

**NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT**

**If Newcourse Communications Notified You Of A Data Breach,  
You May Be Eligible For Benefits From A Class Action Settlement.**

*This is not a solicitation from a lawyer, junk mail, or an advertisement. A Court authorized this Notice.*

- A proposed Settlement has been reached in a class action lawsuit known as *Arend et al. v. Newcourse Communications, Inc. et al.* Case No.: 23C303, (“Action”), filed in the Circuit Court of Davidson County, Tennessee, Twentieth Judicial District at Nashville.
- This Action arises out of the unauthorized access to Newcourse Communications, Inc. (“Newcourse”) systems, which occurred on or around April 27, 2022, to May 3, 2022, and about which Newcourse notified affected individuals on or about October 31, 2022 (the “Data Breach”). The claims asserted are based allegations that certain files allegedly accessed during the Data Breach may have contained private information obtained and maintained by Newcourse on behalf of its customers, including First United Bank and Trust Co. (“First United Bank”). Allegedly, that private information included some persons’ names, addresses, Social Security Numbers, and certain mortgage information. Newcourse disagrees with Plaintiffs’ claims and denies any wrongdoing.
- All Settlement Class Members can receive the following benefits from the Settlement: (1) Identity Theft Monitoring Services at all three credit bureaus and identity theft protection with \$1 million in insurance coverage; (2) up to five hours of Attested Time compensable at \$20 per hour; (3) up to \$500 for reimbursement for documented Out-of-Pocket Expenses and/or (4) up to \$4,000 for proven Financial Losses if you were the victim of actual, documented identity theft.
- Newcourse has or will also provide security improvements for the private information it maintains.
- You are included in this Settlement as a Settlement Class Member if (a) your Social Security Number was compromised by the Data Breach and were mailed notification by or on behalf of Newcourse on or about October 31, 2022; or (b) your Social Security Number was not compromised by the Data Breach but you were mailed notification by or on behalf of Newcourse or First United Bank and you have asserted a claim against Newcourse and/or First United Bank on or before the date of the Settlement Agreement for alleged misuse of your personal information resulting in harm because of the Data Breach.
- Your legal rights are affected regardless of whether you do or do not act. Read this Notice carefully.

<b>YOUR LEGAL RIGHTS &amp; OPTIONS IN THIS SETTLEMENT</b>	
<b>Submit a Claim Form and/or Receive Identity Theft Monitoring Services</b>	<b>You must submit a valid Claim Form to get money or Identity Theft Monitoring Services at all three credit bureaus from this Settlement.</b>  Claim Forms must be submitted online by August 24, 2024, or, if mailed, postmarked no later than August 24, 2024.
<b>Do Nothing</b>	If you do nothing, you remain in the Settlement. You give up your rights to sue and you will not get any money.
<b>Exclude Yourself</b>	<b>Get out of the Settlement. Get no money. Keep your rights.</b>  This is the only option that allows you to keep your right to sue about the claims in this Action. You will not get any money or Identity Theft Monitoring Services from the Settlement.  Your opt-out request must be postmarked no later than July 10, 2024.
<b>File an Objection</b>	Stay in the Settlement but tell the Court why you think the Settlement should not be approved. Objections must be postmarked no later than July 10, 2024.

<b>Go to a Hearing</b>	<p>You can ask to speak in Court about the fairness of the Settlement, at your own expense. See Question 18 for more details.</p> <p>The Final Approval Hearing is scheduled for October 11, 2024 at 11:00 a.m. CT.</p>
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## BASIC INFORMATION

### 1. How do I know if I am affected by the Action and Settlement?

You are a Settlement Class Member if (a) your Social Security Number was compromised by the Data Breach and you were mailed notification by or on behalf of Newcourse on or about October 31, 2022; or (b) your Social Security Number was not compromised by the Data Breach but you were mailed notification by or on behalf of Newcourse or First United Bank and you asserted a claim against Newcourse and/or First United Bank on or before the date of the Settlement Agreement for alleged misuse of your personal information resulting in harm because of the Data Breach.

The Settlement Class specifically excludes: (i) Newcourse; (ii) Tennessee Housing Development Agency, First United Bank and Trust Company, Owners Choice Funding Incorporated, Evergreen Home Loans, Village Capital Investment LLC; (iii) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (iv) any judges assigned to this case and their staff and family; and (v) any other person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding or abetting the criminal activity occurrence of the Data Breach or who pleads *nolo contendere* to any such charge.

This Notice explains the nature of the Action and claims being settled, your legal rights, and the benefits to the Settlement Class.

### 2. What is this case about?

This case is known as *Arend et al. v. Newcourse Communications, Inc. et al.* Case No.: 23C303, filed in the Circuit Court of Davidson County, Tennessee, Twentieth Judicial District at Nashville. The persons who sued are called the “Plaintiffs” and the company they sued, Newcourse, is known as a “Defendant” in this case. Newcourse will be called “Defendant” in this Notice.

Plaintiffs filed a lawsuit against Defendant, individually, and on behalf of anyone whose private information was potentially impacted because of the Data Breach.

This Action arises out of potential unauthorized access to Defendant’s systems and certain files containing sensitive information including, but not limited to, for some persons full names, addresses, and Social Security Numbers. After learning of the Data Breach, Defendant mailed notification to persons whose private information may have been impacted by the Data Breach on or about October 31, 2022. Subsequently, this Action was filed asserting claims against Defendant relating to the Data Breach.

Defendant denies any wrongdoing.

### 3. Why is there a Settlement?

By agreeing to settle, both sides avoid the cost, disruption, and distraction of further litigation. The Settlement Class Representatives, Defendant, and their attorneys believe the proposed Settlement is fair, reasonable, and adequate and, thus, in the best interests for Settlement Class Members. The Court did not decide in favor of the Plaintiffs or Defendant. Full details about the proposed Settlement are found in the Settlement Agreement available at [www.NewcourseDataBreachSettlement.com](http://www.NewcourseDataBreachSettlement.com).

### 4. Why is this a class action?

In a class action, one or more people called a “Settlement Class Representative” sue on behalf of all people who have similar claims. All of these people together are the “Settlement Class” or “Settlement Class Members.”

### 5. How do I know if I am included in the Settlement?

You are included in the Settlement if you are a person residing in the United States and if you meet the criteria for a Settlement Class Member as described in Question 1 herein. If you are not sure whether you are included as a Settlement

Class Member, or have any other questions about the Settlement, visit [www.NewcourseDataBreachSettlement.com](http://www.NewcourseDataBreachSettlement.com), call toll free (833) 522-9119, or write to *Arend et al. v. Newcourse Communications, Inc. et al.*, c/o Kroll Settlement Administration LLC, PO Box 225391, New York, NY 10150-5391.

## THE SETTLEMENT BENEFITS

### 6. What does this Settlement provide?

The proposed Settlement will provide the following benefits to Settlement Class Members:

#### Expense Reimbursement

**Documented Out-of-Pocket Expenses:** All Settlement Class Members who submit a valid Claim using the Claim Form are eligible for the following documented (except lost time, as defined below) Out-of-Pocket Expense reimbursement, not to exceed \$500 per Settlement Class Member: (a) documented Out-of-Pocket Expenses that were incurred as a result of the Data Breach, which may include: (i) bank fees, long distance phone charges, cell phone charges (only if charged by the minute), data charges (only if charged based on the amount of data used), postage, or gasoline for local travel, (ii) fees for credit reports, credit monitoring, or other identity theft insurance product purchased between October 31, 2022, and April 26, 2024.

This list of reimbursable documented Out-of-Pocket Expenses is not meant to be exhaustive, rather it is exemplary. Settlement Class Members may make Claims for any documented Out-of-Pocket Expenses reasonably related to the Data Breach or to mitigating the effects of the Data Breach. The Settlement Administrator shall have discretion to determine whether any claimed loss is reasonably related to the Data Breach.

To receive reimbursement for any of the above-referenced documented Out-of-Pocket Expenses, Settlement Class Members must submit a valid and timely Claim Form, including necessary supporting documentation, to the Settlement Administrator.

**Attested Time Reimbursement:** Settlement Class Members are also eligible to receive reimbursement for up to five (5) hours of Attested Time spent dealing with the Data Breach (calculated at the rate of \$20 per hour) for a maximum of up to \$100 per person. Settlement Class Members may receive reimbursement for Attested Time if the Settlement Class Member certifies that the Attested Time was spent responding to the Data Breach. Claims made for Attested Time can be combined with reimbursement for documented Out-of-Pocket Expense reimbursement and are subject to the same \$500 documented Out-of-Pocket Expense reimbursement cap for all Settlement Class Members.

**Documented Financial Losses Reimbursement:** Settlement Class Members who were the victim of actual documented identity theft are also eligible to receive reimbursement for documented Financial Losses, not to exceed \$4,000 per Settlement Class Member, including proven actual monetary losses, provided that: (i) the loss is an actual, documented, and unreimbursed monetary loss; (ii) the loss was more likely than not caused by the Data Breach; (iii) the loss occurred between April 27, 2022 and August 24, 2024; (iv) the loss is not already covered by one or more of the normal reimbursement categories; and (v) the Settlement Class Member made reasonable efforts to avoid, or seek reimbursement for, the loss, including but not limited to exhaustion of all available credit monitoring insurance and identity theft insurance.

**Identity Theft Monitoring Services:** Settlement Class Members shall be offered an opportunity to enroll in Identity Theft Monitoring Services at all three credit bureaus and identity theft protection with \$1 million in insurance. Settlement Class Members will be offered 2 years of Identity Theft Monitoring Services.

The maximum amount to be paid by Newcourse and its insurer is capped at no more than \$600,000 for the payment of Approved Claims made under this Settlement, exclusive of costs for claimed Identity Theft Monitoring Services, Settlement

Administration Costs, Service Award Payment, and the Fee Award and Costs.

If the Settlement is finally approved by the Court, Settlement Class Members who make timely, Approved Claims for Identity Theft Monitoring Services will be provided with codes required to activate these services.

**Remedial Relief:** Newcourse will continue to provide security for private information in its possession, custody, or control. These security measures will be paid for by Newcourse separate and apart from other Settlement benefits.

## **7. How to submit a Claim Form**

All Claim Forms will be reviewed by the Settlement Administrator for completeness and plausibility. You must file a Claim Form to get money and credit monitoring from the proposed Settlement. Claim Forms must be submitted online by August 24, 2024, or postmarked no later than August 24, 2024. You can download a Claim Form at [www.NewcourseDataBreachSettlement.com](http://www.NewcourseDataBreachSettlement.com) or you can call the Settlement Administrator at (833) 522-9119 for a Claim Form. You must notify the Settlement Administrator if your contact information changes after you submit a Claim Form.

## **8. What am I giving up as part of the Settlement?**

If you stay in the Settlement Class, you will be eligible to receive benefits, but you will not be able to sue Defendant, Tennessee Housing Development Agency, First United Bank and Trust Company, Owners Choice Funding Incorporated, Evergreen Home Loans, Village Capital Investment LLC, or any of their respective present and former predecessors, successors, assigns, parents, subsidiaries, divisions, affiliates, or departments, as well as any and all of their respective past, present, and future officers, directors, employees, stockholders, partners, servants, agents, successors, attorneys, advisors, consultants, representatives, insurers, reinsurers, subrogees, and all their predecessors, successors, and assigns, in their individual and official capacities, both jointly and severally (“Released Persons”), regarding the Data Breach or claims in the Action.

The Settlement Agreement, which includes all provisions about settled claims, releases, and Released Persons, is available at [www.NewcourseDataBreachSettlement.com](http://www.NewcourseDataBreachSettlement.com).

The only way to keep the right to sue is to exclude yourself (see Question 10), otherwise you will be included in the Settlement Class, and, if the Settlement is approved, you give up the right to sue for the claims in this case.

## **9. Will the Settlement Class Representatives receive compensation?**

Yes. If approved by the Court, the Settlement Class Representatives will each receive a Service Award Payment of up to \$2,500, to compensate them for their services and efforts in bringing the Action. The Court will make the final decision as to the amount, if any, to be paid to the Settlement Class Representatives.

### **EXCLUDE YOURSELF**

## **10. How do I exclude myself from the Settlement?**

If you do not want to be included in the Settlement, you must send a timely written Request for Exclusion, stating your full name, address, and telephone number. Your Request for Exclusion must be personally signed by you and contain your original signature (or the original signature of a person previously authorized by law, such as a trustee, guardian, or person acting under power of attorney to act on your behalf with respect to a claim or right, such as those in the Action). Your request must also clearly manifest your intent to be excluded from the Settlement Class, to be excluded from the Settlement, not to participate in the Settlement, and/or to waive all rights to the benefits of the Settlement.

Your written Request for Exclusion must be postmarked no later than **July 10, 2024** to:

*Arend et al. v. Newcourse Communications, Inc. et al.*  
c/o Kroll Settlement Administration  
PO Box 225391  
New York, NY 10150-5391

Instructions on how to submit a Request for Exclusion are available at [www.NewcourseDataBreachSettlement.com](http://www.NewcourseDataBreachSettlement.com) or from the Settlement Administrator by calling (833) 522-9119.

If you exclude yourself, you will not be able to receive any cash benefit or Identity Theft Monitoring Services from the Settlement, and you cannot object to the Settlement at the Final Approval Hearing. You will not be legally bound by anything that happens in the Action, and you will keep your right to sue Defendant on your own for the claims that this Settlement resolves.

#### **11. If I do not exclude myself, can I sue later?**

No. If you do not exclude yourself from the Settlement, and the Settlement is approved by the Court, you forever give up the right to sue the Released Persons (listed in Question 8) for the claims this Settlement resolves.

#### **12. What happens if I do nothing at all?**

If you do nothing, you will be bound by the Settlement if the Court approves it, you will not get any money or Identity Theft Monitoring Services from the Settlement, you will not be able to start or proceed with a lawsuit, or be part of any other lawsuit against the Released Persons (listed in Question 8) about the settled claims in this Action at any time.

### **THE LAWYERS REPRESENTING YOU**

#### **13. Do I have a lawyer in the case?**

Yes. The law firms of Stranch, Jennings & Garvey, PLLC, and Cohen & Malad, LLP (called “Class Counsel”) represent the interests of all Settlement Class Members in this case. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

#### **14. How will the lawyers be paid?**

Class Counsel will apply to the Court for an award of combined attorneys’ fees, costs, and expenses in an amount not to exceed \$250,000. This request will not reduce the amount of funds available to Settlement Class Members under this Settlement. A copy of Class Counsel’s Fee Application for attorneys’ fees, costs, expenses, and Service Award Payment for Settlement Class Representatives will be posted on the Settlement Website, [www.NewcourseDataBreachSettlement.com](http://www.NewcourseDataBreachSettlement.com) before the Final Approval Hearing. The Court will make the final decisions as to the amounts to be paid to Settlement Class Counsel and may award less than the amount requested by Class Counsel.

### **OBJECTING TO THE SETTLEMENT**

#### **15. How do I tell the Court that I do not like the Settlement?**

If you want to tell the Court that you do not agree with the proposed Settlement or some part of it, you must file an objection with the Court telling it why you do not think the Settlement should be approved.

Objections must be submitted in writing and include all the following information:

- a) State the objecting Settlement Class Member’s full name, current address, telephone number, and email address (if any);
- b) Contain the objecting Settlement Class Member’s original signature;
- c) Set forth information identifying the objector as a Settlement Class Member, including proof that the objector is within the Settlement Class (*e.g.*, copy of the Notice or copy of original notice of the Data Breach);
- d) Set forth a statement of all grounds for the objection, including any legal support for the objection that the objector believes applicable;

- e) Identify all counsel representing the objector;
- f) State whether the objector and/or his or her counsel will appear at the Final Approval Hearing, and;
- g) Contain the signature of the objector’s duly authorized attorney or other duly authorized representative (if any), along with documentation setting forth such representation.

Your objection must be filed with the Clerk of Court and include the case name and docket number, *Arend et al. v. Newcourse Communications, Inc. et al.* Case No.: 23C303, filed in Circuit Court of Davidson County, Tennessee, Twentieth Judicial District at Nashville to be received no than **July 10, 2024** at:

Circuit Court Clerk’s Office  
P.O. Box 196303  
Nashville, TN 37219-6303

In addition, you must concurrently mail or hand deliver a copy of your objection to Class Counsel and Defendants’ Counsel, postmarked no later than **July 10, 2024**:

CLASS COUNSEL	DEFENDANTS’ COUNSEL
Stranch, Jennings & Garvey, PLLC c/o J. Gerard Stranch 223 Rosa L Parks Ave Ste 200 Nashville, TN 37203  Cohen & Malad, LLP c/o Lynn Toops 1 Indiana Square Indianapolis, IN 46204	Freeman Mathis & Gary, LLP c/o David A. Cole 100 Galleria Parkway, Suite 1600 Atlanta, GA 30339  Baker, Donelson, Bearman, Caldwell & Berkowitz, PC c/o John S. Hicks 1600 West End Ave., Suite 2000 Nashville, TN 37203

In addition, if the objecting Settlement Class Member intends to appear at the Final Approval Hearing, either with or without counsel, he or she must also file with the Court, and mail or hand-deliver to Class Counsel and Defendants’ Counsel, a notice of appearance no later than forty-five (45) days after the Notice Deadline. If the objecting Settlement Class Member intends to appear at the Final Approval Hearing through counsel, the notice of appearance filed with the Court must also:

- a) Identify the attorney(s) representing the objector who will appear at the Final Approval Hearing;
- b) Include each such attorney’s name, address, phone number, email address, state bar(s) to which counsel is admitted, as well as associated state bar numbers;
- c) Include a list identifying all objections each counsel has filed to class action settlements in the past three (3) years, the results of each objection, any court opinions ruling on the objections, and any sanctions issued by a court in connection with objections filed by such attorney, and;
- d) If the objecting Settlement Class Member intends to request permission from the Court to call witnesses at the Final Approval Hearing, the objecting Settlement Class Member must provide a list of any such witnesses together with a brief summary of each witness’s expected testimony at least thirty (30) days before the Final Approval Hearing.

If you do not submit your objection with all requirements, or if your objection is not received by July 10, 2024, you will be considered to have waived all objections and will not be entitled to speak at the Final Approval Hearing.



## **16. What is the difference between objecting and asking to be excluded?**

Objecting is simply 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 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 Settlement no longer affects you.

### **THE FINAL APPROVAL HEARING**

## **17. When and where will the Court decide whether to approve the Settlement?**

The Court will hold the Final Approval Hearing on October 11, 2024 at 11:00 a.m. CT in the Circuit Court for Davidson County, Tennessee, 1 Public Square, Nashville, TN 37201. The hearing may be moved to a different date, time, or location without additional notice, so it is recommended that you periodically check [www.NewcourseDataBreachSettlement.com](http://www.NewcourseDataBreachSettlement.com) for updated information.

At the hearing, the Court will consider whether the proposed Settlement is fair, reasonable, adequate, and is in the best interests of Settlement Class Members, and if it should be finally approved. If there are valid objections, the Court will consider them and will listen to people who have asked to speak at the hearing if the request was made properly. The Court will also consider the Fee Award and Costs to Class Counsel and the request for a Service Award Payment to the Settlement Class Representatives.

## **18. Do I have to come to the hearing?**

No. You are not required to come to the Final Approval Hearing. However, you are welcome to attend the hearing, with or without counsel, at your own expense.

If you submit an objection, you do not have to come to the hearing to talk about it. If your objection was submitted properly and on time, the Court will consider it. You also may pay your own lawyer to attend the Final Approval Hearing, but that is not necessary. However, you must follow the requirements for making objections in Question 15, including the requirements for making appearances at the hearing.

## **19. May I speak at the hearing?**

Yes. You can speak at the Final Approval Hearing, but you must ask the Court for permission. To request permission to speak, you must file an objection according to the instructions in Question 15, including all the information required for you to make an appearance at the hearing. You cannot speak at the hearing if you exclude yourself from the Settlement.

### **GET MORE INFORMATION**

## **20. How do I get more information about the Settlement?**

This is only a summary of the proposed Settlement. If you want additional information about this Action, including a copy of the Settlement Agreement, the Complaint, the Court's Preliminary Approval Order, Class Counsel's Fee Application for attorneys' Fee Award and Costs, and Service Award Payment for Settlement Class Representatives, and more, please visit [www.NewcourseDataBreachSettlement.com](http://www.NewcourseDataBreachSettlement.com) or call (833) 522-9119. You may also contact the Settlement Administrator at *Arend et al. v. Newcourse Communications, Inc. et al.*, c/o Kroll Settlement Administration LLC, PO Box 225391, New York, NY 10150-5391.

If your address changes or you need to make a future correction/update to the address, please visit the Contact section of the Settlement Website at [www.NewcourseDataBreachSettlement.com](http://www.NewcourseDataBreachSettlement.com) and provide your updated address information. Make sure to include your Class Member ID and your telephone number in case we need to contact you in order to complete your request.

**PLEASE DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT  
OR LITIGATION TO THE CLERK OF THE COURT, THE JUDGE, DEFENDANTS, OR DEFENDANTS' COUNSEL.**