

## **NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT**

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

- A proposed Settlement has been reached in a class action lawsuit known as *Wang et al. v. The Corporation of Mercer University*, Case No. 5:23-cv-00193-TES (“Lawsuit”), filed in the U.S.D.C. for the Middle District of Georgia.
- This litigation arises out of a data security incident affecting certain Mercer computer systems between February 12 and 24, 2023 (the “Data Incident”).
- All Settlement Class Members can receive the following benefits from the Settlement: (i) Ordinary Out-of-Pocket Losses and Attested Time reimbursement up to \$450 per individual, including: (a) up to \$100 in reimbursement for undocumented time spent dealing with the Data Incident for up to 5 hours at \$20.00/hour; (b) reimbursement for documented, unreimbursed out-of-pocket expenses incurred in responding to the Data Incident; (ii) Extraordinary Out-of-Pocket Losses reimbursement of up to \$5,500.00 per individual for documented, unreimbursed actual identity theft expenses that resulted from the Data Incident; AND (iii) two years of free credit monitoring and identity resolution services. Mercer also agrees to provide security-related improvements.
- You are included in this Settlement as a Settlement Class Member if were notified that their information may have been impacted in the Data Incident.
- Your legal rights are affected regardless of whether you do or do not act. Read this Notice carefully.

<b>YOUR LEGAL RIGHTS &amp; OPTIONS IN THIS SETTLEMENT</b>	
<b>Submit a Claim and/or Receive Credit Monitoring</b>	<p><b>You must submit a Valid Claim to get money from this Settlement.</b></p> <p>Claim Forms must be submitted online by <b>March 18, 2025</b>, or, if mailed, postmarked no later than <b>March 18, 2025</b>.</p> <p>You may enroll in the credit monitoring product offered by Mercer University, for a period of 2 years, by submitting a request through the Claim Form.</p>
<b>Do Nothing</b>	<p>If you do nothing, you remain in the Settlement.</p> <p>You give up your rights to sue and you will not get any money.</p>
<b>Exclude Yourself</b>	<p><b>Get out of the Settlement. Get no money. Keep your rights.</b></p> <p>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.</p> <p>Your request to exclude yourself must be postmarked no later than <b>February 17, 2025</b>.</p>
<b>File an Objection</b>	<p>Stay in the Settlement but tell the Court why you think the Settlement should not be approved.</p> <p>Objections must be postmarked no later than <b>February 17, 2025</b>.</p>
<b>Go to a Hearing</b>	<p>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.</p> <p>The Final Fairness Hearing is scheduled for <b>April 17, 2025</b>.</p>

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## BASIC INFORMATION

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

You are a Settlement Class Member if you were notified that their information may have been impacted in the Data Incident.

The Settlement Class specifically excludes: (i) Mercer and its respective officers and directors; (ii) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (iii) the Judge and/or magistrate assigned to evaluate the fairness of this settlement; 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 Data Incident or who pleads *nolo contendere* to any such charge.

### 2. What is this case about?

This case is known as *Wang et al. v. The Corporation of Mercer University*, Case No. 5:23-cv-00193, filed in the United States District Court for the Middle District of Georgia (the “Lawsuit”). The individuals who sued are called the “Plaintiffs” and the company they sued, The Corporation of Mercer University, is known as the “Defendant” in this case. The Corporation of Mercer University will be called “Defendant” in this Notice.

Plaintiffs filed a lawsuit against Defendant, individually, and on behalf of anyone whose personally identifiable information, including names in combination with Social Security numbers and/or driver’s license numbers (“Personal Information”) was potentially impacted as a result of the Data Incident.

This Lawsuit arises out of a data security incident affecting certain Mercer computer systems between February 12 and 24, 2023.

### 3. Why is there a Settlement?

By agreeing to settle, both sides avoid the cost, disruption, and distraction of further litigation. The Class Representatives, 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 Plaintiffs or Defendant. Full details about the proposed Settlement are found in the Settlement Agreement available at [www.MercerDataSettlement.com](http://www.MercerDataSettlement.com).

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

In a class action, one or more people called “Class Representatives” 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 notified that their information may have been impacted in the Data Incident. If you are not sure whether you are included as a Settlement Class Member, or have any other questions about the Settlement, visit [www.MercerDataSettlement.com](http://www.MercerDataSettlement.com), call toll free 1-888-884-9402, or write to:

Mercer University Data Incident  
Claims Administrator  
P.O. Box 2853  
Portland, OR 97208-2853

## THE SETTLEMENT BENEFITS

### 6. What does this Settlement provide?

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

**Documented Ordinary Out-of-Pocket Losses and Attested Time Reimbursement:** All Settlement Class Members who submit a Valid Claim using the Claim Form are eligible for reimbursement of documented out-of-pocket losses and attested time, not to exceed \$450 per Settlement Class Member.

**Ordinary Out-of-Pocket Losses** are unreimbursed costs or expenditures incurred by a Settlement Class Member in responding to notice of the Data Incident that are fairly traceable to the Data Incident. Ordinary Out-of-Pocket Losses may include, without limitation, the following: (1) costs incurred on or after May 24, 2023 associated with accessing or freezing/unfreezing credit reports with any credit reporting agency; (2) other miscellaneous expenses incurred related to any Ordinary Out-of-Pocket Loss such as notary, fax, postage, copying, mileage, and long-distance telephone charges; and (3) credit monitoring or other mitigative costs that were incurred on or after May 24, 2023 through the date of the Class member's claim submission.

Settlement Class Members who elect to submit a claim for reimbursement of Ordinary Out-of-Pocket Losses must provide to the Settlement Administrator the information required to evaluate the claim, including: (1) the Settlement Class Member's name and current address; (2) documentation supporting their claim; and (3) a brief description of the documentation describing the nature of the loss, if the nature of the loss is not apparent from the documentation alone. Documentation supporting Ordinary Out-of-Pocket Losses can include receipts or other documentation not "self-prepared" by the Settlement Class Member that documents the costs incurred

**Lost Time Reimbursement:** Settlement Class Members are also eligible to receive reimbursement for up to 5 hours of lost time spent dealing with the Data Incident (calculated at the rate of \$20 per hour). Settlement Class Members may receive reimbursement for lost time if the Settlement Class Member provides an attestation and a written (narrative) description of (1) the actions taken in response to the Data Incident, and (2) the time associated with those actions.

**Documented Extraordinary Out-of-Pocket Losses Reimbursement:** Settlement Class Members are also eligible to receive reimbursement for extraordinary losses, not to exceed \$5,500 per Settlement Class Member, for unreimbursed monetary losses incurred by a Settlement Class Member that are more likely than not directly arising from identity theft or other fraud perpetrated against the Settlement Class Member as a result of the Data Incident. Extraordinary Out-of-Pocket Losses may include, without limitation, the unreimbursed costs, expenses, losses or charges incurred a result of identity theft or identity fraud, falsified tax returns, or other possible misuse of Settlement Class Member's personal information.

Settlement Class Members who elect to submit a claim for reimbursement of Extraordinary Out-of-Pocket Losses must provide information required to evaluate the claim, including: (1) the Settlement Class Member's name and current address; (2) an attestation and documentation supporting their claim; and (3) a brief description of the documentation describing the nature of the loss, if the nature of the loss is not apparent from the documentation alone. Documentation supporting Extraordinary Out-of-Pocket Losses can include receipts or other documentation not "self-prepared" by the Settlement Class Member that documents the costs incurred.

**Credit Monitoring:** If you would like to claim 2 years of three-bureau credit monitoring, you may do so before the Claims Deadline on March 18, 2025 by selecting the credit monitoring option on the Claim Form.

### 7. How to submit a claim?

All claims will be reviewed by the Claims Administrator and/or a claims referee. You must file a Claim Form to get any money from the proposed Settlement. Claim Forms must be submitted online by 11:59 p.m. March 18, 2025 or postmarked no later than March 18, 2025. You can download a Claim Form at [www.MercerDataSettlement.com](http://www.MercerDataSettlement.com) or you can call the Claims Administrator at 1-888-884-9402. The Claimant ID Login and Password that were printed on the Notice you received will be required to access online claim filing. You may also download a paper claim form from the Documents Page at [www.MercerDataSettlement.com](http://www.MercerDataSettlement.com).

Your paper claim form must be postmarked no later than March 18, 2025 to:

Mercer University Data Incident  
Claims Administrator  
P.O. Box 2853  
Portland, OR 97208-2853

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

If you stay in the Settlement Class, you will be eligible to receive benefits, but you will not be able to sue Defendant and its Related Entities and each of their past or present parents, subsidiaries, divisions, and related or affiliated entities, and each of their respective predecessors, successors, directors, officers, principals, agents, attorneys, insurers, and reinsurers regarding the claims in this case. The Settlement Agreement, which includes all provisions about settled claims, releases, and Released Persons, is available at [www.MercerDataSettlement.com](http://www.MercerDataSettlement.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.

## **EXCLUDE YOURSELF**

## **9. 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 **February 17, 2025**, to:

Mercer University Data Incident  
Claims Administrator  
P.O. Box 2853  
Portland, OR 97208-2853

Instructions on how to submit a request for exclusion are available at [www.MercerDataSettlement.com](http://www.MercerDataSettlement.com) or from the Claims Administrator by calling 1-888-884-9402.

If you exclude yourself, you will not be able to receive any cash 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.

## **10. 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.

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

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

## THE LAWYERS REPRESENTING YOU

### 12. Do I have a lawyer in the case?

Yes. The Court has appointed William B. Federman of the law firm Federman & Sherwood and Kevin Laukaitis of the law firm Laukaitis Law LLC (called “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?

Class Counsel will apply to the Court for an award of attorneys’ fees, costs, and litigation expenses in an amount not to exceed \$300,000, which includes service awards of \$1,500 to the Class Representatives. A copy of Class Counsel’s Application for Attorneys’ Fees, Costs, Expenses, and Service Awards to Class Representatives will be posted on the Settlement Website, [www.MercerDataSettlement.com](http://www.MercerDataSettlement.com) before the Final Fairness Hearing. The Court will make the final decisions as to the amounts to be paid to Class Counsel.

## OBJECTING TO THE SETTLEMENT

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

If you want to tell the Court that you do not agree with the proposed Settlement or some part of it, you can submit an objection telling it why you do not think the Settlement should be approved. Objections must be submitted in writing and include all the following information:

Such notice shall state:

- (i) The objector’s full name and address;
- (ii) The case name and docket number: *Wang et al. v. The Corporation of Mercer University*, 5:23-cv-00193-TES (M.D. Ga.);
- (iii) A written statement of all grounds for the objection, including whether the objection applies only to the objector, to a subset of the Settlement Class, or to the entire Settlement Class, accompanied by any legal support for the objection the objector believes applicable;
- (iv) The identity of any and all counsel representing the objector in connection with the objection;
- (v) A statement whether the objector and/or his or her counsel will appear at the Final Fairness Hearing; and
- (vi) The objector’s signature or the signature of the objector’s duly authorized attorney or other duly authorized representative (if any) representing him or her in connection with the objection.

Your Objection may be filed with the Court through the Court’s ECF system by **February 17, 2025**. In addition, you must mail a copy of your objection to Class Counsel and Defense Counsel, postmarked no later than **February 17, 2025**.

CLASS COUNSEL	DEFENSE COUNSEL
William B. Federman FEDERMAN & SHERWOOD 10205 N. Pennsylvania Ave. Oklahoma City, OK 73120	Christopher A. Wiech BAKER & HOSTETLER LLP 1170 Peachtree Street NE, Suite 2400 Atlanta, GA 30309-7676
Kevin Laukaitis LAUKAITIS LAW LLC 954 Avenida Ponce De Leon Suite 205, #10518 San Juan, PR 00907	

If you do not submit your objection with all requirements, or if your objection is not postmarked by **February 17, 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 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 April 17, 2025, at 11:00 a.m. via the William A. Bootle Federal Building & United States Courthouse, 475 Mulberry Street, Macon, Georgia 31201. The hearing may be moved to a different date, time, or location without additional notice, so it is recommended that you periodically [www.MercerDataSettlement.com](http://www.MercerDataSettlement.com) for updated information.

At the hearing, the Court will consider whether the proposed Settlement is fair, reasonable, adequate, and is in the best interests of Settlement Class Members, and if it should be 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 Class Counsel and the request for a service award to the Class Representatives.

#### **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 is only a summary of the proposed Settlement. If you want additional information about this lawsuit, including a copy of the Claim Form, Long Form Notice, or the Settlement Agreement., and more, please visit [www.MercerDataSettlement.com](http://www.MercerDataSettlement.com) or call 1-888-884-9402. You may also contact the Claims Administrator at:

Mercer University Data Incident  
Claims Administrator  
P.O. Box 2853  
Portland, OR 97208-2853

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