

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Circuit Court of the 9th Judicial District for Orange County, Florida
Gregory Pull and Paul Greene v. Baer's Furniture Co., Inc.
Case No. 2024-CA-003418-O

**IF YOUR PERSONAL INFORMATION WAS IMPACTED BY
A CYBERSECURITY INCIDENT THAT BAER'S
FURNITURE EXPERIENCED IN AUGUST 2022, 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 Baer's Furniture Co., Inc. ("Baer's" or "Defendant") in a class action lawsuit about a cybersecurity incident that occurred in or around August 2022.
- The lawsuit is captioned *Gregory Pull and Paul Greene v. Baer's Furniture Co., Inc.*, Case No. 2024-CA-003418-O (Fla. 9th Jud. Cir.). Baer's 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 whose personal information was impacted by the ransomware cybersecurity incident that affected Baer's in or around August 2022.
- Your rights are affected whether you act or don't act. Please read this Notice carefully.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
SUBMIT A CLAIM	<p>The only way to receive cash and other benefits from this Settlement is by submitting a valid and timely Claim Form.</p> <p>You can submit your Claim Form online at www.BaerDataSettlement.com or download the Claim Form from the Settlement Website and mail it to the Settlement Administrator. You may also call or email the Settlement Administrator at BaerDataSettlement@atticusadmin.com to receive a paper copy of the Claim Form.</p>	December 16, 2024
OPT OUT OF THE SETTLEMENT	<p>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.</p>	November 15, 2024
OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING	<p>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.</p>	<p>Deadline: November 15, 2024</p> <p>Hearing Date: December 5, 2024</p>
DO NOTHING	<p>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.</p>	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.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION	3-4
WHO IS IN THE SETTLEMENT	4
THE SETTLEMENT BENEFITS	4-4
HOW TO GET A PAYMENT—MAKING A CLAIM	5-5
THE LAWYERS REPRESENTING YOU	6-6
OPTING OUT OF THE SETTLEMENT	7
COMMENTING ON OR OBJECTING TO THE SETTLEMENT	7-7
THE COURT’S FINAL APPROVAL HEARING	8-8
IF I DO NOTHING	9
GETTING MORE INFORMATION	9

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 lawsuit is captioned *Gregory Pull and Paul Greene v. Baer’s Furniture Co., Inc.*, Case No. 2024-CA-003418 (Fla. 9th Jud. Cir.). The persons that filed this lawsuit are called the “Plaintiffs” and the company they sued, Baer’s, is called the “Defendant.”

2. What is this lawsuit about?

This lawsuit alleges that personal information was impacted by the cybersecurity incident that affected Baer’s in or around August 2022 (“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 Settlement Class Representatives are Gregory Pull and Paul Greene.

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, or their respective successors or assigns, who reside in the United States and whose personal information was impacted by the Security Incident.

6. Are there exceptions to being included?

Yes. Excluded from the Settlement Class are (i) Baer's, its 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 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 Settlement Administrator at:

Email: BaerDataSettlement@atticusadmin.com

Mail to: *Baer's Furniture Settlement*, c/o Atticus Administration, PO Box 64053, Saint Paul, MN 55164.

You may also view the Settlement Agreement and Release ("Settlement Agreement") at www.BaerDataSettlement.com.

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

Under the Settlement, Baer's will pay all valid and timely claims for Credit Monitoring, Unreimbursed Losses, Lost Time, and an Alternative Cash Payment.

8. How much will my payment be?

Payments will vary - Settlement Class Members may submit a claim form for: (1) 2 years of credit monitoring; (2) Unreimbursed Loss Claims – up to a total of \$5,000 per claimant; (3) Lost Time - \$25 per hour for up to 4 hours (for a total of \$100, subject to the \$5,000 cap on Unreimbursed Loss Claims); (4) Alternative Cash Payment of \$50 in the alternative to making a claim for Credit Monitoring, Unreimbursed Losses, and Lost Time.

Credit Monitoring Services. All Settlement Class Members shall have the ability to make a claim for 2 years of credit monitoring services and identity theft protection by choosing this benefit on this Claim Form.

Unreimbursed Loss claims up to \$5,000 must be supported with documentation and includes any loss that is, (i) an actual, documented and unreimbursed monetary loss; (ii) that was more likely than not caused by the Security Incident; and (iii) was incurred after August 1, 2022 and before the end of the claim period. Unreimbursed losses may include losses relating to fraud or identity theft; 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.

Lost Time Claims must be supported by an attestation that the activities they performed were related to the Security Incident. Claims for Lost Time are subject to the \$5,000 cap for Unreimbursed Losses.

Alternative Cash Payment Claims. In the alternative to claims for Unreimbursed Losses, Lost Time, and Credit Monitoring Services, Settlement Class Members can make a claim for a \$50 Alternative Cash Payment.

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 “Releases” 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.BaerDataSettlement.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 whose personal information was impacted by the cybersecurity incident that affected Baer's on or around August 2022.

Claim Forms may be submitted online at www.BaerDataSettlement.com or printed from the website and mailed to the Settlement Administrator at: *Baer's Furniture Settlement*, c/o Atticus Administration, PO Box 640543, Saint Paul, MN 55164.

You may also contact the Settlement Administrator to request a Claim Form by telephone 1-888-477-9758, by email BaerDataSettlement@atticusadmin.com, 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 **December 16, 2024**. If submitting a Claim Form online, you must do so by **December 16, 2024**.

12. When will I get my payment?

The Court is scheduled to hold a final approval hearing on December 5, 2024 at 1:00 p.m. 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 the Settlement Class Representatives 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.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in the case?

Yes, the Court appointed the law firm of Strauss Borrelli PLLC 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 Baer's (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 Baer's. Baer's has agreed not to oppose Settlement Class Counsel's request for an award of attorneys' fees not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00) and reimbursement of litigation costs and expenses not to exceed Five Thousand Dollars and Zero Cents (\$5,000.00). If Settlement Class Counsel seeks more than \$100,000.00 in attorneys' fees and \$5,000.00 in expenses, Baer' has reserved all rights to object and oppose such requests.

Settlement Class Counsel will also seek a service award payment for the Settlement Class Representatives in recognition for their contributions to this Action. Baer’s has agreed not to oppose Settlement Class Counsel’s request for a service award for each Settlement Class Representative not to exceed Three Thousand Five Dollars and Zero Cents (\$3,500.00) each, for a total of Seven Thousand Dollars and Zero Cents (\$7,000.00). To the extent more than a \$7,000.00 service award is sought for the Settlement Class Representatives, Baer’s 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 **November 15, 2024**.

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

- the case name: *Gregory Pull and Paul Greene v. Baer’s Furniture Co., Inc.*, Case No. 2024-CA-003418-O (Fla. 9th Jud. Cir.);
- your full name;
- current address;
- personal signature; and
- the words “Request for Exclusion” 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 Settlement Administrator at the address below, postmarked no later than **November 15, 2024**.

Baer’s Furniture Settlement Administrator
ATTN: Exclusion Request
PO Box 64053
Saint Paul, MN 55164

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 must include: (i) the name of the proceeding; (ii) the Settlement Class Member's full name, current mailing address, and telephone number; (iii) a statement that states with specificity the grounds for the objection, as well as any documents supporting the objection; (iv) 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; (v) the identity of any attorneys representing the objector; (vi) a statement regarding whether the Settlement Class Member (or his/her attorney) intends to appear at the Final Approval Hearing; (vii) a list of all other matters in which the objecting Settlement Class Member and/or his/her attorney has lodged an objection to a class action settlement; and (viii) the signature of the Settlement Class Member or the Settlement Class Member's attorney.

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.

Objections must be filed with the Court no later than **November 15, 2024**.

Clerk of the Court
425 N. Orange Avenue
Orlando, Florida 32801

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 **December 5, 2024 at 1:00 p.m. E.T.**, via WebEx, <https://ninthcircuit.webex.com/meet/division35>, or by phone at +1-904-900-2303 United States Toll (Jacksonville), +1-408-418-9388 United States Toll Access Code: 2344 322 8983# 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 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.BaerDataSettlement.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.BaerDataSettlement.com.

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

Email: BaerDataSettlement@atticusadmin.com

Toll-Free: 1-888-477-9758

Mail: *Baer's Furniture Settlement*, c/o Atticus Administration, PO Box 640543, Saint Paul, MN 55164.

Publicly filed documents can also be obtained by visiting the office of the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida or by reviewing the Court's online docket.

PLEASE DO NOT CONTACT THE COURT OR BAER'S FURNITURE