenses, Settlement Class Members must submit
 - (i) their name and current address;
 - (ii) supporting documentation of such out-of-pocket expenses; and
 - (iii) a description of the loss, if not readily apparent from the documentation.

Extraordinary Expense Reimbursement. All members of the Settlement Class who have suffered a proven monetary loss and who submit a Valid Claim using the Claim Form are eligible for up to \$2,500 if:

- (i) the loss is an actual, documented and unreimbursed monetary loss;
- (ii) the loss was more likely than not caused by the Data Incident;
- (iii) the loss occurred between February 2, 2021 and the Claims Deadline; and

- (iv) the loss is not already covered by one or more of the reimbursement categories listed in Expense Reimbursement; and the member of the Settlement Class made reasonable efforts to avoid, or seek reimbursement for, the loss, including but not limited to exhaustion of all available credit monitoring, insurance and identity theft insurance.

9. When will my Identity-Theft Protection enrollment code become active?

Your Identity-Theft Protection code will be activated upon the Effective Date when the Settlement is approved for this matter. Please continue to review this website for future updates regarding this matter.

HOW TO GET BENEFITS

10. How do I get benefits?

To get a payment from the Settlement, you must complete a Claim Form. Please read the instructions carefully, fill out the Claim Form, provide reasonable documentation (where applicable), and submit it online or mail it postmarked no later than **April 19, 2023** to:

Remoundos v LendUS
c/o Kroll Settlement Administration
P.O. Box 5324
New York, NY 10150-5324

You may submit a claim online or download a copy at www.LendUSSettlement.com, or you may request one by mail by calling 833-709-0097.

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 request additional information from any claimant. If the required information is not provided timely, 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 claims referee selected by the parties.

REMAINING IN THE SETTLEMENT

12. 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 by **April 19, 2023**.

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

If you do not opt out of the Settlement, all Court orders will apply to you, and you give LendUS a “Release.” A Release means you cannot sue or be part of any other lawsuit against LendUS about the claims or issues in this lawsuit (relating to the Data Incident), and you will be bound by the Settlement.

The specific claims you are giving up against LendUS and related persons or entities are called “Released Claims.” The Released Claims are defined in Section 1.25 and described in Section 6 of the Settlement

Agreement, which is available under the documents page at www.LendUSSettlement.com. The Settlement Agreement describes the Released Claims with specific and accurate legal descriptions, so read it carefully.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment from this Settlement, but you want to keep the right to sue LendUS about issues in this case, 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.

14. If I exclude myself, can I get a payment from this Settlement?

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

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

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

16. How do I exclude myself from the Settlement?

To exclude yourself, send a letter that says you want to be excluded from the Settlement in, *Remoundos, et al. v. LendUS, LLC*, Case No. 4:22-cv-00749-EMC (N.D. Cal.) (“Exclusion Request”). Include your name, address, and signature. You must mail your Exclusion Request postmarked by March 20, 2023 to:

Remoundos v LendUS
c/o Kroll Settlement Administration
P.O. Box 5324
New York, NY 10150-5324

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in this case?

Yes. The Court appointed the following lawyers as Proposed Settlement Class Counsel: M. Anderson Berry of Clayco C. Arnold, A Professional Law Corp.; Terence R. Coates of Markovits, Stock & DeMarco, LLC; and Joseph M. Lyon of The Lyon Firm.

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.

18. How will the lawyers be paid?

Proposed Settlement Class Counsel will seek an order from the Court awarding \$175,000 to Proposed Settlement Class Counsel for attorneys’ fees, inclusive of any costs and expenses of the litigation. Proposed Settlement Class Counsel, in their sole discretion, shall allocate and distribute the amount of attorneys’ fees, costs, and expenses awarded by the Court among Plaintiffs’ Counsel.

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

You can object to the Settlement if you do not like it or some part of it. The Court will consider your views. To do so, you must file a written objection. Please note that if you object, you will still need to file a timely claim form to receive any applicable monetary benefits if the Court approves 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.

Your objection must include all of the following information: (i) the objector's full name and address; (ii) the case name and docket number – *Remoundos, et al. v. LendUS, LLC.*, Case No. 4:22-cv-00749-EMC (N.D. Cal.); (iii) information identifying the objector as a Settlement Class Member, including proof that the objector is a member of the Settlement Class (e.g., copy of the objector's Settlement notice, copy of original notice of the Data Incident, or a statement explaining why the objector believes he or she is a Settlement Class Member); (iv) a written statement of all grounds for the objection, accompanied by any legal support for the objection the objector believes applicable; (v) the identity of any and all counsel representing the objector in connection with the objection; (vi) a statement whether the objector and/or his or her counsel will appear at the Final Fairness Hearing; and (vii) the objector's signature or the signature of the objector's duly authorized attorney or other duly authorized representative (if any) representing him or her in connection with the objection.

Your written notice of an objection, in the appropriate form, must be mailed, postmarked by March 20, 2023 and sent to the Court via the Office of the Clerk, United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102-3489.

The Court may only approve or deny the Settlement. The Court cannot change the terms of the Settlement.

20. What is the difference between objecting and asking to be excluded?

Objecting is telling the Court that you do not like the Settlement and why you do not think it should be approved. You can object only if you do not exclude yourself from the Settlement Class. You may still file a claim to receive monetary benefits if you object, but not if you exclude yourself. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FINAL FAIRNESS HEARING

The Court will hold a hearing to decide whether to grant final approval of the Settlement.

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

The Court will hold a Final Fairness Hearing in early June 2023 to consider whether to approve the Settlement. Please periodically check the Settlement Website for updates. The Court will hear any objections, determine if the Settlement is fair, and consider Proposed Settlement Class Counsel's request for fees and expenses of up to \$175,000 and a Service Award for the three Plaintiffs of \$2,000. The hearing will be held either in person at San Francisco Courthouse, Courtroom 5 – 17th Floor 450 Golden Gate Avenue, San Francisco, CA 94102, via Zoom, or telephonically. Instructions on how to attend the Final Fairness Hearing will be available at www.LendUSSettlement.com. You may attend the Final Fairness Hearing and ask to be heard by the Court, but you do not have to. Attorneys' fees and costs will be posted on the Settlement Website after they are filed with the Court. The Final Fairness Hearing date and time may change without further notice to you. Please check the Settlement Website for any changes to the date and time of the Final Fairness Hearing.

22. Do I have to attend the hearing?

No. Proposed Settlement Class Counsel will present the Settlement Agreement to the Court. You or your own lawyer are welcome to attend at your expense, but you are not required to do so. If you send an objection, you do not have to come to the Court to talk about it. As long as you filed your written objection on time with the Court and mailed it according to the instructions provided in Question 18, the Court will consider it.

23. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Fairness Hearing. To do so, you must file an objection according to the instructions in Question 18, including all the information required and identify that you would like to speak at the Final Fairness Hearing.

Your objection must be submitted to the Court via the Office of the Clerk, United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102-3489 and must include the following case information *Remoundos, et al. v. LendUS, LLC.*, Case No. 4:22-cv-00749-EMC (N.D. Cal.).

IF YOU DO NOTHING

24. What happens if I do nothing?

If you do nothing, you will get no monetary benefits from this Settlement. However, you may still enroll in “Financial Shield” by Pango. Once the Settlement is granted Final Approval and the judgment becomes final, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against LendUS about the legal issues in this case, ever again.

You must exclude yourself from the Settlement if you want to retain the right to sue LendUS for the Claims resolved by this Settlement.

GETTING MORE INFORMATION

25. How do I get more information?

This notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.LendUSSettlement.com, contact Class Counsel at msd@msdlegal.com, access 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 visit the office of the Clerk of the Court for the United States District Court for the Northern District of California, Phillip Burton Federal Building & United States Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102, 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.