

Smith v. Kaye-Smith Enterprises, Inc.
P.O. Box 2378
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This is not a solicitation from a lawyer.

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 you received notice of a data incident from Kaye-Smith or one of its Business Associates, or if you believe you were affected 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.

Why am I being contacted? Records indicate that Kaye-Smith or one of its Business Associates sent you notice of the Data Incident and/or that your sensitive personal information may have been exposed in the Data Incident. You may be eligible to receive payment from the settlement.

What does the settlement provide? The settlement provides for a \$2 million Settlement used to provide payments to Settlement Class Members. Consumer Settlement Class Members will be eligible for 12 months of credit monitoring services. If you spent time on tasks related to the Data Incident or suffered Out-of-Pocket Losses due to the Data Incident, you may submit a Tier 1 Claim for reimbursement of up to five hours of lost time and your documented Out-of-Pocket Losses. Alternatively, if you took any action in response to the Data Incident, even if minor, you may submit a claim for a cash payment of up to \$500 (“Tier 2 Claim”). The actual amount of the alternative cash payment will depend on the amounts remaining in the Settlement Fund after paying (1) the cost of fraud monitoring, (2) reimbursements for valid Tier 1 Claims, (3) notice and settlement administration costs, and (4) court-approved attorneys’ fees of approximately \$667,000 in addition to reimbursing them for out-of-pocket expense not to exceed \$50,000, and service awards of up to \$5,000 to the Named Plaintiffs. You can learn more about the settlement and your options by visiting KayeSmithSettlement.com.

What are my 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 KayeSmithSettlement.com or upon request to the Settlement Administrator. It can be submitted online on the Settlement Website or by mail. **Opt out.** You may exclude yourself from the settlement and keep your right to sue Defendants on your own by sending a written request for exclusion to the Settlement Administrator, postmarked by **December 2, 2024**. 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. **Object.** If you do not opt out, you have the right to object to the settlement. Objections must be filed with the Court, postmarked by **December 26, 2024**, and provide the reasons for the objection, among other requirements. **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 will hold a hearing on **January 7, 2025, at 2:00 p.m. PT** to consider whether to approve the settlement, Class Counsel’s request for attorneys’ fees and costs, and the service awards for the Settlement Class Representatives. You can appear at the hearing, 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 KayeSmithSettlement.com or call 877-203-8209. PLEASE DO NOT CONTACT THE COURT OR THE CLERK’S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIMS PROCESS.