

**IN THE SUPERIOR COURT OF NEW JERSEY**  
**LAW DIVISION - BURLINGTON COUNTY**

**Individuals who were notified by AUS, Inc. that their confidential personally identifiable information (“PII”) may have been compromised in a Data Incident that occurred on or about November 28, 2022 may be eligible for a payment from a class action settlement.**

*A New Jersey state court ordered this Notice. This is not a solicitation from a lawyer.*

- A settlement has been reached with AUS, Inc. (“AUS”) in a class action lawsuit (the “Lawsuit”) arising from a data incident that occurred on or about November 28, 2022 (the “Data Incident”). AUS began mailing notice letters to those persons whose information was identified as being impacted on or about January 4, 2023. Following Notice of the Data Incident, the Lawsuit was filed against AUS asserting claims arising from the Data Incident. AUS denies it has any liability for the claims asserted in the Lawsuits and contends that it did not engage in any improper conduct.
- In the Lawsuit, Plaintiff alleges that AUS was the target of a Data Incident in which an unauthorized third-party accessed AUS’s systems which contained personal information. Plaintiff alleges that during the Data Incident, an unauthorized third-party gained access to personally identifiable information (“PII”) belonging to Plaintiff and other similarly situated AUS customers. The PII may have included full names and Social Security numbers.
- The Settlement Class includes all individuals whose full names and other PII was potentially accessed during the Data Incident.
- The Settlement also provides the following: Cash payments for (i) reimbursement of up to \$30 per hour (for a maximum of 4 hours) spent dealing with the Data Incident; (ii) reimbursement of up to \$400 per person for documented “Ordinary Losses” incurred in responding to the Data Incident, inclusive of the value of any claimed Lost Time; and (iii) reimbursement for documented “Extraordinary Losses” incurred in responding to the Data Incident of up to \$4,500.00. The maximum amount that can be claimed for Lost Time and Ordinary Losses is \$400.00 in total. In addition to these cash benefits, Settlement Class Members may enroll in two years of three-bureau credit monitoring services.
- All Settlement Class Members will receive the opportunity to claim two years of three-bureau credit monitoring services from the Effective Date of the Settlement. You must file a Claim Form requesting the service and, when the Settlement becomes final, you will be provided an activation code for enrollment. The credit monitoring services include (i) credit monitoring (ii) dark web monitoring; and (iii) identity theft insurance of up to \$1,000,000.00.
- The Settlement also provides for an Alternative Cash Payment. In lieu of compensation for Lost Time, Ordinary Losses, and/or Extraordinary Losses, and in lieu of the free credit monitoring services, Settlement Class Members may elect to receive an Alternative Cash Payment of \$115.00.
- You must file a Claim Form to receive Credit Monitoring or one or more of the compensation categories provided for under the Settlement. You can file a Claim Form by accessing this website, [www.AUSDataSettlement.com](http://www.AUSDataSettlement.com), downloading a Claim Form and mailing it, or you may call and ask that a Claim Form be mailed to you. The last day to postmark or file a claim online (“Claim Deadline”) is February 25, 2025.

**Your legal rights are affected even if you do nothing.  
Read this Notice carefully.**

<b>Your Legal Rights &amp; Options in this Settlement</b>		
<b>Submit a Claim</b>	You must submit a claim to get a payment.	Deadline: <b>February 25, 2025</b>
<b>Ask to be Excluded</b>	This allows you to sue AUS over the claims resolved by this Settlement. You will not get anything from this Settlement.	Deadline: <b>January 27, 2025</b>
<b>Object</b>	Write to the Court about why you do not like the Settlement. You can still get a payment.	Deadline: <b>January 27, 2025</b>
<b>Do Nothing</b>	You get no payment, will not be eligible to enroll for credit monitoring, and you give up rights.	

- These rights and options – **and the deadlines to exercise them** – are explained in this Notice.
- The Court in charge of this case still must decide whether to grant final approval of the Settlement. Payments will only be made after the Court grants final approval of the Settlement and after any appeals are resolved in favor of the Settlement.

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## **BASIC INFORMATION**

### **1. Why was this Notice issued?**

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The Court authorized this Notice because you have a right to know about the proposed Settlement in this class action lawsuit and about all of your options before the Court decides whether to give “final approval” to the Settlement. This Notice explains the legal rights and options that you may exercise before the Court decides whether to approve the Settlement.

Judge Richard L. Hertzberg of the Superior Court of New Jersey, Law Division, of Burlington County is overseeing settlement of these lawsuits, which are captioned as *Winston Fernandez, on behalf of himself and all others similarly situated v. AUS, Inc.*, Docket No. BUR L 000674-24. The person who sued AUS is called the “Plaintiff.” AUS, Inc. is called the “Defendant.”

### **2. What is this lawsuit about?**

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The lawsuit claims that AUS was responsible for the Data Incident that occurred on or about November 28, 2022, and asserts claims against AUS for negligence, negligence per se, Incident of fiduciary duty, Incident of implied contract, and declaratory judgment. The lawsuits seek compensation for people who incurred losses as a result of the Data Incident.

AUS denies it has any liability for the claims asserted and contends that it did not engage in any improper conduct.

### **3. Why is this lawsuit a class action?**

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In a class action, one or more people called “Class Plaintiffs” sue on behalf of all people who have similar claims. All of these people together are the “Settlement Class” or “Settlement Class Members.” In this case, the Class Plaintiff is Winston Fernandez. One court oversees the settlement of claims for all Settlement Class Members, except for those who exclude themselves from the Settlement Class.

### **4. Why is there a Settlement?**

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By agreeing to settle, both sides avoid the cost and risk of a trial, and people who submit valid claims will get compensation and/or credit monitoring. The Class Plaintiff and his attorneys believe the Settlement is fair, reasonable, and adequate and, thus, in the best interests of the Settlement Class and its members. The Settlement does not mean that AUS did anything wrong.

## **WHO IS IN THE SETTLEMENT?**

### **5. How do I know if I am included in the Settlement?**

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You are included in the Settlement if your full name and other PII was potentially accessed during the Data Incident. Specifically excluded from the Settlement Class are: (a) AUS and its respective officers and directors; (b) Settlement Class Members who timely and validly request exclusion from the Settlement Class (for more information about requesting exclusion see questions 13–15), (c) the Judge assigned to evaluate the fairness of this Settlement; and (d) 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 Data Incident or who pleads *nolo contendere* to any such charge.

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

If you are not sure whether you are included in the Settlement, or have any other questions related to the settlement, you may:

1. Call 1-888-816-4525
2. Email [AUSDataSettlement@atticusadmin.com](mailto:AUSDataSettlement@atticusadmin.com); or
3. Write to AUS, Inc. Data Incident Settlement, c/o Atticus Administration, PO Box 64053, Saint Paul, MN 55164.

Please do not contact the Court with questions.

## **THE SETTLEMENT BENEFITS**

### **7. What does the Settlement provide?**

Settlement Class Members will receive the opportunity to enroll in credit monitoring. The credit monitoring service will be provided for a period of two years from the Effective Date of the Settlement. Settlement Class Members must submit a Settlement Claim Form in order to receive this service. Once the Settlement is final, Settlement Class Members who submitted a Claim Form requesting credit monitoring services will be provided an activation code to enroll via email directly in the service.

The Settlement also provides cash payments to people who submit valid claims for Ordinary Losses or Lost Time as a result of the Data Incident.

### **8. What payments are available?**

Settlement Class Members are eligible to receive cash reimbursement for the following categories of expenses:

- *Compensation for Lost Time*: Settlement Class Members may file a claim to receive a cash payment for up to four (4) hours of lost time remediating issues related to the Data Incident, at a rate of \$30 per hour with an attestation that the time was spent dealing with the Data Incident. Any payments made for lost time will be included in the \$400 available for claims of Ordinary Losses.
- *Compensation for Ordinary Losses*: Settlement Class Members may file a claim to receive cash payments of up to \$400 per person (minus any payments for lost time) for ordinary losses incurred in responding to the Data Incident. Ordinary Losses include:
  - Unreimbursed bank fees, such as overdraft fees, charges related to the unavailability of funds, late fees, over-limit fees, or other unreimbursed charges;
  - Long distance telephone charges;
  - Cellphone charges (if charged by the minute or the amount of data usage);
  - Internet usage charges (if charged by the minute or the amount of data usage);

- Text messages (if charged by the message);
  - Miscellaneous expenses such as notary, fax, postage, copying and mileage; and
  - Fees associated with credit reports, credit monitoring, or other identity theft insurance products purchased between October 15, 2021, and November 1, 2024.
- *Compensation for Extraordinary Losses:* Settlement Class Members may file a claim to receive cash payments for Extraordinary Losses incurred responding to the Data Incident. Extraordinary Losses include expenses associated with identity theft, medical fraud, tax fraud, other forms of fraud, and other actual misuse of personal information, provided that (i) the loss is an actual documented and unreimbursed monetary loss; (ii) the loss was more likely than not caused by the Data Incident; (iii) the loss is not already covered by one or more of the Ordinary Loss compensation categories (i.e., lost time or ordinary expenses); (iv) the claimant made reasonable efforts to avoid the loss or seek reimbursement for the loss, including, but not limited to, exhaustion of all available credit monitoring or identity monitoring insurance; and (v) the loss occurred between October 15, 2021, and February 25, 2025.
  - *Credi Monitoring:* Settlement Class Members who file a claim for any of the above cash payment benefits may also submit a claim to enroll in two years of three-bureau credit monitoring services. The credit monitoring service provided includes, at least, the following, or similar, services: (i) credit monitoring; (ii) dark web monitoring; and (iii) identity theft insurance of up to \$1,000,000.00.
  - *Alternative Cash Payment:* Settlement Class Members may choose to file a claim for an Alternative Cash Payment of \$115.00 in lieu of any of the other benefits listed above.

Reasonable documentation must be submitted with your Claim Form showing that the Ordinary Losses or Extraordinary Losses were more likely than not caused by the Data Incident in order to receive reimbursement. More details are provided in the Settlement Agreement, which is available at [www.AUSDataSettlement.com](http://www.AUSDataSettlement.com).

## **HOW TO GET BENEFITS**

### **9. How do I get benefits?**

To get cash payment(s) from the Settlement or to enroll in credit monitoring provided, you must complete a Claim Form. Please read the instructions carefully, fill out the Claim Form, provide reasonable documentation (where applicable), and submit it online or mail it postmarked no later than **February 25, 2025**, to:

AUS, Inc. Data Incident Settlement  
c/o Atticus Administration  
PO Box 64053  
Saint Paul, MN 55164

You may submit a claim online or download a copy at [www.AUSDataSettlement.com](http://www.AUSDataSettlement.com), or you may request one by mail by calling 1-888-816-4525.

## **10. How will claims be decided?**

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The Claims Administrator will initially decide whether the information provided on a Claim Form is complete and valid. The Claims Administrator may require additional information from any claimant. If the required information is not provided timely, the claim will be considered invalid and will not be paid.

If the claim is complete and the Claims Administrator denies the claim entirely or partially, the claimant will be provided an opportunity to have their claim reviewed by an impartial Claims Referee selected by the parties.

## **REMAINING IN THE SETTLEMENT**

### **11. Do I need to do anything to remain in the Settlement?**

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You do not have to do anything to remain in the Settlement, but if you want to enroll in identity monitoring, or request a cash payment, you must submit a Claim Form online or mail one postmarked by **February 25, 2025**.

### **12. What am I giving up as part of the Settlement?**

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If the Settlement becomes final, you will give up your right to sue AUS for the claims being resolved by this Settlement. The specific claims you are giving up against AUS are described in paragraph 1.21 of the Settlement Agreement. You will be releasing AUS and all related people or entities as described in Section 1.22 of the Settlement Agreement. The Settlement Agreement is available at [www.AUSDataSettlement.com](http://www.AUSDataSettlement.com).

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the law firms listed in Question 16 for free, or you can, of course, talk to your own lawyer at your own expense.

## **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you do not want a payment from this Settlement, but you want to keep the right to sue AUS about issues in this case, then you must take steps to get out of the Settlement Class. This is called excluding yourself from – or is sometimes referred to as “opting out” of – the Settlement Class.

### **13. If I exclude myself, can I get a payment from this Settlement?**

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No. If you exclude yourself, you will not be entitled to any benefits of the Settlement. You will also not be bound by any judgment in this case.

### **14. If I do not exclude myself, can I sue AUS for the same thing later?**

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No. Unless you exclude yourself, you give up any right to sue AUS for the claims that this Settlement resolves. You must exclude yourself from the Settlement Class to start your own lawsuit or to be part of any different lawsuit relating to the claims in this case. If you exclude yourself, do not submit a Claim Form to ask for a payment or the credit monitoring services.

### **15. How do I exclude myself from the Settlement?**

To exclude yourself, send a letter that says you want to be excluded from the Settlement in Class Action Case No. BUR L 000674-24 captioned as *Winston Fernandez, on behalf of himself and all others similarly situated v. AUS, Inc.* Include your name, address, and signature. You must mail your Exclusion Request postmarked by **January 27, 2025**, to: AUS, Inc., Data Incident Settlement, c/o Atticus Administration, PO Box 64053, Saint Paul, MN 55164.

## **THE LAWYERS REPRESENTING YOU**

### **16. Do I have a lawyer in this case?**

The Court appointed the following lawyers as Settlement Class Counsel: Vicki J. Maniatis, Gary M. Klinger and David K. Lietz of Milberg Coleman Bryson Phillips Grossman, PLLC and Terence R. Coates of Markovits, Stock & DeMarco, LLC.

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

### **17. How will the lawyers be paid?**

Settlement Class Counsel will request the Court's approval of an award for attorneys' fees and reasonable costs and expenses of up to \$200,000.00. Settlement Class Counsel will also request approval of a service award of up to \$2,500 for Plaintiff Winston Fernandez. Any amount that the Court awards for attorneys' fees, costs, expenses, and incentive awards will be paid separately by AUS and will not reduce the amount of payments to Settlement Class Members who submit valid claims.

## **OBJECTING TO THE SETTLEMENT**

You can tell the Court that you do not agree with the Settlement or some part of it.

### **18. How do I tell the Court that I do not like the Settlement?**

You can object to the Settlement if you do not like it or some part of it. The Court will consider your views. To do so, you must file a written objection in this case, Case No. BUR L 000674-24 captioned as *Winston Fernandez, on behalf of himself and all others similarly situated v. AUS, Inc.*, with the Clerk of the Court at the address below.

Your objection must include all of the following information: (i) your full name, address, telephone number, and e-mail address (if any); (ii) information identifying you as a Settlement Class Member; (iii) a written statement of all grounds for the objection; (iv) the identity of all counsel representing you; (v) a statement whether you and/or your counsel will appear at the Final Fairness Hearing; (vi) your signature and the signature of your duly authorized attorney or other duly authorized representative, if applicable; and, (vii) a list of all other cases in which you have filed an objection to any proposed class action settlement within the last 3 years.

Your objection must be **postmarked** no later than **January 27, 2025** to:

Clerk of Court  
49 Rancocas Road  
Mount Holly, New Jersey 08060

In addition, you must **mail** a copy of your objection and any supporting documents to the Claims Administrator at the address listed below postmarked no later than **January 27, 2025**:

AUS, Inc. Data Incident Settlement  
c/o Atticus Administration  
PO Box 64053  
Saint Paul, MN 55164

You must **also mail** a copy of your objection and any supporting documents to Settlement Class Counsel and Counsel for AUS, postmarked no later than **January 27, 2025**:

**Settlement Class Counsel**

Gary M. Klinger  
**MILBERG COLEMAN BRYSON  
PHILLIPS GROSSMAN, PLLC**  
227 West Monroe Street, Suite 2100,  
Chicago, Illinois 60606

**Defendant's Counsel**

Jill H. Fertel  
**CIPRIANI & WERNER PC**  
450 Sentry Parkway  
Suite 200  
Blue Bell, PA 19422

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

Objecting is telling the Court that you do not like the Settlement and why you do not think it should be approved. You can object only if you do not exclude yourself from the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

**THE COURT'S FAIRNESS HEARING**

The Court will hold a hearing to decide whether to grant final approval of the Settlement.

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

The Court will hold a Fairness Hearing on March 3, 2025. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check the Settlement Website, [www.AUSDataSettlement.com](http://www.AUSDataSettlement.com) or call 1-888-816-4525 to ensure the hearing has not been moved.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are timely objections, the Court will consider them and may listen to people who have asked to speak at the hearing if such a request has been properly made. The Court will also rule on the request for an award of attorneys' fees and reasonable costs and expenses, as well as the request for a service award for the Class Plaintiff. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take so please be patient and continue to check the Settlement Website for updates.

**21. Do I have to attend the hearing?**

No. Class Counsel will present the Settlement Agreement to the Court. You or your own lawyer are welcome to attend at your expense, but you are not required to do so. If you send an objection, you do not have to come to the Court to talk about it. As long as you filed your written objection

on time with the Court and mailed it according to the instructions provided in Question 18, the Court will consider it.

### **22. May I speak at the hearing?**

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You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must file an objection according to the instructions in Question 18, including all the information required.

Your Objection must be **filed** with the Clerk of the Court no later than **January 27, 2025**. In addition, you must **mail** a copy of your objection to the Claims Administrator, **PO Box 64053, Saint Paul, MN 55164**, postmarked no later than **January 27, 2025**. See Question 18 for more information regarding objections.

## **IF YOU DO NOTHING**

### **23. What happens if I do nothing?**

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If you do nothing, you will get no monetary benefits from this Settlement and you will not have the opportunity to enroll in the credit monitoring service, if the Settlement is finally approved. Once the Settlement is granted final approval and the judgment becomes final, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against AUS related to the legal issues in this case, ever again.

You must exclude yourself from the Settlement if you want to retain the right to sue AUS for any of the claims resolved by this Settlement.

## **GETTING MORE INFORMATION**

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

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This Notice only provides a summary of the proposed Settlement. Complete details about the Settlement can be found in the Settlement Agreement available at [www.AUSDataSettlement.com](http://www.AUSDataSettlement.com).

You may also:

1. Write to: AUS, Inc., Data Incident Settlement, c/o Atticus Administration, PO Box 64053, Saint Paul, MN 55164.
2. Visit the Settlement Website at [www.AUSDataSettlement.com](http://www.AUSDataSettlement.com).
3. Call the toll-free number 1-888-816-4525.