

# **NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

First Judicial District Court  
In and For Carson City, State of Nevada  
*Tipton, et al v Casino Fandango, LLC*  
Case No. 240C0018-1B

## **IF YOUR PERSONAL INFORMATION WAS IMPACTED BY A DATA INCIDENT THAT CASINO FANDANGO EXPERIENCED IN JUNE OF 2024, 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 Casino Fandango in a class action lawsuit about a Data Incident that occurred in or around June of 2024.
- The lawsuit is captioned *Bert Tipton et al. v Casino Fandango L.L.C., Case No. 240C0018-1B, pending in the First Judicial District Court in and for Carson City, Nevada.* Defendant 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 Data Incident in June of 2024.
- Your rights are affected whether you act or don't act. Please read this Notice carefully.

<b>SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>		<b>DEADLINE</b>
<b>SUBMIT A CLAIM</b>	The only way to receive cash and other benefits from this Settlement is by submitting a valid and timely Claim Form.  You can submit your Claim Form online at <b><u><a href="http://www.CasinoDataIncident.com">www.CasinoDataIncident.com</a></u></b> 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 <b><u><a href="mailto:CasinoDataIncident@atticusadmin.com">CasinoDataIncident@atticusadmin.com</a></u></b> to receive a paper copy of the Claim Form.	<b>OCTOBER 28, 2025</b>

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
<b>OPT OUT OF THE SETTLEMENT</b>	You can choose to opt out of the Settlement and receive no benefits. 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.	<b>OCTOBER 21, 2025</b>
<b>OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING</b>	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.	<b>OCTOBER 21, 2025</b>  <b>HEARING DATE: NOVEMBER 20, 2025</b>
<b>DO NOTHING</b>	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.	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.

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## **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 *Bert Tipton et al. v Casino Fandango L.L.C., Case No. 240C0018-1B, pending in the First Judicial District Court in and for Carson City, Nevada*. The persons that filed this lawsuit are called the “Plaintiffs” and the company they sued, Casino Fandango LLC, is called the “Defendant.”

### **2. What is this lawsuit about?**

This lawsuit alleges that personal information was impacted by the incident in which an unauthorized third party gained access to Settlement Class Members’ Private Information on June 8, 2024.

### **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 Representative is Bert Tipton.

### **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 means all persons in the United States whose Private Information was compromised as a result of the Data Incident and who were sent notice of the Data Incident.

## 6. Are there exceptions to being included?

Yes. Excluded from the Settlement Class are all persons who are governing board members of the Defendant and the Court, the Court's immediate family, and Court staff.

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:

*Casino Fandango Data Settlement*  
c/o Atticus Administration  
PO Box 64053  
Saint Paul, MN 55164.

Email: [CasinoDataIncident@atticusadmin.com](mailto:CasinoDataIncident@atticusadmin.com)  
Toll-Free: 1-800-206-4661

You may also view the Settlement Agreement and Release ("Settlement Agreement") at [www.CasinoDataIncident.com](http://www.CasinoDataIncident.com).

## **THE SETTLEMENT BENEFITS**

### 7. What does the Settlement provide?

Under the Settlement, Defendant will pay all valid and timely claims for Credit Monitoring and Unreimbursed Losses.

### 8. How much will my payment be?

Settlement Class Members may elect to receive Cash Payments for Unreimbursed Losses and Credit Monitoring. If a Settlement Class Member does not submit a Valid Claim for either a Cash Payment, Credit Monitoring, or both, the Settlement Class Member will release his or her claims against Defendant without receiving a Settlement Class Member Benefit.

**Unreimbursed Loss** Settlement Class Members may submit a claim for a Cash Payment of up to \$2,000.00 for documented losses related to the Data Incident. To receive an unreimbursed loss payment, a Settlement Class Member must elect Cash Payment on the Claim Form attesting under penalty of perjury to incurring losses. Settlement Class Members will be required to submit reasonable documentation supporting the losses. Settlement Class Members shall not be reimbursed for expenses if they have been reimbursed for the same expenses by any other source. Examples of unreimbursed losses 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 the cybersecurity incident, through the date of claim submission; and miscellaneous expenses such as notary, fax, postage, copying, mileage, and long-distance telephone charges. If a Settlement Class Member does not submit reasonable documentation supporting a loss, or if their Claim is rejected by the Settlement Administrator for any reason, and the Settlement Class Member fails to cure his or

her Claim, the Claim will be rejected, and the Settlement Class Member will not receive a Cash Payment.

**Credit Monitoring Services.** In addition to electing the Cash Payment, Settlement Class Members may also elect one year of three-bureau Credit Monitoring that will provide the following benefits: credit monitoring, dark web monitoring, identity theft insurance coverage for up to \$1,000,000, and fully managed identity recovery services.

**Business Practice Changes.** Plaintiff has received assurances that Defendant has undertaken reasonable steps to further secure its systems and environments. Defendant has provided confidential discovery regarding the facts and circumstances of the Data Incident and Defendant's responses thereto, and the changes and improvements that have been made to protect class members' Private Information.

## **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.CasinoDataIncident.com](http://www.CasinoDataIncident.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 Data Incident that affected Casino Fandango on or around June 2024.

Claim Forms may be submitted online at [www.CasinoDataIncident.com](http://www.CasinoDataIncident.com) or printed from the website and mailed to the Settlement Administrator at: *Casino Fandango Data 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 1-800-206-4661, by email [CasinoDataIncident@atticusadmin.com](mailto:CasinoDataIncident@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 **October 28, 2025**. If submitting a Claim Form online, you must do so by **October 28, 2025**.

### **12. When will I get my payment?**

The Court is scheduled to hold a final approval hearing on November 20, 2025 at 1:30 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 of 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 firms of Kopelowitz Ostrow PA and Stranch, Jennings & Garvey, 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 Defendant (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 Defendant. The Defendant has agreed not to oppose Settlement Class Counsel’s request for an award of attorneys’ fees and costs not to exceed One Hundred Thousand Dollars and Zero Cents (\$100,000.00).

In recognition of the time and effort the Class Representative expended in pursuing this Action and in fulfilling his obligations and responsibilities as Class Representative, and of the relief conferred on all Settlement Class Members by the Settlement, Class Counsel shall request a Service Award for the Class Representative in the amount not to exceed \$2,500.00.

## **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 **October 21, 2025**.

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

- the case name: *Tipton, et al v Casino Fandango, LLC*, Case No. 240C0018-1B;
- 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 **October 21, 2025**.

*Casino Fandango Data Settlement*  
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 also set forth: (i) the objector’s full name, mailing address, telephone number, and email address (if any); (ii) all grounds for the objection, accompanied by any legal support for the objection known to the objector or objector’s counsel; (iii) the identity of all counsel who represent the objector, including the identity of all counsel (if any) representing the objector who will appear at the Final Approval Hearing; (iv) a list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any); (v) a statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing; and the objector’s signature (an attorney’s signature is not sufficient).

Class Counsel and/or Defendant’s Counsel may conduct limited discovery on any objector or objector’s counsel.

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 **October 21, 2025**.

Clerk of the Court  
885 East Musser Street  
Carson City, NV 89701

## **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 November 20, 2025, at 1:30 p.m. at Carson City District Court, 885 East Musser Street, Carson City, Nevada, 89701 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.CasinoDataIncident.com](http://www.CasinoDataIncident.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 at [www.CasinoDataIncident.com](http://www.CasinoDataIncident.com).

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

*Casino Fandango Data Settlement*  
c/o Atticus Administration  
PO Box 64053  
Saint Paul, MN 55164.

Email: [CasinoDataIncident@atticusadmin.com](mailto:CasinoDataIncident@atticusadmin.com)  
Toll-Free: 1-800-206-4661

Publicly filed documents can also be obtained by visiting the office of the First Judicial District Court In and For Carson City, State of Nevada or by reviewing the Court's online docket.

**PLEASE DO NOT CONTACT THE COURT OR CASINO FANDANGO LLC**