

Notice of Proposed Class Action Settlement

*This is not an advertisement or a solicitation from a lawyer.
A federal court authorized this Notice.*

If Joy Cone Co. notified you of a Data Security Incident, you may be eligible for benefits from a class action settlement.

This Notice summarizes the proposed settlement reached in a class action lawsuit entitled *Currie v. Joy Cone Co.*, Case No. 2:23-cv-00764 pending in the United States District Court for the Western District of Pennsylvania (“Lawsuit”). For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.JoyConeDataSettlement.com or by contacting the Settlement Administrator at 1-888-999-3721.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

This Notice explains the nature of the Lawsuit and claims being settled, your legal rights, and the benefits to the Settlement Class.

This Notice may affect your rights – please read it carefully.

What is this Notice about? A proposed settlement was reached in the Lawsuit. You may be eligible to get benefits. This Notice may affect your legal rights. Please read it carefully.

What happened? In February 2023, Joy Cone Co. (“Joy Cone”) experienced a data security incident that potentially exposed the personally identifiable information (“PII”)—including the names and Social Security numbers—of Joy Cone’s current and former employees (the “Data Security Incident”). Subsequently, the Lawsuit was filed. Joy Cone disagrees with the claims in the Lawsuit, maintains that it has strong legal defenses, and has not admitted to any wrongdoing. But to resolve the Lawsuit, Joy Cone has agreed to this proposed settlement.

Am I part of the Settlement? You are a Settlement Class Member if Joy Cone has identified you as someone whose PII was compromised in the Data Security Incident.

What can I get from the Settlement? The proposed settlement provides the following benefits:

- **Extraordinary losses:** up to \$4,500 per person for documented extraordinary losses.
- **Ordinary losses:** up to \$500 per person for documented ordinary losses, including lost time.
- **Lost time:** up to \$80 per person for time spent dealing with the Data Security Incident (maximum of four hours at \$20 per hour).
- **Credit monitoring:** two years of credit monitoring and at least \$1,000,000 in identity theft protection insurance.
- **Alternative cash payment:** a one-time \$50 payment *instead* of the other benefits listed above. If you choose this cash payment, you *cannot* get credit monitoring or money for extraordinary losses, ordinary losses, or lost time.

YOUR LEGAL RIGHTS & OPTIONS IN THIS SETTLEMENT	
(1) Submit a Claim	<p>You must submit a valid claim to get any benefits from this Settlement.</p> <p>There are two ways to submit a claim. First, you can submit a claim by mail—but it must be postmarked by October 23, 2024. Second, you can submit a claim on www.JoyConeDataSettlement.com—but you must do so by October 23, 2024.</p>
(2) Do Nothing	<p>If you do nothing, you will remain in the Settlement but you will <i>not</i> get any benefits.</p> <p>You will give up your right to sue on your own and you will not get any money or credit monitoring.</p>
(3) Exclude Yourself	<p>If you want to keep your right to file suit regarding the claims in this Lawsuit, then you can exclude yourself from this Settlement. But if you do so, then you <i>cannot</i> get benefits from the Settlement. To exclude yourself, you must do so by October 23, 2024.</p>
(4) Object	<p>If you want to stay in the Settlement—but want to tell the Court why you think the Settlement should <i>not</i> be approved—then you can submit an objection. Objections must be submitted by October 23, 2024. The Court will hold a Final Fairness Hearing on October 23, 2024 to consider if the proposed settlement is fair, reasonable, and adequate, to consider an award of Attorneys’ Fees of \$100,000 and reasonable expenses up to \$15,000, to consider a request for a service award of \$2,500 for the Class Representative, and to consider if the Settlement should be approved. You may attend the hearing, but you don’t have to.</p>

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BASIC INFORMATION

1. How do I know if I am affected by the Lawsuit and Settlement?

You are a Settlement Class Member if Joy Cone has identified you as someone whose PII was compromised in the Data Security Incident that occurred in February 2023.

The Settlement Class specifically excludes: (i) Joy Cone; (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 occurrence of the Data Security Incident or who pleads *nolo contendere* to any such charge.

This Notice explains the nature of the lawsuit and claims being settled, your legal rights, and the benefits to the Settlement Class.

2. What is this case about?

This case is known as *Currie v. Joy Cone Co.*, Case No. 2:23-cv-00764, filed in the United States District Court for the Western District of Pennsylvania. The person who sued is called the “Plaintiff” and the company he sued, Joy Cone, is known as the “Defendant” in this case. Joy Cone will be called “Defendant” in this Notice.

Plaintiff filed the Lawsuit against Defendant, individually, and on behalf of anyone whose personally identifiable information (“PII”) was potentially impacted as a result of the Data Security Incident.

This Lawsuit arises out of the February 27, 2023, unauthorized access to Defendant’s systems and certain files containing sensitive information about Defendant’s current and former employees, including, but not limited to, names and Social Security numbers (the “Data Security Incident”).

After learning of the Data Security Incident, Defendant mailed notification to persons whose PII may have been impacted by the Data Security Incident on February 27, 2023. Subsequently, this Lawsuit was filed asserting claims against Defendant relating to the Data Security Incident.

Defendant denies any wrongdoing.

3. Why is there a settlement?

By agreeing to settle, both sides avoid the cost, disruption, and distraction of further litigation. The Class Representative, Defendant, and their attorneys believe the proposed settlement is fair, reasonable, and adequate and, thus, in the best interests for Settlement Class Members. The Court did not decide in favor of the Plaintiff or Defendant. Full details about the proposed settlement are found in the Settlement Agreement available at www.JoyConeDataSettlement.com.

4. Why is this a class action?

In a class action, one or more people called a “Class Representative” sue on behalf of all people who have similar claims. All of these people together are the “Settlement Class” or “Settlement Class Members.”

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

You are included in the Settlement if Joy Cone identified you as being among those individuals impacted by the Data Security Incident. If you are not sure whether you are included as a Settlement Class Member, or have any other questions about the Settlement, visit www.JoyConeDataSettlement.com, call toll-free at 1-888-999-3721, or write to:

Joy Cone Claims Administrator
c/o Atticus Administration
PO Box 64053
Saint Paul, MN 55164

THE SETTLEMENT BENEFITS

6. What does this Settlement provide?

The proposed settlement will provide the following benefits to Settlement Class Members:

Expense Reimbursement

Documented Ordinary Loss Expense Reimbursement: All Settlement Class Members who submit a valid claim using the Claim Form are eligible for the following documented ordinary loss expense reimbursement, up to \$500 per person with third-party documentation. Ordinary Losses would include, without limitation and by way of example, lost

time (explained below), 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. To receive reimbursement for any of the above-referenced documented ordinary loss expenses, Settlement Class Members must submit a valid and timely Claim Form, including necessary supporting documentation, to the Claims Administrator.

Lost Time Reimbursement: Settlement Class Members are eligible to receive reimbursement for up to four (4) hours of lost time spent dealing with the Data Security Incident (calculated at the rate of \$20 per hour), for up to \$80 per Settlement Class Member. Settlement Class Members may receive reimbursement for lost time if the Settlement Class Member attests that they spent the claimed time responding to issues raised by the Data Security Incident. Claims made for lost time can be combined with reimbursement for documented ordinary loss expense reimbursement and are subject to the same \$500 cap for all Settlement Class Members.

Documented Extraordinary Loss Reimbursement: Settlement Class Members are also eligible to receive reimbursement for documented extraordinary losses, up to \$4,500 per person with third-party documentation, if: (i) the loss is an actual, documented, and unreimbursed monetary loss stemming from fraud or identity theft; (ii) the loss from fraud or identity theft was more likely than not caused by the Data Breach; (iii) the loss from fraud or identity theft was incurred after the date of the Data Breach; (iv) the loss from fraud or identity theft is not already covered by one or more of the other reimbursement categories; and (v) 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.

Credit Monitoring: All Settlement Class Members can claim a free two-year membership to Experian, which provides 1-bureau credit monitoring, daily credit alerts, online and offline reports, customer and fraud resolution support, and identity theft insurance of \$1 million. A link and enrollment code will be emailed to Settlement Class Members who claim that benefit after final approval. After the Effective Date of the Settlement, Settlement Class Members may use the link and enrollment code provided to activate the credit monitoring. The Settlement Class Member must activate the service within 90 days from the date of final approval. Defendant will pay for the credit monitoring services separate and apart from other settlement benefits.

The maximum amount to be paid by Joy Cone for Loss Reimbursement and Credit Monitoring is capped at no more than \$300,000. In the unlikely event that the total amount of valid and timely claims exceeds \$300,000, payments to Settlement Class Members who make those claims shall be reduced on a *pro rata* basis based on the number of claims made so the total does not exceed the overall \$300,000 aggregate cap.

7. How to submit a claim?

All claims will be reviewed by the Claims Administrator for completeness and plausibility. You must file a Claim Form to get money from the proposed settlement. Claim Forms must be submitted online by October 23, 2024 or postmarked no later than October 23, 2024. You can submit an online claim or download a Claim Form at www.JoyConeDataSettlement.com, or you can call the Claims Administrator toll-free at 1-888-999-3721 for a Claim Form.

8. What am I giving up as part of the Settlement?

If you stay in the Settlement Class, you will be eligible to receive benefits, but you will not be able to sue Joy Cone, its Related Entities, and each of their past or present parents, subsidiaries, divisions, and related or affiliated entities, and each of their respective predecessors, successors, assigns, owners, directors, shareholders, members, officers, employees, principals, agents, attorneys, insurers, and reinsurers (collectively, the “Released Persons”) regarding the claims in this case.

The Settlement Agreement, which includes all provisions about settled claims, releases, and Released Persons, is available at www.JoyConeDataSettlement.com.

The only way to keep the right to sue is to exclude yourself (*see* Question 10), otherwise you will be included in the Settlement Class, and, if the Settlement is approved, you give up the right to sue for the claims in this case.

9. Will the Class Representative receive compensation?

Yes. The Class Representative will request a service award of up to \$2,500 to compensate him for his services and efforts in bringing the lawsuit. The Court will make the final decision as to the amount, if any, to be paid to the Class Representative.

EXCLUDE YOURSELF

10. How do I exclude myself from the Settlement?

If you do not want to be included in the Settlement, you must send a timely written request for exclusion, stating your full name, address, and telephone number. Your request for exclusion must be personally signed by you and contain your original signature (or the original signature of a person previously authorized by law, such as a trustee, guardian, or person acting under power of attorney to act on your behalf with respect to a claim or right, such as those in the Lawsuit). Your request must also clearly manifest your intent to be excluded from the Settlement Class, to be excluded from the Settlement, not to participate in the Settlement, and/or to waive all rights to the benefits of the Settlement.

Your written request for exclusion must be postmarked no later than **October 23, 2024** to:

Joy Cone Claims Administrator
c/o Atticus Administration
PO Box 64053
Saint Paul, MN 55164

Instructions on how to submit a request for exclusion are available at www.JoyConeDataSettlement.com or from the Claims Administrator by calling 1-888-999-3721.

If you exclude yourself, you will not be able to receive any cash benefit or credit monitoring from the Settlement, and you cannot object to the Settlement at the Final Approval Hearing. You will not be legally bound by anything that happens in the Lawsuit, and you will keep your right to sue Defendant on your own for the claims that this Settlement resolves.

11. If I do not exclude myself, can I sue later?

No. If you do not exclude yourself from the Settlement, and the Settlement is approved by the Court, you forever give up the right to sue the Released Persons (listed in Question 8) for the claims this Settlement resolves.

12. What happens if I do nothing at all?

If you do nothing, you will be bound by the Settlement if the Court approves it, you will not get any money or credit monitoring services from the Settlement, you will not be able to start or proceed with a lawsuit, or be part of any other lawsuit against the Released Persons (listed in Question 8) about the settled claims in this case at any time.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in the case?

Yes. The Court has appointed TURKE & STRAUSS, LLP (called “Settlement Class Counsel”) to represent the interests of all Settlement Class Members in this case. 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.

14. How will the lawyers be paid?

Settlement Class Counsel will apply to the Court for an award for Attorneys’ Fees in an amount not to exceed \$100,000 and reasonable expenses up to \$15,000, to be paid by Defendant separate from the Settlement Class benefits. A copy of Class Counsel’s Motion for Attorneys’ Fees, Costs, Expenses, and Service Award for Class Representative will be posted on the Settlement Website, www.JoyConeDataSettlement.com, before the Final Fairness Hearing. The Court will make the final decisions as to the amounts to be paid to Settlement Class Counsel, and may award less than the amount requested by Settlement Class Counsel.

OBJECTING TO THE SETTLEMENT

15. How do I tell the Court that I do not like the Settlement?

If you want to tell the Court that you do not agree with the proposed settlement or some part of it, you must file an objection with the Court telling it why you do not think the Settlement should be approved.

Objections must be submitted in writing and include all the following information:

- a) State the objecting Settlement Class Member’s full name, current address, telephone number, and email address (if any);
- b) Contain the objecting Settlement Class Member’s original signature;
- c) 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);
- d) Set forth a statement of all grounds for the objection, including any legal support for the objection that the objector believes applicable;
- e) Identify all counsel representing the objector;

- f) State whether the objector and/or his or her counsel will appear at the Final Approval Hearing, and;
- g) Contain the signature of the objector’s duly authorized attorney or other duly authorized representative (if any), along with documentation setting forth such representation

Your Objection must be filed with the United States District Court for the Western District of Pennsylvania and include the name of the case: *Currie v. Joy Cone Co.*, Case No. 2:23-cv-00764. If you mail your Objection, it must be postmarked no later than October 23, 2024.

In addition, you must concurrently mail or hand deliver a copy of your objection to Settlement Class Counsel and Defense Counsel, postmarked no later than October 23, 2024.

CLASS COUNSEL	DEFENSE COUNSEL
Raina C. Borrelli TURKE & STRAUSS, LLP 613 Williamson St., Suite 201 Madison, Wisconsin 53703 Telephone: (608) 237-1775 Facsimile: (608) 509-4423 raina@straussborelli.com	Jonathan B. Potts BRYAN CAVE LEIGHTON PAISNER LLP 211 N. Broadway, Suite 3600 St. Louis, MO 63102 Telephone: (314) 259-2403 jonathan.potts@bclplaw.com

In addition, if the objecting Settlement Class Member intends to appear at the Final Approval Hearing, either with or without counsel, he or she must also file with the Court, and mail or hand-deliver to Settlement Class Counsel and Defense Counsel, a notice of appearance no later than October 23, 2024. If the objecting Settlement Class Member intends to appear at the Final Approval Hearing through counsel, the notice of appearance filed with the Court must also:

- a) Identify the attorney(s) representing the objector who will appear at the Final Approval Hearing;
- b) Include each such attorney’s name, address, phone number, email address, state bar(s) to which counsel is admitted, as well as associated state bar numbers;
- c) Include a list identifying all objections each counsel has filed to class action settlements in the past three (3) years, the results of each objection, any court opinions ruling on the objections, and any sanctions issued by a court in connection with objections filed by such attorney; and
- d) If the objecting Settlement Class Member intends to request permission from the Court to call witnesses at the Final Approval Hearing, the objecting Settlement Class Member must provide a list of any such witnesses together with a brief summary of each witness’s expected testimony at least thirty (30) Days before the Final Approval Hearing.

If you do not submit your Objection with all requirements, or if your Objection is not received by October 23, 2024 you will be considered to have waived all objections and will not be entitled to speak at the Final Fairness Hearing.

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

Objecting is simply telling the Court that you don't like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you don't want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

THE FINAL FAIRNESS HEARING

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

The Court will hold the Final Fairness Hearing on December 5, 2024 at 1:00 p.m. via telephonic conference. The hearing may be moved to a different date, time, or location without additional notice, so it is recommended that you periodically check www.JoyConeDataSettlement.com for updated information.

At the hearing, the Court will consider whether the proposed settlement is fair, reasonable, adequate, and is in the best interests of Settlement Class Members, and if it should be finally approved. If there are valid objections, the Court will consider them and will listen to people who have asked to speak at the hearing if the request was made properly. The Court will also consider the award of Attorneys' Fees and expenses to Settlement Class Counsel and the request for a Service Award to the Class Representative.

18. Do I have to come to the hearing?

No. You are not required to come to the Final Approval Hearing. However, you are welcome to attend the hearing at your own expense.

If you submit an Objection, you do not have to come to the hearing to talk about it. If your Objection was submitted properly and on time, the Court will consider it. You also may pay your own lawyer to attend the Final Approval Hearing, but that is not necessary. However, you must follow the requirements for making objections in Question 15, including the requirements for making appearances at the hearing.

19. May I speak at the hearing?

Yes. You can speak at the Final Approval Hearing, but you must ask the Court for permission. To request permission to speak, you must file an objection according to the instructions in Question 15, including all the information required for you to make an appearance at the hearing. You cannot speak at the hearing if you exclude yourself from the Settlement.

DO NOTHING

20. What happens if I do nothing?

If you do nothing, you will not get any money from the Settlement, you will not be able to sue for the claims in this case, and you release the claims against Defendant and the Released Persons described in Question No. 8.

GET MORE INFORMATION

21. How do I get more information about the Settlement?

This is only a summary of the proposed settlement. If you want additional information about this lawsuit, including a copy of the Settlement Agreement, the Complaint, the Court's Preliminary Approval Order, Settlement Class Counsel's Motion for Attorneys' Fees, Costs, Expenses, and Service Award for Class Representative, and more, please visit www.JoyConeDataSettlement.com or call 1-888-999-3721. You may also contact the Claims Administrator at:

Joy Cone Claims Administrator
c/o Atticus Administration
PO Box 64053
Saint Paul, MN 55164

**PLEASE DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT
OR LITIGATION TO THE CLERK OF THE COURT, THE JUDGE, DEFENDANT, OR
DEFENDANT'S COUNSEL.**