

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

In re: Berry, Dunn, McNeil & Parker Data Security Incident Litigation, Case No. 2:24-cv-00146-JAW (D. Me.)

If you are a person in the U.S. whose Private Information was potentially accessible as a result of the data security incident that was discovered on September 14, 2023, including those who were sent notification of the incident, a class action settlement may affect your rights.

A federal court authorized this Notice. This is not a solicitation from a lawyer.

- A settlement has been proposed in a class action lawsuit against Defendants Berry, Dunn, McNeil & Parker, LLC (“BerryDunn”), and ZZ Enterprises, LLC d/b/a Reliable Networks, relating to the incident that was discovered on September 14, 2023, in which an unauthorized third party potentially gained access to Settlement Class Members’ Private Information (“Data Security Incident”). Defendants deny all claims alleged against them and deny all charges of wrongdoing or liability. The Settlement is not an admission of wrongdoing or an indication that the Defendants have violated any laws, but rather the resolution of disputed claims.
- If your Private Information was potentially accessible as a result of the Data Security Incident, including if you received a notification from BerryDunn about the Data Security Incident, you are included in this Settlement as a “Settlement Class Member.”
- The Settlement provides a \$7,250,000.00 Settlement Fund that will be used to pay for (1) Settlement Class Member Benefits to those Settlement Class Members who submit a Valid Claim; (2) any Service Awards awarded to Class Representatives; (3) any attorneys’ fees and costs awarded to Class Counsel; and (4) all Settlement Administration Costs. In addition, Defendants have or will make certain data security enhancements.
- Your legal rights are affected regardless of whether you do or do not act. Read this notice carefully. For complete details, visit www.BDSettlement.com or call toll-free 1-888-569-4069.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM BY: MAY 22, 2025	Submitting a valid Claim Form is the only way you can receive Credit Monitoring or a Cash Payment.
OPT-OUT OF THE SETTLEMENT BY: MAY 7, 2025	If you opt-out of the Settlement, you will not receive any benefits from the Settlement, but you also will not release your individual claims against Defendants. This is the only option that allows you to be part of any other lawsuit against the Defendants for the legal claims resolved by this Settlement. If you opt-out of the Settlement, you may not object to the Settlement.
OBJECT TO THE SETTLEMENT BY: MAY 7, 2025	To object to the settlement, you can write to the Court with reasons why you do not agree with the Settlement. You may ask the Court for permission for you or your attorney to speak about your objection at the Final Approval Hearing at your own expense.

Questions? Visit www.BDSettlement.com or call toll-free 1-888-569-4069.

DO NOTHING

If you do nothing, you will not receive any benefits from the Settlement. You will also give up certain legal rights.

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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 proposed 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 any objections or appeals are resolved, the Settlement Administrator appointed by the Court will distribute the Settlement Class benefits to Settlement Class Members who submitted a Valid Claim. 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 overseeing this case is the United States District Court for the District of Maine. The case is known as *In re: Berry, Dunn, McNeil & Parker Data Security Incident Litigation*, Case No. 2:24-cv-00146-JAW (D. Me.) (the “Action”). The individuals who brought this Action are called the Plaintiffs or Class Representatives, and the entities sued, Berry, Dunn, McNeil & Parker, LLC, and ZZ Enterprises, LLC d/b/as Reliable Networks, are called the Defendants. The Plaintiffs are Tonya Gambino, Quinston Anderson, Michael Meyerson, Laura Russell, Kathy Bishop, Randy Bishop, Kristine Iushkova, Robert Hickman, Sally Hughes, Donald Dee Smith, Melody Bowman, Brandy Brady, Virginia Deme-Duff, Myron Nottingham, and Yasmine Encarnacion.

2. What is this lawsuit about?

The Plaintiffs allege that the Defendants are liable for failing to prevent the Data Security Incident and have asserted several legal claims against the Defendants. The Defendants deny each and all of the claims and contentions alleged against them in the Action. Defendants deny all charges of wrongdoing or liability as alleged, or which could be alleged, in the Action.

For more information and to review the complaints filed in this Action, visit www.BDSettlement.com.

3. What is a class action Settlement?

In a class action, one or more people called Plaintiff or Plaintiffs sue on behalf of people who are alleged to have similar claims. For a settled class action, together, these people are called a Settlement Class or Settlement Class members. One Court and one judge resolve the issues for all class members, except for those who opt-out of the Settlement Class.

4. Why is there a Settlement?

The Court did not decide in favor of the Plaintiffs or Defendants. Instead, the Plaintiffs negotiated a settlement with the Defendants that allows the Plaintiffs, the proposed Settlement Class, and the Defendants to avoid the risks and costs of lengthy and uncertain litigation and the uncertainty of a trial and appeals. The Settlement provides benefits and allows Settlement Class Members to obtain payment for certain costs or losses without further delay. Plaintiffs and Class Counsel think the Settlement is in the best interest of all Settlement Class Members. This Settlement does not mean that the Defendants did anything wrong.

WHO IS INCLUDED IN THE SETTLEMENT?

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

The Settlement Class includes all persons in the United States whose Private Information was potentially accessible as a result of the Data Security Incident, including those who were sent notification from BerryDunn that their Private Information was potentially accessible as a result of the Data Security Incident.

Settlement Class Members were also sent Notice of this class action Settlement via mail. If you received Notice of this Settlement, you are eligible to receive Settlement Class Member Benefits. If you are still not sure whether you are included, you can contact the Settlement Administrator by calling toll-free at 1-888-569-4069 or by visiting the Settlement Website at www.BDSettlement.com.

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

Yes. The Settlement Class excludes: (a) all persons who are governing board members of Defendants; (b) governmental entities; and (c) the Court, the Court's immediate family, and Court staff.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

7. What does the Settlement provide?

The Settlement provides a \$7,250,000 Settlement Fund that will be used to pay for (1) Settlement Class Member Benefits to those Settlement Class Members who submit a Valid Claim; (2) any Service Awards awarded to Class Representatives; (3) any attorneys' fees and costs awarded to Class Counsel; and (4) all Settlement Administration Costs. In addition, Defendants have or will make certain data security enhancements. Please visit www.BDSettlement.com for complete information about the Settlement Benefits.

- **Cash Payment A - Documented Losses:** Up to \$5,000.00 for documented losses related to the Data Security Incident.
- **Cash Payment B - Alternative Cash Payment:** \$100.00 Flat Payment, subject to an upward or downward adjustment, instead of a payment for Documented Losses.
- **Credit Monitoring:** Three years of three bureau Credit Monitoring services.

8. What is included under the Cash Payment A - Documented Losses?

Settlement Class Members may submit a claim for a Cash Payment under this section for up to \$5,000.00 per Settlement Class Member upon presentation of documented losses related to the Data Security Incident. To receive a documented loss payment, a Settlement Class Member must elect the Cash Payment A on the Claim Form attesting under penalty of perjury to incurring documented losses. Settlement Class Members will be required to submit reasonable documentation supporting the losses. Settlement Class Members shall not be reimbursed for expenses if they have been reimbursed for the same expenses by another source, including compensation provided in connection with the credit monitoring and identity theft protection services offered as part of the notification letter provided by BerryDunn or otherwise.

If a Settlement Class Member does not submit reasonable documentation supporting a loss, or if his or her Claim is rejected by the Settlement Administrator for any reason, and the Settlement Class Member fails to cure his or her Claim, the Claim will be rejected and the Settlement Class Member's Claim will be administered as if he or she elected Cash Payment B.

9. What is the Cash Payment B - Flat Payment?

As an alternative to Cash Payment A for Documented Losses, Settlement Class Members may elect to receive a Cash Payment B, which is a flat cash payment in the amount of \$100.00, subject to an upward or downward adjustment on a *pro rata* basis depending on the number of Valid Claims filed and the amount of funds available for the payments. Documentation is not required to claim the Flat Payment.

10. What is included in the Credit Monitoring services?

In addition to electing a Cash Payment, Settlement Class Members may elect three bureau Credit Monitoring for up to three years. This Credit Monitoring has a value of \$90.00 per year per Settlement Class Member.

These services will be made available to all Settlement Class Members who choose to enroll regardless of whether they claim Cash Payment A - Documented Losses or Cash Payment B – Flat Payment.

A unique activation code, allowing Settlement Class Members to enroll in these services will be sent to each Settlement Class Member who submits a Valid Claim for such services after the Court approves the Settlement as final and after any appeals are resolved.

11. Have the Defendants implemented any additional security measures?

Plaintiffs have received assurances that Defendants have undertaken reasonable steps to further secure their systems and environments. Defendants will provide a declaration attesting to the undertaken or planned data security enhancements at Plaintiffs' request.

HOW TO GET BENEFITS—SUBMITTING A CLAIM FORM

12. How do I get benefits from the Settlement?

In order to receive Credit Monitoring and/or a Cash Payment, you must complete and submit a Claim Form. Claim Forms are available at www.BDSettlement.com, or you may request one by mail by calling 1-888-569-4069. Read the instructions carefully, fill out the Claim Form, and submit it online, or mail it postmarked no later than **May 22, 2025** to: BD Settlement, c/o Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103.

13. How will claims be decided?

The Settlement Administrator will decide whether the information provided on the Claim Form is complete and valid. The Settlement Administrator may require additional information from any claimant. If the Settlement Administrator requires additional information from you and you do not provide it in a timely manner, your claim may not be paid at the Settlement Administrator's discretion.

14. When will I get my payment?

The Court will hold a Final Approval Hearing at **10:00 a.m. on Friday June 6, 2025** to decide whether to approve the Settlement. Even if the Court approves the Settlement, there may be appeals, and resolving them may take additional time. It also takes time for all of the Claim Forms to be processed, depending on the number of claims submitted and whether any appeals are filed. Please be patient. If you have further questions regarding payment timing, you may contact the Settlement Administrator by emailing info@BDSettlement.com.

REMAINING IN THE SETTLEMENT

15. 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 Cash Payment or Credit Monitoring services from the Settlement, you must submit a Claim Form online or by mail postmarked no later than **May 22, 2025**.

If you do nothing, you will **not** receive Settlement benefits and you will also give up certain legal rights.

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

If the Settlement becomes final, you will give up your right to sue the Defendants for the claims being resolved by this Settlement. The specific claims you are giving up against Defendants and the claims you are releasing are described in the Settlement Agreement, available at www.BDSettlement.com. The Settlement Agreement describes the released claims with specific descriptions, so read it carefully.

If you have any questions about what claims you are giving up and which parties you are releasing, you can talk to the law firms listed in Question 20 for free or you can, of course, talk to your own lawyer at your own expense.

OPTING-OUT OF THE SETTLEMENT

If you do not want any benefits from this Settlement, and you want to keep the right to sue the Defendants about legal issues resolved by this Settlement, then you must take steps to get out of the Settlement Class. This is called excluding yourself from – or “opting out” of – the Settlement Class.

17. If I opt-out, can I still get a Cash Payment or Credit Monitoring from the Settlement?

No. If you opt-out of 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.

18. If I do not opt-out, can I sue the Defendants for the same thing later?

No. Unless you opt-out of the Settlement, you give up any right to sue the Defendants for the claims that this Settlement resolves. You must opt-out of the Settlement Class to start your own lawsuit or to be part of any different lawsuit relating to the claims in this case.

19. How do I get out of the Settlement?

To opt-out of the Settlement, you must send a letter by mail stating that you want to be excluded from the Settlement in *In re: Berry, Dunn, McNeil & Parker Data Security Incident Litigation*, Case No. 2:24-cv-00146-JAW (D. Me.). Your letter must also include your full name, current address, telephone number, email address, and signature. You must mail your exclusion request postmarked no later than **May 7, 2025** to:

BD Settlement
Attn: Opt-Outs
P.O. Box 58220
Philadelphia, PA 19102

Settlement Class Members will only be able to submit an opt-out request on their own behalf; mass or class opt-outs are not permitted.

THE LAWYERS REPRESENTING YOU

20. Do I have a lawyer in this case?

Yes. The Court appointed the following attorneys as “Class Counsel” to represent the Settlement Class:

Class Counsel		
Jeff Ostrow Kopelowitz Ostrow P.A. 1 West Las Olas Blvd., Ste. 500 Fort Lauderdale, FL 33301	Mason Barney Siri & Glimstad LLP 745 Fifth Avenue, Ste. 500 New York, NY 10151	Bryan Bleichner Chestnut Cambronne PA 100 Washington Ave. South, Ste. 1700 Minneapolis, MN 55401

You will not be charged for contacting Class Counsel. If you want to be represented by your own lawyer, you may hire one at your own expense.

21. How will Class Counsel be paid?

Class Counsel will ask the Court to award Attorneys’ Fees in an amount not to exceed 33.33% of the Settlement Fund, plus reimbursement of costs. Class Counsel will also seek Service Awards in the amount of \$3,000.00 to each of the Class Representatives.

The Court may award less than these amounts. The Court awarded amounts for Attorneys’ Fees and Costs, as well as any Service Awards approved by the Court for the Class Representatives will be paid out of the Settlement Fund.

OBJECTING TO THE SETTLEMENT

22. 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 or agree with the Settlement or some part of it. You can give reasons to the Court why you think the Court should not approve the Settlement. The Court will consider your views before deciding.

Objections must include: the name or caption of this Action, i.e., *In re: Berry, Dunn, McNeil & Parker Data Security Incident Litigation*, Case No. 2:24-cv-00146-JAW (D. Me.), and:

- a) the objector's full name, mailing address, telephone number, and email address (if any);
- b) all grounds for the objection, accompanied by any legal support for the objection known to the objector or objector's counsel;
- c) the number of times the objector has objected to a class action settlement within the 5 years preceding the date that the objector files the objection, the caption of each case in which the objector has made such objection, and a copy of any orders related to or ruling upon the objector's prior objections that were issued by the trial and appellate courts in each listed case;
- d) the identity of all counsel who represent the objector, including any former or current counsel who may be entitled to compensation for any reason related to the objection to the Settlement and/or Application for Attorneys' Fees, Costs, and Service Awards;
- e) the number of times in which the objector's counsel and/or counsel's law firm have objected to a class action settlement within the 5 years preceding the date of the filed objection, the caption of each case in which counsel or the firm has made such objection and a copy of any orders related to or ruling upon counsel's or the counsel's law firm's prior objections that were issued by the trial and appellate courts in each listed case in which the objector's counsel and/or counsel's law firm have objected to a class action settlement within the preceding 5 years;
- f) any and all agreements that relate to the objection or the process of objecting—whether written or oral—between objector or objector's counsel and any other person or entity;
- g) the identity of all counsel (if any) representing the objector who will appear at the Final Approval Hearing;
- h) a list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any);
- i) a statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing; and
- j) the objector's signature (an attorney's signature is not sufficient).

Objections must be mailed to the Clerk of the Court, Class Counsel, Defendants' Counsel, and the Settlement Administrator:

Clerk of the Court		
Edward T. Gignoux United States Courthouse 156 Federal Street Portland, ME 04101		
Class Counsel	Class Counsel	Class Counsel
Jeff Ostrow Kopelowitz Ostrow P.A. 1 West Las Olas Blvd., Ste. 500 Fort Lauderdale, FL 33301	Mason Barney Siri & Glimstad LLP 745 Fifth Avenue, Ste. 500 New York, NY 10151	Bryan Bleichner Chestnut Cambronne PA 100 Washington Ave. South, Ste. 1700 Minneapolis, MN 55401
Counsel for BerryDunn	Counsel for Reliable	Settlement Administrator
David Ross	Stephen Orlando Shaun Loughlin	BD Settlement

Wilson, Elser, Moskowitz, Edelman & Dicker LLP 1500 K Street, NW, Ste. 330 Washington, DC 20005	Gordon Rees Scully Mansukhani, LLP 28 State Street, Ste. 1050 Boston, MA 02109	1650 Arch Street, Suite 2210 Philadelphia, PA 19103
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For an objection to be considered by the Court, **the objection must be submitted no later than May 7, 2025**. If submitted by mail, an objection shall be deemed to have been submitted when posted if received with a postmark date indicated on the envelope if mailed first-class postage prepaid and addressed in accordance with the instructions. If submitted by private courier (e.g., Federal Express), an objection shall be deemed to have been submitted on the shipping date reflected on the shipping label.

23. What is the difference between objecting to and opting-out of the Settlement?

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

THE COURT'S FINAL APPROVAL 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 opt-out of the Settlement.

24. 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 Friday June 6, 2025**, in Courtroom 1 located at the Edward T. Gignoux U.S. Courthouse, 156 Federal Street, Portland, ME 04101. At the hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and adequate. The Court may also consider Class Counsel's request for an award of attorneys' fees up to 33.33% of the Settlement Fund, plus reimbursement of costs, and Service Awards in the amount of \$3,000.00 for each of the Class Representatives.

The Court will take into consideration any timely sent written objections and may also listen to anyone who has requested to speak at the hearing (see Question 22).

25. Do I have to come to the Final Approval Hearing?

No. Class Counsel will answer any questions the Court may have. However, you are welcome to attend the Final Approval Hearing 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.

26. May I speak at the Final Approval Hearing?

Yes, you may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must follow the instructions provided in Question 22 above. You cannot speak at the hearing if you opt-out of the Settlement.

IF YOU DO NOTHING

27. What happens if I do nothing?

If you do nothing, you will not receive Credit Monitoring services or be eligible to receive a Cash Payment from this Settlement. If the Court approves the Settlement, and you do nothing, you will be bound by the Settlement Agreement. This means you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendants about the issues involved in the Action, resolved by this Settlement, and released by the Settlement Agreement.

GETTING MORE INFORMATION

28. Are more details about the Settlement available?

Yes. This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement, which is available at www.BDSettlement.com, or by writing to Settlement Administrator:

BD Settlement
1650 Arch Street, Suite 2210
Philadelphia, PA 19103
info@BDSettlement.com

29. How do I get more information?

For more information, please visit www.BDSettlement.com or call toll-free 1-888-569-4069. You can also contact the Settlement Administrator by mail or email.

Please do not call the Court or the Clerk of the Court for additional information.