

Smith v. Kaye-Smith Enterprises, Inc.
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Notice of Proposed Class Action Settlement and Final Approval
Hearing

Smith et al. v. Kaye-Smith Enterprises, Inc.
United States District Court for the District of Oregon
Cause No. 3:22-cv-01499-AR

If your business suffered business losses when Kaye-Smith Enterprises, Inc. (“Kaye-Smith”), was subjected to a data breach in June 2022 (the “Data Incident”), a proposed class action settlement may affect your rights.

A settlement has been reached in a class action lawsuit against Kaye-Smith. The lawsuit, *Smith et al. v. Kaye-Smith Enterprises, Inc.*, Cause No. 3:22-cv-01499, filed in the United States District Court for the District of Oregon, involves allegations that Kaye-Smith Enterprises, Inc. failed to protect sensitive personal information it received from Business Associates and failed to timely notify those Business Associates' customers or patients after learning their information was exposed. Kaye-Smith denies these allegations.

Why am I being contacted? Records indicate that you were a Business Associate of Kaye-Smith at the time of the Data Incident and may have suffered business losses as a result. Accordingly, you may be eligible to receive a cash payment from the settlement.

What does the settlement provide? The proposed settlement provides for a fund totaling \$2,000,000, which will be used to provide settlement awards to Settlement Class Members. Business Settlement Class Members will be eligible for reimbursement for business losses fairly traceable to the Data Incident. The actual amount of the reimbursement under the settlement will depend on the amounts remaining in the Settlement Fund after paying (1) notice and settlement administration costs; (2) court-approved attorneys' fees of approximately \$667,000.00, costs not to exceed \$50,000, and service awards of up to \$5,000 to the Named Plaintiffs, and (3) the amount of Business Losses claimed by Business Class Settlement Members. You can learn more about the settlement and your options by visiting www.KayeSmithSettlement.com.

Your rights and options: Submit a Claim Form. To receive a settlement award, you must submit a Claim Form to the Settlement Administrator by **December 26, 2024**. The Claim Form is available on the Settlement Website at www.KayeSmithSettlement.com, or upon request to the Settlement Administrator, and can be submitted electronically on the Settlement Website or by mail. **Opt out.** You may exclude yourself from the Settlement and keep your right to sue Defendant on your own by sending a written request for exclusion to the Settlement Administrator postmarked by **December 2, 2024**. The request must include: 1) The name and address of the purported Business Class Member, and identify the individual within the Business Class Member with authority to bind the Business Class Member to a settlement and/or the authority to withdraw from Settlement Class; 2) Identify all Business Losses and provide copies of all documents evidencing all losses for which the Business Class Member seeks reimbursement; 3) A statement of whether, prior to the Opt-Out date, the purported Business Class Member ever asserted a claim to Kaye-Smith, provided notice of a claim and/or was compensated for any claim it may have had against Kaye-Smith arising from the Data Security Incident, and if so identify when such claim(s) were made, how and to whom the claim(s) were communicated and provide copies of all documents evidencing the same; 4) The specific legal and equitable basis for any claims intended to be brought against Kaye-Smith, and the amount of any such claim; 5) Specific efforts taken, with supporting documents, by the Business Class Member to mitigate Business Losses; and 6) Detailed explanation, with supporting documents, for the reason for Opt-Out. If you do not exclude yourself, you will be bound by the settlement and give up your right to sue Defendants regarding the settled claims. Visit the Settlement Website for more details. **Object.** If you do not opt out, you have the right to object to the proposed settlement. Objections must be filed with the court, postmarked by **December 26, 2024** and provide the reasons for the objection, among other requirements. Visit the Settlement Website for more details. **Do Nothing.** If you do nothing, you will not receive any payment and will lose the right to sue Defendants about the Released Claims. You will be considered part of the Settlement Class, and you will be bound by the Court's decisions. **Attend the Final Approval Hearing.** The Court is scheduled to hold a hearing on **January 7, 2025 at 2:00 p.m.** to consider whether to approve the settlement, Class Counsel's request for attorneys' fees and costs, and the service awards to the class representatives. You can appear at the hearing, which will be held at the United States District Court for the District of Oregon, 1000 SW 3rd Ave #740, Portland, OR 97204 but you do not have to appear. If you wish, you can hire your own attorney, at your own expense, to appear or speak for you at the hearing.

For more information, visit www.KayeSmithSettlement.com or call 1-877-203-8209. PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIMS PROCESS