

## NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

### **If Nevada Restaurant Services, Inc. (“NRS”) Notified You of a Data Incident, You May be Eligible For Benefits From a Class Action Settlement.**

*This is not a solicitation from a lawyer, junk mail, or an advertisement. A Court authorized this Long Notice (“Notice”).*

- A proposed settlement has been reached in a class action lawsuit known as *Sanguinetti, et al. v. Nevada Restaurant Services, Inc.*, Case No. 2:21-cv-01768-RFB-DJA (“Litigation”), filed in the United States District Court for the District of Nevada.
- This Litigation arises out of Plaintiffs’ allegations of unauthorized access to NRS’s systems and certain files containing sensitive and/or personal information including, but not limited to, name, date of birth, Social Security Number, driver’s license number or state ID number, passport number, financial account and/or routing number, health insurance information, treatment information, biometric data, medical record, taxpayer identification number, and credit card number (collectively, “PII”) and/or expiration date on or before January 16, 2021 (the “Data Incident”). NRS disagrees with Plaintiffs’ claims and denies any wrongdoing.
- All Settlement Class Members can receive the following benefits from the settlement: (1) up to \$350 for documented out-of-pocket expenses, (2) reimbursement for up to four (4) hours of lost time spent dealing with the Data Incident (\$35 per hour), and (3) reimbursement for extraordinary losses up to \$10,000 for documented expenses. NRS also agrees to provide security related improvements.
- Settlement Class Members will be offered a 36-month membership of credit monitoring and identity theft protection with at least \$1 million in fraud protection.
- You are a Settlement Class Member if you were mailed written notification by NRS indicating that your personal and/or financial information was impacted in the data incident occurring on or before January 16, 2021.

Your legal rights are affected regardless of whether you do or do not act. Read this Notice carefully.

### **YOUR LEGAL RIGHTS & OPTIONS IN THIS SETTLEMENT**

<b>Submit a Claim</b>	<b>The only way to get a payment and/or credit monitoring.</b> Claim Forms must be submitted online by <b>September 17, 2024</b> or, if mailed, postmarked no later than <b>September 17, 2024</b> .
<b>Do Nothing</b>	If you do nothing, you remain in the Settlement. You give up your rights to sue and you will not get any money.
<b>Exclude Yourself</b>	<b>Get out of the Settlement. Get no money. Keep your rights.</b> This is the only option that allows you to keep your right to sue about the claims in this Litigation. You will not get any money from the Settlement. Your request to exclude yourself must be postmarked no later than <b>August 19, 2024</b> .
<b>File an Objection</b>	Stay in the Settlement but tell the Court why you think the Settlement should not be approved. Objections must be postmarked no later than <b>August 19, 2024</b> .
<b>Go to a Hearing</b>	You can ask to speak in Court about the fairness of the Settlement, at your own expense. <i>See</i> Question 18 for more details. The Final Fairness Hearing is scheduled for <b>November 7, 2024</b> at <b>9:30 AM PT</b> .

## WHAT THIS NOTICE CONTAINS

### **Basic Information** ..... Pages 3-4

1. How do I know if I am affected by the Litigation and Settlement?
2. What is this case about?
3. Why is there a Settlement?
4. Why is this a class action?
5. How do I know if I am included in the Settlement?

### **The Settlement Benefits** ..... Pages 4-5

6. What does this Settlement provide?
7. How to submit a Claim?
8. What am I giving up as part of the Settlement?
9. Will the Representative Plaintiff receive compensation?

### **Exclude Yourself**..... Pages 5-6

10. How do I exclude myself from the Settlement?
11. If I do not exclude myself, can I sue later?
12. What happens if I do nothing at all?

### **The Lawyers Representing You** ..... Page 6

13. Do I have a lawyer in the case?
14. How will the lawyers be paid?

### **Objecting to the Settlement** ..... Pages 6-7

15. How do I tell the Court that I do not like the Settlement?
16. What is the difference between objecting and asking to be excluded?

### **The Final Fairness Hearing** ..... Pages 7-8

17. When and where will the Court decide whether to approve the Settlement?
18. Do I have to come to the hearing?
19. May I speak at the hearing?

### **Do Nothing** ..... Page 8

20. What happens if I do nothing?

### **Get More Information**..... Page 8

21. How do I get more information about the Settlement?
22. How do I update my contact information?

## BASIC INFORMATION

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

You are a Settlement Class Member if you were mailed written notification by NRS indicating that your personal and/or financial information was impacted in the Data Incident occurring on or before January 16, 2021.

The Settlement Class specifically excludes: (i) Nevada Restaurant Services, Inc. (“NRS”), the Related Entities, and their officers and directors; (ii) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (iii) any judges assigned to this case and their staff and family; and (iv) 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. 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 *Sanguinetti, et al. v. Nevada Restaurant Services, Inc.*, Case No. 2:21-cv-01768-RFB-DJA, filed in the United States District Court for the District of Nevada. The people who sued are called the “Plaintiffs” and the company they sued, NRS, is known as the “Defendant” in this case. NRS will be called “Defendant” in this Notice. Plaintiffs filed a lawsuit against Defendant, individually, and on behalf of anyone whose Private Information was potentially impacted as a result of the Data Incident.

This Litigation arises out of Plaintiffs’ allegations of unauthorized access to NRS’s systems and certain files containing sensitive and/or personal information including, but not limited to, name, date of birth, Social Security Number, driver’s license number or state ID number, passport number, financial account and/or routing number, health insurance information, treatment information, biometric data, medical record, taxpayer identification number, and credit card number and/or expiration date. (collectively, “PII”), which occurred on or before January 16, 2021. After learning of the Data Incident, notification was mailed to persons whose personal and/or financial information may have been impacted by the Data Incident. Subsequently, this lawsuit was filed asserting claims against NRS relating to the Data Incident. NRS denies Plaintiffs’ claims and 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 Representative Plaintiff, Defendant, and their attorneys believe the proposed Settlement is fair, reasonable, and adequate and, thus, best for the Settlement Class Members. The Court did not decide in favor of the Plaintiffs or Defendant. Full details about the proposed Settlement are found in the Settlement Agreement available at [www.NevadaRestaurantServicesDataSettlement.com](http://www.NevadaRestaurantServicesDataSettlement.com).

### 4. Why is this a class action?

In a class action, one or more people called a “Representative Plaintiff” 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 mailed written notification by NRS indicating that your personal and/or financial information was impacted in the Data Incident occurring on or before January 16, 2021. If you are not sure whether you are included as a Settlement Class Member, or have any other questions about the Settlement, visit [www.NevadaRestaurantServicesDataSettlement.com](http://www.NevadaRestaurantServicesDataSettlement.com), call toll free (833) 522-7586, or write to:

*Sanguinetti v. NRS*  
c/o Kroll Settlement Administration LLC  
PO Box 225391  
New York, NY 10150-5391

## THE SETTLEMENT BENEFITS

### 6. What does this Settlement provide?

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

#### Expense Reimbursement

**Documented Out of Pocket Expense Reimbursement (Ordinary Losses):** All Settlement Class Members who submit a Valid Claim using the Claim Form are eligible for the following documented out-of-pocket expenses, not to exceed \$350 per Settlement Class Member, that were incurred as a result of the Data Incident including: (i) unreimbursed bank fees; (ii) long distance phone charges; (iii) cell phone charges (only if charged by the minute), (iv) data charges (only if charged based on the amount of data used); (v) postage; (vi) gasoline for local travel; and (vii) expenses stemming from credit reports, credit monitoring, or other identity theft insurance product purchased by Settlement Class Members between January 16, 2021 and the Claims Deadline. To receive reimbursement for any of the above-referenced out-of-pocket expenses, Settlement Class Members must submit a valid and timely claim, including necessary supporting documentation, to the Claims Administrator.

**Lost Time Reimbursement:** Settlement Class Members are also eligible to receive reimbursement for up to four (4) hours of lost time spent dealing with the Data Incident (calculated at the rate of \$35 per hour). Settlement Class Members may receive reimbursement for lost time if the Settlement Class Member provides a written description and attests under penalty of perjury that any claimed lost time was spent responding to issues raised by the Data Incident. Claims made for lost time can be combined with reimbursement for out-of-pocket expenses and are subject to the same \$350 cap for all Settlement Class Members.

**Documented Extraordinary Loss Reimbursement:** Settlement Class Members are also eligible to receive reimbursement for extraordinary losses, not to exceed \$10,000 per Settlement Class Member for documented monetary loss that: (i) is actual, documented, and unreimbursed requiring the submission of a proof of loss under penalty of perjury; (ii) was caused by the Data Incident; (iii) occurred between January 16, 2021 and the Claims Deadline; and (iv) is not already covered by any of the above-referenced documented out-of-pocket expenses or lost time reimbursement categories. Settlement Class Members must also provide documentation that he or she 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 and Identity Theft Protection:** The Settlement includes credit monitoring and identity theft insurance for a period of 3 years from the effective date of the Settlement. You must submit a claim to obtain this credit monitoring service.

**Alternative Cash Payment:** In place of the other benefits listed above, and not in addition to those benefits, Settlement Class Members are eligible to receive a payment of \$50. The amount of Alternative Cash Payments shall not exceed \$150,000 and, if the amounts claimed exceed that amount, they shall be reduced *pro-rata* such that the total amount to be paid is not more than \$150,000.

**Information Security Improvements:** NRS will implement or maintain various data security improvements. Any costs associated with these security improvements will be paid by NRS separate and apart from other settlement benefits.

#### 7. How to submit a claim?

You must file a Claim Form to get any money or credit monitoring from the proposed Settlement. Claim Forms must be submitted online by **September 17, 2024**, or postmarked no later than **September 17, 2024**. You can download a Claim Form at [www.NevadaRestaurantServicesDataSettlement.com](http://www.NevadaRestaurantServicesDataSettlement.com) or you can call the Claims Administrator toll-free at **(833) 522-7586**.

This Settlement Class is a closed class, and benefits are only available to Settlement Class Members with a unique Class Member ID. If you submit a Claim without a unique Class Member ID, your claim will be denied.

#### 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 NRS and their Related Entities and each of their past or present parents, subsidiaries, divisions, and related or affiliated entities, and each of their respective predecessors, successors, directors, officers, principals, agents, attorneys, insurers, and reinsurers regarding the claims in this case. The Settlement Agreement, which includes all provisions about settled claims, releases, and Released Persons, is available at [www.NevadaRestaurantServicesDataSettlement.com](http://www.NevadaRestaurantServicesDataSettlement.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, if the Settlement is approved, and you give up the right to sue for the claims in this case.

#### 9. Will the Representative Plaintiffs receive compensation?

Yes. The Representative Plaintiffs will request a service award of up to \$2,500 per person, to compensate them for their 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 Representative Plaintiffs.

#### 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. Your request for exclusion must be individually signed by you. Your request must clearly manifest your intent to be excluded from the Settlement.

Your written request for exclusion must be postmarked no later than **August 19, 2024** to:

*Sanguinetti v. NRS*  
c/o Kroll Settlement Administration LLC  
PO Box 225391  
New York, NY 10150-5391

If you exclude yourself, you will not be able to receive any cash benefits from the Settlement and you cannot object to the Settlement. You will not be legally bound by anything that happens in this lawsuit and you will keep your right to sue the 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 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 (identified 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 David Lietz and Gary Klinger of Milberg Coleman Bryson Phillips Grossman PLLC, M. Anderson Berry and Gregory Haroutunian of Clayeo C. Arnold, A Professional Corp.; Jean Martin of Morgan & Morgan; George Haines and Gerardo Avalos of Freedom Law Firm, Michael Kind of Kind Law, and David Wise and Joseph Langone of Wise Law Firm, PLC (collectively called “Proposed 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?**

Proposed Settlement Class Counsel will apply to the Court for an award of combined attorneys’ fees, costs, and litigation expenses in an amount not to exceed \$400,000. A copy of Proposed Settlement Class Counsel’s Application for Attorneys’ Fees, Costs, and Expenses will be posted on the Settlement Website, [www.NevadaRestaurantServicesDataSettlement.com](http://www.NevadaRestaurantServicesDataSettlement.com), before the Final Fairness Hearing. The Court will make the final decisions as to the amounts to be paid to Proposed Settlement Class Counsel and may award less than the amount requested by Proposed 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 can submit an objection telling it why you do not think the Settlement should be approved. All written objections and supporting papers (a) must be submitted to the designated Post Office box established by the Claims Administrator (who shall promptly forward any objections to counsel for the Parties; (b) must also be submitted to the Court either by filing electronically or in person at any location of the United States District Court for the District of Nevada or by mailing them to the Class Action Clerk, United States District Court for the District of Nevada at 333 Las Vegas Blvd South, Las Vegas, Nevada, 89101; (c) must clearly identify the case name and number (*Sanguinetti, et al. v. Nevada Restaurant Services, Inc.*, Case No. 2:21-cv-01768-RFB-DJA), and; (d) must be filed with the Court and postmarked on or before sixty (60) days after the Notice Commencement Date.

Any such notices of an intent to object to the Settlement Agreement must be written and must include all of the following: (i) your full name, address, telephone number, and e-mail address (if any); (ii) information identifying you as a Settlement Class Member, including proof that you are a member of the Settlement Class (e.g., copy of notice, copy of original notice of the Data Incident); (iii) a written statement of all grounds for the objection, accompanied by any legal support for the objection you believe is applicable; (iv) the identity of any and all counsel representing you in connection with the objection; (v) a statement as to whether you and/or you counsel will appear at the Final Fairness Hearing, and; (vi) your signature and the signature of your duly authorized attorney or other duly authorized representative (along with documentation setting forth such representation).

If you do not submit your objection with all requirements, or if your objection is not filed or postmarked by **August 19, 2024**, you will be considered to have waived all Objections and will not be entitled to speak at the Final Fairness Hearing.

Your objection must be postmarked no later than **August 19, 2024**, to:

*Sanguinetti v. NRS*  
c/o Kroll Settlement Administration LLC  
PO Box 225391  
New York, NY 10150-5391

#### **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 **at 9:30 AM PT on November 7, 2024**, at the United States District Court, District of Nevada, 333 Las Vegas Blvd South, Las Vegas, Nevada, 89101. The hearing may be moved to a different date, time, or location without additional notice, so it is recommended that you periodically check **[www.NevadaRestaurantServicesDataSettlement.com](http://www.NevadaRestaurantServicesDataSettlement.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 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, costs, and expenses to Proposed Settlement Class Counsel and the request for a service award to the Representative Plaintiff.

#### **18. Do I have to come to the hearing?**

No. You are not required to come to the Final Fairness 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 Fairness Hearing, but that is not necessary.

**19. May I speak at the hearing?**

Yes. You can speak at the Final Fairness 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. 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 described in Question 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, Proposed Settlement Class Counsel's Application for attorneys' fees and expenses, and more, please visit **[www.NevadaRestaurantServicesDataSettlement.com](http://www.NevadaRestaurantServicesDataSettlement.com)** or call toll-free at **(833) 522-7586**. You may also contact the Claims Administrator at:

*Sanguinetti v. NRS*  
c/o Kroll Settlement Administration LLC  
PO Box 225391  
New York, NY 10150-5391

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.nvd.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the District of Nevada at 333 Las Vegas Blvd. South, Las Vegas, NV 89101 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.**

**22. How do I update my contact information?**

If you need to update your address or other contact information, you may do so by submitting a written request to the Claims Administrator. You may submit updated information by using the Contact Form on the Settlement Website or by mailing the written request to:

*Sanguinetti v. NRS*  
c/o Kroll Settlement Administration LLC  
PO Box 225391  
New York, NY 10150-5391