

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

David Fonseca v. Chimienti & Associates

Case No. VCU315048

Superior Court of Tulare County, California

**IF YOUR PRIVATE INFORMATION WAS COMPROMISED IN THE MARCH 2024
CHIMIENTI & ASSOCIATES DATA INCIDENT, A PROPOSED CLASS ACTION
SETTLEMENT MAY AFFECT YOUR RIGHTS, AND ENTITLE YOU TO
BENEFITS AND 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 Chimienti & Associates (“Chimienti” or “Defendant”) in a class action lawsuit. This case is about the targeted cyberattack impacting Chimienti that occurred in March 2024 (the “Data Incident”). Certain files that contained Private Information may have been accessed. These files may have contained personal information such as names; Social Security numbers; dates of birth; state-issued identification (such as driver’s license or non-driver ID); financial account information; and health information.
- The lawsuit is called *David Fonseca v. Chimienti & Associates*, Case No. VCU315048. It is pending in the Superior Court of Tulare County, California (the “Litigation”).
- Chimienti 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.
- Chimienti's records indicate that you are a Settlement Class Member, and entitled to benefits under the Settlement. You may have received a previous notice directly from Chimienti.
- 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
SUBMIT A CLAIM	The only way to receive benefits or payments from this Settlement is by submitting a valid and timely Claim Form. The fastest way to submit your Claim Form is online at www.ChimientiDataSettlement.com. If you prefer, you can download the Claim Form from the Settlement Website and mail it to the Settlement Administrator.	December 28, 2026
OPT-OUT OF THE SETTLEMENT	You can choose to opt-out of the Settlement and receive no Cash Payment or Credit Monitoring. 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 hire your own lawyer at your own expense.	December 14, 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 may also file a claim for Settlement Class Member benefits.	December 14, 2026
DO NOTHING	Unless you opt-out of the Settlement, you are automatically part of the Settlement. If you do nothing, you will not receive benefits or payments from this Settlement. 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 and released 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?

The Superior Court of Tulare County, California, 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 *David Fonseca v. Chimienti & Associates*, Case No. VCU315048. It is pending in the Superior Court of Tulare County, California. The people that filed this lawsuit are called the “Plaintiffs” (or “Class Representatives”) and the company they sued, Chimienti & Associates, is called the “Defendant.”

2. What is this lawsuit about?

This lawsuit alleges that during the March 2024 targeted cyberattack impacting Chimienti, certain files that contained Private Information may have been accessed. These files may have contained personal information such as names; Social Security numbers; dates of birth; state-issued identification (such as driver’s license or non-driver ID); financial account information; and health information.

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 proposed Settlement, the Class Representatives are David Fonseca; Kahyun Kim; Robert Simplicio; Terry Marshall; and Rachel Prendez. Everyone included in this Action are the Settlement Class Members.

4. Why is there a Settlement?

The Court did not decide whether the Plaintiffs or the Defendant are right. Both sides have agreed to a Settlement to avoid the costs and risks of a trial, and to allow the Settlement Class Members to receive benefits from the Settlement. 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 court has defined the Settlement Class this way: “All living individuals residing in the United States whose Private Information was impacted in the Data Incident.”

6. Are there exceptions to being included?

Yes. Excluded from the Class are: (a) directors, officers, and employees of Defendant; (b) the Judge assigned to the Action, that Judge’s immediate family, and Court staff; and (c) any Settlement Class Member who timely and validly opted out of the Settlement.

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

- Email: info@ChimientiDataSettlement.com
- Call toll free, 24/7: 1-(833) 421-7301
- By mail: Chimienti Data Incident Settlement
c/o Settlement Administrator
PO Box 25226
Santa Ana, CA 92799-9958

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

The Settlement Benefits

7. What does the Settlement provide?

Chimienti has agreed to create a \$650,000.00 Settlement Fund. This fund will be used to pay for all costs of litigation, and for the Settlement Class Benefits that are explained below.

All Settlement Class Members may claim **Credit Monitoring** and one of two **Cash Payment** options. The benefits are explained in more detail below.

CREDIT MONITORING. All Settlement Class Members are eligible to enroll in two years of CyEx Financial Shield Complete. This comprehensive service comes with one bureau of credit monitoring services and \$1 million of financial fraud insurance, and includes monitoring for:

- fraud or identity theft
- unauthorized financial transactions
- personal information associated with high-risk transactions

If anything suspicious happens, you will be able to talk to a fraud resolution agent to help fix any problems.

CASH PAYMENTS. Settlement Class Members who have documented losses may claim **Cash Payment A – Documented Losses**. Alternatively, you may claim a \$100.00 **Cash Payment B – Alternate Cash** payment.

Cash Payment A – Documented Losses. If you incurred actual, documented out-of-pocket losses due to the Data Incident, you can get back up to **\$5,000.00**. The losses must have occurred between

March 22, 2024, and December 28, 2026.

This benefit covers out-of-pocket expenses like:

- losses because of identity theft or fraud
- fees for credit reports, credit monitoring, or freezing and unfreezing your credit
- cost to replace your IDs
- postage to contact banks by mail

You need to send proof, like receipts, to show how much you spent or lost. Your personal certifications, declarations, or affidavits do **not** constitute reasonable documentation to make a valid claim, but you may include that to provide clarification, context, or support for other submitted reasonable documentation showing that your expenses were because of the Data Incident.

You cannot claim a payment for expenses that have already been reimbursed by a third party.

-OR-

Cash Payment B – Alternate Cash. Instead of Cash Payment A, you may claim a one-time pro rata cash payment of up to **\$100.00**. You do not have to provide any proof or explanation to claim this payment.

There is an aggregate cap of \$650,000.00 on these benefits. This means that if the total value of benefits claimed is over \$650,000.00, everyone's payments will be reduced pro rata so that they add up to \$650,000.00.

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

- Email: info@ChimientiDataSettlement.com
- Call toll free, 24/7: 1-(833) 421-7301
- By mail: Chimienti Data Incident Settlement
c/o Settlement Administrator
PO Box 25226
Santa Ana, CA 92799-9958

8. What claims am I releasing if I stay in the Settlement Class?

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

Submitting a Claim Form for a Settlement Payment

9. How do I submit a claim for a Settlement benefit?

The fastest way to submit your Claim Form is online at www.ChimientiDataSettlement.com. If you prefer, you can download a printable Claim Form from the website and mail it to the Settlement Administrator at:

Chimienti Data Incident Settlement
c/o Settlement Administrator
PO Box 25226
Santa Ana, CA 92799-9958

You may also contact the Settlement Administrator to request a Claim Form by telephone, toll free, 1-(833) 421-7301, by email info@ChimientiDataSettlement.com, or by U.S. mail at the address above.

10. Are there any important Settlement payment deadlines?

If you are submitting a Claim Form online, you must do so by December 28, 2026. If you are submitting a claim by U.S. mail, the completed and signed Claim Form, including supporting documentation, must be postmarked no later than December 28, 2026.

11. When will the Settlement benefits be issued?

The Court will hold a Final Approval Hearing on January 12, 2027 (**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. Please be patient.

The Lawyers Representing You

12. Do I have a lawyer in the case?

Yes, the Court has appointed attorneys Kristen Lake Cardoso of Kopelowitz Ostrow P.A.; Tyler J. Bean of Siri & Glimstad, LLP; Leigh S. Montgomery of EKSM, LLP; and Cassandra Miller of Strauss Borrelli PLLC, to represent you and other Settlement 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 up to 33.33% of the Settlement Fund (\$216,666.66) as reasonable attorneys' fees plus the costs of litigation. This amount will be paid from the Settlement Fund.

Class Counsel will also ask for Service Award payments of \$2,500.00 for each of the Class Representatives. Service Award payments will also be paid from the Settlement Fund.

Opting-Out 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 an Opt-Out Request.

If you opt-out, 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 opt-out. However, you will keep any rights you may have to sue Chimienti on your own about the legal issues in this case.

The deadline to opt-out from the Settlement is **December 14, 2026**.

To be valid, your Opt-Out Request must have the following information:

- (1) the name of the Litigation: *David Fonseca v. Chimienti & Associates*, Case No. VCU315048, pending in the Superior Court of Tulare County, California;
- (2) your full name, mailing address, telephone number, and email address;
- (3) personal signature; and
- (4) the words “Opt-Out Request” 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:

Chimienti Data Incident Settlement
ATTN: Exclusion Request
PO Box 25226
Santa Ana, CA 92799-9958

Your Opt-Out Request must be submitted and postmarked by **December 14, 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 Settlement 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 opted-out 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: *David Fonseca v. Chimienti & Associates*, Case No. VCU315048, pending in the Superior Court of Tulare County, California;
- (2) your full name, mailing address, telephone number, and email address (if any);
- (3) all grounds for the objection, accompanied by any legal support for the objection known to the objector or objector’s counsel;
- (4) the number of times the objector has objected to a class action settlement within the 5 years preceding the date that the objector files the objection, the caption of each case in which the objector has made such objection, and a copy of any orders related to or ruling upon the objector’s prior objections that were issued by the trial and appellate courts in each listed case;

- (5) the identity of all counsel who represent the objector, including any former or current counsel who may be entitled to compensation for any reason related to the objection to the Settlement and/or Application for Attorneys' Fees, Costs, and Service Awards;
- (6) the number of times in which the objector's counsel and/or counsel's law firm have objected to a class action settlement within the five years preceding the date of the filed objection, the caption of each case in which counsel or the firm has made such objection and a copy of any orders related to or ruling upon counsel's or the counsel's law firm's prior objections that were issued by the trial and appellate courts in each listed case in which the objector's counsel and/or counsel's law firm have objected to a class action settlement within the preceding five years;
- (7) the identity of all counsel (if any) representing the objector, and whether they will appear at the Final Approval Hearing;
- (8) a list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any);
- (9) a statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing; and
- (10) your signature (if you have hired your own lawyer, their signature is not sufficient).

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

To be considered by the Court, you must file your complete objection with the Clerk of Court by December 14, 2026. You must also send a copy of the objection by U.S. Mail to the Settlement Administrator, Class Counsel, and Defendant's Counsel.

Clerk of the Court	Settlement Administrator
Clerk of the Court 640 South Alta Avenue Dinuba, CA 93618	Chimienti Data Incident Settlement ATTN: Objections PO Box 25226 Santa Ana, CA 92799-9958

Class Counsel	Counsel for Defendants
Kristen Lake Cardoso KOPELOWITZ OSTROW P.A One West Las Olas Blvd., Ste. 500 Fort Lauderdale, Florida 33301 Tyler Bean SIRI & GLIMSTAD, LLP 700 S Flower St., Ste. 1000 Los Angeles, CA 90017 Leigh S. Montgomery EKSM, LLP 1105 Milford St. Houston, Texas 77006 Cassandra Miller STRAUSS BORRELLI PLLC 980 N. Michigan Ave., Ste. 1610 Chicago, Illinois 60611	John T. Mills GORDON REES SCULLY MANSUKHANI 1 Battery Park Plaza, 28th Floor New York, NY 10004

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 opt-out from the Settlement. Opting out from the Settlement is 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 on **January 12, 2027 at 8:30 a.m. Pacific Time**, in Department 02 of the Superior Court of Tulare County, California, at 640 South Alta Avenue, Dinuba, CA 93618.

At the Final Approval Hearing, the Court will decide whether to approve the Settlement. The court will also decide Class Counsel's request for an attorneys' fees and costs award and the request for a Service Award to the Class Representatives. The Court will also consider any timely objections to the Settlement.

If you are a Settlement 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.ChimientiDataSettlement.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 file 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 filed 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 not receive a benefit from this Settlement.

You will also give up the rights described in **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.ChimientiDataSettlement.com.

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

- Email: info@ChimientiDataSettlement.com

- Call toll free, 24/7: 1-(833) 421-7301
- By mail: Chimienti Data Incident Settlement
c/o Settlement Administrator
PO 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, 640 South Alta Avenue, Dinuba, CA 93618.

DO NOT CONTACT THE COURT OR CLERK OF COURT REGARDING THIS SETTLEMENT