

PHILADELPHIA COUNTY COURT OF COMMON PLEAS

Notice of Class Action and Proposed Settlement

You may be entitled to receive benefits under this class action settlement.

This notice summarizes the proposed settlement reached in a lawsuit entitled *Benedetto, et al v. Southeastern Pennsylvania Transportation Authority*, No. 2102-01425 pending in the Philadelphia County Court of Common Pleas (“Lawsuit”). For the precise terms and conditions of the settlement, please see the settlement agreement available at www.SEPTADataSettlement.com or by contacting the Settlement Administrator at 1-888-831-3112.

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

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

*A state court authorized this notice. This is **not** a solicitation from a lawyer.*

- The lawsuit alleges that on or about August 10, 2020, Southeastern Pennsylvania Transportation Authority (“SEPTA”) was the target of a cybersecurity incident resulting in the potential disclosure of personal information and protected health information of SEPTA employees (“Data Security Incident”). SEPTA 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 SEPTA 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 SEPTA in August 2020 or November 2022 regarding information that was potentially compromised in the Data Security Incident
- **The Settlement provides that Settlement Class Members are eligible for one year of credit monitoring with Equifax by submitting the Claim Form by July 17, 2023 and following the additional enrollment instructions to activate the plan as instructed.**
- **The Settlement also provides that Settlement Class Members may seek reimbursement of up to \$1,000 for documented Economic Losses Settlement Class Members suffered as a result of the Data Security Incident that have not been already reimbursed by another third party. In the alternative, Settlement Class Members may seek reimbursement of up to four (4) hours of Lost Time at \$25.00/hour. To be eligible for reimbursement, you must submit sufficient evidence of your economic loss and/or satisfy additional requirements. The deadline to submit a claim is July 17, 2023.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM DEADLINE: JULY 17, 2023	This is the only way for Settlement Class Members to enroll in the Settlement Offering paid for by SEPTA. By failing to follow the procedure to exclude yourself from the settlement, you will give up the right to sue SEPTA in a separate lawsuit about the claims this Settlement resolves whether you submit a claim form or not.
CLAIM FORMS DEADLINE: SUBMIT ONE OR MORE	This is the only way for Settlement Class Members to request the one year of credit monitoring, reimbursement of economic losses or reimbursement of lost time related to the Data Breach. By failing to follow the procedure to exclude yourself from the settlement, you will give up the right to sue SEPTA in a separate lawsuit about the claims this Settlement resolves whether you submit a claim form or not.
DO NOTHING	Unless you exclude yourself, you are automatically part of this Settlement. If you are a Settlement Class Member and do not submit an Claim Form or a Reimbursement Form, you will not receive anything from the settlement, and you will still give up the right to sue, continue to sue, or be part of another lawsuit against SEPTA about the legal claims resolved by this Settlement.
EXCLUDE YOURSELF DEADLINE: JUNE 16, 2023	You will not receive any benefits from the Settlement, but you will not be bound by the terms of the Settlement, if approved by the Court.
OBJECT: DEADLINE: JUNE 16, 2023	If you do not exclude yourself from the Settlement Class, you may object to the Settlement or to Class Counsel’s or the Class Representatives’ requests for Class Counsel fees or Service Awards, respectively.
GO TO A HEARING ON SEPTEMBER 20, 2023	You may object to the Settlement and ask the Court for permission to speak at the Fairness Hearing about your objection.

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court still must decide whether to approve the Settlement. No benefits will be provided, or payments made until after the Court grants final approval of the Settlement and all appeals, if any, are resolved.

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BASIC INFORMATION

1. Why is this notice being provided?

This Class Notice is provided pursuant to an order issued by the Court to inform you of the proposed Settlement and the Final Approval Hearing to be held by the Court to consider, among other things, (a) whether the Settlement is fair, reasonable and adequate and should be approved; and (b) Class Counsel's request for Class Counsel Fees and Expenses and the Class Representatives' request for a Service Award. This Class Notice explains the nature of the lawsuit, the general terms of the proposed Settlement (including the benefits available), and your legal rights and obligations. This Class Notice is not an expression of any opinion by the Court as to the merits of the claims or defenses asserted in the Action.

The Honorable Judge Paula A. Patrick of the Philadelphia County Court of Common Pleas is overseeing this action, which is known as *Benedetto, et al v. Southeastern Pennsylvania Transportation Authority*, No. 2102-01425 (the "Lawsuit"). The people that filed the lawsuit are called the "Plaintiffs." SEPTA is the "Defendant."

2. What is this lawsuit about?

The lawsuit alleges that on or about August 10, 2020, Southeastern Pennsylvania Transportation Authority ("SEPTA") was the target of a cybersecurity incident resulting in the potential disclosure of personal information and protected health information of SEPTA employees (the "Data Security Incident").

Plaintiffs claim that SEPTA did not adequately protect personal information and that as a result of the Data Security Incident people were harmed. SEPTA denies any wrongdoing, and no court or other entity has made any judgment or other determination of any wrongdoing or that any law has been violated.

3. Why is this a class action?

In a class action, one or more people called "class representatives" sue on behalf of themselves and other people with similar claims. The Plaintiffs (the class representatives here), together with the people they represent, are called Settlement Class Members. One court resolves the issues for all Settlement Class Members, except for those people who timely exclude themselves from the Settlement Class. In this case, the Class Representatives are Kimberly Benedetto and Keysha Capers.

4. Why is there a Settlement?

The Court has not decided in favor of Plaintiffs or SEPTA. Instead, both sides agreed to a settlement. Settlement avoids the costs and uncertainty of trial and related appeals, while providing benefits to members of the Settlement Class. The Class Representatives and attorneys for the Settlement Class ("Settlement Class Counsel") believe the Settlement is in the best interests of the Settlement Class Members.

WHO IS IN THE SETTLEMENT

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

You are included in the Settlement Class if you are a member of the following:

All persons who were notified by SEPTA that his or her personal information might have been compromised in the data security incident that occurred in or about August 2020.

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

If you are not sure whether you are in the Class, or have any other questions about the Settlement, call the toll-free number, 1-888-831-3112. You also may write with questions to: info@SEPTADataSettlement.com or go to www.SEPTADataSettlement.com.

THE SETTLEMENT BENEFITS

7. What benefits does the Settlement provide?

All Settlement Class Members are eligible for one year of free credit monitoring and identity restoration services, which is in addition to any free credit monitoring initially provided by SEPTA following notice of the Data Security Incident.

Further, Settlement Class Members may be eligible for the following: (1) reimbursement of documented economic losses up to \$1,000.00 per Settlement Class Member, or, in the alternative, (2) compensation for up to four hours of lost time at \$25/hour. Reimbursement of documented economic losses must be (a) related to the Data Breach; (b) not otherwise reimbursable by another third party; (c) supported by required documentation; and (d) meet all requirements set forth in the Claim Form and the Settlement Agreement. Claims for lost time must be supported by a certification under penalty of perjury setting forth the amount of time spent dealing with the Data Security Incident and meet all requirements set forth in the Claim Form and the Settlement Agreement.

Complete details regarding the settlement benefits are in the Settlement Agreement, which is available at www.SEPTADataSettlement.com.

8. Tell me more about enrollment in credit monitoring and identity restoration services.

Settlement Class Members shall have the option to sign-up for one year of credit monitoring services offered by Equifax. If a Settlement Class Member elects to utilize the Settlement Offering, he or she can make that election by **July 17, 2023**.

Equifax's credit monitoring and identity restoration services include: (i) single bureau credit monitoring; (ii) automatic fraud alerts; (iii) \$1M reimbursement insurance; and (iv) identity restoration services.

If a Settlement Class Member elects to receive the credit monitoring, he or she must activate the plan in accordance with the instructions provided.

9. Tell me more about reimbursement of economic costs.

Reimbursement of Documented Economic Losses. Any Settlement Class Member who submits a valid and timely Claim Form and supports that claim with appropriate third-party documentation may be compensated for documented Economic Losses related to the Data Breach that have not been reimbursed by another third party(s), up to an aggregate total of \$1,000.00 per Settlement Class Member. Claims may be submitted electronically or in paper format.

Settlement Class Members who wish to make a timely and properly supported Claim for reimbursement of Economic Losses related to the Data Breach must provide to the Settlement Administrator the information required to evaluate the claim, including: (a) the Claimant's name and current address; (b) if applicable, a signed copy of IRS Form 14039 along with a statement under penalty of perjury that the form was submitted to the Internal Revenue Service; (c) the bills or invoices documenting the amount of the Claim and proof that the bills or invoices were paid; (d) and (e) a statement signed under penalty of perjury indicating that: (f) the Economic Losses claimed are fairly traceable to the Data Breach; and (g) the total amount claimed has not been reimbursed by any other person or entity. Third-party documentation of Economic Losses is required to establish a Claim. Economic Losses that are compensated under this Agreement are those that are reasonable and customarily incurred when responding to the type of fraud or identity theft suffered by the Settlement Class Member from the Data Breach.

Reimbursement of Lost Time. Any Settlement Class Member who does not submit a Claim Form seeking recovery for Documented Economic Losses may submit a valid and timely Claim Form seeking payments for up to four (4) hours of Lost Time since August of 2020, at \$25.00/hour, if at least one (1) full hour was spent remedying fraud, identity theft, or other alleged misuse of personal information fairly traceable to the Data Security Incident or spent on preventative and remedial measures to protect personal information that are fairly traceable to the Data Security Incident. Claims for lost time must be supported by a certification under penalty of perjury setting forth the amount of time spent dealing with the Data Security Incident. Claims may be submitted electronically or in paper format.

HOW TO GET SETTLEMENT BENEFITS

10. How can I enroll in the credit monitoring services?

To receive the one free year of credit monitoring and identity restoration services from SEPTA, Settlement Class Members must submit a Claim Form by mail or through the Settlement Website by **July 17, 2023**. The Settlement Administrator will notify you of any deficiencies with respect to your Claim Form, and you will have 21 days after such notice is sent to correct these deficiencies. The Settlement Administrator will then issue a final decision on your entitlement to the credit monitoring.

A Claim Form is available at www.SEPTADataSettlement.com or by calling 1-888-831-3112. Claim Forms are also available by writing to the Settlement Administrator at info@SEPTADataSettlement.com and/or SEPTA Data Settlement Administrator, 1650 Arch St, Suite 2210, Philadelphia, PA 19103.

11. How do I obtain reimbursement of economic costs or lost time related to the Data Breach?

For reimbursement of documented Economic Losses related to the Data Breach that have not been reimbursed by a third party, up to an aggregate total of \$1,000.00 in reimbursement per Settlement Class Member and a total of \$350,000 for all Claims, you must submit a Claim Form and provide documentation proving the economic costs as described above.

For reimbursement of lost time up to four (4) hours of Lost Time since August of 2020, at \$25.00/hour, you must submit a Claim Form and certification as described above.

You can get the Claim Form at www.SEPTADataSettlement.com or by calling 1-888-831-3112. For each Claim Form, you must read the instructions carefully, fill out the form completely, attach the required documentation, and either submit the form and documentation through the Settlement Website, or mail the form postmarked no later than **July 17, 2023**, to:

SEPTA Data Settlement Administrator
1650 Arch St, Suite 2210
Philadelphia, PA 19103

If you have questions about how to file a claim, call 1-888-831-3112 or go to www.SEPTADataSettlement.com.

12. When will I receive my reimbursement payment under the Settlement?

If you file a timely and valid Claim Form and submit the documentation, where required, the Settlement Administrator will evaluate your claim to confirm your eligibility and calculate your payment amount. The Settlement Administrator will notify you of any deficiencies with respect to your claim, and you will have 21 days after such notice is sent to correct these deficiencies. The Settlement Administrator will then issue a final decision on your claim.

Payments for valid claims will not be made until after the Settlement is finally approved and all appeals and other reviews have been exhausted.

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

Unless you exclude yourself, you cannot sue SEPTA or be part of any lawsuit against SEPTA about any of the issues in this Lawsuit. Unless you exclude yourself, all of the decisions by the Court will bind you. The specific claims you are giving up are described in Paragraphs 3.22 and 11 of the Settlement Agreement. You will be releasing your claims against SEPTA and all related people as described in Paragraph 11.

The Settlement Agreement is available at www.SEPTADataSettlement.com or by calling 1-888-831-3112. The Settlement Agreement describes the released claims with specific descriptions, so please read it carefully. If you have any questions about what this means, you can talk to Settlement Class Counsel, or you can talk to your own lawyer at your own expense.

THE LAWYERS REPRESENTING YOU

14. Do I have a lawyer in the case?

Yes, you do have a lawyer in the case. The Court appointed the law firms of Saltz Mongeluzzi & Bendesky, PC and Turke & Strauss LLP, to represent you and the Settlement Class. These firms are called “Settlement Class Counsel.” You will not be charged by these lawyers for their work on this case. If you want to be represented by your own lawyer, you may hire one at your own expense.

15. How will the lawyers be paid?

Class Counsel will ask the Court for SEPTA to pay for reasonable attorneys’ fees and expenses of up to \$275,000, and Class Representative service awards not to exceed \$2,000 per Class Representative. The Court will decide the amount of attorneys’ fees, expenses, and service awards. Any attorneys’ fees, expenses, and service awards approved will be paid by SEPTA and will not reduce the benefits provided to you or the other Settlement Class Members under the proposed Settlement.

EXCLUDING YOURSELF FROM THE SETTLEMENT

16. What does it mean to exclude myself from the Settlement?

If you want to keep the right to sue or continue to sue SEPTA about the legal claims in this case, you must take steps to exclude yourself from the Settlement Class. Excluding yourself is also called “opting out” of the Settlement.

17. If I exclude myself, can I get anything from this Settlement?

If you exclude yourself, you cannot get anything from the Settlement. If you exclude yourself, you may not apply for any benefits under the proposed Settlement and you cannot object to the proposed Settlement.

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

If you do not exclude yourself, you cannot sue later. Unless you exclude yourself, you give up the right to sue SEPTA for all of the claims that this proposed Settlement resolves.

19. How do I exclude myself from the Settlement?

To exclude yourself from the proposed Settlement, you must timely submit, by U.S. Mail, written notice of your intent to opt-out of the Settlement to the Settlement Administrator’s designated address established for opt-outs. The written notice must clearly manifest your intent to be excluded from the Settlement Class in *Benedetto, et al v. Southeastern Pennsylvania Transportation Authority*, No. 2102-01425, and must be signed by you. You can only request exclusion for yourself: you cannot request to exclude any other member of the Settlement Class. Mass opt-outs are not permitted.

To be effective, written notice must be postmarked by **June 16, 2023**, and mailed to:

SEPTA Data Settlement Administrator,
Attn: Exclusions
P.O. Box: 58220
Philadelphia, PA 19102

You cannot ask to be excluded on the phone, by email, or on the website.

OBJECTING TO THE SETTLEMENT

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

If you are a Settlement Class Member, you can object to or comment on the Settlement, Settlement Class Counsel’s request for attorneys’ fees and expenses, and/or the Settlement Class Representative’ request for service awards. To object, you must state in writing that you object to the Settlement, and include the following information in your written objection:

1. The name of the Action;
2. Your full name, mailing address, telephone number, and e-mail address;
3. A statement of the basis on which you claim to be a Settlement Class Member;
4. A written statement of all grounds for your objection, accompanied by any legal support for the objection, and any evidence you wish to introduce in support of the objection;
5. The identity of all counsel, if any, representing you, including any former or current counsel who may claim entitlement to compensation for any reason related to the objection to the Settlement or the Fee Application;
6. A statement confirming whether you intend to personally appear and/or testify at the Final Approval Hearing and the identification of any counsel representing you who intends to appear at the Final Approval Hearing;

7. A list of any persons who will be called to testify at the Final Approval Hearing in support of the objection; and
8. Your signature signed under oath and penalty of perjury or, if legally incapacitated, the signature of your duly authorized representative (along with documentation setting forth such legal incapacitation and representation) (an attorney's signature is not sufficient).

Failure to include this information may be grounds for the Court to disregard your objection.

To submit an objection, send a letter the Court either by: (a) mailing it to the Clerk of the Court, Office of Judicial Records, City Hall, Room 296, Broad & Market Streets, Philadelphia, PA 19107, or; (b) filing the objection in person at Philadelphia City Hall, 1400 John F. Kennedy Blvd, Philadelphia, PA 19017. Mailed objections must be filed or postmarked on or before the Objection Deadline, which is **June 16, 2023**.

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

You can object to the Settlement when you wish to remain a Settlement Class Member and be subject to the Settlement but disagree with some aspect of the Settlement. An objection allows your views to be heard in Court.

Excluding yourself from the Settlement Class means that you are no longer a Settlement Class Member and do not want the Settlement to apply to you. Once you are excluded, you lose the right to receive any benefits from the Settlement or to object to any aspect of the Settlement because the case no longer affects you.

FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing on **September 20, 2023 at 10:00am**, at the Philadelphia Court of Common Pleas, Philadelphia City Hall, 1400 John F. Kennedy Blvd, Philadelphia, PA 19017. At the Final Approval Hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and adequate. The Court may also consider Class Counsel's request for attorneys' fees and expenses, and the service awards. If there are objections, the Court will consider them. After the Final Approval Hearing, the Court will decide whether to approve the proposed Settlement and how much to award to Class Counsel as fees and expenses, and the service award. You do not need to attend.

The Final Approval Hearing may be moved to a different date or time without additional notice, so if you wish to attend, it is recommended that you periodically check www.SEPTADATASETTLEMENT.COM to confirm the date of the Final Approval Hearing.

23. Do I have to come to the hearing?

You do not have to attend the hearing. Class Counsel will answer any questions the Court may have. However, you are welcome to attend the hearing at your own expense. If you submit a written objection, you do not have to come to the Fairness Hearing to raise your objection. As long as you timely mailed your written objection, the Court will consider it. You also may pay your own lawyer to attend the Final Approval Hearing, but their attendance is not necessary.

24. May I speak at the hearing?

Yes, you may speak at the hearing. If you would like to do so, you must indicate your intent to personally appear and/or testify at the Final Approval Hearing and identify any counsel representing you who intends to appear at the Final Approval Hearing, when providing written notice of your objection as noted above regarding how to object to the Settlement. You cannot speak at the hearing if you exclude yourself from the Settlement.

IF YOU DO NOTHING

25. What happens if I do nothing at all?

If you are a Settlement Class Member and you do nothing, you will be legally bound by the Settlement, but you will not receive the credit monitoring, reimbursement for Economic Losses or compensation for lost time related to the Data Breach. You will not be able to bring a lawsuit, continue a lawsuit, or be a part of any other lawsuit against SEPTA about the claims in this case. If you would like to request benefits under the Settlement, you must follow the instructions described above.

GETTING MORE INFORMATION

26. How do I get more information about the proposed Settlement?

This notice summarizes the proposed Settlement. More details are included in the Settlement Agreement. You can get a copy of the Settlement Agreement at www.SEPTADataSettlement.com. You also may write with questions to the Settlement Administrator, at info@SEPTADataSettlement.com. You can access a Claim Form and review additional documents on the Settlement Website. You can also request to receive a Claim Form, a copy of the Settlement Agreement, and a detailed notice by mail by calling the toll-free number, 1-888-831-3112.

PLEASE DO NOT CALL THE COURT.