

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

If ACTS Retirement Services, Inc. (“ACTS”) Notified You Of A Data Security Incident, You May Be Eligible For Benefits From A Class Action Settlement.

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

This Notice summarizes the proposed settlement reached in a lawsuit entitled *Cara-Aimee Long Corra and Valarie Hanna, individually and on behalf of all others similarly situated v. ACTS Retirement Services, Inc.*, No. 2:22-cv-02917-GEKP pending in the United States District Court for the Eastern District of Pennsylvania (“Lawsuit”). For the precise terms and conditions of the settlement, please see the Settlement Agreement available at **www.ActsRetirementDataSettlement.com** or by contacting the Settlement Administrator at **1-866-720-6662**.

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

This Notice explains the nature of the lawsuit and claims being settled, your legal rights, and the benefits to the Settlement Class.

This Notice may affect your rights – please read it carefully.

- The lawsuit alleges that in April 2022, ACTS Retirement Services, Inc. (“ACTS”) experienced a cybersecurity attack that potentially exposed the personally identifiable information (“PII”), including but not limited to names, Social Security numbers, and financial account and routing numbers (the “Data Security Incident”), of a number of individuals, including some of its current and former employees. ACTS maintains that it had meritorious defenses, and it was prepared to vigorously defend the lawsuit. The settlement is not an admission of wrongdoing or an indication that ACTS has violated any laws, but rather the resolution of disputed claims.
- If you received this Notice, you have been identified as a Settlement Class Member. More specifically, you are a Settlement Class Member because you have been identified by the Settlement Administrator as an individual who received notice from ACTS in July 2022 or October 2022 regarding information that was potentially compromised in the Data Security Incident.
- The Settlement provides that Settlement Class Members are eligible for two years of credit monitoring and identity theft protection.
- All Settlement Class Members can receive the following benefits from the Settlement: (1) reimbursement for up to \$350 for documented out-of-pocket expenses such as fees for credit reports, credit monitoring, or other identity theft insurance products, (2) reimbursement for up to three (3) hours of lost time spent dealing with the Data Security Incident (\$25 per hour), if at least one (1) full hour was spent dealing with the Data Security Incident, and (3) reimbursement for documented extraordinary losses, not to exceed \$3,500 per Settlement Class Member, for proven actual monetary losses. **The deadline to submit a claim is May 1, 2024.**

YOUR LEGAL RIGHTS & OPTIONS IN THIS SETTLEMENT

Submit a Claim	<p>You must submit a valid Claim to get money from this Settlement.</p> <p>Claim Forms must be <u>submitted online by May 1, 2024</u> or, if mailed, <u>postmarked no later than May 1, 2024.</u></p>
Do Nothing	<p>If you do nothing, you remain in the Settlement.</p> <p>You give up your rights to sue and you will not get any money or credit monitoring.</p>
Exclude Yourself	<p>Get out of the Settlement. Get no money. Keep your rights.</p> <p>This is the only option that allows you to keep your right to sue about the claims in this Lawsuit. You will not get any money or credit monitoring from the Settlement.</p> <p>Your request to exclude yourself must be <u>postmarked no later than April 16, 2024.</u></p>
File an Objection	<p>Stay in the Settlement, but tell the Court why you think the Settlement should not be approved.</p> <p>Objections must be <u>postmarked no later than April 16, 2024.</u></p>
Go to a Hearing	<p>You can ask to speak in Court about the fairness of the Settlement, at your own expense. <i>See</i> Question 18 for more details.</p> <p><u>The Final Fairness Hearing is scheduled for July 2, 2024 at 10:00am EST</u> in Courtroom 10-B, U.S. District Court for the Eastern District of Pennsylvania, 10613 U.S. Courthouse, 601 Market Street, Philadelphia, Pennsylvania.</p>

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BASIC INFORMATION

1. How do I know if I am affected by the Lawsuit and Settlement?

You are a Settlement Class Member if ACTS Retirement Services, Inc. (“ACTS”) identified you as being among those individuals impacted by the Data Security Incident, including all who were sent a notice of the Data Security Incident.

The Settlement Class specifically excludes: (i) ACTS; (ii) the Related Entities; (iii) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (iv) any judges assigned to this case and their staff and family; and (v) 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 Security Incident or who pleads *nolo contendere* to any such charge.

This Notice explains the nature of the lawsuit and claims being settled, your legal rights, and the benefits to the Settlement Class.

2. What is this case about?

This case is known as *Cara-Aimee Long Corra and Valarie Hanna, individually and on behalf of all others similarly situated v. ACTS Retirement Services, Inc.*, Case No.: 2:22-cv-02917-GEKP, United States District Court for the Eastern District of Pennsylvania. The persons who sued are called the “Plaintiffs” and the company they sued, ACTS, is known as the “Defendant” in this case. ACTS will be called “Defendant” in this Notice.

Plaintiffs filed a lawsuit against Defendant, individually, and on behalf of anyone whose personally identifiable information (“PII”) and protected health information (“PHI”) was potentially impacted as a result of the Data Security Incident.

This Lawsuit arises out of unauthorized access to Defendant’s systems and certain files containing sensitive information about Defendant’s current and former patients and employees, including, but not limited to, names, Social Security numbers, financial account and routing numbers, medical treatment or diagnosis information (collectively “PII” and “PHI”), which was discovered by ACTS in April 2022 (the “Data Security Incident”). After learning of the Data Security Incident, Defendant mailed notification to persons whose PII and PHI may have been impacted by the Data Security Incident in July and October of 2022. Subsequently, this lawsuit was filed asserting claims against Defendant relating to the Data Security Incident.

Defendant denies any wrongdoing.

3. Why is there a Settlement?

By agreeing to settle, both sides avoid the cost, disruption, and distraction of further litigation. The Class Representatives, Defendant, and their attorneys believe the proposed Settlement is fair, reasonable, and adequate and, thus, in the best interests for Settlement Class Members. The Court did not decide in favor of the Plaintiff or Defendant. Full details about the proposed Settlement are found in the Settlement Agreement available at www.ActsRetirementDataSettlement.com.

4. Why is this a class action?

In a class action, one or more people called a “Class Representative” sue on behalf of all people who have similar claims. All of these people together are the “Settlement Class” or “Settlement Class Members.”

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

You are included in the Settlement if ACTS identified you as being among those individuals impacted by the Data Security Incident, including all who were sent a notice of the Data Security Incident. If you are not sure whether you are included as a Settlement Class Member, or have any other questions about the Settlement, visit www.ActsRetirementDataSettlement.com, call toll-free at **1-866-720-6662**, or write to ACTS Retirement Services, Attn: Claims Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103.

THE SETTLEMENT BENEFITS

6. What does this Settlement provide?

The proposed Settlement will provide the following benefits to Settlement Class Members:

Expense Reimbursement

Documented Ordinary Loss Expense Reimbursement: All Settlement Class Members who submit a valid claim using the Claim Form are eligible for the following documented (except lost time, as defined below) ordinary loss expense reimbursement, not to exceed \$350 per Settlement Class Member: (a) documented out-of-pocket expenses that were incurred as a result of the Data Incident, which may include: (i) bank fees, (ii) long distance phone charges, (iii) cell phone charges (only if charged by the minute), (iv) data charges (only if charged based on the amount of data used), (v) postage, or (vi) gasoline for local travel; and (b) fees for credit reports, credit monitoring, or other identity theft insurance products purchased between April 7, 2022 and July 17, 2023. To receive reimbursement for any of the above-referenced documented ordinary loss expenses, Settlement Class Members must submit a valid and timely Claim Form, including necessary supporting documentation, to the Settlement Administrator.

Lost Time Reimbursement: Settlement Class Members are also eligible to receive reimbursement for up to three (3) hours of lost time spent dealing with the Data Security Incident (calculated at the rate of \$25 per hour, if at least one (1) full hour was spent dealing with the Data Security Incident. Settlement Class Members may receive reimbursement for lost time if the Settlement Class Member provides a written description of the lost time and certifies that the lost time was spent responding to the Data Security Incident. Claims made for lost time can be combined with reimbursement for documented ordinary loss expense reimbursement and are subject to the same \$350 cap for all Settlement Class Members.

Documented Extraordinary Loss Reimbursement: Settlement Class Members are also eligible to receive reimbursement for documented extraordinary losses, not to exceed \$3,500 per Settlement Class Member, including proven actual monetary losses, provided that: (i) the loss is an actual, documented, and unreimbursed monetary loss arising from fraud or misuse; (ii) the loss from fraud or misuse was more likely than not caused by the Data Security Incident; (iii) the actual

misuse or fraud loss is not already covered by one or more of the ordinary loss compensation categories; (iv) the claimant made reasonable efforts to avoid the loss or seek reimbursement for the loss, including, but not limited to, exhaustion of all available credit monitoring insurance and identity theft insurance; and (v) the actual misuse or fraud loss occurred between the date of April 7, 2022 and July 17, 2023. The maximum amount any one Settlement Class Member may recover for documented extraordinary losses is \$3,500.

Credit Monitoring: All Settlement Class Members will be automatically offered a free two-year membership to Identity Defense Complete through Pango, which provides 1-bureau credit monitoring, monthly credit score, score tracker, high risk transaction monitoring, authentication alerts, real-time inquiry alerts, dark web monitoring, USPF address change and monitoring alerts, security freeze assist, lost wallet protection, \$1,000,000 comprehensive identity theft insurance, victim assistance, a customer dashboard and customer support. A link and enrollment code for Identity Defense Complete is contained within the notice mailed and/or emailed to the Settlement Class Members. After the Effective Date of the Settlement, Settlement Class Members may use the link and enrollment code provided on the notice to activate Identity Defense Complete. The Settlement Class Member must activate the service within 90 days from the date of final approval. You can choose to receive a reminder email about enrolling in Identity Defense Complete by filling out a Claim Form (see Question 7). Defendant will pay for the credit monitoring services separate and apart from other settlement benefits.

Remedial Relief: Defendant will also continue to provide security for resident and employee PII and PHI. Defendant agrees to pay for such remedial costs separate and apart from other settlement benefits.

7. How to submit a claim?

All claims will be reviewed by the Settlement Administrator for completeness and plausibility. You must file a Claim Form to get money from the proposed Settlement. Claim Forms must be **submitted online by May 1, 2024 or postmarked no later than May 1, 2024**. You can submit an online claim or download a Claim Form at www.ActsRetirementDataSettlement.com, or you can call the Settlement Administrator toll-free at **1-866-720-6662** for a Claim Form.

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

If you stay in the Settlement Class, you will be eligible to receive benefits, but you will not be able to sue ACTS Retirement Services, Inc., its Related Entities, and each of their past or present parents, subsidiaries, divisions, and related or affiliated entities, and each of their respective predecessors, successors, assigns, owners, directors, shareholders, members, officers, employees, principals, agents, attorneys, insurers, and reinsurers (collectively, the “Released Persons”) regarding the claims in this case.

The Settlement Agreement, which includes all provisions about settled claims, releases, and Released Persons, is available at www.ActsRetirementDataSettlement.com.

The only way to keep the right to sue is to exclude yourself (*see* Question 10), otherwise you will be included in the Settlement Class, and, if the Settlement is approved, you give up the right to sue for the claims in this case.

9. Will the Class Representative receive compensation?

Yes. The Class Representatives will each receive a service award of up to \$2,500, to compensate them for their services and efforts in bringing the lawsuit. The Court will make the final decision as to the amount, if any, to be paid to the Class Representative.

EXCLUDE YOURSELF

10. How do I exclude myself from the Settlement?

If you do not want to be included in the Settlement, you must send a timely written request for exclusion, stating your full name, address, and telephone number. Your request for exclusion must be personally signed by you and contain your original signature (or the original signature of a person previously authorized by law, such as a trustee, guardian, or person acting under power of attorney to act on your behalf with respect to a claim or right, such as those in the Lawsuit). Your request must also clearly manifest your intent to be excluded from the Settlement Class, to be excluded from the Settlement, not to participate in the Settlement, and/or to waive all rights to the benefits of the Settlement.

Your written request for exclusion must be **postmarked no later than April 16, 2024** to:

ACTS Retirement Services Claims Administrator
Attn: Exclusions
P.O. Box 58220
Philadelphia, PA 19102

Instructions on how to submit a request for exclusion are available at **www.ActsRetirementDataSettlement.com** or from the Claims Administrator by calling **1-866-720-6662**.

If you exclude yourself, you will not be able to receive any cash benefit or credit monitoring from the Settlement, and you cannot object to the Settlement at the Final Approval Hearing. You will not be legally bound by anything that happens in the Lawsuit, and you will keep your right to sue Defendant on your own for the claims that this Settlement resolves.

11. If I do not exclude myself, can I sue later?

No. If you do not exclude yourself from the Settlement, and the Settlement is approved by the Court, you forever give up the right to sue the Released Persons (listed in Question 8) for the claims this Settlement resolves.

12. What happens if I do nothing at all?

If you do nothing, you will be bound by the Settlement if the Court approves it, you will not get any money or credit monitoring services from the Settlement, you will not be able to start or proceed with a lawsuit, or be part of any other lawsuit against the Released Persons (listed in Question 8) about the settled claims in this case at any time.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in the case?

Yes. The Court has appointed TURKE & STRAUSS, LLP and SALTZ MONGELUZZI & BENDESKY, LLP (called “Settlement Class Counsel”) to represent the interests of all Settlement Class Members in this case. 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.

14. How will the lawyers be paid?

Settlement Class Counsel will apply to the Court for an award of combined attorneys’ fees, costs, and expenses in an amount not to exceed \$250,000. A copy of Class Counsel’s Motion for Attorneys’ Fees, Costs, Expenses, and Service Award for Class Representative will be posted on the Settlement Website, www.ActsRetirementDataSettlement.com, before the Final Fairness Hearing. The Court will make the final decisions as to the amounts to be paid to Settlement Class Counsel, and may award less than the amount requested by Settlement Class Counsel.

OBJECTING TO THE SETTLEMENT

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

If you want to tell the Court that you do not agree with the proposed Settlement or some part of it, you must file an objection with the Court telling it why you do not think the Settlement should be approved.

Objections must be submitted in writing and include all the following information:

- a) State the objecting Settlement Class Member’s full name, current address, telephone number, and email address (if any);
- b) Contain the objecting Settlement Class Member’s original signature;
- c) Set forth information identifying the objector as a Settlement Class Member, including proof that the objector is within the Settlement Class (*e.g.*, copy of the Notice or copy of original notice of the Data Security Incident);
- d) Set forth a statement of all grounds for the objection, including any legal support for the objection that the objector believes applicable;
- e) Identify all counsel representing the objector;
- f) State whether the objector and/or his or her counsel will appear at the Final Approval Hearing, and;
- g) Contain the signature of the objector’s duly authorized attorney or other duly authorized representative (if any), along with documentation setting forth such representation

Your Objection must be **postmarked no later than April 16, 2024** at:

ACTS Retirement Services Claims Administrator
Attn: Objections
P.O. Box 58220
Philadelphia, PA 19102

In addition, you must concurrently mail or hand deliver a copy of your objection to Settlement Class Counsel and Defense Counsel, **postmarked no later than April 16, 2024.**

CLASS COUNSEL	DEFENSE COUNSEL
<p style="text-align: center;">Raina C. Borrelli TURKE & STRAUSS, LLP 613 Williamson St., Suite 201 Madison, Wisconsin 53703 Telephone: (608) 237-1775 Facsimile: (608) 509-4423 Email: raina@turkestrauss.com</p>	<p style="text-align: center;">Claudia D. McCarron Paulyne A. Gardner MULLEN COUGHIN LLC 426 W. Lancaster Ave. Suite 200 Devon, PA 19333</p>
<p style="text-align: center;">Patrick Howard SALTZ MONGELUZZI & BENDESKY, PC 1650 Market Street, 52nd Floor One Liberty Place Philadelphia, PA 19103 Telephone: 215-575-3895 Email: phoward@smbb.com</p>	

In addition, if the objecting Settlement Class Member intends to appear at the Final Approval Hearing, either with or without counsel, he or she must also file with the Court, and mail or hand-deliver to Settlement Class Counsel and Defense Counsel, a notice of appearance **no later than April 16, 2024.** If the objecting Settlement Class Member intends to appear at the Final Approval Hearing through counsel, the notice of appearance filed with the Court must also:

- a) Identify the attorney(s) representing the objector who will appear at the Final Approval Hearing;
- b) Include each such attorney’s name, address, phone number, email address, state bar(s) to which counsel is admitted, as well as associated state bar numbers;
- c) Include a list identifying all objections each counsel has filed to class action settlements in the past three (3) years, the results of each objection, any court opinions ruling on the objections, and any sanctions issued by a court in connection with objections filed by such attorney; and
- d) If the objecting Settlement Class Member intends to request permission from the Court to call witnesses at the Final Approval Hearing, the objecting Settlement Class Member must provide a list of any such witnesses together

with a brief summary of each witness’s expected testimony at least thirty (30) Days before the Final Approval Hearing.

If you do not submit your objection with all requirements, or **if your objection is not received April 16, 2024** you will be considered to have waived all Objections and will not be entitled to speak at the Final Fairness Hearing.

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

Objecting is simply telling the Court that you don’t like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you don’t want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

THE FINAL FAIRNESS HEARING

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

The Court will hold the Final Fairness Hearing on July 2, 2024, at 10:00 am EST in Courtroom 10-B, U.S. District Court for the Eastern District of Pennsylvania, 10613 U.S. Courthouse, 601 Market Street, Philadelphia, Pennsylvania. The hearing may be moved to a different date, time, or location without additional notice, so it is recommended that you periodically check **www.ActsRetirementDataSettlement.com** for updated information.

At the hearing, the Court will consider whether the proposed Settlement is fair, reasonable, adequate, and is in the best interests of Settlement Class Members, and if it should be finally approved. If there are valid objections, the Court will consider them and will listen to people who have asked to speak at the hearing if the request was made properly. The Court will also consider the award of attorneys’ fees, costs, and expenses to Settlement Class Counsel and the request for a Service Award to the Class Representative.

18. Do I have to come to the hearing?

No. You are not required to come to the Final Approval Hearing. However, you are welcome to attend the hearing at your own expense.

If you submit an Objection, you do not have to come to the hearing to talk about it. If your objection was submitted properly and on time, the Court will consider it. You also may pay your own lawyer to attend the Final Approval Hearing, but that is not necessary. However, you must follow the requirements for making objections in Question 15, including the requirements for making appearances at the hearing.

19. May I speak at the hearing?

Yes. You can speak at the Final Approval Hearing, but you must ask the Court for permission. To request permission to speak, you must file an objection according to the instructions in Question 15, including all the information required for you to make an appearance at the hearing. You cannot speak at the hearing if you exclude yourself from the Settlement.

DO NOTHING

20. What happens if I do nothing?

If you do nothing, you will not get any money from the Settlement, you will not be able to sue for the claims in this case, and you release the claims against Defendant and the Released Persons described in Question No. 8.

GET MORE INFORMATION

21. How do I get more information about the Settlement?

This is only a summary of the proposed Settlement. If you want additional information about this lawsuit, including a copy of the Settlement Agreement, the Complaint, the Court's Preliminary Approval Order, Settlement Class Counsel's Motion for Attorneys' Fees, Costs, Expenses, and Service Award for Class Representative, and more, please visit www.ActsRetirementDataSettlement.com or call **1-866-720-6662**. You may also contact the Claims Administrator at ACTS Retirement Services, Attn: Claims Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103.

PLEASE DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR LITIGATION TO THE CLERK OF THE COURT, THE JUDGE, DEFENDANT, OR DEFENDANT'S COUNSEL.