

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

In re:

BUILDERS MUTUAL DATA SECURITY
INCIDENT LITIGATION

Case No. 5:23-CV-579-M-KS

**DECLARATION OF CAMERON R. AZARI, ESQ. REGARDING IMPLEMENTATION
AND ADEQUACY OF NOTICE PROGRAM**

I, Cameron R. Azari, Esq., hereby declare and state as follows:

1. My name is Cameron R. Azari. I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am a nationally recognized expert in the field of legal notice and have served as an expert in hundreds of federal and state cases involving class action notice plans.

3. I am a Senior Vice President of Epiq Class Action and Claims Solutions, Inc. (“Epiq”) and the Director of Legal Notice for Hilsoft Notifications, a firm that specializes in designing, developing, analyzing, and implementing large-scale, un-biased, legal notification plans. Hilsoft Notifications is a business unit of Epiq.

4. The facts in this declaration are based on my personal knowledge, as well as information provided to me by my colleagues in the ordinary course of my business at Epiq.

OVERVIEW

5. This declaration describes the successful implementation of the Settlement Notice Program (“Notice Program”) and notices (the “Notice” or “Notices”) for *In re: Builders Mutual Data Security Incident Litigation*, Case No. 5:23-CV-579-M-KS, in the United States District Court for the Eastern District of North Carolina, Western Division. I previously executed my

Declaration of Cameron R. Azari, Esq. Regarding Notice Program (“Notice Program Declaration”) on July 22, 2024, which described the Notice Program, detailed Hilsoft’s class action notice experience, and attached Hilsoft’s *curriculum vitae*. I also provided my educational and professional experience relating to class actions and my ability to render opinions on overall adequacy of notice programs.

NOTICE PLAN SUMMARY

6. Federal Rule of Civil Procedure, Rule 23 directs that notice must be “the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort,” and that “the notice may be by one or more of the following: United States mail, electronic means, or other appropriate means.”¹ The Notice Program satisfied these requirements.

CAFA NOTICE

7. On August 12, 2024, Epiq sent 57 CAFA Notice Packages (“CAFA Notice”). The CAFA Notice was mailed via the United States Postal Service (“USPS”) Priority Mail to 54 officials (the Attorneys General of 48 states, the District of Columbia, and the United States Territories). Per the direction of the Office of the Nevada and Connecticut Attorneys General, the CAFA Notice was sent to the Nevada and Connecticut Attorneys General electronically via email. The CAFA Notice was also sent via United Parcel Service (“UPS”) to the Attorney General of the United States. Details regarding the CAFA Notice mailing are provided in the *Declaration of Kyle S. Bingham on Implementation of CAFA Notice*, dated August 12, 2024, which is included as **Attachment 1**.

NOTICE PLAN DETAIL

8. On August 26, 2024, the Court approved the Notice Program and appointed Epiq as the Settlement Administrator in the *Order* (“Preliminary Approval Order”). In the Preliminary Approval Order, the Court certified, for settlement purposes only, the following “Settlement Class”:

¹ Fed. R. Civ. P. 23(c)(2)(B).

All individuals in the United States whose Private Information was compromised in the Builders Mutual Data Security Incident that occurred in December 2022.

Excluded from the Settlement Class are: (1) the judges presiding over this action, and members of their direct families; (2) the Defendants, their subsidiaries, parent companies, successors, predecessors, and any entity in which the Defendants or their parents have a controlling interest, and their current or former officers and directors employees; and (3) Settlement Class Members who submit a valid Request for Exclusion prior to the Opt-Out Deadline.

9. The Notice Program as designed and implemented reached the greatest practicable number of Settlement Class Members. With the address updating protocols that were used, the Notice Program individual notice efforts and a digital notice program – nationally distributed digital and social media combined, reached at least 70% of Adults, Aged 18+ in the United States who work in construction, with an average frequency of 2.3 times. The reach was further enhanced by internet sponsored search listings, an informational release, and a Settlement Website. “Reach” refers to the estimated percentage of the unduplicated audience exposed to the notice. Notice exposure is defined as the opportunity to see a notice. “Frequency” of notice exposure is the average number of times that those reached by a notice would be exposed to the notice. In my experience, the combined reach of the Notice Program was consistent with other court-approved notice plans, was the best notice practicable under the circumstances of this case, and satisfied the requirements of due process, including its “desire to actually inform” requirement.²

NOTICE PLAN

Individual Notice

10. On August 30, 2024, Epiq received one data file with 35,790 records for identified Settlement Class Members, which included names and current or last known addresses (“Settlement Class List”). Epiq deduplicated and rolled-up the records and loaded the unique,

² *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 315 (1950) (“But when notice is a person’s due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it. The reasonableness and hence the constitutional validity of any chosen method may be defended on the ground that it is in itself reasonably certain to inform those affected . . .”).

identified Settlement Class Member records into its database.. These efforts resulted in 34,868 unique, identified Settlement Class Member records. Epiq sent 34,862 double Postcard Notices with detachable Claim Form (“Short Form Notice”) via USPS first class mail to all identified Settlement Class Members with an associated physical address (six records did not have a valid physical mailing address available and were not sent a Short Form Notice).

Individual Notice – Direct Mail

11. On October 10, 2024, Epiq sent 34,862 Short Form Notices to all identified Settlement Class Members with an associated physical address. The Short Form Notices were sent via USPS first-class mail. The Short Form Notices clearly and concisely summarized the case, the Settlement, and the legal rights of the Settlement Class Members. In addition, the Short Form Notices also directed the recipients to the Settlement Website where they could access the Long Form Notice and additional information about the Settlement. The Short Form Notice is included as **Attachment 2**.

12. Prior to sending the Short Form Notices, all mailing addresses were checked against the National Change of Address (“NCOA”) database maintained by the USPS to ensure all address information was up-to-date and accurately formatted for mailing.³ In addition, the addresses were certified via the Coding Accuracy Support System (“CASS”) to ensure the quality of the zip code and verified through Delivery Point Validation (“DPV”) to verify the accuracy of the addresses. This address updating process is standard for the industry and for the majority of promotional mailings that occur today.

13. The return address on the Short Form Notices was a post office box that Epiq maintains for this Settlement. The USPS automatically forwarded Short Form Notices with an available forwarding address order that has not expired (“Postal Forwards”). Short Form Notices returned as undeliverable were re-mailed to any new address available through USPS information,

³ The NCOA database is maintained by the USPS and consists of approximately 160 million permanent change-of-address (COA) records consisting of names and addresses of individuals, families, and businesses who have filed a change-of-address with the Postal Service™. The address information is maintained on the database for 48 months and reduces undeliverable mail by providing the most current address information, including standardized and delivery-point-coded addresses, for matches made to the NCOA file for individual, family, and business moves.

(for example, to the address provided by the USPS on returned mail pieces for which the automatic forwarding order had expired but was still within the time period in which the USPS returned the piece with the address indicated), or to better addresses that were found using a third-party address lookup service. Upon successfully locating better addresses, Short Form Notices were promptly remailed. As of December 31, 2024, Epiq has remailed 443 Short Form Notices.

14. Additionally, a Long Form Notice and Claim Form (“Claim Package”) were mailed to all persons who requested one via the toll-free telephone number or other means. As of December 31, 2024, Epiq mailed 24 Claim Packages as a result of such requests. The Long Form Notice is included as **Attachment 3**. The Claim Form is included as **Attachment 4**.

Direct Mail Notice Results

15. As of December 31, 2024, a Short Form Notice was delivered to 34,578 of the 34,868 unique, identified Settlement Class Members for whom an associated physical address information was available. This means the individual notice effort reached approximately 99% of identified Settlement Class Members.

Media Plan

16. Internet advertising has become a standard component in legal notice programs. The internet has proven to be an efficient and cost-effective method to target class members as part of providing notice of class certification and/or a settlement for a class action case. According to MRI-Simmons data, 97% of all adults are online and 85% of all adults use social media.⁴

17. The Notice Program included targeted Digital Notice advertising on the selected advertising network, *Google Display Network*, which represents thousands of digital properties across all major content categories. Digital Notices were targeted to selected target audiences and were designed to encourage participation by Settlement Class Members—by linking directly to the Settlement Website, allowing visitors easy access to relevant information and documents. Consistent with best practices, the Digital Notices used language from the notice headline, which allowed users to identify themselves as potential Settlement Class Members.

⁴ MRI-Simmons 2022 Survey of the American Consumer®.

18. The Digital Notices were also placed on the social media sites *Facebook*, *Instagram*, and *LinkedIn* in multiple sizes. *Facebook* is the leading social networking site in the United States with 175 million users⁵ and *Instagram* has 143 million active users in the United States.⁶ *LinkedIn* is the world's largest professional network on the internet with 200 million members in the United States.⁷

19. The Digital Notices were distributed to a variety of target audiences, including those relevant to individuals' demonstrated interests and/or likes. All Digital Notices appeared on desktop, mobile, and tablet devices. Digital Notices on *Google Display Network*, *Facebook*, *Instagram*, and *LinkedIn* were targeted nationwide in English and Spanish to reach Settlement Class Members. Digital Notices were also targeted (remarketed) to people who click on a Digital Notice.

20. More details regarding the target audiences, distribution, and specific ad sizes of the Digital Notices and the number of delivered impressions are included in the following table.

<i>Network/Property</i>	<i>Target</i>	<i>Language</i>	<i>Ad Size</i>	<i>Delivered Impressions</i>
<i>Google Display Network</i>	Adults 18+ and affinity targeting ⁸ for contractor insurance, construction company ownership, construction management and/or contractor	English & Spanish	728x90, 300x250, 300x600 & 970x250	86,220,285
<i>Google Display Network</i>	Adults 18+ and intent targeting ⁹ for contractor insurance	English & Spanish	728x90, 300x250, 300x600 & 970x250	25,806,861

⁵Statista Digital 2023: Global Overview Report. Statista, founded in 2007, is a leading provider of worldwide market and consumer data and is trusted by thousands of companies around the world for data. Statista.com consolidates statistical data on over 80,000 topics from more than 22,500 sources and makes it available in German, English, French and Spanish.

⁶ Statista Digital 2023: Global Overview Report.

⁷ Statista Digital 2023: Global Overview Report.

⁸ "Custom Affinity Targeting" allowed us to target specific websites, keywords, and/or relevant content that our target may be viewing.

⁹ "Custom Intent Targeting" allowed us to target individuals that are researching or purchasing certain items on the internet.

<i>Network/Property</i>	<i>Target</i>	<i>Language</i>	<i>Ad Size</i>	<i>Delivered Impressions</i>
<i>Google Display Network</i>	Adults 18+ and select website targeting for construction and building ¹⁰	English	728x90, 300x250, 300x600 & 970x250	15,325,793
<i>Facebook</i>	Adults 18+ with job title of General Contractor, Independent Contractor, Electrical Contractor, Construction Foreman, Construction Engineering, Construction Mechanic, Construction Manager, Construction Owner, Carpenter or Builder	English & Spanish	Newsfeed & Right Hand Column	35,024,624
<i>Facebook</i>	Adults 18+ with interest in business insurance and/or builder's risk insurance	English & Spanish	Newsfeed & Right Hand Column	10,092,759
<i>Instagram</i>	Adults 18+ with job title of General Contractor, Independent Contractor, Electrical Contractor, Construction Foreman, Construction Engineering, Construction Mechanic, Construction Manager, Construction Owner, Carpenter or Builder	English & Spanish	Instagram Feed Ads	10,168,941
<i>Instagram</i>	Adults 18+ with interest in business insurance and/or builder's risk insurance	English & Spanish	Instagram Feed Ads	10,039,607
<i>LinkedIn</i>	Adults 18+ with job title of Construction Company Owner, Construction Manager, Construction Site Manager, Construction Project Manager, Contractor, General Contractor, Independent Contractor, Electrical Contractor, Construction Engineer, Carpenter, Master	English & Spanish	LinkedIn Feed Ads	6,158,127

¹⁰ Select site targeting may include sites such as contractortalk.com, theconstructor.org, equipmenttrader.com, builderonline.com and greenbuildingadvisor.com, among others.

<i>Network/Property</i>	<i>Target</i>	<i>Language</i>	<i>Ad Size</i>	<i>Delivered Impressions</i>
	Carpenter, Carpenter Assistant or Builder			
TOTAL				198,836,997

21. Combined, more than 198.8 million targeted impressions were generated by the Digital Notices,¹¹ which ran from October 10, 2024, through November 20, 2024, nationwide. Clicking on the Digital Notices linked the reader to the Settlement Website, where they could easily obtain detailed information about the Settlement. Examples of the Digital Notices are included as **Attachment 5**.

Sponsored Search Listings

22. The Notice Program included purchasing sponsored search listings to facilitate locating the Settlement Website. Sponsored search listings were acquired on the three most highly visited internet search engines: *Google*, *Yahoo!*, and *Bing*. When search engine visitors searched on selected common keyword combinations related to the case, the sponsored search listing were displayed at the top of the visitor’s website page prior to the search results or in the upper right-hand column of the web-browser screen. The sponsored search listings were displayed nationwide. All sponsored search listing ads linked directly to the Settlement Website.

23. The sponsored search listings ran from October 10, 2024, through December 9, 2024. As of December 31, 2024, the sponsored listings have been displayed 56,805 times, which resulted in 2,561 clicks that displayed the Settlement Website. A complete list of the sponsored search keyword combinations is included as **Attachment 6**. Examples of the sponsored search listing as displayed on each search engine are included as **Attachment 7**.

¹¹ The third-party ad management platform, ClickCease, were used to audit Digital Notice ad placements. This type of platform tracks all Digital Notice ad clicks to provide real-time ad monitoring, fraud traffic analysis, blocks clicks from fraudulent sources, and quarantines dangerous IP addresses. This helps reduce wasted, fraudulent or otherwise invalid traffic (e.g., ads being seen by ‘bots’ or non-humans, ads not being viewable, etc.).

Informational Release

24. To build additional reach and extend exposures, on October 10, 2024, a party-neutral Informational Release was issued nationwide over PR Newswire in English and Spanish to approximately 5,000 general media (print and broadcast) outlets, including local and national newspapers, magazines, national wire services, television and radio broadcast media across the United States as well as approximately 4,500 websites, online databases, internet networks and social networking media. The informational release was also distributed to approximately 450 journalists that report specifically on general construction and building.

25. The Informational Release included the address of the Settlement Website and the toll-free telephone number. Although there was no guarantee that any news stories would result, the Informational Release served a valuable role by providing additional notice exposures beyond that which was provided by the paid media. The Informational Release (in English and Spanish) is included as **Attachment 8**.

Settlement Website

26. On September 23, 2024, Epiq established a dedicated website for the Settlement with an easy to remember domain name (www.BuildersMutualDataBreach.com). Relevant documents, including the Complaint, Long Form Notice, Short Form Notice, Claim Form, Settlement Agreement, and other case-related documents are posted on the Settlement Website. The Settlement Website also provides the ability for Settlement Class Members to file an online Claim Form. In addition, the Settlement Website includes relevant dates, answers to frequently asked questions (“FAQs”), instructions for how Settlement Class Members could opt-out (request exclusion) from or object to the Settlement prior to the deadlines, contact information for the Settlement Administrator, and how to obtain other case-related information. The Settlement Website address was prominently displayed in all notice documents. As of December 31, 2024, there have been 13,996 unique visitor sessions to the Settlement Website, and 20,720 web pages have been presented.

Toll-Free Telephone Number and Other Contact Information

27. On October 9, 2024, a toll-free telephone number (1-877-558-9511) was

established for the Settlement. Callers are able to hear an introductory message and have the option to learn more about the Settlement in the form of recorded answers to FAQs, and to request that a Claim Package be mailed to them. This automated telephone system is available 24 hours per day, 7 days per week. The toll-free telephone number was prominently displayed in all notice documents. As of December 31, 2024, there have been 143 calls to the toll-free telephone number representing 324 minutes of use.

28. A postal mailing address was established and continues to be available, allowing Settlement Class Members the opportunity to request additional information or ask questions.

Requests to Opt-Out and Objections

29. The deadline to request exclusion from the Settlement or to object to the Settlement was December 9, 2024. As of December 31, 2024, Epiq has received no requests for exclusion. As of December 31, 2024, Epiq is aware of no objections to the Settlement.

Claim Submission & Distribution Options

30. The Settlement provided Settlement Class Members the option of filing a Claim Form. The Notices provided a detailed summary of the relevant information about the Settlement, including the Settlement Website address and how Settlement Class Members could file a Claim Form online or by mail. Settlement Class Members were given the option of receiving a digital payment or a traditional paper check.

31. The deadline for Settlement Class Members to submit a Claim Form is January 8, 2025. As of December 31, 2024, Epiq has received 1,038 Claim Forms (163 online and 875 paper). Since the Claims Deadline has not yet passed, these numbers are preliminary. As standard practice, Epiq is in the process of conducting a complete review and audit of all Claim Forms received. There is a likelihood that after detailed review, the total number of Claim Forms received will change due to duplicate and denied Claim Forms.

Cost of Notice Implementation and Administration

32. As of December 31, 2024, Epiq has invoiced \$154,443.39 to implement the Notice Program and handle the settlement administration to date. Additional costs will be incurred leading up to and following the Final Approval Hearing to complete the settlement administration,

including distributing payments. Epiq currently estimates the remaining costs under the current project scope will total approximately \$41,557.96. Additionally, Epiq expects to acquire credit monitoring codes for eligible class members at a cost of approximately \$8,220.00. All costs are subject to the Service Contract under which Epiq is retained as the Settlement Administrator, and the terms and conditions of that agreement.

CONCLUSION

33. In class action notice planning, execution, and analysis, we are guided by due process considerations under the United States Constitution, by federal and local rules and statutes, and further by case law pertaining to notice. This framework directs that the notice plan be designed to reach the greatest practicable number of potential class members and, in a settlement class action notice situation such as this, that the notice or notice plan itself not limit knowledge of the availability of benefits—nor the ability to exercise other options—to settlement class members in any way. All of these requirements were met in this case.

34. The Notice Program included individual notice effort to the identified Settlement Class Members and a digital notice program. With the address updating protocols that were used, the Notice Program individual notice efforts and a digital notice program – nationally distributed digital and social media combined reached at least 70% of Adults, Aged 18+ in the United States who work in construction, with an average frequency of 2.3 times. The reach was further enhanced by internet sponsored search listings, an informational release, and a Settlement Website. The Federal Judicial Center’s (“FJC”) *Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide*, which is relied upon for federal cases, states that “the lynchpin in an objective determination of the adequacy of a proposed notice effort is whether all the notice efforts together will reach a high percentage of the class. It is reasonable to reach between 70–95%.”¹² Here, the Notice Program as developed and implemented readily achieved a reach within that standard.

¹² FED. JUDICIAL CTR, JUDGES’ CLASS ACTION NOTICE AND CLAIMS PROCESS CHECKLIST AND PLAIN LANGUAGE GUIDE 3 (2010), available at <https://www.fjc.gov/content/judges-class-action-notice-and-claims-process-checklist-and-plain-language-guide-0>.

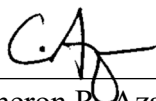
35. The Notice Program followed the guidance for satisfying due process obligations that a notice expert gleans from the United States Supreme Court’s seminal decisions, which emphasize the need: (a) to endeavor to actually inform the Settlement Class, and (b) to ensure that notice is reasonably calculated to do so:

- a) “[W]hen notice is a person’s due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it,” *Mullane v. Central Hanover Trust*, 339 U.S. 306, 315 (1950); and
- b) “[N]otice must be reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections,” *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156 (1974) (citing *Mullane*, 339 U.S. at 314).

36. The Notice Program provided the best notice practicable under the circumstances of this case, conformed to all aspects of Federal Rule of Civil Procedure, Rule 23 regarding notice, comported with the guidance for effective notice articulated in the Manual for Complex Litigation, Fourth and applicable FJC materials, and satisfied the requirements of due process, including its “desire to actually inform” requirement.

37. The Notice Program schedule afforded enough time to provide full and proper notice to Settlement Class Members before the Opt-Out Deadline and the Objection Deadline.

I declare under penalty of perjury that the foregoing is true and correct. Executed January 2, 2025.



Cameron R. Azari, Esq.

Attachment 1

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

In re:

BUILDERS MUTUAL DATA SECURITY
INCIDENT LITIGATION

Case No. 5:23-CV-579-M-KS

DECLARATION OF KYLE S. BINGHAM ON IMPLEMENTATION OF CAFA NOTICE

I, KYLE S. BINGHAM, hereby declare and state as follows:

1. My name is KYLE S. BINGHAM. I am over the age of 25 and I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am the Director of Legal Noticing for Epiq Class Action & Claims Solutions, Inc. (“Epiq”), a firm that specializes in designing, developing, analyzing and implementing large-scale, un-biased, legal notification plans. I have overseen and handled Class Action Fairness Act (“CAFA”) notice mailings for more than 500 class action settlements.

3. Epiq is a firm with more than 25 years of experience in claims processing and settlement administration. Epiq’s class action case administration services include coordination of all notice requirements, design of direct-mail notices, establishment of fulfillment services, receipt and processing of opt-outs, coordination with the United States Postal Service (“USPS”), claims database management, claim adjudication, funds management and distribution services.

4. The facts in this Declaration are based on what I personally know, as well as information provided to me in the ordinary course of my business by my colleagues at Epiq.

CAFA NOTICE IMPLEMENTATION

5. At the direction of counsel for Defendants Builders Mutual Insurance Company and Builders Mutual Insurance Company, Inc., 57 federal and state officials (the Attorney

DECLARATION OF KYLE S. BINGHAM ON IMPLEMENTATION OF CAFA NOTICE

General of the United States and the Attorneys General of each of the 50 states, the District of Columbia, and the United States Territories) were identified to receive CAFA notice.

6. Epiq maintains a list of these federal and state officials with contact information for the purpose of providing CAFA notice. Prior to mailing, the names and addresses selected from Epiq’s list were verified, then run through the Coding Accuracy Support System (“CASS”) maintained by the United States Postal Service (“USPS”).¹

7. On August 12, 2024, Epiq sent 57 CAFA Notice Packages (“Notice”). The Notice was mailed via USPS Priority Mail to 54 officials (the Attorneys General of 48 states, the District of Columbia, and the United States Territories). As per the direction of the Office of the Nevada and Connecticut Attorneys General, the Notice was sent to the Nevada and Connecticut Attorneys General electronically via email. The Notice was also sent via United Parcel Service (“UPS”) to the Attorney General of the United States. The CAFA Notice Service List (USPS Priority Mail, Email, and UPS) is included as **Attachment 1**.

8. The materials sent to the federal and state officials included a Cover Letter, which provided notice of the proposed Settlement of the above-captioned case. The Cover Letter is included as **Attachment 2**.

9. The cover letter was accompanied by a CD, which included the following:

a. **Per 28 U.S.C. § 1715(b)(1) – Complaint and Any Amended Complaints:**

- Class Action Complaint (filed October 16, 2023); and
- Consolidated Class Action Complaint (filed January 16, 2024).

¹ CASS improves the accuracy of carrier route, 5-digit ZIP®, ZIP + 4® and delivery point codes that appear on mail pieces. The USPS makes this system available to mailing firms who want to improve the accuracy of postal codes, i.e., 5-digit ZIP®, ZIP + 4®, delivery point (DPCs), and carrier route codes that appear on mail pieces.

- b. **Per 28 U.S.C. § 1715(b)(3) – Notification to Class Members:**
- Short Form Notice (*Exhibit A to the Settlement Agreement and Release*);
 - Long Form Notice (*Exhibit B to the Settlement Agreement and Release*); and
 - Claim Form (*Exhibit C to the Settlement Agreement and Release*).
- c. **Per 28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** The following documents were included:
- Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement;
 - Plaintiffs’ Memorandum in Support of Unopposed Motion for Preliminary Approval of Class Action Settlement;
 - Joint Declaration of Proposed Class Counsel Supporting Motion for Preliminary Approval of Class Action Settlement;
 - Settlement Agreement and Release (*Exhibit 1 to Joint Declaration*);
 - [Proposed] Preliminary Approval Order (*Exhibit D to the Settlement Agreement and Release*);
 - [Proposed] Final Approval Order (*Exhibit E to the Settlement Agreement and Release*); and
 - Declaration of Cameron R. Azari, Esq. Regarding Notice Program (*Exhibit 2 to Joint Declaration*).

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 12, 2024.



KYLE S. BINGHAM

Attachment 1

**CAFA Notice Service List
USPS Priority Mail**

Appropriate Official	FullName	Address1	Address2	City	State	Zip
Office of the Attorney General	Treg Taylor	1031 W 4th Ave	Suite 200	Anchorage	AK	99501
Office of the Attorney General	Steve Marshall	501 Washington Ave		Montgomery	AL	36104
Office of the Attorney General	Tim Griffin	323 Center St	Suite 200	Little Rock	AR	72201
Office of the Attorney General	Kris Mayes	2005 N Central Ave		Phoenix	AZ	85004
Office of the Attorney General	CAFA Coordinator	Consumer Protection Section	455 Golden Gate Ave Suite 11000	San Francisco	CA	94102
Office of the Attorney General	Phil Weiser	Ralph L Carr Colorado Judicial Center	1300 Broadway Fl 10	Denver	CO	80203
Office of the Attorney General	Brian Schwalb	400 6th St NW		Washington	DC	20001
Office of the Attorney General	Kathy Jennings	Carvel State Bldg	820 N French St	Wilmington	DE	19801
Office of the Attorney General	Ashley Moody	State of Florida	The Capitol PL-01	Tallahassee	FL	32399
Office of the Attorney General	Chris Carr	40 Capitol Square SW		Atlanta	GA	30334
Department of the Attorney General	Anne E Lopez	425 Queen St		Honolulu	HI	96813
Iowa Attorney General	Brenna Bird	Hoover State Office Building	1305 E Walnut St	Des Moines	IA	50319
Office of the Attorney General	Raul Labrador	700 W Jefferson St Ste 210	PO Box 83720	Boise	ID	83720
Office of the Attorney General	Kwame Raoul	100 W Randolph St		Chicago	IL	60601
Office of the Indiana Attorney General	Todd Rokita	Indiana Government Center South	302 W Washington St Rm 5	Indianapolis	IN	46204
Office of the Attorney General	Kris Kobach	120 SW 10th Ave 2nd Fl		Topeka	KS	66612
Office of the Attorney General	Russell Coleman	700 Capitol Ave Suite 118		Frankfort	KY	40601
Office of the Attorney General	Liz Murrill	PO Box 94005		Baton Rouge	LA	70804
Office of the Attorney General	Andrea Campbell	1 Ashburton Pl 20th Fl		Boston	MA	02108
Office of the Attorney General	Anthony G Brown	200 St Paul Pl		Baltimore	MD	21202
Office of the Attorney General	Aaron Frey	6 State House Station		Augusta	ME	04333
Department of Attorney General	Dana Nessel	PO BOX 30212		Lansing	MI	48909
Office of the Attorney General	Keith Ellison	445 Minnesota St Ste 1400		St Paul	MN	55101
Missouri Attorney General's Office	Andrew Bailey	207 West High Street	PO Box 899	Jefferson City	MO	65102
Mississippi Attorney General	Lynn Fitch	PO Box 220		Jackson	MS	39205
Office of the Attorney General	Austin Knudsen	215 N Sanders 3rd Fl	PO Box 201401	Helena	MT	59620
Attorney General's Office	Josh Stein	9001 Mail Service Ctr		Raleigh	NC	27699
Office of the Attorney General	Drew H Wrigley	600 E Boulevard Ave Dept 125		Bismarck	ND	58505
Nebraska Attorney General	Mike Hilgers	2115 State Capitol	PO Box 98920	Lincoln	NE	68509
Office of the Attorney General	John Formella	NH Department of Justice	33 Capitol St	Concord	NH	03301
Office of the Attorney General	Matthew J Platkin	25 Market Street	PO Box 080	Trenton	NJ	08625
Office of the Attorney General	Raul Torrez	408 Galisteo St	Villagra Bldg	Santa Fe	NM	87501
Office of the Attorney General	CAFA Coordinator	28 Liberty Street 15th Floor		New York	NY	10005
Office of the Attorney General	Dave Yost	30 E Broad St Fl 14		Columbus	OH	43215
Office of the Attorney General	Gentner Drummond	313 NE 21st St		Oklahoma City	OK	73105
Office of the Attorney General	Ellen F Rosenblum	Oregon Department of Justice	1162 Court St NE	Salem	OR	97301
Office of the Attorney General	Michelle A Henry	16th Fl Strawberry Square		Harrisburg	PA	17120
Office of the Attorney General	Peter F Neronha	150 S Main St		Providence	RI	02903
Office of the Attorney General	Alan Wilson	PO Box 11549		Columbia	SC	29211
Office of the Attorney General	Marty Jackley	1302 E Hwy 14 Ste 1		Pierre	SD	57501
Office of the Attorney General	Jonathan Skrmetti	PO Box 20207		Nashville	TN	37202
Office of the Attorney General	Ken Paxton	PO Box 12548		Austin	TX	78711
Office of the Attorney General	Sean D Reyes	PO Box 142320		Salt Lake City	UT	84114
Office of the Attorney General	Jason S Miyares	202 N 9th St		Richmond	VA	23219
Office of the Attorney General	Charity R Clark	109 State St		Montpelier	VT	05609
Office of the Attorney General	Bob Ferguson	800 5th Ave Ste 2000		Seattle	WA	98104
Office of the Attorney General	Josh Kaul	PO Box 7857		Madison	WI	53707
Office of the Attorney General	Patrick Morrissey	State Capitol Complex Bldg 1 Room E 26	1900 Kanawha Blvd E	Charleston	WV	25305
Office of the Attorney General	Bridget Hill	109 State Capital		Cheyenne	WY	82002
Department of Legal Affairs	Fainu'ulei Falefatu Ala'ilima-Utu	American Samoa Gov't Exec Ofc Bldg Utulei	Territory of American Samoa	Pago Pago	AS	96799
Attorney General Office of Guam	Douglas Moylan	Administrative Division	590 S Marine Corps Dr Ste 901	Tamuning	GU	96913
Office of the Attorney General	Edward Manibusan	Administration Bldg	PO Box 10007	Saipan	MP	96950
PR Department of Justice	Domingo Emanuelli Hernández	PO Box 9020192		San Juan	PR	00902
Department of Justice	Gordon C. Rhea	3438 Kronprindsens Gade Ste 2	GERS BLDG	St Thomas	VI	00802

CAFA Notice Service List

Email

Appropriate Official	Contact Format	State
Office of the Attorney General for Connecticut	All documents sent to CT AG at their dedicated CAFA email inbox.	CT
Office of the Attorney General for Nevada	All documents sent to NV AG at their dedicated CAFA email inbox.	NV

CAFA Notice Service List

UPS

Appropriate Official	FullName	Address1	Address2	City	State
US Department of Justice	Merrick B. Garland	950 Pennsylvania Ave NW		Washington	DC

Attachment 2

CAFA NOTICE ADMINISTRATOR

HILSOFT NOTIFICATIONS
10300 SW Allen Blvd
Beaverton, OR 97005
P 503-350-5800
DL-CAFA@epiqglobal.com

August 12, 2024

VIA UPS OR USPS PRIORITY MAIL

Class Action Fairness Act – Notice to Federal and State Officials

Dear Federal and State Officials:

Pursuant to the Class Action Fairness Act of 2005 (“CAFA”), codified at 28 U.S.C. § 1715, please find enclosed information from Defendants Builders Mutual Insurance Company and Builders Mutual Insurance Company, Inc. relating to the proposed settlement of a class action lawsuit.

- **Case:** *In re: Builders Mutual Data Security Incident Litigation*, Case No. 5:23-CV-579-M-KS.
- **Court:** United States District Court for the Eastern District of North Carolina.
- **Defendants:** Builders Mutual Insurance Company and Builders Mutual Insurance Company, Inc.
- **Documents Enclosed:** In accordance with the requirements of 28 U.S.C. § 1715, please find copies of the following documents associated with this action on the enclosed CD:
 1. **Per 28 U.S.C. § 1715(b)(1) – Complaint and Any Amended Complaints:**
 - Class Action Complaint (filed October 16, 2023); and
 - Consolidated Class Action Complaint (filed January 16, 2024).
 2. **Per 28 U.S.C. § 1715(b)(2) – Notice of Any Scheduled Judicial Hearing:** The Court has not scheduled a preliminary approval hearing or a final approval hearing or any other judicial hearing concerning the settlement agreement at this time.
 3. **Per 28 U.S.C. § 1715(b)(3) – Notification to Class Members:**
 - Short Form Notice (*Exhibit A to the Settlement Agreement and Release*);
 - Long Form Notice (*Exhibit B to the Settlement Agreement and Release*); and
 - Claim Form (*Exhibit C to the Settlement Agreement and Release*).
 4. **Per 28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** The following documents are included:
 - Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement;
 - Plaintiffs’ Memorandum in Support of Unopposed Motion for Preliminary Approval of Class Action Settlement;

CAFA NOTICE ADMINISTRATOR

HILSOFT NOTIFICATIONS
10300 SW Allen Blvd
Beaverton, OR 97005
P 503-350-5800
DL-CAFA@epiqglobal.com

- Joint Declaration of Proposed Class Counsel Supporting Motion for Preliminary Approval of Class Action Settlement;
 - Settlement Agreement and Release (*Exhibit 1 to Joint Declaration*);
 - [Proposed] Preliminary Approval Order (*Exhibit D to the Settlement Agreement and Release*);
 - [Proposed] Final Approval Order (*Exhibit E to the Settlement Agreement and Release*); and
 - Declaration of Cameron R. Azari, Esq. Regarding Notice Program (*Exhibit 2 to Joint Declaration*).
- 5. **Per 28 U.S.C. § 1715(b)(5) – Any Settlement or Other Agreements:** There are no other Settlements or Agreements between the parties.
- 6. **Per 28 U.S.C. § 1715(b)(6) – Final Judgment or Notice of Dismissal:** To date, the Court has not issued a final order, judgment or dismissal in the above-referenced action.
- 7. **Per 28 U.S.C. § 1715(b)(7) – Estimate of Class Members:** At this time, the defendant does not know and cannot feasibly determine the names of the class members residing in each state, and therefore cannot feasibly estimate the proportionate share of the claims of such members to the entire settlement pursuant to 28 U.S.C. §1715(b)(7)(A) and (B).
- 8. **28 U.S.C. § 1715(b)(8) – Judicial Opinions Related to the Settlement:** To date, the Court has not issued a final order or judgment in the above-referenced action.

If you have questions or concerns about this notice or the enclosed materials, please contact this office.

Sincerely,

CAFA Notice Administrator

Enclosures

Attachment 2

Unique ID: [REDACTED]

A settlement was proposed in a class action lawsuit against Builders Mutual Insurance Company and Builders Mutual Insurance Company, Inc. ("Builders Mutual"). The lawsuit arises from a data incident affecting Builders Mutual on December 14, 2022 ("Data Incident") where the computer systems of Builders Mutual were allegedly exposed to unauthorized access. This Data Incident allegedly exposed certain private information of Builders Mutual's stakeholders, customers, employees of policyholders, current and former employees, and claimants. Builders Mutual denies all liability.

Who is included? Builders Mutual's records indicate that you are included in the Settlement. The Settlement includes all individuals residing in the United States whose Private Information was compromised in the Data Incident that occurred in December 2022 (the "Settlement Class Members").

What benefits are available? The Settlement establishes a \$1,475,000 settlement fund and provides Settlement Class Members with their choice of (1) three years of credit monitoring services, compensation for unreimbursed economic losses (up to \$10,000), and compensation for lost time (up to 6 hours at \$25 per hour, or \$150 total), **OR** (2) an estimated \$100 cash payment.

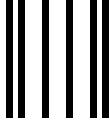
How do I get benefits? You must complete and submit a Claim Form by **January 08, 2025**. Please detach and return the attached Claim Form. Alternatively, Claim Forms are available and may be filed online at www.BuildersMutualDataBreach.com.

What are my other options? If you do not want to be legally bound by the Settlement, you must exclude yourself by **December 09, 2024**. Unless you exclude yourself from the Settlement, you will not be able to sue Builders Mutual or its related parties for any claim released by the Settlement Agreement. If you do not exclude yourself from the Settlement, you may object and notify the Court that you or your lawyer intend to appear at the Court's fairness hearing. Objections are due **December 09, 2024**.

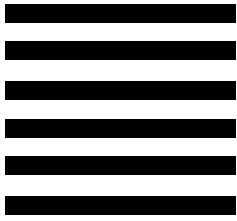
The Court's Fairness Hearing. The Court will hold a final fairness hearing in this case (*In re: Builders Mutual Data Security Incident Litigation*, Case No. 5:23-CV-579-M-KS) on January 17, 2025, at 10:30 am at Courtroom 1 at the Alton Lennon Federal Courthouse, 2 Princess Street, Wilmington, NC 28401. At this hearing, the Court will decide whether to approve: (1) the Settlement; (2) Class Counsel's request for up to \$491,617.50 in attorneys' fees, and reimbursement of up to \$25,000 in costs; and (3) \$5,000 Service Awards to each of the three Class Representatives. You may appear at the hearing, but you do not have to. You also may hire your own attorney, at your own expense, to appear or speak for you at the hearing.

Where may you learn more about the case or about submitting a claim? A website has been set up with information at www.BuildersMutualDataBreach.com

AK5692 v.01



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 581 PORTLAND, OR

POSTAGE WILL BE PAID BY ADDRESSEE
BUILDERS MUTUAL DATA BREACH
SETTLEMENT ADMINISTRATOR
C/O EPIQ
PO BOX 3259
PORTLAND OR 97208-9696



Attachment 3

If your private information was impacted by Builders Mutual’s data incident on December 14, 2022, you may be entitled to benefits from a class action settlement.

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

- A Settlement has been proposed in a class action lawsuit against Builders Mutual Insurance Company and Builders Mutual Insurance Company, Inc. (“Builders Mutual” or “Defendants”). The lawsuit arises from the data incident affecting Builders Mutual on December 14, 2022 (“Data Incident”) where the computer systems of Builders Mutual were allegedly subject to unauthorized access. This Data Incident allegedly exposed certain private information of Builders Mutual’s stakeholders, customers, employees of policyholders, current and former employees, and claimants. Builders Mutual denies all liability.
- Builder Mutual’s records indicate that you are included in the Settlement. The Settlement includes all individuals residing in the United States whose Private Information was compromised in the Data Incident that occurred in December 2022 (the “Settlement Class Members”).
- The Settlement provides Settlement Class Members with their choice of:
 - o (1) three years of credit monitoring services, compensation for unreimbursed economic losses (up to \$10,000), and compensation for lost time (up to 6 hours at \$25 per hour for a total of \$150);
 - o ***OR*** (2) an estimated \$100 cash payment.
- Your legal rights are affected regardless of whether you act or don’t act. Read this notice carefully.

Your Legal Rights and Options in this Settlement	
Submit a Claim Form	This is the only way you can get benefits from this Settlement.
Exclude Yourself from the Settlement	Do not get a settlement benefit. This is the only option that allows you to be part of any other lawsuit against the Defendants for the legal claims made in this case and released by the Settlement.
Object to the Settlement	Write to the Court with reasons why you do not agree with the Settlement.
Go to the Final Fairness Hearing	You may ask the Court for permission for you or your attorney to speak about your objection at the Final Fairness Hearing.
Do Nothing	If you do nothing, then you will <i>not</i> get benefits from this Settlement and you will give up certain legal rights.

- These rights and options—and the deadlines to exercise them—are explained in this Notice. For complete details, view the Settlement Agreement, available at www.BuildersMutualDataBreach.com.
- The Court in charge of this case still has to decide whether to approve the Settlement. If the Court denies final approval, the Settlement will be null and void and the litigation will continue with the Defendants.

QUESTIONS? CALL 1-877-558-9511 TOLL-FREE OR VISIT WWW.BUILDERSMUTUALDATABREACH.COM

What This Notice Contains

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3. What is a class action?	
4. Why is there a settlement?	
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5. How do I know if I am part of the Settlement?	
6. Are there exceptions to being included in the Settlement?	
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<i>THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY</i>	<i>PAGE 4</i>
8. What does the Settlement provide?	
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Basic Information

1. Why is this Notice being provided?

The Court directed that this Notice be provided because you have a right to know about a proposed settlement that has been reached in this class action lawsuit and about all of your options before the Court decides whether to grant final approval to the Settlement. If the Court approves the Settlement, and after objections or appeals, if any, are resolved, the Settlement Administrator appointed by the Court will distribute the benefits that the Settlement allows. This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of this case is the United States District Court for the Eastern District of North Carolina. The case is known as *In re: Builders Mutual Data Security Incident Litigation, Case No. 5:23-CV-579-M-KS* (E.D. N.C. 2023) (the “Action”). The people who filed the lawsuit are called Plaintiffs. And the companies sued (Builders Mutual Insurance Company and Builders Mutual Insurance Company, Inc.) are called the Defendants.

2. What is this lawsuit about?

Plaintiffs claim that Builders Mutual was hacked on December 14, 2022 (the “Data Incident”). Plaintiffs claim that this hacking exposed certain personally identifiable information (“PII”) and protected health information (“PHI”)—including, names, Social Security numbers, dates of birth, medical information, health insurance information, and worker’s compensation information provided in connection with employment — of Builders Mutual’s stakeholders, customers, employees of policyholders, current and former employees, and claimants.

Builders Mutual has denied and continues to deny all of the claims made in the Action, as well as all charges of wrongdoing or liability against them.

3. What is a class action?

In a class action, one or more people called Class Representatives (in this case, Matthew Kocher, Mark Rogolino, and James Jackson) sue on behalf of people who have similar claims. Together, all these people are called a Class or Class Members. One Court resolves the issues for all Class Members, except for those who exclude themselves from the Settlement Class.

4. Why is there a settlement?

The Court did not decide in favor of the Plaintiffs or the Defendants. Instead, the Plaintiffs and Defendants negotiated a settlement that allows them to avoid the risks and costs of lengthy and uncertain litigation and the uncertainty of a trial and appeals. It also allows Settlement Class Members to be compensated without further delay. The Class Representatives and their attorneys think the Settlement is best for all Settlement Class Members.

Who is Included in the Settlement?

5. How do I know if I am part of the Settlement?

You are part of this Settlement as a Settlement Class Member if you reside in the United States and your Private Information was compromised in the Builders Mutual Data Security Incident that occurred in December 2022.

6. Are there exceptions to being included in the Settlement?

Yes. Excluded from the Settlement are: (1) the judges presiding over this Action, and members of their direct families; (2) the Defendants, their subsidiaries, parent companies, successors, predecessors, and any entity in which the Defendants or their parents have a controlling interest and their current or former officers and directors; and (3) Settlement Class Members who submit a valid Request for Exclusion prior to the Opt-Out Deadline.

7. I am still not sure if I am included.

If you are still not sure whether you are included, you can call 1-877-558-9511 or visit www.BuildersMutualDataBreach.com for more information.

The Settlement Benefits—What You Get if You Qualify

8. What does the Settlement provide?

The Settlement provides Settlement Class Members with their choice of:

- (1) three years of credit monitoring services, compensation for unreimbursed economic losses (up to \$10,000), and compensation for lost time (up to 6 hours at \$25 per hour, up to \$150);
- **OR** (2) an estimated \$100 cash payment.

Builders Mutual has agreed to pay a total of \$1,475,000 into a Settlement Fund. After deducting the costs of notice and settlement administration, Court-approved attorneys' fees, costs and expenses, and Class Representative service awards, the net Settlement Fund will be used to pay Settlement Class Members who submit a valid Claim Form.

9. Tell me about the Credit Monitoring Services and Compensation.

Each Settlement Class Member who submits a valid Claim Form and opts to receive credit monitoring services will receive a three-year subscription that will include one-bureau credit monitoring, dark web monitoring, real-time inquiry alerts, and \$1,000,000 in identity theft insurance, among other features.

In addition to Credit Monitoring Services, Settlement Class Members are eligible to receive compensation for unreimbursed economic losses and for lost time.

- Unreimbursed Economic Losses are out-of-pocket costs related to fraud and identity theft, professional fees including attorneys' fees, accountants' fees, and fees for credit repair services; costs associated with freezing or unfreezing credit with any credit reporting agency; credit monitoring costs that were incurred on or after the Data Incident through the date of claim submission; and miscellaneous expenses such as notary, fax, postage, copying, mileage, and long-distance telephone charges that are fairly traceable to the Data Breach and have not already been reimbursed by a third party. Settlement Class Members who submit a valid Claim Form with documentation, such as receipts, showing unreimbursed economic losses may receive up to \$10,000.
- Lost Time is time spent remedying issues related to the Data Incident. Settlement Class Members who submit a valid Claim Form are eligible to receive up to 6 hours of lost time, at \$25.00/hour (up to \$150).

10. Tell me about the cash option.

Each Settlement Class Member who submits a valid Claim Form and selects the cash option will receive an *estimated* \$100 payment from the Settlement Fund. This cash option, also called an "Alternative Cash Payment," may be selected instead of the credit monitoring and compensation described above. The amount of the Alternative Cash Payments will be increased or decreased on a pro rata basis depending upon the number of valid claims filed and the amount of funds available for these payments. This means that Settlement Class Members who select this option may receive more or less than the estimated \$100.

How to Get Benefits—Submitting a Claim Form

11. How do I get a settlement benefit?

To qualify for a settlement benefit, you must complete and submit a Claim Form by **January 8, 2025**. Claim Forms are available and may be filed online at www.BuildersMutualDataBreach.com. Claim Forms are also available by calling 1-877-558-9511 or by writing to: *In re: Builders Mutual Data Security Incident Litigation* Settlement Administrator, P.O. Box 3259, Portland, OR 97208-3259.

QUESTIONS? CALL 1-877-558-9511 TOLL-FREE OR VISIT WWW.BUILDERSMUTUALDATABREACH.COM

12. When will I get my Settlement benefit?

The Court will hold a Final Fairness Hearing at 10:30 a.m. on January 17, 2025, at Courtroom 1 at the Alton Lennon Federal Courthouse, 2 Princess Street, Wilmington, NC 28401 to decide whether to approve the Settlement. If the Court approves the Settlement, there may be appeals. It is always uncertain whether any appeals can be resolved favorably, and resolving them can take time, perhaps more than a year.

13. What am I giving up to get a settlement benefit or stay in the Settlement?

Unless you exclude yourself from the Settlement, you will release certain legal claims as they relate to the Settlement. This means that you will no longer be able to sue, continue to sue, or be part of any other lawsuit against Builders Mutual and the Released Parties about the claims made in this Action and released by the Settlement Agreement. You will be legally bound by all of the Court's orders, as well as the "Released Claims," below.

14. What are the Released Claims?

"Released Claims" mean any and all past, present, and future liabilities, rights, claims, counterclaims, actions, causes of action, demands, damages, penalties, costs, attorneys' fees, losses, and remedies, whether known or unknown, existing or potential, suspected or unsuspected, liquidated or unliquidated, legal, statutory, or equitable, that result from, arise out of, are based upon, including, but not limited to negligence, negligence *per se*, breach of implied contract, breach of the implied covenant of good faith and fair dealing, breach of third-party beneficiary contract, unjust enrichment, breach of fiduciary duty, any state or federal consumer protection statute, misrepresentation (whether fraudulent, negligent, or innocent), bailment, wantonness, failure to provide adequate notice pursuant to any breach notification statute, regulation, or common law duty, and all relevant statutes in effect in any states in the United States as defined herein, and including, but not limited to, any and all claims for damages, injunctive relief, disgorgement, declaratory relief, equitable relief, attorneys' fees, costs and expenses, set-offs, losses, pre-judgment interest, credit monitoring services, the creation of a fund for future damages, statutory damages, punitive damages, special damages, exemplary damages, restitution, the appointment of a receiver, and any other form of relief that either has been asserted, or could have been asserted, or relate to the exposure of Private Information in the Data Incident, including conduct that was alleged or could have been alleged in the Lawsuit, without limitation, any claims, actions, causes of action, demands, damages, penalties, losses, or remedies relating to, based upon, resulting from, or arising out of the disclosure of Private Information, which the Class Representatives or any member of the Settlement Class ever had, now has, or hereinafter may have, prior to entry of the final order and judgment in this Action. Released Claims shall not include the right of Named Plaintiffs, Settlement Class Members, or any Released Person to enforce the terms of the Settlement Agreement and claims not arising from the facts alleged in the Action.

Excluding Yourself From the Settlement

15. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a letter by mail stating that you want to be excluded from the Settlement in *In re: Builders Mutual Data Security Incident Litigation, Case No. 5:23-CV-579* (E.D.N.C. 2023). Your letter must also include your full name, current address, personal signature, and a statement such as "Request for Exclusion" indicating you do not wish to participate in the Settlement or you want to opt-out of the Settlement. Each request for exclusion must request exclusion only for that one individual whose personal signature appears on the request. You must mail your exclusion request, postmarked no later than **December 9, 2024**, to:

In re: Builders Mutual Data Security Incident Litigation, Settlement Administrator
P.O. Box 3259
Portland, OR 97208-3259

16. If I exclude myself, can I still get a benefit from the Settlement?

No. If you exclude yourself from the Settlement, do not send in a Claim Form to ask for a settlement benefit because you will no longer be eligible for one.

17. If I do not exclude myself, can I sue the Defendants for the same thing later?

No. If you stay in the Settlement (*i.e.*, do nothing or do not exclude yourself from the Settlement), you give up any right to separately sue the Defendants for the claims released by the Settlement Agreement.

The Lawyers Representing You

18. Do I have a lawyer in this case?

Yes. The Court appointed Raina C. Borrelli of Strauss Borrelli PLLC, Tyler Bean of Siri & Glimstad LLP, and Daniel Srourian of Srourian Law Firm P.C. to represent you and other Settlement Class Members as Class Counsel. Class Counsel is experienced in handling similar cases. You will not be charged for this lawyer. If you want to be represented by your own lawyer, you may hire one at your own expense.

19. How will Class Counsel be paid?

If the Settlement is approved and becomes final, Class Counsel will ask the Court to award attorneys' fees in the amount of \$491,617.50, plus litigation expenses up to \$25,000, as well as \$5,000 Service Awards to each of the three Class Representatives. If approved, these amounts, as well as the costs of notice and settlement administration, will be deducted from the Settlement Fund before making payments to Settlement Class Members who submit a valid Claim Form.

Objecting to the Settlement

20. How do I tell the Court that I do not like the Settlement?

If you are a Settlement Class Member, you can object to the Settlement if you do not like it or a portion of it. You can give reasons why you think the Court should not approve the Settlement. The Court will consider your views before making a decision. To object, you must file a written objection with the Court by **December 9, 2024**.

Your objection must include:

- 1) the name of the case (*In re: Builders Mutual Data Security Incident Litigation, Case No. 5:23-CV-579* (E.D.N.C. 2023));
- 2) your full name, current address, and telephone number;
- 3) the reasons why you object to the Settlement, including any documents supporting your objection and a description of whether the objection applies only to yourself, a subset of the Settlement Class, or the entire Settlement Class;
- 4) a statement indicating whether you or your attorney intend to appear at the Final Approval Hearing;
- 5) a description and/or copies of evidence that may be introduced at the Final Approval Hearing;
- 6) a list of proceedings in which the Settlement Class Member has submitted an objection during the past five years; and
- 7) your signature or the signature of your attorney.

Your objection must be mailed to the Clerk of the United States District Court for the Eastern District of North Carolina, United States Courthouse, Peter A. Moore, Jr., Clerk of Court, PO Box 25670, Raleigh, NC 27611 by **December 9, 2024**.

21. What is the difference between objecting to and excluding myself from the Settlement?

Objecting is telling the Court that you do not like something about the Settlement. Excluding yourself is telling the Court that you do not want to be part of the Class in this Settlement. If you exclude yourself from the Settlement, you have no basis to object or file a claim because the Settlement no longer applies to you.

The Court's Final Fairness Hearing

22. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Fairness Hearing at 10:30 a.m. on January 17, 2025, at Courtroom 1 at the Alton Lennon Federal Courthouse, 2 Princess Street, Wilmington, NC 28401. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will take into consideration any properly-filed written objections and may also listen to people who have asked to speak at the hearing (*see* Question 20). The Court will also decide whether to approve payments of fees, expenses, and service awards.

23. Do I have to come to the Final Fairness Hearing?

No. Class Counsel will answer any questions the Court may have. But, you are welcome to come at your own expense. If you file an objection, you do not have to come to Court to talk about it. You may also hire your own lawyer to attend, at your own expense, but you are not required to do so.

24. May I speak at the Final Fairness Hearing?

Yes, you may ask the Court for permission to speak at the Final Fairness Hearing. To do so, you must follow the instructions provided in Question 20 above. You cannot speak at the hearing if you exclude yourself from the Settlement.

If You Do Nothing

25. What happens if I do nothing?

If you do nothing, you will not receive any benefits from this Settlement. If the Court approves the Settlement, you will be bound by the Settlement Agreement and Release. This means you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendants or the Released Parties about the issues resolved by this Settlement and released by the Settlement Agreement.

Getting More Information

26. How do I get more information?

More details are in the Settlement Agreement, which is available at www.BuildersMutualDataBreach.com. You may also call 1-877-558-9511 or write to *In re: Builders Mutual Data Security Incident Litigation* Settlement Administrator, P.O. Box 3259, Portland, OR 97208-3259.

***Please do not call the Court or the Clerk of the Court for additional information.
They cannot answer any questions regarding the Settlement or the Lawsuit.***

Attachment 4

Credit Monitoring: If you wish to receive Credit Monitoring Services, check the box below, provide your email address in the space provided above, sign, and return this Claim Form. Submitting this Claim Form will not automatically enroll you in Credit Monitoring Services. To enroll, you must follow the instructions that will be sent to you using the email address you provided above after the Settlement is approved and becomes final (the "Effective Date").

Check this box if you want Credit Monitoring Services. You must provide your email address above.

Compensation for Lost Time: If you wish to receive Compensation for Lost Time, write the total number of hours spent remedying issues related to the Data Incident. Then, check the box below, sign, and return this Claim Form. You may claim up to up to 6 hours, at \$25 per hour, for a total of \$150.

Total # Hours (write how many hours you lost)

By checking this box, you swear and affirm that you spent the amount of time noted in response to the Data Incident.

Unreimbursed Economic Losses: If you wish to receive Compensation for Unreimbursed Economic Losses, indicate the total dollar amount of losses incurred as a result of the Data Incident, attach/include supporting documentation such as receipts, sign, and return this Claim Form. You may claim up to \$10,000. Unreimbursed Economic Losses include, but are not limited to, unreimbursed losses relating to fraud or identity theft; professional fees, including attorneys' fees, accountants' fees, and fees for credit repair services; costs associated with freezing or unfreezing credit with any credit reporting agency; credit monitoring costs that were incurred on or after the Data Incident through the date of claim submission; and miscellaneous expenses such as notary, fax, postage, copying, mileage, and long-distance telephone charges.

\$ • Total Amount

NOTE: You must include documentation supporting your claim for Unreimbursed Economic Losses. This can include receipts or other documentation not "self-prepared." "Self-prepared" documents such as handwritten receipts are, by themselves, **not** sufficient to receive reimbursement, but can be considered to add clarity to or support other submitted documentation.

Option #2 (Cash): If you wish to receive a cash payment (estimated to be \$100), check the box below, provide the email address associated with your PayPal, Venmo, or Zelle account below, sign, and return this Claim Form. A check will be mailed to the address above or will be deposited in the PayPal, Venmo, or Zelle account provided below.

Check this box if you want a Cash Payment.

Payment Options:

Settling Class Members whose claim forms are determined to be timely and valid will receive their cash payments via an electronic payment method or by check. Please ensure you provide a current, valid email address in Section I of this claim form. If the email address you include with your submission becomes invalid for any reason, it is your responsibility to provide accurate contact information to the Settlement Administrator to receive a payment.

Please select from one of the following payment options:

Electronic Payment - Once the Settlement is approved and if you are eligible for payment, you will receive an email from ADD advising you that your payment is ready and you may choose from Paypal; Venmo; Zelle; or Bank Transfer.

Physical Check - Payment will be mailed to the address provided above.

SIGNATURE

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Attachment 5



Just wanted to ask for expertise on whether this c...

Smudgyflip 3



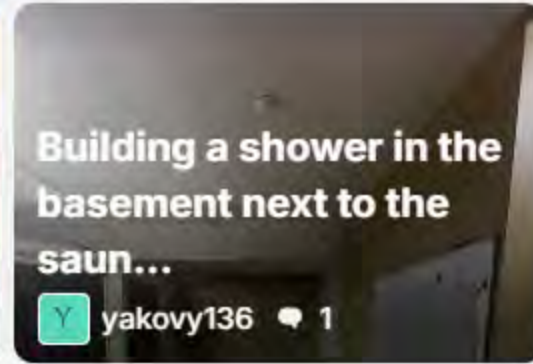
What are these tiny holes in my beam after sanding...

Zboltman 3



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Building a shower in the basement next to the saun...

yakovy136 1



What do you think about this custom trailer?

Bluebird Construction 6

Carpentry **IRC & Foundation Anchorage for Fiberglass and Steel Porch Columns (Central TX)**

AmerinanNinja · 56m ago · G&Co. replied 16m ago 2

General Discussion **Lindal Cedar home**

Link Exclusive · 2h ago · Thom Paine replied 56m ago 1

Technology **Printer time...what's everyone using for Arch B 12x18 plans?**

kevin the coster · 3h ago · Pounder replied 2h ago 1

General Discussion **Floor height difference to fill for laminate**

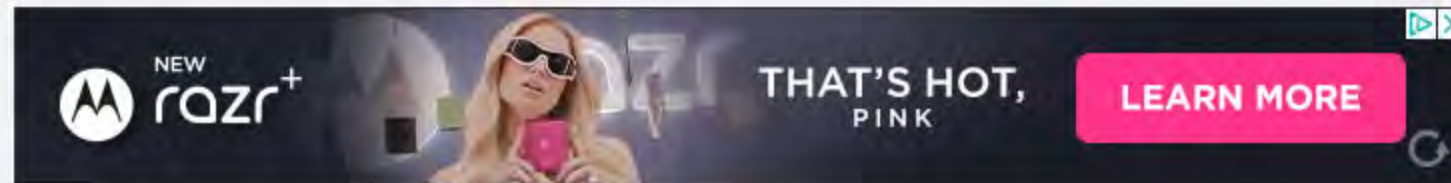
Adamthebuilder · 7h ago · andyoraz replied 3h ago 1

Carpentry **Smiley faces and rainbows**

Waskin · 19h ago · Waskin replied 14h ago 7

General Discussion **Being honest is expensive.**

Ottosun · 1d ago · KennMacMoragh replied a moment ago 16



General Discussion **For the Projects Managers and Estimators for General Contractors**

robwel · 20h ago · Half-fast Eddie replied 18h ago 4

Landscaping **business system software for landscape business**

tommvlct · 4h ago 0

Masonry **Cutting concrete walkway without damaging foundation**

rudoljo · 22h ago · Leo G replied 5h ago 1

New Member Introductions **Hello from Maryland**

eveshammer · 1d ago 0

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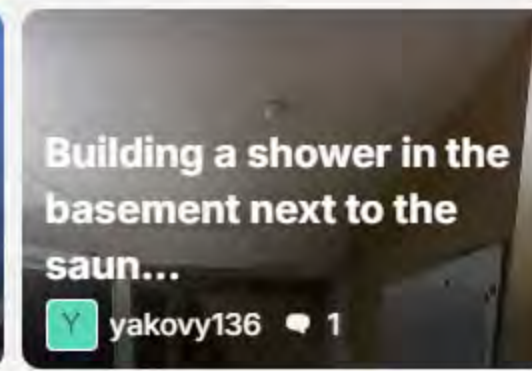
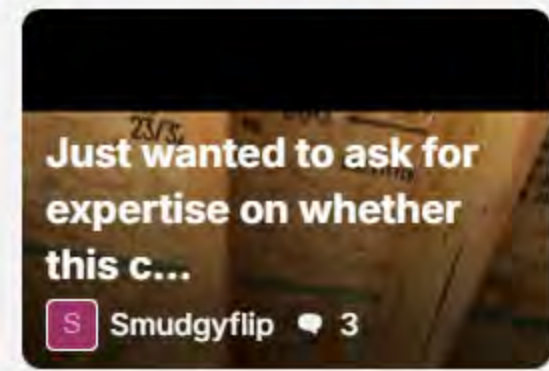
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- Painting & Finish Work 86K 56M
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Diddy's case is back in court. Here's what's happening.

Attorneys for Sean "Diddy" Combs are set to appear in court Thursday amid the embattled music mogul's indictment for sex trafficking.

CELEBRITIES 2:15 p.m. ET Oct. 10



'It's gone': Milton swamps lives, blows away retirement dreams

Residents of Punta Gorda, Florida, emerged after Hurricane Milton raked across Florida to find roads flooded, homes water logged and dreams dashed.

NATION 1:47 p.m. ET Oct. 10



Columbia University group for Palestine: 'violence is the only path'

ISRAEL-HAMAS WAR 1:56 p.m. ET Oct. 10



LIVE

Florida picking up the pieces after Milton: 9 dead, 3.4M without power

NATION 2:13 p.m. ET Oct. 10



Hurricane Milton tracker: Follow storm's path after Florida landfall

In its 5 a.m. update Thursday, the National Hurricane Center warned that winds at about 85 mph are expected for a few more hours in Florida.

WEATHER 6:58 a.m. ET Oct. 10



Photos show Milton's damage to Tropicana Field, home of the Rays

The destructive winds of Hurricane Milton were so powerful that the gusts tore off the roof of Tropicana Field in St. Petersburg, Florida.

MLB 10:07 a.m. ET Oct. 10



Opinion: Jim Trotter beat the NFL. What he did was historic.

Former NFL Network journalist Jim Trotter

- Top Headlines**
- 'Saturday Night' cast mostly ignored the one thing its director asked
 - Hurricane Leslie tracker: See forecast of weakening storm
 - Tampa Bay spared from Milton's catastrophic storm surge. Here's why.
 - Anderson Cooper hit in face by Hurricane Milton debris live on-air
 - 3-time NBA champion retires after 15 seasons
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Malezas que son peligrosas para tu hogar

La hiedra venenosa ya está en la lista, pero hay muchas otras plantas que lo amenazan a usted y a su hogar.



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Fotos: Huracán Milton



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1 de 2 | El comisionado de seguros de Carolina del Norte, Mike Causey, a la derecha, habla con los medios antes de una audiencia sobre las tarifas de las primas de seguros para propietarios de viviendas en el edificio del Departamento de Seguros del estado en Raleigh, Carolina del Norte, el lunes 7 de octubre de 2024. (Foto AP/Gary D. Robertson)

POR GARY D. ROBERTSON

Actualizado a las 22:32 EDT, 7 de octubre de 2024

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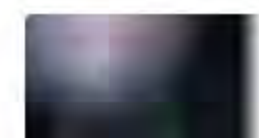
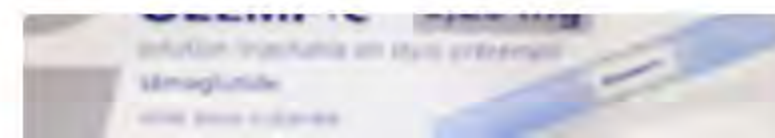
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Sep 5, 2024 — Who: **Builders Mutual** Insurance Co. has reached a settlement with individuals affected by a 2022 **breach** of its **data** systems.

 Cybersecurity Dive
<https://www.cybersecuritydive.com/news/builders-m...>

Construction insurer hit in data breach

Oct 6, 2023 — Construction insurer hit in **data breach**. **Builders Mutual** disclosed the hack affected 64,761 individuals, per a filing with the state of Maine.

 Bloomberg Law News
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
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
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
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
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
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Builders Mutual Data Breach | Class Action Settlement

Ad Was your private info. impacted by Builders Mutual's December 14, 2022 data breach? To find out more information and to see if you are included, visit the Settlement website.

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Builders Mutual settles data breach class action for \$1.475M

WEB 3 days ago · If you were affected by the **Builders Mutual** data breach in December 2022, you may be eligible to claim up to \$10,000 from a **class action** settlement. **Builders Mutual** Insurance Company has agreed to pay \$1,475,000 to settle a **class action** lawsuit for ...

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Ad Benefits are available to those who were impacted by the December 14, 2022 data breach. To find out more information and to see if you are included, visit the Settlement website.

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Builders Mutual \$1,475,000 Data Breach Settlement

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Builders Mutual Insurance Company Facing Class Action Over ...

WEB Jan 19, 2024 · A proposed class action claims **negligent cybersecurity** on the part of Builders Mutual Insurance Company resulted in a "foreseeable" data breach announced ...

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 Insurance Journal
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WEB Plaintiffs bring this class action lawsuit to address **Builders Mutual's** inadequate safeguarding of Class Members' Private Information that it collected and maintained, its ...

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Tags: Class action Personally identifiable information

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Attachment 8

If your private information was impacted by Builders Mutual's data incident on December 14, 2022, you may be entitled to benefits from a class action settlement

USA - English ▾

NEWS PROVIDED BY

Epiq →

Oct 10, 2024, 08:00 ET

WILMINGTON, N.C., Oct. 10, 2024 /PRNewswire/ --

A settlement was proposed in a class action lawsuit against Builders Mutual Insurance Company and Builders Mutual Insurance Company, Inc. ("Builders Mutual"). The lawsuit arises from a data incident affecting Builders Mutual on December 14, 2022 ("Data Incident") where the computer systems of Builders Mutual were allegedly exposed to unauthorized access. This Data Incident allegedly exposed certain private information of Builders Mutual's stakeholders, customers, employees of policyholders, current and former employees, and claimants. Builders Mutual denies all liability.

Who is included? The Settlement includes all individuals residing in the United States whose Private Information was compromised in the Data Incident that occurred in December 2022 (the "Settlement Class Members").



What benefits are available? The Settlement establishes a \$1,475,000 settlement fund and provides Settlement Class Members with their choice of (1) three years of credit monitoring services, compensation for unreimbursed economic losses (up to \$10,000), and compensation for lost time (up to 6 hours at \$25 per hour, or \$150 total), **OR** (2) an estimated \$100 cash payment.

How do I get benefits? You must complete and submit a Claim Form by **January 08, 2025**. Claim Forms are available and may be filed online at www.BuildersMutualDataBreach.com.

What are my other options? If you do not want to be legally bound by the Settlement, you must exclude yourself by **December 09, 2024**. Unless you exclude yourself from the Settlement, you will not be able to sue Builders Mutual or its related parties for any claim released by the Settlement Agreement. If you do not exclude yourself from the Settlement, you may object and notify the Court that you or your lawyer intend to appear at the Court's fairness hearing. Objections are due **December 09, 2024**.

The Court's Fairness Hearing. The Court will hold a final fairness hearing in this case (*In re: Builders Mutual Data Security Incident Litigation*, Case No. 5:23-CV-579-M-KS) on January 17, 2025, at 10:30 am at Courtroom 1 at the Alton Lennon Federal Courthouse, 2 Princess Street, Wilmington, NC 28401. At this hearing, the Court will decide whether to approve: (1) the Settlement; (2) Class Counsel's request for up to \$491,617.50 in attorneys' fees, and reimbursement of up to \$25,000 in costs; and (3) \$5,000 Service Awards to each of the three Class Representatives. You may appear at the hearing, but you do not have to. You also may hire your own attorney, at your own expense, to appear or speak for you at the hearing.

Where may you learn more about the case or about submitting a claim? A website has been set up with information at www.BuildersMutualDataBreach.com.

CONTACT: 1-877-558-9511

URL: www.BuildersMutualDataBreach.com

SOURCE Epiq

Si su información privada se vio afectada por el incidente de datos de Builders Mutual el 14 de diciembre de 2022, es posible que tenga derecho a recibir beneficios de una conciliación de demanda colectiva.

USA - español ▾

NEWS PROVIDED BY

Epiq →

Oct 10, 2024, 08:00 ET

WILMINGTON, N.C., 10 de octubre de 2024 /PRNewswire-HISPANIC PR WIRE/ --

Se propuso una conciliación en una demanda colectiva contra Builders Mutual Insurance Company y Builders Mutual Insurance Company, Inc. ("Builders Mutual"). La demanda surge de un incidente de datos que afectó a Builders Mutual el 14 de diciembre de 2022 ("Incidente de datos") en el que los sistemas informáticos de Builders Mutual presuntamente estuvieron expuestos al acceso no autorizado. Este Incidente de datos supuestamente expuso cierta información privada de partes interesadas, clientes, empleados de titulares de pólizas, empleados actuales y anteriores, y reclamantes de Builders Mutual. Builders Mutual niega toda responsabilidad.

¿Quiénes están incluidos? La Conciliación incluye a todas las personas que residen en los Estados Unidos cuya Información privada se vio comprometida en el Incidente de datos que ocurrió en diciembre de 2022 (los "Miembros del Grupo de la Conciliación").



¿Qué beneficios se encuentran disponibles? La Conciliación establece un fondo de conciliación de \$1,475,000 y proporciona a los Miembros del Grupo de la Conciliación su elección de (1) tres años de servicios de monitoreo de crédito, compensación por pérdidas económicas no reembolsadas (hasta \$10,000) y compensación por tiempo perdido (hasta 6 horas a \$25 por hora, o \$150 en total), **o** (2) un pago en efectivo estimado de \$100.

¿Cómo obtengo los beneficios? Debe completar y presentar un Formulario de reclamación a más tardar el **8 de enero de 2025**. Los Formularios de reclamación están disponibles y pueden presentarse en línea en www.BuildersMutualDataBreach.com.

¿Qué otras opciones tengo? Si no desea estar obligado legalmente por la Conciliación, debe excluirse a más tardar el **9 de diciembre de 2024**. A menos que se excluya de la Conciliación, no podrá demandar a Builders Mutual ni a sus partes relacionadas por ninguna reclamación eximida por el Acuerdo de conciliación. Si no se excluye de la Conciliación, podrá objetar y notificar al Tribunal que usted o su abogado tienen la intención de comparecer en la audiencia de imparcialidad del Tribunal. Las objeciones vencen el **9 de diciembre de 2024**.

Audiencia de imparcialidad del Tribunal. El Tribunal llevará a cabo una audiencia de imparcialidad definitiva en este caso (*In re: Builders Mutual Data Security Incident Litigation*, N.º de caso 5:23-CV-579-M-KS) el 17 de enero de 2025, a las 10:30 a.m. en la Sala 1 del Tribunal Federal Alton Lennon, 2 Princess Street, Wilmington, NC 28401. En esta audiencia, el Tribunal decidirá si aprueba: (1) la Conciliación; (2) la solicitud de los Abogados del Grupo de hasta \$491,617.50 en honorarios de abogados, y el reembolso de hasta \$25,000 en costos; y (3) \$5,000 de Adjudicaciones por servicio a cada uno de los tres Representantes del Grupo. Usted puede asistir a la audiencia, pero no es obligatorio que lo haga. También podría contratar a su propio abogado, por su cuenta, para que comparezca y declare en su nombre en la audiencia.

¿Dónde puede obtener más información sobre el caso o sobre cómo presentar una reclamación? Se ha configurado un sitio web con información en www.BuildersMutualDataBreach.com.

URL: www.BuildersMutualDataBreach.com