

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT
United States District Court for the Central District of California

McDaniel et al. v. Toshiba Global Commerce Solutions, Inc.,
Case No. 8:24-cv-01772-FWS-ADS

This is not a solicitation from a lawyer, junk mail, or an advertisement. A Court authorized this Long Notice (“Notice”).

If Toshiba Global Commerce Solutions, Inc. (“TGCS”) Notified You That Your Personal Information Was Impacted In A Data Incident Occurring on approximately December 4, 2023, You May be Eligible For Benefits From a Class Action Settlement.

- A proposed settlement has been reached in a class action lawsuit known as *McDaniel et al. v. Toshiba Global Commerce Solutions, Inc.*, Case No. 8:24-cv-01772-FWS-ADS, filed in the United States District Court for the Central District of California.
- This Litigation alleges that on approximately December 4, 2023, cybercriminals bypassed TGCS’s security systems undetected and accessed the personal information of TGCS’s current and former employees (“Data Incident”). Specifically, Plaintiffs allege that, as a result of the Data Incident, the criminals gained access to Plaintiffs’ and other current and former employees’ personal information, including name and Social Security Number (collectively, “PII”). TGCS disagrees with Plaintiffs’ claims and denies any wrongdoing.
- All Settlement Class Members who submit a Valid Claim can receive the following benefits from the settlement:
 - ❖ **Out-of-Pocket Expense Reimbursement:** All Settlement Class Members who have suffered a proven monetary loss and who submit a Valid Claim using the Claim Form are eligible for up to \$7,500.00, incurred as a result of the Data Incident.
 - ❖ **California Settlement Subclass Payment:** All California Settlement Subclass Members may make a claim for a \$150.00 cash payment.
 - ❖ **Pro Rata Cash Payment:** All Settlement Class Members may make a claim for a *pro rata* share of all cash remaining in the Settlement Remainder. The amount of the payment (estimated to be \$50.00) will be based upon the amount in the Settlement Remainder, if any, after the payment of Valid Claims for Out-of-Pocket Expense Reimbursement and California Settlement Subclass Payments.

Information Security Improvements: TGCS will also implement certain reasonable steps to adequately secure its systems and environment.

- You are a Settlement Class Member if you were mailed notice by TGCS that your PII was impacted in the Data Incident. You are a California Settlement Subclass Member if you are a Settlement Class Member who resides in California and were mailed notice of the Data Incident at a California address. However, you are not eligible for monetary recovery in this settlement if you submit a valid and approved claim in the settlement of *Gregerson v. Toshiba America Business Solutions, Inc.*, 8:24-cv-01201-FWS-ADS (C.D. Cal.).

Questions? Go to
www.TGCSDataSettlement.com
or call 1-866-742-4955

Your legal rights are affected regardless of whether you do or do not act.

Read this Notice carefully.

YOUR LEGAL RIGHTS & OPTIONS IN THIS SETTLEMENT	
Submit a Claim	The only way to get a reimbursement and/or compensation. Claim Forms must be submitted online by September 22, 2025, or, if mailed, postmarked no later than September 22, 2025.
Do Nothing	If you do nothing, you remain in the settlement. You give up your rights to sue and you will not get any money.
Exclude Yourself	Get out of the settlement. Get no money. Keep your rights. This is the only option that allows you to keep your right to sue about the claims in this lawsuit. You will not get any money from the settlement. Your request to exclude yourself must be postmarked no later than August 22, 2025.
File an Objection	Stay in the settlement but tell the Court why you think the settlement should not be approved. Objections must be postmarked no later than August 22, 2025.
Go to a Hearing	You can ask to speak in Court about the fairness of the settlement, at your own expense. <i>See</i> Question 18 for more details. The Final Fairness Hearing is scheduled for October 2, 2025.

Questions? Go to
www.TGCSDDataSettlement.com
or call 1-866-742-4955

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BASIC INFORMATION

1. How do I know if I am affected by the Litigation and settlement?

You are a Settlement Class Member if you were mailed notice by TGCS that your PII was impacted in the Data Incident.

You are a California Settlement Subclass Member if you are a Settlement Class Member who resides in California and were mailed notice of the Data Incident at a California address.

The Settlement Class specifically excludes: (i) TGCS, its subsidiaries, parent companies, successors, predecessors, and any entity in which TGCS or its parents have a controlling interest, and their officers and directors; (ii) all Settlement Class Members who validly request exclusion from the Settlement Class by the Opt-Out Date; (iii) any judges assigned to this case and members of their direct families; and (iv) 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 Incident or who pleads *nolo contendere* to any such charge.

In addition, you are not eligible for monetary recovery in this settlement if you submit a valid and approved claim in the settlement of *Gregerson v. Toshiba America Business Solutions, Inc.*, 8:24-cv-01201-FWS-ADS (C.D. Cal.).

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

2. What is this Litigation about?

This case is known as *McDaniel et al. v. Toshiba Global Commerce Solutions, Inc.*, Case No. 8:24-cv-01772-FWS-ADS, filed in the United States District Court for the Central District of California. The people who sued are called the “Plaintiffs” and the company they sued, TGCS, is known as the “Defendant” in this case. TGCS will be called “Defendant” in this Notice. Plaintiffs filed a lawsuit against Defendant, individually and on behalf of anyone whose PII was potentially impacted as a result of the Data Incident.

This Litigation alleges that on approximately December 4, 2023, cybercriminals bypassed TGCS’s security systems undetected and accessed PII of current and former employees, including names and Social Security Numbers. After learning of the Data Incident, notification was mailed to persons whose PII may have been impacted by the Data Incident. Subsequently, this Litigation was filed asserting claims against TGCS relating to the Data Incident. TGCS denies Plaintiffs’ claims and 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 Representative Plaintiffs, Defendant, and their attorneys believe the proposed settlement is fair, reasonable, and adequate and, thus, best for the Settlement Class Members. The Court did not decide in favor of the

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or call 1-866-742-4955

Plaintiffs or Defendant. Full details about the proposed settlement are found in the Settlement Agreement available at www.TGCSDataSettlement.com.

4. Why is this a class action?

In a class action, one or more people called “Representative Plaintiffs” 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 were mailed notice by TGCS that your PII was impacted in the Data Incident. You are a California Settlement Subclass Member if you are a Settlement Class Member who resides in California and were mailed notice of the Data Incident at a California address. If you are not sure whether you are included as a Settlement Class Member, or have any other questions about the settlement, visit www.TGCSDataSettlement.com, call toll-free 1-866-742-4955, or write to TGCS Data Settlement, c/o RG/2 Claims Administration LLC, P.O. Box 59479, Philadelphia, PA 19102-9479.

THE SETTLEMENT BENEFITS

6. What does this Settlement provide?

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

Documented Out-of-Pocket Expense Reimbursement: All Settlement Class Members who have suffered a proven monetary loss and who submit a Valid Claim using the Claim Form are eligible for up to \$7,500.00 if:

- (1) the loss is an actual, documented, and unreimbursed monetary loss;
- (2) the loss was more likely than not caused by the Data Incident;
- (3) the loss occurred between December 4, 2023, and the Claims Deadline;
- (4) 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; and
- (5) the Settlement Class Member does not submit a valid and approved claim in the settlement of *Gregerson v. Toshiba America Business Solutions, Inc.*, 8:24-cv-01201-FWS-ADS (C.D. Cal.).

To receive reimbursement for any of the above-referenced out-of-pocket expenses, Settlement Class Members must submit a timely and Valid Claim, including necessary supporting documentation, to the Claims Administrator. Failure to provide supporting documentation of the out-of-pocket expenses referenced above, as requested on the Claim Form, shall result in denial of a claim.

California Settlement Subclass Payment: All California Settlement Subclass Members may make a claim for a \$150.00 cash payment. However, California Settlement Subclass Members may not make a claim for this payment if the class member submits a valid and approved claim in the settlement of *Gregerson v. Toshiba America Business Solutions, Inc.*, 8:24-cv-01201-FWS-ADS (C.D. Cal.).

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or call 1-866-742-4955

Pro Rata Cash Payment: All Settlement Class Members may make a claim for a *pro rata* share of all cash remaining in the Settlement Remainder. The amount of the payment will be based upon the amount in the Settlement Remainder, if any, after the payment of Valid Claims for Out-of-Pocket Expense Reimbursement and California Settlement Subclass Payments. However, Settlement Class Members may not make a claim for *Pro Rata* Cash Payment if the class member submits a valid and approved claim in the settlement of *Gregerson v. Toshiba America Business Solutions, Inc.*, 8:24-cv-01201-FWS-ADS (C.D. Cal.).

Information Security Improvements: TGCS will implement certain reasonable steps to adequately secure its systems and environments. Any costs associated with these security improvements will be paid by TGCS separate and apart from other settlement benefits.

7. How to submit a claim?

All claims will be reviewed by the Claims Administrator. You must file a Claim Form to get any reimbursement from the proposed settlement. You must complete and submit a Claim Form online at www.TGCSDataSettlement.com or by mail to TGCS Data Settlement, c/o RG/2 Claims Administration LLC, P.O. Box 59479, Philadelphia, PA 19102-9479. Read the Claim Form instructions carefully, fill out the Claim Form, provide the required documentation, and submit online by September 22, 2025, or by mail **postmarked by September 22, 2025**.

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 TGCS, Toshiba America Business Solutions, Inc. (“TABS”)*, or the Related Entities or each of their past or present parents, subsidiaries, divisions, or related or affiliated entities, or each of their respective predecessors, successors, directors, officers, employees, principals, agents, attorneys, insurers, or reinsurers regarding the claims in this case. The Settlement Agreement, which includes all provisions about Released Claims, releases, and Released Persons, is available at www.TGCSDataSettlement.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, if the settlement is approved, and you give up the right to sue for the claims in this case.

*Any Settlement Class Member who received a notice of the Data Incident from TGCS and also received from TABS a notice of a cyberattack perpetrated on TABS on or about December 4, 2023, shall not release claims in this case against TABS.

9. Will the Representative Plaintiffs receive compensation?

Yes. The Representatives Plaintiffs will seek approval for service awards of up to \$5,000.00 each, to compensate them for their services and efforts in bringing the lawsuit. The Court will make the final decision as to the amount, if any, to be paid to the Representative Plaintiffs.

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. Your request for exclusion must be individually signed by you. Your request must clearly manifest your intent to be excluded from the settlement.

Your written request for exclusion must be postmarked no later than **August 22, 2025** to:

TGCS Data Settlement
c/o RG/2 Claims Administration LLC
P.O. Box 59479
Philadelphia, PA 19102-9479

Instructions on how to submit a request for exclusion are available at www.TGCSDataSettlement.com or from the Claims Administrator by calling **1-866-742-4955**.

If you exclude yourself, you will not be able to receive any settlement benefits from the settlement and you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit and you will keep your right to sue the 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.

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in the case?

Yes. The Court has appointed Raina Borrelli and Andrew Gunem of Strauss Borrelli PLLC and Kennedy M. Brian and William B. Federman of Federman & Sherwood (collectively called “Proposed Settlement Class Counsel”) to 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.

13. How will the lawyers be paid?

Proposed Settlement Class Counsel will apply to the Court for an award of attorneys’ fees up to one-third of the Settlement Fund (\$145,000.00) as well as costs and litigation expenses. A copy of Proposed Settlement Class Counsel’s application for attorneys’ fees, costs, and expenses will be posted on the Settlement Website, www.TGCSDataSettlement.com, before the Final Fairness Hearing. The Court will make the final decisions as to the amounts to be paid to Proposed Settlement Class Counsel, and may award less than the amount requested by Proposed Settlement Class Counsel.

OBJECTING TO THE SETTLEMENT

14. How do I tell the Court that I do not like the settlement?

Questions? Go to
www.TGCSDataSettlement.com
or call **1-866-742-4955**

If you want to tell the Court that you do not agree with the proposed settlement or some part of it, you can submit an objection telling it why you do not think the settlement should be approved. All written objections and supporting papers must be submitted **ONLY TO THE COURT, postmarked by no later than August 22, 2025**, and must:

- a. clearly identify the case name and number (*McDaniel et al. v. Toshiba Global Commerce Solutions, Inc.*, Case No. 8:24-cv-01772-FWS-ADS (C.D. Cal.);
- b. be submitted to the Court either by filing them electronically or in person at any location of the United States District Court for the Central District of California or by mailing them to the address below; and
- c. be filed or postmarked on or before the deadline established by the Court.

Clerk of the Court
United States District Court Central District of California (Southern Division) Santa Ana Courthouse 411 West 4th Street, Room 1053 Santa Ana, CA 92701-4516

All objections will be scanned into the electronic case docket, and the parties will receive electronic notices of all filings. If you do not submit your objection with all requirements, or if your objection is not filed or postmarked by August 22, 2025, you will be considered to have waived all objections and will not be entitled to speak at the Final Fairness Hearing.

15. 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 FAIRNESS HEARING

16. When and where will the Court decide whether to approve the settlement?

The Court will hold the Final Fairness Hearing on October 2, 2025, at 10:00 a.m. Pacific Time in the Ronald Reagan Federal Building and United States Courthouse, 411 West 4th Street, Courtroom 10D, Santa Ana, CA 92701. The date may change without further notice to the Settlement Class, so please check the www.TGCSDataSettlement.com, check the Court's PACER site at <https://ecf.cacd.uscourts.gov>, or visit the office of the Clerk of the Court for the United States District Court for the Central District of California (Southern Division), 411 West 4th Street, Room 1053 Santa Ana, CA 92701-4516, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays, to confirm that the date has not been changed.

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or call 1-866-742-4955

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 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 award of attorneys' fees, costs, and expenses to Proposed Settlement Class Counsel and the request for a service award to the Representative Plaintiffs.

17. Do I have to come to the hearing?

No. You are not required to come to the Final Fairness Hearing. However, you are welcome to attend the hearing 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 Fairness Hearing, but that is not necessary.

18. May I speak at the hearing?

Yes. You can speak at the Final Fairness 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 14, including all the information required. You cannot speak at the hearing if you exclude yourself from the settlement.

DO NOTHING

19. What happens if I do nothing?

If you do nothing, you will not get any money from the settlement, you will not be able to sue for the claims in this case, and you release the claims against Defendant described in Question 8.

GET MORE INFORMATION

20. How do I get more information about the settlement?

This Notice is only a summary of the proposed settlement. If you want additional information about this lawsuit, including a copy of the Settlement Agreement, the operative Complaint, the Court's Preliminary Approval Order, Proposed Settlement Class Counsel's application for attorneys' fees and expenses, and

more, please visit www.TGCSDataSettlement.com or call 1-866-742-4955. You may also contact the Claims Administrator at info@rg2claims.com, or Proposed Settlement Class Counsel at:

Raina Borrelli
STRAUSS BORRELLI PLLC
980 N. Michigan Avenue, Suite 1610
Chicago, IL 60611
Phone: 872-263-1100
Email: raina@straussborrelli.com

Kennedy M. Brian
William B. Federman
FEDERMAN & SHERWOOD
10205 N. Pennsylvania Ave.
Oklahoma City, OK 73120
Email: info@federmanlaw.com
Phone: [\(405\) 235-1560](tel:(405)235-1560)

21. What if my contact information changes or I no longer live at my address?

It is your responsibility to inform the Claims Administrator of your updated information. You may do so by visiting the Contact Us section of www.TGCSDataSettlement.com or at the address below:

TGCS Data Settlement
c/o RG/2 Claims Administration LLC
P.O. Box 59479

Philadelphia, PA 19102-9479

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO
INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.**

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