

## **NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

17<sup>th</sup> Judicial Cir., Kent County, Mich.

*Dias Jr. et al. v. Acrisure, LLC*

Case No. Case No. 24-02304-NZ

**IF YOUR PERSONAL INFORMATION WAS IMPACTED BY  
A DATA SECURITY INCIDENT THAT IMPACTED  
ACRISURE, LLC IN DECEMBER 2022, A PROPOSED  
CLASS ACTION SETTLEMENT MAY AFFECT YOUR  
RIGHTS**

*A state court authorized this Notice. You are not being sued.*

*This is not a solicitation from a lawyer.*

- A Settlement has been reached with Acrisure, LLC (“Acrisure” or “Defendant”) in a class action lawsuit about a data security incident that occurred in or around December 2022 (“Security Incident”).
- The lawsuit is captioned *Dias Jr. et al. v. Acrisure, LLC, Case Number 24-02304-NZ*. Acrisure denies the allegations and all liability or wrongdoing with respect to any and all facts and claims alleged in the lawsuit but has agreed to a Settlement to avoid the costs and risks associated with continuing this case.
- You are included in this Settlement if you are a Settlement Class Member. A Settlement Class Member is an individual who resides in the United States and if your Personal Information was impacted by the Security Incident.
- If you are a Settlement Class Member, your rights are affected whether you act or don’t act. Please read this Notice carefully.

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<b>SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>		<b>DEADLINE</b>
<b>SUBMIT A CLAIM</b>	<p>The only way to receive cash and other benefits from this Settlement is by submitting a valid and timely Claim Form.</p> <p>You can submit your Claim Form online at <a href="http://www.acrisuredatasecuritysettlement.com">www.acrisuredatasecuritysettlement.com</a> or download the Claim Form from the Settlement Website and mail it to the Settlement Administrator. You may also call or email the Settlement Administrator to receive a paper copy of the Claim Form.</p>	<b>November 14, 2024</b>
<b>OPT OUT OF THE SETTLEMENT</b>	You can choose to opt out of the Settlement and receive no payment. This option allows you to sue, continue to sue, or be part of another lawsuit against the Defendant related to the legal claims resolved by this Settlement. You can elect to retain your own legal counsel at your own expense. If you opt out you will not be able to participate in the cash and other benefits from the Settlement.	<b>October 15, 2024</b>
<b>OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING</b>	If you do not opt out of the Settlement, you may object to it by writing to the Court about why you don't like the Settlement. You may also ask the Court for permission to speak about your objection at the Final Approval Hearing. If you object, you may also file a claim for benefits.	<b>October 15, 2024</b>
<b>DO NOTHING</b>	Unless you opt out of the Settlement, you are part of the Settlement. If you do nothing, you will not get a payment from this Settlement and you will give up the right to sue, continue to sue, or be part of another lawsuit against the Defendant related to the legal claims resolved by this Settlement.	No Deadline

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the Settlement.

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## BASIC INFORMATION

### 1. Why was this Notice issued?

A state court authorized this Notice because you have a right to know about the proposed Settlement of this class action lawsuit and about all of your options before the Court decides whether to grant final approval of the Settlement. This Notice explains the lawsuit, your legal rights, what benefits are available, and who can receive them.

The lawsuit is captioned *Dias Jr. et al. v. Acrisure, LLC*, Case No. 24-02304-NZ (17<sup>th</sup> Judicial Cir., Kent County, Mich.). The people that filed this lawsuit are called the “Plaintiffs” and the company they sued, Acrisure, LLC, is called the “Defendant.”

### 2. What is this lawsuit about?

This lawsuit alleges that personal information was impacted by the Security Incident that affected Acrisure in or around December 2022 (“Security Incident”).

### 3. What is a class action?

In a class action, one or more individuals sue on behalf of other people with similar claims. These individuals who sue are known as “Class Representatives” or “Plaintiffs.” Together, the people included in the class action are called a “class” or “class members.” One court resolves the lawsuit for all Settlement Class Members, except for those who exclude themselves (sometimes called, “opting

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out”) from a Settlement. In this Settlement, the Class Representatives are Carlos Dias Jr. and Erika Wooley.

## 4. Why is there a Settlement?

The Court did not decide in favor of the Plaintiffs or the Defendant. The Defendant denies all claims and contends that it has not violated any laws. Plaintiffs and the Defendant agreed to a Settlement to avoid the costs and risks of a trial, and through the Settlement, Settlement Class Members are eligible to claim payments and other benefits. The Plaintiffs and their attorneys, who also represent the Settlement Class Members, think the Settlement is best for all Settlement Class Members.

## WHO IS IN THE SETTLEMENT?

### 5. Who is included in the Settlement?

The Settlement Class consists of all individuals who reside in the United States whose Personal Information was impacted by the Security Incident.

### 6. Are there exceptions to being included?

Yes. Excluded from the Settlement Class are (i) Acrisure, its officers and directors; (ii) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (iii) any judges assigned to this case and their staff and family; and (iv) 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 Security Incident or who pleads *nolo contendere* to any such charge.

If you are not sure whether you are included in the Settlement Class, you can ask for free help by calling, emailing or writing to the Settlement Administrator at:

Toll-Free: 1-888-217-2745

Email: [acrisuredatasecuritysettlement@atticusadmin.com](mailto:acrisuredatasecuritysettlement@atticusadmin.com)

*Acrisure Security Incident Administrator, c/o Settlement Administrator, PO Box 64053, Saint Paul, MN 55164.*

You may also view the Settlement Agreement and Release (“Settlement Agreement”) at [www.acrisuredatasecuritysettlement.com](http://www.acrisuredatasecuritysettlement.com).

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## THE SETTLEMENT BENEFITS

### 7. What does the Settlement provide?

Under the Settlement, Acrisure will pay all valid and timely claims for Credit Monitoring, Unreimbursed Losses, and Lost Time.

### 8. How much will my payment be?

Payments and other benefits will vary - Settlement Class Members may submit a claim using the Claim Form for: (1) 2 years of credit monitoring; (2) Unreimbursed Loss Claims – up to a total of \$4,000 per claimant; and (3) Lost Time - \$25 per hour for up to 4 hours (for a total of \$100, subject to the \$4,000 cap on Unreimbursed Loss Claims).

**Credit Monitoring Services.** All Settlement Class Members shall have the ability to make a claim for 2 years of one-credit bureau credit monitoring services and identity protection services by choosing this benefit on the Claim Form. Even if Settlement Class Members previously accepted the Defendant's offer of complimentary credit monitoring services, they may still claim this benefit.

**Unreimbursed Losses** up to a total of \$4,000 per claimant, upon submission of a valid claim with supporting documentation, if: i. The loss is an actual, documented, and unreimbursed monetary loss; ii. The loss was more likely than not caused by the Security Incident; and iii. The loss occurred between December 1, 2022 and the end of the Claims Period. Unreimbursed losses include, without limitation, and by way of example, unreimbursed losses relating to fraud or identity theft; professional fees including attorneys' fees, accountants' fees, and fees for credit repair services; costs associated with freezing or unfreezing credit with any credit reporting agency; credit monitoring costs that were incurred on or after mailing of the notice of data breach, through the date of claim submission; and miscellaneous expenses such as notary, fax, postage, copying, mileage, and long-distance telephone charges.

**Lost Time Claims** for reimbursement of \$25 per hour up to 4 hours (for a total of \$100) with an attestation on the Claim Form that the activities performed were related to the Security Incident. Claims for Lost Time are subject to the \$4,000 cap for Unreimbursed Losses (discussed above).

### 9. What claims am I releasing if I stay in the Settlement Class?

Unless you opt out of the Settlement, you cannot sue, continue to sue, or be part of any other lawsuit against the Defendant about any of the legal claims this Settlement resolves. The "Releases" section in the Settlement Agreement describes the legal claims that you give up if you remain in the Settlement Class. The Settlement Agreement can be found at [www.acrisuredatasecuritysettlement.com](http://www.acrisuredatasecuritysettlement.com).

## HOW TO GET A PAYMENT - MAKING A CLAIM

### 10. How do I submit a claim and get a cash payment?

Claim Forms may be submitted online at [www.acisuredatasecuritysettlement.com](http://www.acisuredatasecuritysettlement.com) or printed from the website and mailed to the Settlement Administrator at: *Acrisure Security Incident Administrator, c/o Settlement Administrator, PO Box 64053, Saint Paul, MN 55164.*

You may also contact the Settlement Administrator to request a Claim Form by telephone 1-888-217-2745, by email [acisuredatasecuritysettlement@atticusadmin.com](mailto:acisuredatasecuritysettlement@atticusadmin.com), or by U.S. mail at the address above.

### 11. What is the deadline for submitting a claim?

If you submit a claim by U.S. mail, the completed and signed Claim Form must be postmarked by **November 14, 2024**. If submitting a Claim Form online, you must do so by **November 14, 2024**

### 12. When will I get my payment?

The short answer is – after the Settlement is “finally approved” and challenges, if any, to that approval are finally resolved. The Court is scheduled to hold a Final Approval Hearing on November 8, 2024 to decide whether to approve the Settlement, how much attorneys’ fees and costs to award to Settlement Class Counsel for representing the Settlement Class, and whether to award Service Awards to the Class Representatives who brought this Action on behalf of the Settlement Class.

If the Court approves the Settlement, there may be appeals. It is always uncertain whether appeals will be filed and, if so, how long it will take to resolve them. Settlement payments will be distributed as soon as possible, if and when the Court grants final approval to the Settlement and after any appeals are resolved.

## THE LAWYERS REPRESENTING YOU

### 13. Do I have a lawyer in the case?

Yes, the Court appointed Gary Klinger of Milberg Coleman Bryson Phillips Grossman and Raina C. Borrelli of Strauss Borrelli PLLC to represent you and other members of the Settlement Class (“Settlement Class Counsel”). You will not be charged directly for these lawyers; instead, they will receive compensation from Acrisure (subject to Court approval).

If you want to be represented by your own lawyer, you may hire one at your own expense.

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## 14. Should I get my own lawyer?

It is not necessary for you to hire your own lawyer because Settlement Class Counsel works for you. 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?

Settlement Class Counsel will file a motion for an award of attorneys' fees and litigation costs and expenses to be paid by Acrisure. Acrisure has agreed not to oppose Settlement Class Counsel's request for an award of attorneys' fees not to exceed \$150,000 and litigation costs not to exceed \$5,000. If Settlement Class Counsel seeks more than \$150,000 in attorneys' fees and expenses, Acrisure has reserved all rights to object and oppose such requests.

Settlement Class Counsel will also seek a service award payment for the Class Representatives in recognition for their contributions to this Action. Acrisure has agreed not to oppose Settlement Class Counsel's request for service awards not to exceed One Thousand Five Hundred Dollars (\$1,500) for each of the two Class Representatives. To the extent more than \$1,500 service awards are sought for the Class Representatives, Acrisure has reserved all rights to object and oppose such a request.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

## 16. How do I opt out of the Settlement?

If you do not want to receive any benefits from the Settlement, and you want to keep your right to separately sue the Defendant about the legal issues in this case, you must take steps to exclude yourself from the Settlement Class. This is called "opting out" of the Settlement Class. The deadline for requesting exclusion from the Settlement is **October 15, 2024**.

To exclude yourself from the Settlement, you must submit a written request for exclusion to the Court that includes the following information:

- the case name: *Dias Jr. et al. v. Acrisure, LLC*, Case No. 24-02304-NZ (17<sup>th</sup> Judicial Cir., Kent County, Mich.);
- your full name;
- current address;
- personal signature; and
- the words "Request for Exclusion" or a comparable statement that you do not wish to participate in the Settlement.

Your request for exclusion must be mailed to the Settlement Administrator at the address below, postmarked no later than **October 15, 2024**

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*Acrisure Security Incident Administrator*  
ATTN: Exclusion Request  
PO Box 64053  
Saint Paul, MN 55164

If you exclude yourself, you are telling the Court that you do not want to be part of the Settlement. You may only exclude yourself – not any other person.

## **COMMENTING ON OR OBJECTING TO THE SETTLEMENT**

### **17. How do I tell the Court if I like or do not like the Settlement?**

If you are a Settlement Class Member, you can choose (but are not required) to object to the Settlement if you do not like it or a portion of it, whether that be to the Settlement benefits, the request for attorneys' fees or service awards, the releases provided to the Defendant, or some other aspect of the Settlement. Through an objection, you give reasons why you think the Court should not approve the Settlement.

For an objection to be considered by the Court, the objection must include (i) the name of the proceedings; (ii) the Settlement Class Member's full name, current mailing address, and telephone number; (iii) a statement that states with specificity the grounds for the objection, as well as any documents supporting the objection; (iv) a statement as to whether the objection applies only to the objector, to a specific subset of the Settlement Class, or to the entire Settlement Class; (v) the identity of any attorneys representing the objector; (vi) a statement regarding whether the Settlement Class Member (or his/her attorney) intends to appear at the Final Approval Hearing; (vii) a list of all other matters in which the objecting Settlement Class Member and/or his/her attorney has lodged an objection to a class action Settlement; and (viii) the signature of the Settlement Class Member or the Settlement Class Member's attorney.

Any Settlement Class Member who does not file a timely and adequate objection in accordance with the above paragraph waives the right to object to the Settlement at the Final Approval Hearing, and shall be bound by the terms of the Settlement Agreement and by all orders and judgments in the Action.

Objections must be filed with the Court no later than **October 15, 2024**.

Clerk of Court  
180 Ottawa Avenue NW, Suite 2400  
Grand Rapids, MI 49503

### **18. What is the difference between objecting and excluding?**

Objecting is telling the Court that you do not like something about the Settlement. You can object to the Settlement only if you do not exclude yourself from the Settlement. Excluding yourself from the



Settlement means telling the Court you do not want to be part of the Settlement. If you opt out of the Settlement, you cannot object to it because the Settlement no longer affects you.

## **THE COURT'S FINAL APPROVAL HEARING**

### **19. When is the Court's Final Approval Hearing?**

The Court is scheduled to hold a final approval hearing on **November 8, 2024 at 8:30 a.m. E.T.**, via Zoom: Zoom ID: 744 918 9622, to decide whether to approve the Settlement, how much attorneys' fees and costs to award to Settlement Class Counsel for representing the Settlement Class, and whether to award a service award payment to each Class Representative who brought this Action on behalf of the Settlement Class. If you are a Settlement Class Member, you or your attorney may ask permission to speak at the hearing at your own cost. If you do not like the Settlement, remember you may object to it but you have to follow certain requirements (see Question 17). The date and time of this hearing may change without further notice. Please check [www.acrisuredatasecuritysettlement.com](http://www.acrisuredatasecuritysettlement.com) for updates.

### **20. Do I have to come to the Final Approval Hearing?**

No. Settlement Class Counsel will answer any questions the Court may have. You may attend at your own expense if you wish. If you file an objection, you may but you do not have to come to the Final Approval Hearing to talk about it. If you file your written objection on time and in accordance with the requirements above, the Court will consider it. You may also pay your own lawyer to attend, but such attendance is not necessary for the Court to consider an objection that was filed on time and meets the requirements above.

## **IF I DO NOTHING**

### **21. What happens if I do nothing at all?**

If you are a Settlement Class Member and you do nothing, you will give up your right to start a lawsuit, continue a lawsuit, or be part of any other lawsuit against the Defendant and the Released Parties, as defined in the Settlement Agreement, about the legal issues resolved by this Settlement. In addition, you will be bound by the releases of the Released Parties in the Settlement and not be eligible to receive a payment from this Settlement.

## **GETTING MORE INFORMATION**

### **22. How do I get more information?**

This Notice summarizes the proposed Settlement. Complete details are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at the Settlement Website, [www.acrisuredatasecuritysettlement.com](http://www.acrisuredatasecuritysettlement.com).

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If you have additional questions, you may contact the Settlement Administrator by email, phone, or mail:

Email: [acrisuredatasecuritysettlement@atticusadmin.com](mailto:acrisuredatasecuritysettlement@atticusadmin.com)

Toll-Free: 1-888-217-2745

Mail: *Acrisure Security Incident Administrator*, c/o Settlement Administrator, PO Box 64053, Saint Paul, MN 55164.

Publicly filed documents can also be obtained by visiting the office of the 17<sup>th</sup> Judicial Circuit, Kent County or by reviewing the Court's online docket. For those planning to visit the Court for more information, please contact the Court for its regular business hours and for any costs associated with obtaining documents maintained by the Court.

You may also contact your counsel in this matter, the Settlement Class Counsel, as follows:

Raina C. Borrelli  
**STRAUSS BORRELLI PLLC**  
980 N. Michigan Avenue, Suite 1610  
Chicago, Illinois 60611  
Tel: (872) 263-1100  
[raina@straussborrelli.com](mailto:raina@straussborrelli.com)

**PLEASE DO NOT CONTACT THE COURT OR ACRISURE**

**QUESTIONS?**

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