

CLASS ACTION SETTLEMENT NOTICE

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON

Schlueter v. BNBuilders, Inc, et. al Case No. 2:25-cv-01713-JHC

PLEASE READ THIS NOTICE CAREFULLY AND COMPLETELY.

THIS NOTICE RELATES TO THE SETTLEMENT OF A CLASS ACTION & CONTAINS IMPORTANT INFORMATION ABOUT YOUR RIGHTS & CERTAIN DEADLINES.

A federal court has authorized this Notice. This is not a solicitation from a lawyer. You have not been sued.

The parties to this class action lawsuit have reached a proposed Settlement Agreement (“Settlement”) which, if approved by the Court, would resolve a lawsuit concerning the Employee Stock Ownership Plan (“ESOP”) sponsored by BNBuilders, Inc. You received this Notice because you are believed to be a Class Member because you held vested stock in the ESOP on or between December 23, 2021 and December 31, 2025 or are a beneficiary of someone who did.

This Notice summarizes the Settlement terms and provides information concerning your rights as a Class Member. The complete Settlement and other information about this lawsuit are available at <https://www.BNBuildersESOPsettlement.com> or by contacting the Settlement Administrator at BNBuildersESOPSettlement@AtticusAdmin.com or 1-800-212-8850.

SUMMARY OF YOUR LEGAL RIGHTS & OPTIONS

OPTION #1: DO NOTHING. You can do nothing and receive the benefits of the Settlement, if it is approved by the Court. If you had any vested stock in your ESOP account on or between December 23, 2021 and December 31, 2025, you will automatically receive Settlement proceeds via check. If you would prefer to receive your Settlement payment through a rollover to a qualified retirement account, you must complete, sign, and return the enclosed rollover form (“Rollover Form”) online at <https://www.BNBuildersESOPsettlement.com> or by mail, postmarked by **November 25, 2026**.

OPTION #2: OBJECT. If you are not satisfied with the terms of the proposed Settlement, then you or your attorney may inform the Court by filing an objection and sending a written statement to the Settlement Administrator by **November 25, 2026**, as explained below. You or your attorney may also attend the Fairness Hearing on December 16, 2026 at 9:00am Pacific Time to explain your concerns to the Court. You do not have the option to exclude yourself from the Settlement.

BASIC INFORMATION

1. What is a Class Action?

In a class action lawsuit, one or more individuals called “Class Representatives” sue on behalf of other people who have similar claims. The people together are a “Class” and individually “Class Members.” Here, the Court appointed a participant in the ESOP as Class Representative for purposes of this Settlement.

2. Who is a Member of the Class?

Class Members are all participants in the ESOP on or between December 23, 2021 and December 31, 2025 who vested under the terms of the Plan, and those participants’ beneficiaries. Excluded from the

class are Defendants and their immediate family members; any fiduciaries of the Plan; any officers and directors of BNBuilders or of any entity in which a Defendant has a controlling interest; and legal representatives, successors, and assigns of any such excluded persons.

Because this Settlement was preliminarily approved as a mandatory (“non-opt-out”) class action, you cannot exclude yourself from the Class or the benefits of the Settlement.

THE LAWSUIT AND THE SETTLEMENT

3. What is this Lawsuit About?

The Class Representative alleges that the Defendants violated a federal law governing employee benefits called “ERISA” in connection with the sale of BNBuilders, Inc. to the ESOP at an inflated price (the “Transaction”). The Class Representative alleges that, in selling the company to the ESOP at an inflated price the Defendants breached their fiduciary duties to the ESOP.

Defendants deny that they violated any law or duty owed to the ESOP or its participants. Among other defenses, Defendants argue that the sale was for fair market value and that the ESOP and its participants were not harmed by the Transaction.

4. Why is there a Settlement?

The Court did not decide in favor of any party. Instead, both sides agreed to a settlement. That way, both sides avoided the cost and risk of a trial, and Class Members will get the value of the Settlement now, rather than continuing with the litigation where there is a chance the Class would receive nothing (i.e., if the Class loses the case or are unable to collect any monetary judgment that they win). The Class Representative and Class Counsel think the Settlement is in the best interest of all Class Members.

5. Why did I get this Notice?

The ESOP’s records show that you were either a vested participant in, or a beneficiary of, the ESOP. The Court has ordered that this Notice be sent to all Class Members to provide them with information about the Settlement and to inform them of their right to object to the Settlement and/or the motion for attorneys’ fees, expenses, and service award to the Class Representative, which are described below.

You can find the Settlement Agreement, important documents, and updates about the case at the following website: <https://www.BNBuildersESOPsettlement.com>.

THE SETTLEMENT RECOVERY

6. What does the Settlement provide?

If the Settlement is approved, all Class Members will automatically receive Settlement payments (by check or rollover) for their share of the Settlement proceeds.

The amount of each Class Member’s payment will be based on their pro rata share of the \$5 million cash payment (less any attorneys’ fees, expenses, settlement administration costs, independent settlement fiduciary fees, and service award awarded by the court).

If you would prefer to receive your Settlement payment through a rollover to a qualified retirement account, you must complete, sign, and return the enclosed Rollover Form online at <https://www.BNBuildersESOPsettlement.com> or by mail, postmarked by November 25, 2026. If you do not elect a rollover, you will receive your Settlement payment via check mailed directly to you.

7. Who represents the Class?

The Court has decided that the lawyers representing the Class Representative are qualified to represent

you and all the Class Members. The lawyers are Michelle C. Yau, Ben J. Bauer , and Caroline E. Bressman at Cohen Milstein Sellers & Toll, PLLC. They are called “Class Counsel” and are obligated to work on your behalf.

8. How will the lawyers be paid?

Since the beginning of the case, which was filed in September of 2025, Class Counsel have not received any payment for their services, nor have they been reimbursed for expenses, for working on this case. Class Counsel will therefore apply to the Court for an award of attorneys’ fees of up to one-quarter of the \$5 million and the reimbursement of the litigation expenses (of up to \$600,000). The Class Representative will seek a service award of \$15,000 in recognition of the time and effort he expended on behalf of the Class, such as providing information to Class Counsel, reviewing the pleadings, participating in mediation, and reviewing the Settlement Agreement.

Any attorneys’ fees, litigation expenses, and service award awarded by the Court will be paid from the \$5 million Settlement Fund. The remaining amount will be distributed to Class Members based on their pro rata share of the total vested shares.

You may object to the requested attorneys’ fees, expenses, and service award through the objection procedures described below in Question 12. The Court will consider any objections before deciding the amount of any awards for attorneys’ fees and expenses or service award.

All court documents related to the motion for attorneys’ fees and reimbursement of expenses will be posted to <https://www.BNBuildersESOPsettlement.com> by November, 11, 2026.

9. Will the Settlement be reviewed by anyone other than the Court?

Yes. The Settlement requires a qualified Independent Fiduciary to review the Settlement on behalf of the ESOP and Class Members. An Independent Fiduciary is a neutral third party that specializes in ERISA issues and will review the proposed Settlement, including the terms of the Settlement and the value of the \$5 million Settlement. The Independent Fiduciary will submit a written report with its findings and its conclusion concerning whether the Settlement is fair and reasonable. If the Independent Fiduciary does not agree with any aspect of the Settlement, it will object in writing and explain the basis of that objection. The parties may attempt to resolve the concerns of the Independent Fiduciary if it objects. The Independent Fiduciary’s written report will be filed with the Court on or before the deadline to object so that the written report may be considered by Class Members and the Court. That report will be posted here: <https://www.BNBuildersESOPsettlement.com>.

YOUR RIGHTS AND OPTIONS

10. What happens if I do nothing?

If you do nothing, and the Court approves the Settlement, you will receive the benefits of the Settlement as described in Question 6 above.

11. May I opt out of the Settlement?

No. If the Court approves the Settlement, you will be bound by it and will receive whatever Settlement recovery you are entitled to under its terms. You cannot exclude yourself from the Settlement, but you may tell the Court what you don’t like about the Settlement by filing and submitting an objection on or before November 25, 2026, (see Question 12 below).

12. How do I object to the Settlement?

You can submit written comments or an objection that explains what you do not like about the Settlement. You may also object to the requested attorneys’ fees, expenses, and service award. Your objection must

be filed with the Court and submitted to the Settlement Administrator on or before November 25, 2026. Your objection must be in writing and must provide the following information:

1. Include the case name and number: *Schlueter v. BNBuilders, Inc, et. al* Case No. 2:25-cv-01713-JHC;
2. Your name, address, and telephone number. If you are represented by a lawyer, you need to also provide your lawyer's name, address, and telephone number;
3. Explanation of why you object to the Settlement or the requested attorneys' fees, expenses, and service awards and why;
4. Whether you and/or your lawyer will attend the Fairness Hearing;
5. Whether your objection applies to only you, a group within the Class, or the entire Class;
6. Copies of any documents that you believe support your objection.

On or before November 25, 2026, you must file with the Court and submit your objection to the Settlement Administrator by U.S. Mail (post marked by November 25, 2026) to **BNBuilders ESOP Settlement c/o Atticus Administration, PO Box 64053, Saint Paul, MN 55164** or email at **BNBuildersESOPSettlement@AtticusAdmin.com**.

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

The Court will hold a Fairness Hearing on December 16, 2026 at 9:00am Pacific, before Judge John H. Chun in the United States District Court for the Western District of Washington at the U.S. Courthouse, 700 Stewart Street, Suite 14134, Seattle, WA 98101-9906. At the Fairness Hearing, the Court will listen to any objections, comments, and arguments concerning the fairness of the proposed Settlement and the requested attorneys' fees, expenses, and service award.

You do not need to attend the Fairness Hearing, but you are welcome to attend to observe or to voice your views about the Settlement or the requested attorneys' fees, expenses, and service award. If you plan to speak at the hearing, you must file with the Court and send a Notice of Intention to Appear at the Fairness Hearing to all Counsel (identifying what issues you wish to be heard on at the Hearing and with the information provided in Question 12) by November 25, 2026.

The date and time of the Fairness Hearing may change, but any changes will be posted at **<https://www.BNBuildersESOPsettlement.com>**.

14. May I speak at the hearing?

Yes, if you would like to speak at the hearing, you must send a Notice of Intention to Appear at the Fairness Hearing with a description of what you wish to be heard on by November 25, 2026. Your Notice of Intention to Appear at the Fairness Hearing must identify what you wish to be heard on and include the information provided in Question 12 by the objection deadline in Question 12.

15. When will I get my Settlement benefits?

If the Court approves the Settlement after the Fairness Hearing, it is still possible that someone appeals the approval of the Settlement. If that happens, an appeals court will review whether it agrees that the Settlement is fair and reasonable. Appeals often take more than a year to be resolved. If no one appeals the Court's approval of the Settlement, Class Members will receive the cash payments described in Question 6 shortly after the Court's approval.

The Settlement website at **<https://www.BNBuildersESOPsettlement.com>** will be updated to provide information about whether the Settlement has been approved and is final, and the anticipated timing of the cash payments.

16. What is the effect of Final Approval of the Settlement?

If the Court approves the Settlement, no Class Member will be permitted to assert any “Released Claims” in any other litigation against the “Releasees.” Those terms are defined in the Settlement. If you do not like any aspects of the Settlement Agreement or the requested attorneys’ fees, costs and service award, you may file with the Court and send to the Settlement Administrator your objection, as described in Question 12 above.

If the Settlement is not approved, the case will proceed as if no Settlement had been attempted or reached. In other words, the payments described in Question 6 above will **not** occur. If the Settlement is not approved and the case resumes, there is no assurance that Settlement Class members will recover more than what is provided under the Settlement, or anything at all.

17. Where can I get additional information?

This Notice provides only a summary of information about the Settlement. For more detailed information, you may visit <https://www.BNBuildersESOPsettlement.com> or contact the Settlement Administrator toll free at **1-800-212-8850** or at BNBuildersESOPSettlement@AtticusAdmin.com. Please do not contact the Court or BNBuilders with questions about the Settlement.

18. What if my address or other information has changed or changes?

It is your responsibility to inform the Settlement Administrator of your updated address or other information. This is important as your cash payment will be sent via check to the address the Settlement Administrator has on file for you. You may update your contact information by email to: BNBuildersESOPSettlement@AtticusAdmin.com, by telephone at **1-800-212-8850** or by U.S. Mail to the following mailing address:

**BNBuilders ESOP Settlement
c/o Atticus Administration
PO Box 64053
Saint Paul, MN 55164**