

## NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

### **If JS Autoworld dba Nissan Planet, A Nevada Corporation (“JS Autoworld”) Notified You Of A Data Security Incident, You May Be Eligible For Benefits From A Class Action Settlement.**

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

- A proposed Settlement has been reached in a class action lawsuit known as *Kristen Coon v. JS Autoworld, Inc. dba Planet Nissan, a Nevada Corporation; Does 1 through 10 and Roes 1 through 10*, Case No.: A-23-869272-C (“Lawsuit”), filed in the Eighth Judicial District Court, Clark County, Nevada.
- This Lawsuit arises out of unauthorized access to JS Autoworld’s systems in or about June 2022 (the “Data Incident”), and allegations concerning certain files potentially accessed during the Data Incident that may have contained personally identifiable information (“PII”) of Settlement Class Members.
- All Settlement Class Members can receive the following benefits from the Settlement: (1) reimbursement for up to \$500 for documented out-of-pocket expenses and fees for credit reports, credit monitoring, or other identity theft insurance products, (2) reimbursement for up to four hours of lost time spent dealing with the Data Incident (\$17.50 per hour), and (3) reimbursement for documented extraordinary losses, not to exceed \$4,750 per Settlement Class Member, for proven actual monetary losses.
- Settlement Class Members can receive two years of credit monitoring services with \$1,000,000 in identity theft insurance.
- JS Autoworld has also implemented enhanced data security measures to further protect the PII of Plaintiffs and Settlement Class Members.
- You are included in this Settlement as a Settlement Class Member if you were sent a notice of the Data Incident.
- Your legal rights are affected regardless of whether you do or do not act. Read this Notice carefully.

### **YOUR LEGAL RIGHTS & OPTIONS IN THIS SETTLEMENT**

<b>Submit a Claim Form and/or Receive Credit Monitoring</b>	<b>You must submit a valid Claim Form to get money or credit monitoring from this Settlement.</b> Claim Forms must be submitted online by July 1, 2024 or, if mailed, postmarked no later than July 1, 2024.
<b>Do Nothing</b>	If you do nothing, you remain in the Settlement. <b>You give up your rights to sue and you will not get any money or credit monitoring from the Settlement.</b>
<b>Exclude Yourself</b>	<b>Get out of the Settlement. Get no money. Keep your rights.</b> This is the only option that allows you to keep your right to sue JS Autoworld about the claims in this Lawsuit. You will not get any money or credit monitoring from the Settlement. Your request to exclude yourself must be postmarked no later than May 31, 2024.
<b>File an Objection</b>	Stay in the Settlement, but tell the Court why you think the Settlement should not be approved. Objections must be postmarked or emailed no later than May 31, 2024.
<b>Go to a Hearing</b>	You can ask to speak in Court about the fairness of the Settlement. <i>See</i> Question 18 for more details. The Final Fairness Hearing is scheduled for July 17, 2024.

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## BASIC INFORMATION

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

### 1. How do I know if I am affected by the Lawsuit or included in the Settlement?

You are a Settlement Class Member if you were sent a notice of the Data Incident. The notice informed individuals that they may have been impacted by 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.JSAutoworldSettlement.com](http://www.JSAutoworldSettlement.com) call toll free 1-888-477-1779, or write to JS Autoworld Settlement, c/o Atticus Administration, PO Box 64053, St. Paul, MN 55164.

### 2. What is this case about?

This case is known as *Kristen Coon v. JS Autoworld, Inc. dba Planet Nissan, a Nevada Corporation; Does 1 through 10 and Roes 1 through 10*, Case No.: A-23-869272-C (“Lawsuit”), filed in the Eighth Judicial District Court, Clark County, Nevada. The people who sued are called the “Plaintiff” and the company they sued, JS Autoworld, is known as the “Defendant” in this case.

Plaintiff filed the Lawsuit against Defendant, individually, and on behalf of anyone whose personally identifiable information (“PII”) was potentially impacted as a result of the Data Incident.

This Lawsuit arises out of unauthorized access to JS Autoworld’s systems in or about June 2022 (the “Data Incident”), and allegations concerning certain files potentially accessed during the Data Incident that may have contained Personally Identifiable Information (“PII”) of Settlement Class Members. After learning of the Data Incident, Defendant mailed notification to persons whose PII may have been impacted by the Data Incident. Subsequently, this Lawsuit was filed asserting claims against Defendant relating to the Data Incident.

Defendant denies any wrongdoing, liability, or that damages resulted from the Data Incident.

### 3. Why is there a Settlement?

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

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

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

## THE SETTLEMENT BENEFITS

### 5. What does this Settlement provide?

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

#### **Expense Reimbursement**

**Documented Ordinary Loss Expense Reimbursement:** All Settlement Class Members who submit a valid claim using the Claim Form are eligible for the following documented ordinary loss expense reimbursement, not to exceed \$500 per Settlement Class Member: documented out-of-pocket expenses that were incurred as a result of the Data Incident between June 30, 2022 and the Claims Deadline, including but not limited to: (i) unreimbursed bank fees; (ii) long distance phone charges; (iii) cell phone charges (only if charged by the minute); (iv) data charges (only if charged based on the amount of data used); (v) postage; (vi) freezing or unfreezing credit reports (with demonstration that a free freeze was not available) (vii) copying or scanning, or faxing incident pertinent information; (viii) fees for identity theft protection services and plans, or (ix) gasoline for local travel. To receive reimbursement for any of the above-referenced documented ordinary loss expenses, Settlement Class Members must submit a valid and timely Claim Form, including necessary supporting documentation, to the Claims Administrator.

**Lost Time Reimbursement:** Settlement Class Members are also eligible to receive reimbursement for up to four (4) hours of lost time spent dealing with the Data Incident (calculated at the rate of \$17.50 per hour). Settlement Class Members may receive reimbursement for lost time if at least one (1) full hour was spent dealing with the Data Incident between June 30, 2022 and July 1, 2024. Settlement Class Members may receive reimbursement for lost time if the Settlement Class Member includes a brief description of activities engaged in responding to the incident and the time spent on each such activity, and attests that any claimed lost time was spent responding to issues raised by the Data Incident. Claims made for lost time can be combined with reimbursement for the above referenced out-of-pocket expenses with the time spent reimbursement subject to the \$500 cap for ordinary out-of-pocket expenses applicable to each Settlement Class Member.

**Documented Extraordinary Loss Reimbursement:** Settlement Class Members are also eligible to receive reimbursement for documented extraordinary losses, not to exceed \$4,750 per Settlement Class Member, including proven actual monetary losses, provided that: (i) the loss is an actual, documented, and unreimbursed monetary loss arising from fraud or misuse; (ii) the loss was more likely than not caused by the Data Incident; (iii) the actual loss is not already covered by one or more of the ordinary loss compensation categories; (iv) the claimant made reasonable efforts to avoid the loss or seek reimbursement for the loss, including, but not limited to, exhaustion of all available credit monitoring insurance and identity theft insurance; and (v) the loss occurred between June 30, 2022 and July 1, 2024. The maximum amount a Settlement Class Member may recover for documented extraordinary losses is \$4,750.

**Credit Monitoring:** All Settlement Class Members will be eligible to claim two years of free

credit monitoring services with \$1,000,000 in identity theft insurance upon submission of a valid Claim Form.

**Remedial Relief:** Defendant has enhanced and will also continue to provide security for Plaintiff's and Settlement Class Members' PII. Defendant agrees to pay for such remedial costs separate and apart from other settlement benefits.

PLEASE NOTE THAT IN ORDER TO RECEIVE PAYMENT FOR DOCUMENTED ORDINARY OR EXTRAORDINARY LOSSES, YOU MUST SUBMIT THE REQUIRED SUPPORTING DOCUMENTATION. FAILURE TO PROVIDE DOCUMENTATION WILL RESULT IN A DENIAL OF ANY CLAIM FOR DOCUMENTED ORDINARY OR EXTRAORDINARY LOSSES.

#### **6. How to submit a claim?**

All claims will be reviewed by the Claims Administrator for completeness and plausibility. You must file a Claim Form to get money and credit monitoring from the proposed Settlement. Claim Forms must be submitted online by July 1, 2024 or postmarked no later than July 1, 2024. You can download a Claim Form at [www.JSAutoworldSettlement.com](http://www.JSAutoworldSettlement.com) or you can call the Claims Administrator at: 1-888-477-1779 for a Claim Form.

#### **7. 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 JS Autoworld and all of its past, present, and future parent companies, partnerships, subsidiaries, affiliates, divisions, employees, servants, members, providers, partners, principals, directors, officers, shareholders, and owners, and all of their respective attorneys, heirs, executors, administrators, insurers, coinsurers, reinsurers, joint ventures, personal representatives, predecessors, successors, transferees, trustees, authorized agents, and assigns, and includes, without limitation, any Person related to any such entities who is, was, or could have been named as a defendant in the Litigation (collectively, the "Released Parties") regarding the Released Claims (as defined in the Settlement Agreement).

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

The only way to keep the right to sue is to exclude yourself (*see* Question 9), otherwise you will be included in the Settlement Class, and, if the Settlement is approved, you will give up the right to sue for the claims in this case.

#### **8. Will the Class Representative receive compensation?**

Yes. The Class Representative will receive a service award of up to \$1,500 to compensate her for her services and efforts in bringing and pursuing the lawsuit. The Court will make the final decision as to the amount, if any, to be paid to the Class Representative.

## EXCLUDE YOURSELF

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

If you do not want to be included in the Settlement, the Court will exclude you from the Settlement if you send a timely written request for exclusion, signed by you or a person authorized by law, such as a trustee, guardian, or person acting under power of attorney to act on your behalf, stating your full name, address, and telephone number. Your request must also clearly manifest your intent to be excluded from the Settlement Class, to be excluded from the Settlement, not to participate in the Settlement, and/or to waive all rights to the benefits of the Settlement. If you do not timely exclude yourself from the Settlement you will be included in any judgment, regardless as to whether that judgment is favorable or not.

Your written request for exclusion must be postmarked no later than **May 31, 2024** to:

JS Autoworld Settlement  
c/o Atticus Administration  
PO Box 64053  
St. Paul, MN 55164

Instructions on how to submit a request for exclusion are available in the Settlement Agreement, Section IV, which can be found at [www.JSAutoworldSettlement.com](http://www.JSAutoworldSettlement.com) or from the Claims Administrator by calling 1-888-477-1779.

If you exclude yourself, you will not be able to receive any cash benefit or credit monitoring from the Settlement, and you cannot object to the Settlement at the Final Fairness Hearing. You will not be legally bound by anything that happens in the Lawsuit, and you will keep your right to sue Defendant 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 Parties (listed in Question 7) for the Released 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 or credit monitoring services from the Settlement, you will not be able to start or proceed with a lawsuit or be part of any other lawsuit against the Released Parties (listed in Question 7) about the Released Claims at any time.

## THE LAWYERS REPRESENTING YOU

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

Yes. The Court has appointed MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN PLLC and STRANCH, JENNINGS AND GARVEY, PLLC (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 and enter an appearance in the action through your counsel.

Class Counsel may be contacted at:

J. Gerard Stranch, IV  
**STRANCH, JENNINGS & GARVEY, PLLC**  
223 Rosa L. Parks Ave., Suite 200  
Nashville, TN 37203  
Telephone: 615-254-8801

John J. Nelson  
**MILBERG COLEMAN BRYSON  
PHILLIPS GROSSMAN, PLLC**  
280 S. Beverly Drive  
Beverly Hills, CA 90212  
Telephone: 1-866-252-0878

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

Class Counsel will apply to the Court for an award of combined attorneys' fees, costs, and expenses in an amount not to exceed \$120,000. A copy of Class Counsel's Motion for Attorneys' Fees, Costs, Expenses, and Service Award for Class Representative will be posted on the Settlement Website, [www.JSAutoworldSettlement.com](http://www.JSAutoworldSettlement.com), before the Final Fairness Hearing. The Court will make the final decisions as to the amounts to be paid to Class Counsel and may award less than the amount requested. The amount awarded to Class Counsel will not impact the benefits to be provided to the Settlement Class Members.

## **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 Settlement or some part of it -- whether that be to the Settlement benefits, the request for attorneys' fees or service awards, the releases provided to the Defendant, and/or some other aspect of the Settlement -- you must file an objection with the Court telling it why you do not think the Settlement should be approved.

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

- (i) the objector's full name, address, telephone number, and e-mail address (if any);
- (ii) information identifying the objector as a Settlement Class Member, including proof that the objector is a member of the Settlement Class (e.g., copy of Notice, copy of original notice of the Data Incident);
- (iii) a written statement of all grounds for the Objection, 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 as to whether the objector and/or his or her counsel will appear at the Final Fairness Hearing; and
- (vi) the objector's signature and, if applicable, the signature of the objector's duly authorized attorney or other duly authorized representative.

Your Objection must be filed with the Clerk of Court by May 31, 2024 and include the case name and docket number, *Kristen Coon v. JS Autoworld, Inc. dba Planet Nissan, a Nevada Corporation*;

*Does 1 through 10 and Roes 1 through 10*, Case No.: A-23-869272-C. If you wish to object, there are ways to file those objections electronically, but you likely will need the assistance of a lawyer to do so. You also may send your objections to the Court, received no later than May 31, 2024, to this address:

Regional Justice Center  
ATTN: Dept. 1  
200 Lewis Ave  
Las Vegas, Nevada 89101  
3rd Floor

By the same date (May 31, 2024), a copy of the objection also must be either mailed and postmarked to the Claims Administrator at this address:

JS Autoworld Settlement  
c/o Atticus Administration  
PO Box 64053  
St. Paul, MN 55164

or emailed to the email address identified in the Claim Form.

If you do not timely submit your Objections in compliance with all requirements, you will be considered to have waived all Objections and will not be entitled to speak at the Final Fairness Hearing.

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

Objecting is simply telling the Court that you don't like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you don't want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

### **THE FINAL FAIRNESS HEARING**

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

The Court will hold the Final Fairness Hearing on July 17, 2024 at 200 Lewis Avenue, Las Vegas, Nevada 89155 in Courtroom 5C. The hearing may be moved to a different date, time, or location without additional notice, so it is recommended that you periodically check [www.JSAutoworldSettlement.com](http://www.JSAutoworldSettlement.com) for updated information.

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



### **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 may, but 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 have your own lawyer, at your expense, attend the Final Fairness Hearing, but that is not necessary. However, you must follow the requirements for making objections in Question 14, including the requirements for making an appearance at the hearing.

### **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 for you to make an appearance at the hearing. If you do not submit an objection, you still can ask the Court at the hearing to speak, but the Court may deny that request.

## **GET MORE INFORMATION**

### **19. 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 Settlement Agreement, the Complaint, the Court's Preliminary Approval Order, Class Counsel's Motion for Attorneys' Fees, Costs, Expenses, and Service Award for Class Representative, and more, please visit [www.JSAutoworldSettlement.com](http://www.JSAutoworldSettlement.com) or call 1-888-477-1779. You may also contact the Claims Administrator at:

JS Autoworld Settlement  
c/o Atticus Administration  
PO Box 64053  
St. Paul, MN 55164

Email: [JSAutoworldSettlement@atticusadmin.com](mailto:JSAutoworldSettlement@atticusadmin.com)

Additionally, you may contact your counsel in this matter, the Class Counsel, as follows:

J. Gerard Stranch, IV  
**STRANCH, JENNINGS & GARVEY, PLLC**  
223 Rosa L. Parks Ave., Suite 200  
Nashville, TN 37203  
Telephone: 615-254-8801

John J. Nelson  
**MILBERG COLEMAN BRYSON  
PHILLIPS GROSSMAN, PLLC**  
280 S. Beverly Drive  
Beverly Hills, CA 90212  
Telephone: 1-866-252-0878

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

**DEFENDANT'S COUNSEL. QUESTIONS SHOULD BE DIRECTED TO THE CLAIMS  
ADMINISTRATOR OR CLASS COUNSEL**