

SUPREME COURT FOR THE STATE OF NEW YORK, COUNTY OF KINGS

Tracy Oche, et al. v. National Math and Science Initiative, Index No. 510959/2023

**If National Math and Science Initiative notified you of a
Data Incident in or around February 2022, you are eligible
to enroll at no cost in financial protection services.**

A court authorized this Notice. This is not a solicitation from a lawyer.

Si necesita ayuda en español, comuníquese con el administrador al 1-877-525-1334.

- A Settlement has been reached in a class action lawsuit against National Math and Science Initiative (“NMSI” or “Defendant”) concerning a data security incident that occurred in or around September 2021 through October 2021 (the “Data Incident”).
- The lawsuit is called *Tracy Oche, et al. v. National Math and Science Initiative*, Index No. 510959/2023 (the “Action”). The lawsuit alleges that the Data Incident potentially exposed certain personal identifying information (“PII”) of Plaintiffs and the members of the putative class.
- The Settlement Class includes all individuals who were sent notification by NMSI that their personal information was or may have been compromised in the Data Incident. It excludes: (i) the Judge(s) presiding over this Action, and members of their direct families; (ii) NMSI, its subsidiaries, parent companies, successors, predecessors, and any entity in which NMSI or its parents have a controlling interest and their current or former officers, directors, and employees; and (iii) Settlement Class Members who timely and validly request exclusion from the Settlement Class.
- Your legal rights are affected regardless of whether you act. Please read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

EXCLUDE YOURSELF FROM THE SETTLEMENT	You will receive no Credit Monitoring Services, but you will retain any rights you currently have with respect to Defendant and the issues in this case. The deadline to exclude yourself from the Settlement is May 6, 2024.
OBJECT TO THE SETTLEMENT	Write to the Settlement Administrator explaining why you do not agree with the Settlement. The deadline to object is May 6 2024.
ATTEND THE FINAL APPROVAL HEARING	You or your attorney may attend and speak about your objection at the Final Approval Hearing. The Final Approval Hearing will be held on June 12, 2024.
DO NOTHING	You will remain in the Settlement Class and be subject to the Release. If Final Approval of the Settlement is granted, the code for Credit Monitoring Services provided in the Notice sent to you will be activated by the Settlement Administrator.

- These rights and options, and the deadlines to exercise them, are explained in this Notice. For complete details, please see the Settlement Agreement and Release (“Settlement Agreement”), whose terms control, available at www.NMSIsettlement.com.
- The Court in charge of this case still has to decide whether to approve the Settlement. The code for Credit Monitoring Services provided in the Postcard Notice that was sent to you will only be activated if the Court approves the Settlement and it becomes final.

BASIC INFORMATION

1. What is this Notice and why should I read it?

The Court authorized this Notice to inform you about a proposed Settlement with NMSI. You have legal rights and options that you may act on before the Court decides whether to approve the proposed Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

The case is called *Tracey Oche, et al. v. National Math and Science Initiative*, Supreme Court of the State of New York, County of Kings, Index No. 510959/2023.

2. What is a class action lawsuit?

A class action is a lawsuit in which one or more plaintiffs—in this case, Plaintiffs and Settlement Class Representatives Tracey Oche, Rafael Colon and John Taveras—sue on behalf of a group of people who have similar claims. Together, this group is called a “Class” and consists of “Class Members.” In a class action, the court resolves the issues for all Class Members, except those who exclude themselves from the Class.

THE CLAIMS IN THE LAWSUIT AND THE SETTLEMENT

3. What is this lawsuit about?

Plaintiffs claim that Defendant failed to implement and maintain reasonable security measures to adequately protect the PII in its possession and to prevent the Data Incident from occurring. Defendant denies that it is liable for the claims made in the lawsuit and denies any allegations of wrongdoing. More information about the complaint in the lawsuit can be found on the Settlement Website at www.NMSIsettlement.com.

4. Why is there a Settlement?

The Court has not decided whether the Plaintiffs or Defendant should win this case. Instead, both sides agreed to this Settlement. That way, they can avoid the uncertainty, risks, and expense of ongoing litigation, and Settlement Class Members will be eligible to get compensation now rather than years later—if ever. The

Settlement Class Representatives and attorneys for the Settlement Class Members, called Class Counsel, agree the Settlement is in the best interests of the Settlement Class Members. The Settlement is not an admission of wrongdoing by the Defendant.

WHO'S INCLUDED IN THE SETTLEMENT?

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

You are part of the Settlement as a Settlement Class Member if you received a notification letter from NMSI stating that your PII was or may have been compromised in the Data Incident.

Settlement Class Members will have been mailed notice of their eligibility. If you are still not sure whether you are included, you can contact the Settlement Administrator by calling 1-877-525-1334, by emailing info@NMSIsettlement.com, or by visiting www.NMSIsettlement.com.

This Settlement Class does not include: (i) the Judge(s) presiding over this Action, and members of their direct families; (ii) NMSI, its subsidiaries, parent companies, successors, predecessors, and any entity in which NMSI or its parents have a controlling interest and their current or former officers, directors, and employees; and (iii) Settlement Class Members who timely and validly request exclusion from the Settlement Class.

THE SETTLEMENT BENEFITS

6. What does the Settlement provide?

Under the proposed Settlement, NMSI will pay (or cause to be paid) \$350,000.00 into a Settlement Fund. The Settlement Fund, plus interest accrued thereon, will pay notice and administration costs, Court-approved attorneys' fees and costs, Court-approved service awards for Class Representatives, and certain Settlement Fund taxes and tax expenses (the "Net Settlement Fund"). The Net Settlement Fund will be used to provide eligible Settlement Class Members with Credit Monitoring Services described below.

Credit Monitoring Services: The Settlement will provide Credit Monitoring Services to all Settlement Class Members. The code to enroll in the Credit Monitoring Services was provided in the Postcard Notice that was sent to you. If the Settlement is approved by the Court and becomes final, the Settlement Administrator will activate the codes for the Credit Monitoring Services. Currently, the estimated date for when the codes will first be active is July 20, 2024. The Credit Monitoring Services include one (1) year of three-bureau credit monitoring services.

Confirmatory Discovery: NMSI has also agreed to provide documents and information to Class Counsel showing that they have taken data security measures to remedy the issues that led to the Data Security Incident and has implemented other business practices to help ensure information security. The costs associated with these data security measures are paid separately from the Settlement Fund.

For complete details, please see the Settlement Agreement, whose terms control, available at www.NMSIsettlement.com.

HOW TO GET BENEFITS

7. Do I need to make a Claim?

You do not need to make a claim to receive Credit Monitoring Services or other benefits under the Settlement. If the Settlement is approved by the Court and becomes final, the Settlement Administrator will activate the codes for the Credit Monitoring Services which are contained on the Postcard Notice that was sent to you.

The hearing to consider the fairness of the Settlement is scheduled for June 12, 2024. If the Court approves the Settlement, the Settlement Administrator will activate the codes for the Credit Monitoring Services, which are contained on the Postcard Notice that was sent to you. Currently, the estimated date for when the codes will first be active is July 20, 2024.

THE LAWYERS REPRESENTING YOU

9. Do I have a lawyer in this case?

Yes, the Court has appointed Milberg Coleman Bryson Phillips Grossman, PLLC and Cafferty Clobes Meriwether & Sprengel, LLP as “Class Counsel” to represent you and all Class Members. You will not be charged for these lawyers. You can ask your own lawyer to appear in Court for you at your own expense if you want someone other than Class Counsel to represent you.

10. How will the lawyers be paid?

To date, Class Counsel has not received any payment for their services in conducting this litigation on behalf of the Class and have not been paid for their out-of-pocket expenses. Class Counsel will ask the Court for an award of attorneys’ fees and costs and expenses which were incurred in connection with the Action, not to exceed 30% of the Settlement’s value, inclusive of both the Settlement Fund and the remedial measures discussed in the Settlement Agreement. Class Counsel will also request a service award of \$2,500.00 for each Settlement Class Representative. The Court will determine the proper amount of any attorneys’ fees, costs, and expenses to award Class Counsel and the proper amount of any service awards to Plaintiffs. Class Counsel will file their request for attorneys’ fees, costs, and expenses and service awards for Plaintiffs with the Court, which will also be posted on the Settlement Website, at www.NMSIsettlement.com. Any attorneys’ fees, costs and expenses and service awards approved by the Court will be paid from the Settlement Fund.

YOUR RIGHTS AND OPTIONS

11. What claims do I give up by participating in this Settlement?

If you do not exclude yourself from the Settlement, you will not be able to sue NMSI about the Data Incident, and you will be bound by all decisions made by the Court in this case, the Settlement, and its included Release. This is true regardless of whether you activate the code for Credit Monitoring Services. However, you may exclude yourself from the Settlement (*see* Question 14). If you exclude yourself from the Settlement, you will not be bound by any of the Released Claims, which are described in the Settlement Agreement at www.NMSIsettlement.com.

12. What happens if I do nothing at all?

If you do nothing, you will be in the Settlement Class, and if the Court approves the Settlement, you will also be bound by all orders and judgments of the Court, the Settlement, and its included Release. You will be deemed to have participated in the Settlement and will be subject to the provisions of Section 11 above. Unless you exclude yourself, you won’t be able to file a lawsuit or be part of any other lawsuit against NMSI for the claims or legal issues released in this Settlement, you will remain in the Settlement Class and be subject to the Release. If Final Approval of the Settlement is granted, the code for Credit Monitoring Services provided in the Postcard Notice that was sent to you will be activated by the Settlement Administrator.

13. What happens if I ask to be excluded?

If you exclude yourself from the Settlement, you will receive no benefits under the Settlement. However, you will not be in the Settlement Class and will not be legally bound by the Court’s judgments related to the Settlement Class and NMSI in this class action.

You can ask to be excluded from the Settlement. To do so, you must send a letter to the Settlement Administrator stating that you want to be excluded from the Settlement in *Tracey Oche, et al. v. National Math and Science Initiative*, Index No. 510959/2023. Your letter must include: (1) the name of the proceeding; (2) your full name and current address; (3) a statement that you wish to be excluded from the Settlement Class; and (4) your signature. You must mail your exclusion request, postmarked no later than May 6, 2024, to the following address:

Oche v. National Math & Science Initiative Settlement Administrator
P.O. Box 301130
Los Angeles, CA 90030-1130

You cannot exclude yourself by phone or email. Any individual who wants to be excluded from the Settlement must submit his or her own exclusion request. No group opt-outs shall be permitted.

15. If I don't exclude myself, can I sue NMSI for the same thing later?

No. Unless you exclude yourself, you give up any right to sue NMSI for the claims or legal issues released in this Settlement, even if you do nothing.

16. If I exclude myself, can I get anything from this Settlement?

No. If you exclude yourself, the code for Credit Monitoring Services in the Notice sent to you will not be activated by the Settlement Administrator.

17. How do I object to the Settlement?

If you do not exclude yourself from the Settlement Class, you can object to the Settlement if you do not agree with any part of it. You can give reasons why you think the Court should deny approval by filing an objection. To object, you must mail a written objection to the Settlement Administrator stating that you object to the Settlement in *Tracey Oche, et al. v. National Math and Science Initiative*, Index No. 510959/2023. Your objection must be filed no later than May 6, 2024.

The objection must be in writing and be personally signed by you. The objection must include: (i) the name of the proceedings; (ii) your full name, current mailing address, and telephone number; (iii) a statement that states with specificity the grounds for your objection, as well as any documents supporting the objection; (iv) the identity of any attorneys representing you; (v) a statement regarding whether you or your attorney intend to appear and/or wish to be heard at the Final Approval Hearing; and (vi) your signature or the signature of your attorney.

You must mail the objection to the Settlement Administrator at the address listed below, postmarked no later than May 6, 2024:

Oche v. National Math & Science Initiative Settlement Administrator
P.O. Box 301130
Los Angeles, CA 90030-1130

18. What's the difference between objecting and excluding myself from the Settlement?

Objecting simply means 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 from the Settlement Class 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 case no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

19. When and where will the Court hold a hearing on the fairness of the Settlement?

The Court will hold the Final Approval Hearing on June 12, 2024 at the Kings County Supreme Court located at 360 Adams Street, Brooklyn, NY 11201, before Judge Richard Velasquez. The purpose of the hearing is for the Court to determine whether the Settlement is fair, reasonable, adequate, and in the best interests of the Settlement Class. At the hearing, the Court will hear any objections and arguments concerning the fairness of the proposed Settlement, including those related to the amount requested by Class Counsel for attorneys' fees, costs, and expenses and the service awards to Plaintiffs.

The location, date and time of the Final Approval Hearing are subject to change by Court order. Any changes will be posted at the Settlement Website, www.NMSIsettlement.com, or through the Court's publicly available docket. You should check the Settlement Website to confirm the date and time have not been changed.

20. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But you are welcome to attend the hearing at your own expense. If you send an objection, you don't have to come to Court to talk about it. If your written objection was filed or mailed on time and meets the other criteria described in the Settlement, the Court will consider it. However, you may appear on your behalf or pay a lawyer to attend on your behalf to assert your objection if you would like.

21. May I speak at the hearing?

Yes. If you do not exclude yourself from the Settlement Class, you (or your attorney) may appear and speak at the Final Approval Hearing concerning any part of the proposed Settlement.

GETTING MORE INFORMATION

22. Where can I get additional information?

This Notice summarizes the proposed Settlement. More details are available in the Settlement Agreement, which is available at www.NMSIsettlement.com, by emailing info@NMSIsettlement.com, or by writing to *Oche v. National Math & Science Initiative* Settlement Administrator, P.O. Box 301130, Los Angeles, CA 90030-1130.

23. How do I get more information?

Go to WWW.NMSISETTLEMENT.COM, call 1-877-525-1334, email info@NMSIsettlement.com or write to **OCHÉ V. NATIONAL MATH & SCIENCE INITIATIVE SETTLEMENT ADMINISTRATOR, P.O. BOX 301130, LOS ANGELES, CA 90030-1130.**

PLEASE DO NOT CALL THE COURT, THE CLERK OF THE COURT, THE JUDGE, OR THE DEFENDANT WITH QUESTIONS ABOUT THE SETTLEMENT OR CLAIMS PROCESS.