

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Ernster et al. v. Manitou Equipment America, LLC and Manitou North America, LLC

Case No. 3:24cv462

United States District Court for the Western District of Wisconsin

**IF YOUR PRIVATE INFORMATION WAS COMPROMISED IN THE
DECEMBER 2023 MANITOU EQUIPMENT AMERICA, AND
MANITOU NORTH AMERICA SECURITY INCIDENT
A PROPOSED CLASS ACTION SETTLEMENT MAY AFFECT YOUR RIGHTS,
AND ENTITLE YOU TO A CASH PAYMENT.**

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

You are not being sued.

Please read this Notice carefully and completely.

- A Settlement has been reached with Manitou Equipment America, LLC and Manitou North America, LLC (“Manitou” or “Defendants”) in a class action lawsuit. This case is about the targeted cyberattack on Manitou's computer systems that occurred in or around December 2023 (the “Security Incident”). Certain files that contained private information were accessed. These files may have contained personal information such as full names; dates of birth; Social Security numbers; credit and/or debit card numbers; medical history (including condition; treatment; diagnosis; patient name; patient address; medical record number; prescription information; diagnosis; treatment; condition; dates of service); health benefits and enrollment information; financial account numbers with passwords or routing numbers; and Internal Revenue Service tax identification numbers.
- The lawsuit is called *Ernster et al. v. Manitou Equipment America, LLC and Manitou North America, LLC*, Case No. 3:24cv462. It is pending in the United States District Court for the Western District of Wisconsin (the “Litigation”).
- Manitou denies that it did anything wrong, and the Court has not decided who is right.
- The parties have agreed to settle the lawsuit (the “Settlement”) to avoid the costs and risks, disruptions, and uncertainties of continuing the Litigation.
- Manitou's records indicate that you are a Class Member, and entitled to benefits under the Settlement. You may have received a previous notice directly from Manitou.

- Your rights are affected whether you act or don't act. ***Please read this Notice carefully and completely.***

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
DO NOTHING	If you do nothing, you will automatically get a Settlement cash payment. Doing nothing means that you will stay in the Class, and 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.
OPT OUT OF THE SETTLEMENT	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 Defendants related to the legal claims resolved by this Settlement. You can hire your own lawyer at your own expense.	February 4, 2026
OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING	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 will still receive a Settlement cash payment.	February 4, 2026

- 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
WHO IS IN THE SETTLEMENT	3
THE SETTLEMENT BENEFITS.....	4
SELECTING HOW TO RECEIVE YOUR SETTLEMENT PAYMENT	4
THE LAWYERS REPRESENTING YOU	5
EXCLUDING YOURSELF FROM THE SETTLEMENT	5
COMMENTING ON OR OBJECTING TO THE SETTLEMENT.....	6
THE COURT'S FINAL APPROVAL HEARING	7
IF I DO NOTHING.....	8
GETTING MORE INFORMATION	8

Basic Information

1. Why was this Notice issued?

The United States District Court for the Western District of Wisconsin, authorized this Notice. 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 called *Ernster et al. v. Manitou Equipment America, LLC and Manitou North America, LLC*, Case No. 3:24cv462. It is pending in the United States District Court for the Western District of Wisconsin. The people that filed this lawsuit are called the “Plaintiffs” (or “Class Representatives”) and the companies they sued, Manitou Equipment America, LLC and Manitou North America, LLC, are called the “Defendants.”

2. What is this lawsuit about?

This lawsuit alleges that during the targeted cyberattack on Manitou’s computer systems in or around December 2023, certain files that contained private information were accessed. These files may have contained personal information such as full names; dates of birth; Social Security numbers; credit and/or debit card numbers; medical history (including condition; treatment; diagnosis; patient name; patient address; medical record number; prescription information; diagnosis; treatment; condition; dates of service); health benefits and enrollment information; financial account numbers with passwords or routing numbers; and Internal Revenue Service tax identification numbers.

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 called the “Plaintiffs” or “Class Representatives.” Together, the people included in the class action are called a “Class” or “Class Members.” One court resolves the lawsuit for all Class Members, except for those who opt out from the settlement. In this Settlement, the Class Representatives are Patrick Ernster, Ramsey Hofius, and Trevar Black. Everyone included in this Action are the Class Members.

4. Why is there a Settlement?

The Court did not decide whether the Plaintiffs or the Defendants are right. Both sides have agreed to a Settlement to avoid the costs and risks of a trial, and to allow the Class Members to receive benefits from the Settlement. The Plaintiffs and their attorneys think the Settlement is best for all Class Members.

Who is in the Settlement?

5. Who is included in the Settlement?

The court has defined the Class this way: “All individuals residing in the United States whose Personal Information was compromised in the Security Incident experienced by Defendants in or around December 2023, including all those individuals who received notice of the breach.”

6. Are there exceptions to being included?

Yes. Excluded from the Class are: (1) the Judge in this case, and the Judge's immediate family; (2) Defendants, their subsidiaries, parent companies, successors, predecessors, and any entity in which the Defendants or their parents have a controlling interest, and their current or former officers and directors; and (3) anyone who validly excludes themselves from the Settlement.

If you are not sure whether you are a Class Member, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: info@ManitouSettlement.com
- Call toll free, 24/7: 1-833-417-4965
- By mail: Manitou Security Incident Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799-9958

You may also view the Settlement Agreement at www.ManitouSettlement.com.

The Settlement Benefits

7. What does the Settlement provide?

Manitou will establish a Settlement Fund of \$487,500.00. The Settlement Fund will first be used to pay court-approved attorneys' fees and costs, Service Award payments for the Plaintiffs, and the costs of administering the Settlement. The net remaining money will be equally divided between all class members who do not opt out of the Settlement. **This means that if you do nothing, you will get a Settlement cash payment.**

The total estimated number of Class Members is 12,003.

If you have questions, you can ask for free help any time by contacting the Settlement Administrator at:

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- Call toll free, 24/7: 1-833-417-4965
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8. What claims am I releasing if I stay in the Class?

If you stay in the class, you won't be able to be part of any other lawsuit against Manitou about the issues that this Settlement covers. The "Releases" section of the Settlement Agreement (Section IX) describes the legal claims that you give up if you remain in the Class. The Settlement Agreement is available at www.ManitouSettlement.com.

Selecting How to Receive Your Settlement Payment

9. How will I receive my Settlement payment?

By default, your Settlement payment will be sent to you by check to the address Manitou has on file. If you prefer a digital payment through PayPal, Venmo, Zelle, or a prepaid card, please visit the Settlement Website at www.ManitouSettlement.com.

10. Are there any important Settlement payment deadlines?

You will get paid unless you opt out of the Settlement (**see Question 15**). The deadline to opt out is **February 4, 2026**.

11. When will the Settlement benefits be issued?

The Court will hold a final approval hearing on **March 5, 2026** (**see Question 18**). If the Court approves the Settlement, there may be appeals. We do not know if appeals will be filed, or how long it will take to resolve them if they are filed.

Settlement payments will be distributed if the Court grants final approval, and after any appeals are resolved.

The Lawyers Representing You

12. Do I have a lawyer in the case?

Yes, the Court has appointed attorneys Cassandra P. Miller of Strauss Borrelli, PLLC and Leigh S. Montgomery of EKSM, LLP, to represent you and other Class Members (“Class Counsel”).

13. Should I get my own lawyer?

You will not be charged for Class Counsel’s services. If you want your own lawyer, you may hire one at your expense.

14. How will Class Counsel be paid?

Class Counsel will ask the court to approve \$162,483.75 as reasonable attorneys' fees and costs of litigation. This amount will be paid from the Settlement Fund.

Class Counsel will also ask for Service Award payments of \$5,000.00 for each of the Class Representatives. Service Award payments will also be paid from the Settlement Fund.

Excluding Yourself from the Settlement

15. How do I opt out of the Settlement?

If you do not want to be part of the Settlement, you must formally exclude yourself from the Settlement. This is called a Request for Exclusion and is sometimes also called “opting out.” If you opt out, you will not receive Settlement benefits or payment. However, you will keep any rights you may have to sue Manitou on your own about the legal issues in this case.

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 any Settlement benefits if you exclude yourself.

The deadline to exclude yourself from the Settlement is **February 4, 2026**.

To be valid, your Request for Exclusion must have the following information:

- (1) the name of the Litigation: *Ernster et al. v. Manitou Equipment America, LLC and Manitou North America, LLC*, Case No. 3:24cv462, pending in the United States District Court for the Western District of Wisconsin;
- (2) your full name and mailing address;
- (3) personal signature; and
- (4) the words “Request for Exclusion” or a clear and similar statement that you do not want to participate in the Settlement.

You may only exclude yourself—not any other person.

Mail your Request for Exclusion to the Settlement Administrator at:

Manitou Security Incident Settlement
ATTN: Exclusion Request
P.O. Box 25226
Santa Ana, CA 92799-9958

You may also submit your Request for Exclusion online through the Settlement Website at www.ManitouSettlement.com, or by email to info@ManitouSettlement.com.

Your Request for Exclusion must be submitted online, emailed, or postmarked no later than **February 4, 2026**.

Commenting on or Objecting to the Settlement

16. How do I tell the Court if I like or do not like the Settlement?

If you are a Class Member and do not like part or all of the Settlement, you can object to it. Objecting means telling the Court your reasons for why you think the Court should not approve the Settlement. The Court will consider your views.

You cannot object if you have excluded yourself from the Settlement (**see Question 15**).

You must provide the following information for the Court to consider your objection:

- (1) the name of the Litigation: *Ernster et al. v. Manitou Equipment America, LLC and Manitou North America, LLC*, Case No. 3:24cv462, pending in the United States District Court for the Western District of Wisconsin;
- (2) your full name, mailing address, and telephone number;
- (3) a clear description of all the reasons you object and a description of whether the objection applies only to you, a subset of the Settlement Class, or the entire Settlement Class; include any legal support, such as documents, you may have for your objection;
- (4) if you have hired your own lawyer to represent you, provide their name and telephone number and a statement of whether your or your attorney intends to appear at the Final Approval Hearing;
- (5) if you have objected in any other cases in the past five years, list the names, courts, and civil action numbers for each of those cases;

- (6) if you plan on calling witnesses or submitting documents at the Final Approval Hearing, provide a full list of both;
- (7) your signature (or, if you have hired your own lawyer, your lawyer's signature).

For your objection to be valid, it must meet each of these requirements.

To be considered by the Court, you must submit your completed objection online at www.ManitouSettlement.com, or by email at info@ManitouSettlement.com, or by mail to the Settlement Administrator at the below address no later than **February 4, 2026**.

Settlement Administrator
Manitou Security Incident Settlement ATTN: Objections P.O. Box 25226 Santa Ana, CA 92799-9958

17. 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

18. When is the Court's Final Approval Hearing?

The Court will hold a final approval hearing on **March 5, 2026, at 11:30 a.m. Central Time**, to be conducted remotely by zoom videoconference before the Honorable William M. Conley, District Court Judge of the United States District Court, Western District of Wisconsin. The Zoom link or access instructions will be posted on the Settlement Website before the hearing.

At the final approval hearing, the Court will decide whether to approve the Settlement. The court will also decide how Class Counsel should be paid, and whether to award Service Award payments to the Class Representatives. The Court will also consider any objections to the Settlement.

If you are a Class Member, you or your lawyer may ask permission to speak at the hearing at your own cost (**See Question 16**).

The date and time of this hearing may change without further notice. Please check www.ManitouSettlement.com for updates.

19. 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, but you do not have to.

If you submit an objection, you do not have to come to the Final Approval Hearing to talk about it; the Court will consider it as long as it was submitted on time. You may also pay your own lawyer to attend, but you do not have to.

If I Do Nothing

20. What happens if I do nothing at all?

If you do nothing, you will automatically receive a Settlement payment. However, you will give up your right to sue or be part of any other lawsuit against Manitou related to the Security Incident. See **Question 8**.

Getting More Information

21. How do I get more information?

This Notice is a summary of the proposed Settlement. The full Settlement Agreement and other related documents are available at the Settlement Website, www.ManitouSettlement.com.

If you have additional questions, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: info@ManitouSettlement.com
- Call toll free, 24/7: 1-833-417-4965
- By mail: Manitou Security Incident Settlement
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P.O. Box 25226
Santa Ana, CA 92799-9958

You can obtain copies of publicly filed documents by visiting the office of the Clerk of the Court, 120 N. Henry St., Rm. 320 Madison, WI 53703. **DO NOT CONTACT THE COURT OR CLERK OF COURT REGARDING THIS SETTLEMENT.**