

NOTICE OF A CLASS ACTION SETTLEMENT

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

In re Waste Management Data Breach Litigation, Case No. 1:21-cv-06199-DLC (S.D.N.Y.)

If USA Waste-Management Resources, LLC Notified You of a Data Security Incident, You May Be Eligible for a Cash Payment and Other Benefits from a Class Action Settlement.

For complete information, visit WMDataBreachSettlement.com or call 877-793-4157.

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

A Settlement has been reached in a class action lawsuit concerning a data breach at USA Waste-Management Resources, LLC (“WM” or “Defendant”). The data breach occurred in January 2021 when an unauthorized third party gained access to certain WM systems (the “Data Security Incident”). Plaintiffs in the lawsuit allege that the Data Security Incident potentially exposed certain individuals’ names, dates of birth, Social Security numbers, and driver’s license numbers. The Settlement would resolve the lawsuit without an admission of liability by WM. The lawsuit is called *In re Waste Management Data Breach Litigation*, Case No. 1:21-cv-06199-DLC (S.D.N.Y.).

The Settlement Class includes all individuals to whom Defendant sent notice of the January 2021 Data Security Incident. If you are a Settlement Class Member, your legal rights are affected regardless of whether you act. Please read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

SUBMIT A CLAIM FORM	This is the only way you may receive benefits from this Settlement. The deadline to submit a Claim Form is March 14, 2024 .
EXCLUDE YOURSELF FROM THE SETTLEMENT	You will receive no payment or benefit from the Settlement, 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 January 29, 2024 .
OBJECT TO THE SETTLEMENT	Write to the Court explaining why you do not agree with the Settlement. The deadline to object is January 29, 2024 . You will remain in the Class and be subject to the Release if the Court approves the Settlement.
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 March 15, 2024 .
DO NOTHING	You will not get a benefit from the Settlement, and you will give up the right to sue WM for claims arising out of the Data Security Incident. You will remain in the Class and be subject to the Release.

These rights and options, and the deadlines to exercise them, are explained in this Notice. For complete details, please see the Settlement Agreement, available at WMDataBreachSettlement.com.

The Court in charge of this case still has to decide whether to approve the Settlement. No Settlement benefits or payments will be provided unless 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 WM. You have legal rights and options that you may act on before the Court decides whether to approve the proposed Settlement. You may be eligible to receive a cash payment and other benefits as part of the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

Judge Denise L. Cote of the United States District Court for the Southern District of New York is overseeing this class action. The case is called *In re Waste Management Data Breach Litigation*, Case No. 21-cv-06199-DLC (S.D.N.Y.).

2. What is a class action lawsuit?

A class action is a lawsuit in which one or more plaintiffs—in this case, Plaintiffs and Class Representatives Janie Marcaurel, Gabriel Fierro, Shelby Ingram, Mark Krenzer, Mary J. Fusilier, Clifford Harris, Nolan Brodie, Miguel Montelongo, Gerald Davis, Steven Dudley, Edward Couture, Rafael Moran, and Mary Chubbuck—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, a 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 prevent the Data Security Incident from occurring.

Defendant denies that it is liable for the claims made in the lawsuit. More information about the complaint in the lawsuit can be found on the Settlement Website at WMDDataBreachSettlement.com.

4. Why is there a Settlement?

The Plaintiffs filed the first of four consolidated cases on July 19, 2021. On February 24, 2022, the District Court granted Defendant’s motion to dismiss the consolidated lawsuit. The Plaintiffs appealed that decision, and that appeal was pending in the Court of Appeals for the Second Circuit. On August 21, 2023, 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 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 IS INCLUDED IN THIS 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 notice of the January 2021 Data Security Incident from WM. Settlement Class Members were also sent notice of this Settlement via U.S. Mail.

If you are not sure whether you are included, you can contact the Settlement Administrator by calling 877-793-4157, or by visiting the Settlement Website at WMDDataBreachSettlement.com.

This Settlement Class does not include (a) all Settlement Class Members who timely and validly request exclusion from and opt out of the Settlement Class; (b) the judge(s) or Magistrate Judge(s) to whom the Action is assigned and any member of those Judges’ staffs or immediate family members; and (c) any members or employees of defense counsel.

THE SETTLEMENT BENEFITS

6. What does the Settlement provide?

Reimbursement for Ordinary Expenses, Extraordinary Expenses and Time Spent: If you suffered documented financial losses that are fairly traceable to the Data Security Incident, you may be eligible to receive compensation for these Ordinary Expenses. If you spent time responding to the Data Security Incident, you may be eligible to receive compensation for Time Spent. If you suffered identity theft reasonably traceable to the Data Security Incident, you may be eligible to receive reimbursement for Extraordinary Expenses.

- A. Ordinary Expenses or Losses:** You may make a Claim for reimbursement for documented Ordinary Expenses incurred after the Data Security Incident that are reasonably traceable to the Data Security Incident. Examples of ordinary expenses include costs incurred accessing or freezing/unfreezing credit reports with any credit reporting agency; purchasing credit monitoring; other miscellaneous expenses incurred related to any out-of-pocket loss such as notary, fax, postage, copying, mileage, and long-distance telephone charges; and unpaid time off work to address issues fairly traceable to the Data Security Incident at your actual hourly rate of pay. To present your Claim, you must attest that you made reasonable efforts to avoid losses and seek reimbursement for the losses, and you exhausted any existing credit monitoring and identity theft insurance. The maximum payment for any Claim for Ordinary Expenses is \$750.00.
- B. Time Spent:** You may make a Claim for reimbursement for up to three (3) hours of time spent remedying or preventing identity theft or other fraud, misuse of your personal information attributable to the Data Security Incident and/or dealing with the Notice of the Data Security Incident. Time Spent will be compensated at \$20.00/hour and requires a brief description of (1) the action taken in response to the Data Security Incident; (2) the time associated with each action; and (3) an attestation that the time was spent responding to or addressing issues relating to the Data Security Incident. Claims for Time Spent are included within the \$750.00 maximum for Ordinary Expenses.
- C. Extraordinary Expenses:** If your identity was stolen, and the identity theft is reasonably traceable to the Data Security Incident, you may be eligible for a payment of Extraordinary Expenses up to \$3,000.00. However, your payment may not be more than the documented loss, provided that the loss is not already covered by one or more of the other settlement benefits. Further, you must attest that you made reasonable efforts to avoid losses and seek reimbursement for the losses, and you exhausted any existing credit monitoring and identity theft insurance. Examples of extraordinary expenses or losses include unreimbursed costs, expenses, losses, or charges incurred as a result of identity theft, identity fraud, or falsified tax returns.

Identity Theft and Credit Monitoring: Upon timely submission of a Claim Form, all Settlement Class Members are eligible to receive, free of charge, two (2) years of 3-bureau credit monitoring services, including identity restoration services, and up to \$1,000,000.00 of identity theft insurance coverage for certain out of pocket expenses resulting from identity theft.

Remedial Measures: Defendant has also agreed to implement and/or maintain enhanced data security measures as part of the Settlement, including maintaining a policy to encrypt employee and third party personally identifiable information in transit and at rest and engaging a third party to conduct a cybersecurity penetration test annually, all for a period of at least five (5) years, to help keep information secure. For complete details, please see the Settlement Agreement, available at WMDDataBreachSettlement.com.

HOW TO GET BENEFITS

7. How do I make a Claim?

To qualify for a Settlement benefit, you must complete and submit a Claim Form.

Settlement Class Members who want to submit a Claim must fill out and submit a Claim Form online at WMDDataBreachSettlement.com or by mail to the Settlement Administrator. Claim Forms are only available through the Settlement Website at WMDDataBreachSettlement.com or by calling 877-793-4157.

Claims will be subject to a verification process. You will need the Unique Claim Number provided with your Notice to fill out a Claim Form. **All Claim Forms must be submitted no later than March 14, 2024.**

8. When will I get my payment or benefit?

The hearing to consider the fairness of the Settlement is scheduled for March 15, 2024. If the Court approves the Settlement, eligible Settlement Class Members whose Claims were approved by the Settlement Administrator will be given an opportunity to enroll in the Identity Theft Protection and Credit Monitoring Package and/or be sent payment after all appeals and other reviews, if any, are completed. Please be patient.

THE LAWYERS REPRESENTING YOU

9. Do I have a lawyer in this case?

Yes, the Court has appointed Gayle M. Blatt of Casey Gerry Schenk Francavilla Blatt & Penfield LLP as “Class Counsel” to represent the Settlement Class. You will not be charged for Class Counsel’s services. You can ask your own lawyer to appear in Court for you at your own expense if you want to be represented separately.

10. How will the lawyers be paid?

Class Counsel will ask the Court for attorneys’ fees, costs, and expenses that will be paid by or on behalf of Defendant. Class Counsel will not seek more than four hundred and forty thousand dollars (\$440,000.00) in attorneys’ fees, costs, and expenses. Class Counsel will also request a service award of two thousand five hundred dollars (\$2,500.00) for Lead Plaintiff Gabriel Fierro and five hundred dollars (\$500.00) each for Plaintiffs Janie Marcaurel, Shelby Ingram, Mark Krenzer, Mary J. Fusilier, Clifford Harris, Nolan Brodie, Miguel Montelongo, Gerald Davis, Steven Dudley, Edward Couture, Rafael Moran, and Mary Chubbuck. 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. Any amount that the Court awards for attorneys’ fees, expenses, and service awards to Plaintiffs will be paid separately by WM and will not reduce the amount paid to Settlement Class Members who submit valid Claims.

Class Counsel will file their request for attorneys’ fees, costs, and expenses and Service Awards for Plaintiffs with the Court no later than fourteen (14) days prior to the Objection Deadline, at which time it will be posted on the Settlement Website, WMDDataBreachSettlement.com.

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 Defendant about the Data Security 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 even if you do not submit a Claim Form. 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 WMDDataBreachSettlement.com.

12. What happens if I do nothing at all?

If you do nothing, you will receive no payment for any losses incurred from the Data Security Incident or benefit under the Settlement. You will be in the Settlement Class, and if the Court approves the Settlement, you will 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.

13. What happens if I ask to be excluded?

If you exclude yourself from the Settlement, you will receive no benefits or payment 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 Defendant in this class action.

14. How do I ask to be excluded?

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 *In re Waste Management Data Breach Litigation*, Case No. 21-cv-06199-DLC. Your letter must include (1) your full name and current address; (2) a statement that you wish to be excluded from the Settlement Class; and (3) your signature. You must mail your exclusion request, postmarked no later than January 29, 2024, to the following address:

In re Waste Management Data Breach Litigation
Settlement Administrator
P.O. Box 2078
Portland, OR 97208-2078

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 are permitted.

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

No. Unless you exclude yourself, you give up any right to sue Defendant 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, do not submit a Claim Form to ask for a payment.

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 of the Settlement by filing an objection. To object, you must electronically file via the Court's ECF System (see <https://www.nysd.uscourts.gov/electronic-case-filing>), or deliver to the Clerk of the Court by mail, express mail, or personal delivery, a written notice of objection stating that you object to the Settlement in *In re Waste Management Data Breach Litigation*, Case No. 21-cv-06199-DLC. Your objection must be received by the Clerk of the Court (not just postmarked or sent) on or before January 29, 2024.

The objection must be in writing and be personally signed by you. The objection must include (i) your full name, current address, current telephone number, and personal signature; (ii) documentation sufficient to establish membership in the Settlement Class, such as a copy of the Class Notice you received; (iii) a statement of the position(s) you wish to assert, including the factual and legal grounds for the position; (iv) copies of documents you wish to submit in support of your position; (v) whether you intend to appear at the Final Approval Hearing; (vi) whether you are represented by counsel and if so, the name, address, and telephone number of your counsel; and (vii) all other cases in which you (directly or through counsel) have filed an objection to any proposed class action settlement, including the case name, court, and docket number for each.

If you mail your objection to the Court, send it to the Clerk of the Court, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007-1312, and you must also mail copies of your notice of objection and any supporting documents to Class Counsel at the address listed below at the same time you mail it to the Court:

Class Counsel
Gayle M. Blatt Casey Gerry Schenk Francavilla Blatt & Penfield LLP 110 Laurel St. San Diego, CA 92101

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. If you object, you are still part of the Settlement Class and will be bound by all orders and judgments of the Court, the Settlement, and its included Release if the Court approves the Settlement.

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 March 15, 2024, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007, Courtroom 18B. 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.

Note: 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, WMDDataBreachSettlement.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 in person 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 in the Settlement Agreement, which is available at WMDDataBreachSettlement.com or by writing to In re Waste Management Data Breach Litigation, c/o Settlement Administrator, P.O. Box 2078, Portland, OR 97208-2078.

23. How do I get more information?

Go to WMDDataBreachSettlement.com, call 877-793-4157 or write to:

In re Waste Management Data Breach Litigation
Settlement Administrator
P.O. Box 2078
Portland, OR 97208-2078

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