

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

Superior Court of Washington for King County  
*Molinari et al. v. Welfare & Pension Administration Service, Inc.*  
Case No. 22-2-04023-8 SEA

**IF YOUR PERSONAL INFORMATION WAS POTENTIALLY IMPACTED BY A CYBERSECURITY INCIDENT THAT AFFECTED WELFARE & PENSION ADMINISTRATION SERVICE ON OR AROUND JULY 21, 2021, 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 Welfare & Pension Administration Service, Inc. (“WPAS” or “Defendant”) in a class action lawsuit about a cybersecurity incident that occurred on or around July 21, 2021.
- The Lawsuit is captioned *Molinari et al. v. Welfare & Pension Administration Service, Inc.*, Case No. 22-2-04023-8 SEA (the “Action”), pending in the Superior Court of Washington for King County. WPAS 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 who participated in funds or trusts managed by WPAS, whose Private Information was potentially compromised as a result of the Data Security Incident experienced by WPAS on or around July 21, 2021.
- Your rights are affected whether you act or don’t act. Please read this Notice carefully.

Questions? Call (833) 522-4472 Toll-Free or Visit [www.wpasdatabreachsettlement.com](http://www.wpasdatabreachsettlement.com)

<b>SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>		<b>DEADLINE</b>
<b>SUBMIT A CLAIM</b>	The only way to receive cash and other benefits from this Settlement is by submitting a valid and timely Claim Form.  You can submit your Claim Form online at <b>www.wpasdatabreachsettlement.com</b> or download the Claim Form from the Settlement Website and mail it to the Claims Administrator. You may also call or email the Claims Administrator to receive a paper copy of the Claim Form.	<b>September 18, 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.	<b>August 19, 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>August 19, 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 Superior Court of Washington for King County is overseeing this class action. The Lawsuit is captioned *Molinari et al. v. Welfare & Pension Administration Service, Inc.*, Case No. 22-2-04023-8 SEA. The people that filed this Lawsuit are called the “Plaintiffs” and the company they sued, Welfare & Pension Administration Service, Inc., is called the “Defendant.”

### 2. What is this Lawsuit about?

This Lawsuit alleges that Private Information was impacted by the cybersecurity incident that WPAS experienced on or around July 21, 2021 (“Data 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 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 opt out from a settlement. In this Settlement, the Class Representatives are Candy Molinari and Mikhail Kholyusev.

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## 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 receive payments. The Plaintiffs and their attorneys 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 residing in the United States who participated in funds or trusts managed by WPAS, whose Private Information was potentially compromised as a result of the Data Security Incident.

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

Yes. Excluded from the Settlement Class are (i) WPAS; (ii) the Related Entities; (iii) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (iv) any judges assigned to this case and their staff and family; and (v) 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 that resulted in the Data 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 emailing or writing to Claims Administrator at:

*Claims Administrator – 83053, c/o Kroll Settlement Administration, PO Box 225391, New York, NY 10150-5391*

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

## THE SETTLEMENT BENEFITS

### 7. What does the Settlement provide?

Under the Settlement, WPAS will pay at least \$1,000,000, and up to \$1,750,000, for valid and timely claims for Extraordinary Losses, Out-of-Pocket Losses, Lost Time, Credit Monitoring, and Alternative Cash payment, as well as attorneys’ fees and expenses, Class Representative Service Awards, and Claims Administration costs.

Questions? Call (833) 522-4472 Toll-Free or Visit [www.wpasdatabreachsettlement.com](http://www.wpasdatabreachsettlement.com)

## 8. How much will my payment be?

Payments will vary - Settlement Class Members may submit a Claim Form for: (1) Extraordinary Loss Claims – up to a total of \$5,000 per claimant; (2) Out-of-Pocket Loss Claims – up to a total of \$500 per claimant; (3) Lost Time - \$25 per hour for up to 4 hours (for a total of \$100); (4) Credit Monitoring – Settlement Class Members can enroll in 2 years of credit monitoring services; or (5) In the alternative to claiming Extraordinary Loss, Out-of-Pocket Loss, Lost Time, or Credit Monitoring, Settlement Class Members can make a claim for a \$50 Alternative Cash Payment.

**Extraordinary Loss Claims** must be supported with documentation and must show that: (1) The loss is an actual, documented, and unreimbursed monetary loss arising from identity theft, fraud, or similar misuse; (2) the loss was more likely than not caused by the Data Security Incident; (3) the loss occurred between July 21, 2021 and September 18, 2024; and (4) the loss is not already covered by the Out-of-Pocket Loss or Lost Time reimbursement categories, and the Settlement Class Member made reasonable efforts to avoid, or seek reimbursement for, the loss, including but not limited to exhaustion of all available credit monitoring insurance and identity theft insurance.

**Ordinary Loss Claims** must be supported with documentation demonstrating out-of-pocket costs and expenditures that a Settlement Class Member actually incurred that are fairly traceable to the Security Incident, and that have not already been reimbursed by a third party, such as professional fees including attorneys' fees, accountants' fees, fees for credit repair services, costs associated with freezing or unfreezing credit, bank fees, long distance phone charges, cell phone charges (only if charged by the minute), data charges (only if charged based on the amount of data used), postage, gasoline for local travel; fees for credit reports, credit monitoring, or other identity theft insurance product purchased between July 21, 2021, and September 18, 2024. This list of reimbursable documented out-of-pocket expenses is not meant to be exhaustive, rather it is exemplary.

**Lost Time Claims** must be attested to and are capped at \$25/hour for up to four hours, with an attestation that the claimed time was spent responding to issues raised by the Data Security Incident.

**Credit Monitoring Services.** Settlement Class Members shall have the ability to make a claim for 2 years of credit monitoring and identity theft protection services with \$1,000,000 in insurance by choosing this benefit on this Claim Form.

**Alternative Cash Payment:** In the alternative to claiming Extraordinary Loss, Ordinary Loss, Lost Time, or Credit Monitoring, Settlement Class Members can make a claim for a \$50 Alternative Cash Payment.

Claims for Extraordinary Losses, Ordinary Losses, Lost Time, and Alternative Cash Payments are subject to a *pro rata* increase or decrease based on the number of claims made.

Questions? Call (833) 522-4472 Toll-Free or Visit [www.wpasdatabreachsettlement.com](http://www.wpasdatabreachsettlement.com)

## 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 “Release” 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.wpasdatabreachsettlement.com](http://www.wpasdatabreachsettlement.com).

## HOW TO GET A PAYMENT - MAKING A CLAIM

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

You may file a claim if you are an individual who resides in the United States and who participated in funds or trusts managed by WPAS whose Private Information was potentially compromised as a result of the Data Security Incident.

Claim Forms may be submitted online at [www.wpasdatabreachsettlement.com](http://www.wpasdatabreachsettlement.com) or printed from the Settlement Website and mailed to the Claims Administrator at: Claims Administrator – 83053, c/o Kroll Settlement Administration, PO Box 225391, New York, NY 10150-5391

You may also contact the Claims Administrator to request a Claim Form by telephone (833) 522-4472, 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 **September 18, 2024**. If submitting a Claim Form online, you must do so by **September 18, 2024**.

## 12. When will I get my payment?

The Court is scheduled to hold a Final Approval Hearing on **September 20, 2024** at **9:00 AM PT** 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 to each Class Representative 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.

Questions? Call (833) 522-4472 Toll-Free or Visit [www.wpasdatabreachsettlement.com](http://www.wpasdatabreachsettlement.com)

## THE LAWYERS REPRESENTING YOU

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

Yes, the Court appointed the law firms of Stranch, Jennings & Garvey, PLLC, Cohen & Malad, LLP, Turke & Strauss, and Levi & Korinsky, LLP 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 the Settlement Fund (subject to Court approval). If you want to be represented by your own lawyer, you may hire one at your own expense.

### 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 WPAS from the Settlement Fund. WPAS has agreed not to oppose Settlement Class Counsel’s request for an award of attorneys’ fees and costs not to exceed Five Hundred Eighty-Three Thousand Three Hundred Thirty-Three and 33/100 Dollars (\$583,333.33). If Settlement Class Counsel seeks more than \$583,333.33 in attorneys’ fees and costs, WPAS 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. WPAS has agreed not to oppose Settlement Class Counsel’s request for Service Awards not to exceed Three Thousand Five Hundred Dollars and Zero Cents (\$3,500.00) per representative, for a total of Seven Thousand Dollars and Zero Cents (\$7,000.00). To the extent more than \$3,500.00 in Service Awards is sought for each Class Representative (\$7,000 total), WPAS 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, if any, 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 **August 19, 2024**.

Questions? Call (833) 522-4472 Toll-Free or Visit [www.wpasdatabreachsettlement.com](http://www.wpasdatabreachsettlement.com)

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

- your full name;
- current address and telephone number;
- personal signature; and
- the words “Opt-Out Request” or a comparable statement that you do not wish to participate in the Settlement at the top of the communication.

Your request for exclusion must be mailed to the Claims Administrator at the address below, postmarked no later than **August 19, 2024**.

*Claims Administrator - 83053*  
ATTN: Opt-Out Request  
PO Box 225391  
New York, NY 10150-5391

If you exclude yourself, you are telling the Court that you do not want to be part of the Settlement. You will not be eligible to receive a payment or any other benefits under the Settlement if you exclude yourself. 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. You can give reasons why you think the Court should not approve the Settlement.

For an objection to be considered by the Court, the objection shall: (i) state the objecting Settlement Class Member’s full name, current address, telephone number, and email address (if any); (ii) contain the objecting Settlement Class Member’s original signature; (iii) set forth information identifying the objector as a Settlement Class Member, including proof that the objector is within the Settlement Class (e.g., copy of the Notice or copy of original notice of the Data Security Incident); (iv) set forth a statement of all grounds for the objection, including any legal support for the objection that the objector believes applicable; (v) identify all counsel representing the objector; (vi) state whether the objector and/or his or her counsel will appear at the Final Approval Hearing, and; (vii) contain the signature of the objector’s duly authorized attorney or other duly authorized representative (if any), along with documentation setting forth such representation.

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

Questions? Call (833) 522-4472 Toll-Free or Visit [www.wpasatabreachsettlement.com](http://www.wpasatabreachsettlement.com)



Objections must be filed with the Court by mailing to all the addresses listed below no later than **August 19, 2024**.

Clerk of the Court:

King County Courthouse  
516 Third Avenue, Rm E-609  
Seattle, WA 98104

Settlement Class Counsel:

Lynn A. Toops  
COHEN & MALAD, LLP  
One Indiana Square, Suite 1400  
Indianapolis, Indiana 46204

J. Gerard Stranch, IV  
STRANCH, JENNINGS & GARVEY, PLLC  
The Freedom Center  
223 Rosa L. Parks Avenue, Suite 200  
Nashville, Tennessee 37203

WPAS Counsel:

Spencer Persson  
Davis Wright Tremaine LLP  
865 South Figueroa Street, Suite 2400  
Los Angeles, CA 90017

## 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 is opting out and stating to the Court that 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 **September 20, 2024 at 9:00 AM PT**, at the King County Courthouse, 516 Third Ave., Seattle, WA, 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

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or your attorney may ask permission to speak at the hearing at your own cost. The date and time of this hearing may change without further notice. Please check [www.wpasdatabreachsettlement.com](http://www.wpasdatabreachsettlement.com) for updates.

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

No. 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 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 the rights explained in **Question 9**, including 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 not 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.wpasdatabreachsettlement.com](http://www.wpasdatabreachsettlement.com).

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

Toll-Free: **(833) 522-4472**

Mail: Claims Administrator – 83053, c/o Kroll Settlement Administration, PO Box 225391, New York, NY 101050-5391

Publicly filed documents can also be obtained by visiting the office of the Clerk of the King County Superior Court or by reviewing the Court's online docket.

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

Questions? Call (833) 522-4472 Toll-Free or Visit [www.wpasdatabreachsettlement.com](http://www.wpasdatabreachsettlement.com)