

ESSEX COUNTY MASSACHUSETTS SUPERIOR COURT

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 (the “Settlement”) reached in a lawsuit entitled *Anastos v. The Lyon Waugh Auto Group*, No. 2277cv00245-A, pending in the Essex County Massachusetts Superior Court (“Lawsuit”). For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.Lwagbreachsettlement.com, or by contacting the Settlement Administrator at 1-888-792-0229.

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 in or about December 2021, The Lyon Waugh Auto Group (“Defendant”) was the victim of a cyberattack resulting in the disclosure of personally-identifiable information (“PII”), including Social Security Numbers and other information (the “Incident”). Defendant 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 Defendant has violated any laws.
- If you are a person who lives in Massachusetts, were a customer of one of Defendant’s Massachusetts Dealerships, or were employed at or are a beneficiary of a person employed at a Massachusetts Dealership, as to whom PII was exposed to cybercriminals in the Incident, and the PII exposed to cybercriminals included a Social Security Number, you are a Class Member.
- **The Settlement provides a \$30 Cash Payment to Each Class Member Who Submits a Timely Cash Payment Claim Form by no later than August 12, 2023.**
- **In addition, Class Members are eligible for the Settlement Offering, which is credit monitoring and identity theft insurance from IDX, by going to <https://app.idx.us/account-creation/protect> or calling 1-866-329-9984 and following the additional enrollment instructions to activate the plan as instructed. Enrollment will require an activation code that has separately been mailed to you. If you cannot locate that code, you can request information on how to obtain it by calling the number listed above.**
- **In addition, after the Settlement becomes effective (the “Effective Date”), Class Members who elect to receive and are enrolled in the Settlement Offering may also seek reimbursement of up to \$3,750 (capped at \$365,000 for all Class Members) for documented Economic Losses that Class Members suffered as a result of the Incident that have not been reimbursed. To be eligible for reimbursement, you must submit sufficient evidence of your economic loss and satisfy additional requirements. The deadline to submit a claim will be two years after the Effective Date.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

<p>SUBMIT A CLAIM FORM FOR \$30 CASH PAYMENT</p> <p>DEADLINE: AUGUST 12, 2023</p>	<p>This is the only way for Class Members to receive a \$30 Cash Payment from the Settlement. No documentation of any losses is required to receive this payment. All Class Members are entitled to this payment upon submission of a timely Cash Payment Claim Form, regardless of whether the Class Member enrolls in the Settlement Offering or submits an Economic Loss Claim Form.</p>
<p>ENROLL IN THE SETTLEMENT OFFERING AND BE ELIGIBLE TO CLAIM ECONOMIC LOSS REIMBURSEMENT</p> <p>DEADLINE: MAY 2, 2024</p>	<p>This is the only way for Class Members to enroll in the Settlement Offering of credit monitoring and identity theft insurance paid for by Defendant, and to be eligible to submit a claim for Economic Losses not covered by the Settlement Offering. Class Members can enroll in the Settlement Offering by visiting https://app.idx.us/account-creation/protect or calling 1-866-329-9984 and providing the unique enrollment code that has been separately mailed to you. If you cannot locate that code, you can request information on how to obtain it by calling the number listed above. You may do so regardless of whether you submit a Claim for Cash Payment.</p> <p>After the Effective Date, Class Members who have timely enrolled in the Settlement Offering will be eligible to request reimbursement of Economic Losses related to the Incident that are not covered by insurance available in the Settlement Offering by submitting an Economic Loss Claim Form, plus required documentation, within two years after the Effective Date of the Settlement.</p>
<p>DO NOTHING</p>	<p>If you are a Class Member and do not submit a Claim Form or enroll in the Settlement Offering, you will not receive anything from the Settlement (except extension of IDX services, if you previously enrolled in the original offer made by Defendant), and you will not be able to sue, continue to sue, or be part of another lawsuit against Defendant about the legal claims resolved by this Settlement.</p>
<p>OBJECT</p> <p>DEADLINE: JUNE 1, 2023</p>	<p>You may object to the Settlement or to Class Counsel’s or the Class Representatives’ requests for Class Counsel fees or service awards, respectively.</p>
<p>GO TO A HEARING ON JULY 13, 2023</p>	<p>You may object to the Settlement and ask the Court permission to speak at the Final Approval Hearing about your objection.</p>

- 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.

QUESTIONS? READ ON AND VISIT WWW.LWAGBREACHSETTLEMENT.COM

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BASIC INFORMATION

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 Essex County Massachusetts Superior Court is overseeing this action, which is known as *Anastos v. The Lyon Waugh Auto Group*, No. 2277cv00245-A (the "Action"). The person that filed the lawsuit is called the "Plaintiff." The "Defendant" is Lyon Waugh Auto Group, an unincorporated group of automobile dealerships that includes certain dealerships located in Massachusetts (the "Massachusetts Dealerships").

What is this lawsuit about?

The lawsuit alleges that in or about December 2021, Defendant was the victim of a cyberattack resulting in the disclosure of personal information, including Social Security Numbers (the "Incident").

Plaintiff claims that Defendant did not adequately protect personal information, and that as a result of the Incident people were harmed. Defendant 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.

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 Plaintiff (the Class Representative here), together with the people they represent, are called Class Members. One court resolves the issues for all Settlement Class Members. In this case, the Class Representative is Michael Anastos.

Why is there a Settlement?

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

WHO IS IN THE SETTLEMENT

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 live in Massachusetts, were customers of a Massachusetts Dealership, or were employed at or are beneficiaries of persons employed at a Massachusetts Dealership, as to whom PII was exposed to cybercriminals in the Incident and the PII exposed to cybercriminals included such person's Social Security Number.

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, 1-888-792-0229. You also may write with questions to: *Anastos v. The Lyon Waugh Auto Group* Settlement Administrator, P.O. Box 6177, Novato, CA 94948-6177 or go to www.Lwagbreachsettlement.com.

THE SETTLEMENT BENEFITS

What benefits does the Settlement provide?

Each Class Member who submits a valid, timely Cash Payment Claim Form and/or Economic Loss Claim Form is eligible to receive: (a) a \$30 cash payment; (b) free identity theft protection services for 3 years (including credit monitoring and \$1 million in identity theft insurance); and (c) reimbursement of Economic Losses fairly traceable to the Incident up to \$3,750 per Class Member, capped at \$365,000 in the aggregate, upon appropriate documentation. In addition, LWAG has agreed to pay attorneys' fees and expenses of up to \$247,000 and a service award to the Plaintiff of \$3,000, subject to Court approval.

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

Tell me more about the Cash Payment.

Cash Payment.

All Class Members are eligible for a \$30 Cash Payment by submitting a Cash Payment Claim Form by August 12, 2023. No documentation or proof of loss is required for this benefit, and Class Members do not need to sign up for the Settlement Offering to receive a Cash Payment.

Tell me more about enrollment in the credit monitoring and identity theft insurance.

Class Members can enroll in the following IDX credit monitoring and identity theft insurance of at least \$1,000,000:

Identity Theft Protection.

Class Members shall have the option, at no cost to them, to sign up for credit monitoring and identity theft insurance of at least \$1,000,000 offered by the Settlement ("Settlement Offering"). If a Settlement Class Member elects to utilize the Settlement Offering, he or she must make that election by May 2, 2024 by visiting <https://app.idx.us/account-creation/protect> or calling 1-866-329-9984 and providing the unique enrollment code that has been separately mailed to you. If you cannot locate that code, you can request information on how to obtain it by calling the number listed above.

Tell me more about reimbursement of economic costs.

Reimbursement of Documented Economic Losses. Beginning on the Effective Date, and continuing for the next two years after the Effective Date, any Class Member may submit one or more Claims for reimbursement for documented Economic Losses related to the Incident that have not been reimbursed, up to an aggregate total of \$3,750 per Class Member (subject to a cap of \$365,000 for all Class Members), provided, however, that no Class Member may submit an Economic Loss Claim Form unless said Settlement Class Member has first elected to receive and enrolled in the Settlement Offering, submitted a claim to IDX and been denied, and the Class Member has exhausted the vendor's claims process. Claims may be submitted electronically or in paper format. Any Class Member whose Economic Loss Claim is rejected for failure to submit a claim within the vendor's required time period may not submit a Claim for reimbursement under this process. If a Settlement Class Member submitted a timely Economic Loss Claim and the vendor denied the claim for failure to provide sufficient supporting materials, then the loss may not be claimed for reimbursement hereunder.

Class Members who wish to make a timely and properly supported Claim for reimbursement of Economic Losses related to the Incident 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) documentation showing that the claim was submitted to IDX, denied by IDX, and that the IDX claims process was exhausted; and (e) a statement signed under penalty of perjury indicating that: (i) the Economic

Losses claimed are fairly traceable to the Data Breach; and (ii) 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.

HOW TO GET SETTLEMENT BENEFITS

How can I claim the \$30 Cash Payment?

To claim the \$30 Cash Payment, you must complete a Cash Payment Claim Form with your name and address by no later than August 12, 2023. You can submit a Cash Payment Claim Form online by visiting www.Lwagbreachsettlement.com or you can obtain a paper copy by calling 1-888-792-0229.

How can I enroll in the credit monitoring and identity theft insurance plan?

To receive the Settlement Offering, Settlement Class Members must go to <https://app.idx.us/account-creation/protect> or calling 1-866-329-9984 and provide the unique enrollment code that has been separately mailed to you. If you cannot locate that code, you can request information on how to obtain it by calling the number listed above and complete the enrollment form.

How do I obtain reimbursement of economic costs related to the Incident?

For reimbursement of documented Economic Losses related to the Incident that have not been reimbursed, up to an aggregate total of \$3,750 in reimbursement per Class Member, you must elect to receive and enroll in the Settlement Offering, submit a claim to IDX and be denied, exhaust IDX's claims process, and complete and submit an Economic Loss Claim Form(s) and provide documentation proving the economic costs as described above. You can get the Economic Loss Claim Form at www.Lwagbreachsettlement.com or by calling 1-888-792-0229. For each Economic Loss 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 the two year anniversary of the Effective Date, to:

Anastos v. The Lyon Waugh Auto Group
Settlement Administrator
P.O. Box 6177
Novato, CA 94948-6177

If you have questions about how to file a claim, call 1-888-792-0229 or go to www.Lwagbreachsettlement.com.

When will I receive payment under the Settlement?

If you file a timely and valid Claim Form and submit required documentation, 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 15 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.

What am I giving up as part of the Settlement?

If the Settlement is approved, you cannot sue Defendant or be part of any lawsuit against Defendant about any of the issues in this Action. All of the decisions by the Court will bind you. The specific claims you are giving up are described in Paragraphs 25 and 26 of the Settlement Agreement.

The Settlement Agreement is available at www.Lwagbreachsettlement.com or by calling 1-888-792-0229. 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

Do I have a lawyer in the case?

Yes, you do have a lawyer in the case. The Court appointed the law firms of Branstetter, Stranch & Jennings, PLLC; Cohen & Malad, LLP; Turke & Strauss LLP; and Sugarman, Rogers, Barshak & Cohen, P.C., to represent you and the Class. These firms are called “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.

How will the lawyers be paid?

Class Counsel will ask the Court for Defendant to pay for reasonable attorneys’ fees and expenses of \$247,000, and a Class Representative service award of \$3,000. The Court will decide the amount of attorneys’ fees, expenses, and service award. Any attorneys’ fees, expenses, and service awards approved will be paid by Defendant in addition to all of the other benefits of the Settlement.

OBJECTING TO THE SETTLEMENT

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

If you are a Class Member, you can object to or comment on the Settlement, Class Counsel’s request for attorneys’ fees and expenses, and/or the Settlement Class Representative’s request for a service award. 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 email 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;
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 (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 to the Court either by: (a) mailing it to the Clerk for Civil Business, Essex County Superior Court, 56 Federal St., Salem, MA 01970, or; (b) filing the objection in person at the same location. Mailed objections must be filed or postmarked on or before the Objection Deadline, which is June 1, 2023 .

FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing at 2:30 p.m. on July 13, 2023, at the Essex County Superior Court, 56 Federal St., Salem, MA 01970. 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 awards. 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.Lwagbreachsettlement.com to confirm the date of the Final Approval Hearing.

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 wish. If you submit a written objection, you do not have to come to the Final Approval 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.

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.

IF YOU DO NOTHING

What happens if I do nothing at all?

If you are a Class Member and you do nothing, you will be legally bound by the Settlement, but you will not receive the Settlement Offering, Cash Payment, or reimbursement for Economic Losses related to the Incident. You will not be able to bring a lawsuit, continue a lawsuit, or be a part of any other lawsuit against Defendant about the claims in this case.

If you would like to request benefits under the Settlement, you must follow the instructions described in the sections above to claim those benefits.

GETTING MORE INFORMATION

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.Lwagbreachsettlement.com. You also may write with questions to the Settlement Administrator, at admin@Lwagbreachsettlement.com or *Anastos v. The Lyon Waugh Auto Group* Settlement Administrator, P.O. Box 6177, Novato, CA 94948-6177. You can access the Claim Form and Economic Loss Claim Form and review additional documents on the Settlement Website. You can also request to receive Claim Forms, a copy of the Settlement Agreement, and a detailed Notice by mail by calling the toll-free number, 1-888-792-0229.