

Claim ID: <<Claim Number>>

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## Notice of Artech, LLC Cyber Security Event Class Action Settlement

*Brigid Poling, et al. v. Artech, L.L.C.*

Case No. 3:20-cv-07630-LB

This is a Court-approved Legal Notice. This is not an advertisement.

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### **IMPORTANT INFORMATION – PLEASE READ CAREFULLY**

A Class Action Settlement (“Settlement”) has been proposed in litigation brought by Brigid Poling and Dwight Jenkins on behalf of themselves and all persons similarly situated against Artech, L.L.C. (“Artech”) relating to an attempted ransomware attack on Artech systems that occurred between January 5, 2020 and January 8, 2020 (“Cyber Security Event”). If you were sent a prior notice of the Cyber Security Event by Artech or your name appears on the Settlement Class List prepared in connection with the litigation, and you are a resident of the United States or its territories, or a member of the United States military stationed overseas, you are a “Settlement Class Member.”

This Notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see the settlement agreement available at [www.artechdatasecuritysettlement.com](http://www.artechdatasecuritysettlement.com). The settlement website contains links to the Notice, motions for approval and attorneys’ fees, and other important documents in the case. There is also a live operator available during business hours to answer any questions you may have regarding the Settlement.

You may also access the Court docket in this case, for a fee, through the Court’s Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, 450 Golden Gate Ave., 16<sup>th</sup> Floor, San Francisco, CA 94102, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

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

**What Happened?** Beginning on January 5, 2020 and lasting until January 8, 2020, unauthorized third parties gained access to certain Artech information systems with the apparent intent of conducting a ransomware attack (the “Cyber Security Event”). Within six hours after the Cyber Security Event was detected by Artech IT personnel on January 8, 2020, all Artech information systems were shut down, and critical systems were rebuilt from uncorrupted backup data, which terminated the unauthorized third-parties’ ability to access Artech’s systems. Along with a large volume of other data, the systems affected by the Cyber Security Event contained a number of files with Personal Information associated with approximately 30,000 current and former Artech employees. Subsequent third-party forensic analysis did not reveal evidence that the files containing Personal Information were opened, accessed, or downloaded from Artech’s systems, and Artech has not been made aware of any such evidence to date; however, the files containing Personal Information were accessible to the unauthorized third parties during the Cyber Security Event.

**What Information Was Involved?** Forensic analysis determined that the activities of the unauthorized third parties centered around system architecture and staging for a planned ransomware attack. While the analysis did not reveal evidence that they were opened, accessed, or downloaded, a number of files housed on the affected systems contained Personal Information of current and former Artech employees, including names, addresses, telephone numbers, Social Security numbers, and dates of birth.

Under the terms of the proposed Settlement, Settlement Class Members may submit a claim for credit monitoring/identity theft protection and reimbursement of out-of-pocket expenses fairly traceable to the Cyber Security Event as explained below. **As a Settlement Class Member, if you make a claim, or if you do nothing, you will be releasing all of your legal claims relating to the Cyber Security Event when the Settlement becomes final.**

### **Benefits and Reimbursement Available to Settlement Class Members**

If you are receiving this Notice via U.S. Mail or email directly from Artech Cyber Security Event Settlement Administrator (“Settlement Administrator”), you are a Settlement Class Member. As a Settlement Class Member, you are encouraged to submit a Claim Form according to the requirements and deadlines outlined below. Settlement Class Members whose claims are accepted by the Settlement Administrator become Participating Settlement Class Members, and are eligible for the following categories of benefits and reimbursements:

1. **Credit Monitoring/Identity Theft Protection for Participating Settlement Class Members:** All Participating Settlement Class Members shall have until three (3) months following the Final Approval Hearing to request access to, or extension of their access to, credit monitoring and identity protection services through Kroll paid for by Defendant for a period of three (3) years after their actual enrollment or the Claims Deadline of February 26, 2022, whichever is later.
2. **Tier One Compensation:** Participating Settlement Class Members who have not, as of the time they submit their Claim Form to the Settlement Administrator, submitted evidence that they experienced identity theft or other fraud or misuse of their Personal Information fairly traceable to the Cyber Security Event shall be entitled to receive compensation for lost time of up to three (3) hours at the rate of \$26.67 per hour (not to exceed \$80.00), provided that the claimant submits to the Settlement Administrator documentation or attestation establishing more likely than not as determined by the Settlement Administrator that the time was spent addressing the Cyber Security Event. Tier One Compensation shall not include time spent preparing or submitting Claim Forms or associated documentation.
3. **Tier Two Compensation:** Participating Settlement Class Members who submit a Claim Form showing they have suffered injuries as a result of identity theft or other fraud or misuse of their Personal Information fairly traceable to the Cyber Security Event, and who provide reasonable documentation of unreimbursed Out-of-Pocket Losses in connection with the Cyber Security Event, shall be entitled to receive Tier One Compensation, and in addition cash payments equal to their Out-of-Pocket Losses up to \$10,000.00. Tier Two Compensation shall not include time, costs or losses associated with preparing or submitting Claim Forms or associated documentation. Submitted evidence supporting a Claim for Tier Two Compensation must establish to the satisfaction of the Settlement Administrator that:
  - a. The loss is an actual, documented, and unreimbursed monetary loss as shown by (i) third party documentation supporting the loss; and (ii) a brief description of the documentation describing the nature of the loss, if the nature of the loss is not apparent from the documentation alone. Third-party documentation can include receipts or other documentation not “self-prepared” by the Participating Settlement Class Member that documents the costs incurred. Self-prepared documents such as handwritten receipts are, by themselves, insufficient to receive reimbursement, but can be considered to add clarity or support other submitted documentation.
  - b. The loss was more likely than not caused by identity theft or other fraud or misuse of their Personal Information fairly traceable to the Cyber Security Event.
  - c. The loss occurred after January 5, 2020.
  - d. The Participating 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.

### **How to File a Claim**

To obtain benefits or reimbursement under the Settlement, Settlement Class Members must file a valid and timely Claim Form. You may file a Claim Form in one of two ways:

1. **Submit Online:** You may fill out and submit the Claim Form and provide any necessary documentation online at [www.artechdatasecuritysettlement.com](http://www.artechdatasecuritysettlement.com).
2. **File by Mail:** If you would rather file your claim by mail, you can download a hard copy of the Claim Form at [www.artechdatasecuritysettlement.com](http://www.artechdatasecuritysettlement.com) or request that the Settlement Administrator mail you a hard copy of the Claim Form by calling 888-876-0856 or emailing [info@artechdatasecuritysettlement.com](mailto:info@artechdatasecuritysettlement.com).

Instructions for properly filling out the Claim Form are included with the form, and can be accessed through the settlement website at [www.artechdatasecuritysettlement.com](http://www.artechdatasecuritysettlement.com). If you are making a claim for Tier One Compensation or Tier Two Compensation, the submission of supporting documentation will be required as explained in the instructions.

In order to receive benefits or reimbursements under the Settlement, properly-completed and valid Claim Forms must be postmarked or submitted online to the Settlement Administrator on or before February 26, 2022.

### **How to Opt Out of the Settlement**

Settlement Class Members who do not wish to participate in the Settlement must submit a Request for Exclusion to Artech Cyber Security Event Settlement Administrator, P.O. Box 43501, Providence, RI 02940-3501 delivered or postmarked before January 7, 2022. To be valid, the Request for Exclusion need not be in any particular form, but must include the following:

1. A reference to “Artech Cyber Security Event Class Action Settlement” or similar language identifying the proceeding;
2. The Settlement Class Member’s full name and current address;
3. The Settlement Class Member’s personal signature;
4. The words “Request for Exclusion.”

Settlement Class Members who do not submit a valid and timely Request for Exclusion as outlined above will lose the opportunity to be excluded from the Settlement and will be bound by the Settlement. In addition, Artech has not waived, and shall retain, any and all legal and equitable defenses and arguments with regard to Settlement Class Members who opt out of the Settlement, including, without limitation, any contractual provisions related to arbitration of disputes.

### **How to Object**

Settlement Class Members may object to the Settlement or Fee Application of Class Counsel by filing written objections with the Court on or before January 7, 2022. All objections will be scanned into the electronic case docket, and the parties will receive electronic notices of filings. To be valid, a written objection must include:

1. A reference to “Artech Cyber Security Event Class Action Settlement” or similar language identifying the proceeding;
2. The Settlement Class Member’s full name, current mailing address, and telephone number;
3. A statement of the specific grounds for the objection, as well as any documents supporting the objection;
4. 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;

5. A statement of whether the Settlement Class Member (or his or her attorney) intends to appear at the Final Approval Hearing; and
6. The signature of the Settlement Class Member or the Settlement Class Member's attorney.

You can ask the Court to deny approval by filing an objection. You can't ask the Court to order a different settlement; the Court can only approve or reject the Settlement. If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object.

The Final Approval Hearing is currently scheduled to be conducted on February 10, 2022 at 9:30 a.m. before the Honorable Magistrate Judge Laurel Beeler, Courtroom B, 15<sup>th</sup> Floor, 450 Golden Gate Ave., San Francisco, CA 94102. **The date and time of the Final Approval Hearing is subject to change without further notice to the Class.** You are encouraged to check the settlement website or the Court's PACER site to confirm that the date has not changed.

Any objection to the proposed Settlement must be in writing. If you file a timely written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney. All written objections and support papers must clearly (a) identify the case name and number (*Poling, et al. v. Artech, L.L.C.*, Case No. 3:20-cv-07630-LB), (b) be submitted to the Court either by mailing them to the Class Action Clerk, United States District Court for the Northern District of California, 450 Golden Gate Ave., 16<sup>th</sup> Floor, San Francisco, CA 94102, or by filing them in person at any location of the United States District Court for the Northern District of California, and (c) be filed or postmarked on or before January 7, 2022.

Any Settlement Class Member who does not file a timely and adequate objection in accordance with this section 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.

### **Questions**

If you have any questions about this Notice, the Settlement, or how to submit a Claim Form, Request for Exclusion, or Objection, you may contact the Settlement Administrator by phone at 888-876-0856, by email at [info@artechdatasecuritysettlement.com](mailto:info@artechdatasecuritysettlement.com), or by mail at Artech Cyber Security Event Settlement Administrator, P.O. Box 43501, Providence, RI 02940-3501. Additional information and important documents are also available at [www.artechdatasecuritysettlement.com](http://www.artechdatasecuritysettlement.com).