

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

If you were notified of a Data Incident involving online shopping at Best Buy in 2017, you may be entitled to benefits from a settlement.

SI DESEA RECIBIR ESTA NOTIFICACIÓN EN ESPAÑOL, LLÁMENOS O VISITE NUESTRA PÁGINA WEB
A federal court has authorized this Notice. This is not a solicitation from a lawyer.

THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ IT CAREFULLY.

- A Settlement has been reached in a class action lawsuit against [24]7.ai, Inc. (“[24]7” or “Defendant”), arising out of a security incident in the fall of 2017, where [24]7 was the target of a criminal cyberattack in which third party criminals potentially obtained the payment card data (“PCD”) and other personally identifiable information (“PII”) of Plaintiffs and Settlement Class Members while they shopped on Best Buy’s website (the “Data Incident”).
- You are a “Settlement Class Member” if you were mailed notice by Best Buy of the Data Incident that occurred in the fall of 2017.
- Under the Settlement, [24]7 has agreed to: (1) provide reimbursement of certain documented out-of-pocket expenses, not to exceed \$2,000 per Settlement Class Member, and (2) provide compensation for time spent dealing with the Data Incident (calculated at the rate of \$20 per hour), up to three hours if the Settlement Class Member attests to the time spent, and up to an additional two hours if the Settlement Class Member can provide documentation of the additional two hours. [24]7 will also pay for the cost of notice and claims administration, attorneys’ fees and expenses, and incentive awards for named Plaintiffs.

YOUR LEGAL RIGHTS AND OPTIONS		DEADLINE
SUBMIT A CLAIM FORM	The only way to get settlement benefits is to submit a Claim Form.	December 22, 2021
EXCLUDE YOURSELF	Get no settlement benefits, but keep any right to file your own lawsuit against the Defendant about the legal claims in this case.	November 22, 2021
OBJECT	Tell the Court why you do not like the Settlement. You will still be bound by the Settlement if the Court approves it, and you may still file a Claim Form for settlement benefits.	November 22, 2021
ATTEND A HEARING	Ask to speak to the Court about the fairness of the Settlement.	Deadline to file a Notice of Appearance: November 22, 2021
DO NOTHING	Get no settlement benefits. Give up your legal rights.	

- These rights and options—and the deadlines to exercise them—are explained in this Notice.
- The Court in charge of this case must still decide whether to approve the Settlement and the requested attorneys’ fees and expenses. No Settlement benefits or payments will be provided unless the Court approves the Settlement and it becomes final.

Questions? Go to www.247ClassSettlement.com or call 1-855-535-1873

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Questions? Go to www.247ClassSettlement.com or call 1-855-535-1873

BASIC INFORMATION

1. Why is this Notice being provided?

A federal court authorized this Notice because you have the right to know about the proposed Settlement of this class action lawsuit and about all of your rights and options before the Court decides whether to grant final approval to the Settlement. 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 Honorable Beth Labson Freeman of the United States District Court for the Northern District of California, is overseeing this class action. The case is known as *Ford et al. v. [24]7.ai, Inc.*, Case No. 5:18-cv-02770-BLF (the litigation). The people who filed this lawsuit are called the “Plaintiffs” and the company they sued, [24]7.ai, Inc., is called “[24]7” or the “Defendant.”

2. What is this lawsuit about?

In the fall of 2017, Defendant was the target of a criminal cyberattack in which third-party criminals potentially obtained the payment card data (“PCD”) and other personally identifiable information (“PII”) of Plaintiffs and Settlement Class Members while they shopped on Best Buy’s website (“Data Incident”). Plaintiffs claim that Defendant failed to provide timely, accurate, and adequate notice to Plaintiffs and Settlement Class Members that their PCD and PII (collectively, “Customer Data”) had been potentially compromised as a result of the Data Incident. Following the Data Incident, Defendant maintains it cooperated with Best Buy who notified approximately 396,116 individuals that their Customer Data may have been impacted by the Data Incident.

Defendant denies any wrongdoing, and no court or other entity has made any judgment or other determination of any wrongdoing or that the law has been violated. Defendant denies these and all other claims made in the litigation. By entering into the Settlement, Defendant is not admitting that it did anything wrong.

3. Why is the lawsuit a class action?

In a class action, one or more people called class representatives sue on behalf of all people who have similar claims. Together all of these people are called a Settlement Class or Settlement Class Members. One court resolves the issues for all Settlement Class Members, except for those Settlement Class Members who timely exclude themselves from the Settlement Class.

The proposed Class Representatives in this case are the Plaintiffs: Michael Ford, Noe Gamboa, and Madison Copeland.

4. Why is there a Settlement?

Plaintiffs and Defendant do not agree about the claims made in this litigation. The litigation has not gone to trial, and the Court has not decided in favor of Plaintiffs or Defendant. Instead, Plaintiffs and Defendant have agreed to settle the litigation. Plaintiffs and the attorneys for the Settlement Class (“Class Counsel”) believe the Settlement is best for all Settlement Class Members because of the Settlement benefits and the risks and uncertainty associated with continued litigation and the nature of the defenses raised by the Defendant.

WHO IS INCLUDED IN THE SETTLEMENT

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

You are a Settlement Class Member if you were mailed notice by Best Buy of the Data Incident that occurred in the fall of 2017. If you were emailed a notice of this Settlement, you are a Settlement Class Member.

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

Yes. Excluded from the Settlement Class are: (1) [24]7, Best Buy, and their respective officers and directors; (2) all Settlement Class Members who timely and validly request exclusion from the Settlement Class; (3) the Judge assigned to evaluate the fairness of this settlement; and (4) any other Person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding or abetting the criminal activity occurrence of the Data Incident or who pleads *nolo contendere* (a legal term that means "I do not wish to contend") to any such charge.

7. What if I am still not sure whether I am part of the Settlement?

If you are still not sure whether you are a Settlement Class Member, you may go to the Settlement website at www.247ClassSettlement.com, or call the Claims Administrator's toll-free number at 1-855-535-1873.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

8. What does the Settlement provide?

Reimbursement of Documented Out-of-Pocket Expenses:

All Settlement Class Members who file a Valid Claim using the Claim Form are eligible for reimbursement of the following documented out-of-pocket expenses that were incurred as a result of the Data Incident, not to exceed \$2,000 per Settlement Class Member:

- Unreimbursed bank fees;
- Unreimbursed card reissuance fees;
- Unreimbursed overdraft fees;
- Unreimbursed charges related to unavailability of funds;
- Unreimbursed late fees;
- Unreimbursed over-limit fees;
- Long distance telephone charges;
- Cell minutes (if charged by minute), internet usage charges (if charged by the minute or by the amount of data usage and incurred solely as a result of the Data Incident), and text messages (if charged by the message and incurred solely as a result of the Data Incident);
- Unreimbursed charges from banks or credit card companies;
- Interest on payday loans due to card cancellation or due to over-limit situation incurred solely as a result of the Data Incident;
- Costs of credit report(s) purchased by Settlement Class Members between September 27, 2017 and the date of the Claims Deadline (with affirmative statement by the Settlement Class Member that it was purchased primarily because of the Data Incident);

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- Costs associated with freezing and/or unfreezing credit reports with any credit reporting agency (with affirmative statement by the Settlement Class Member that the charge was incurred primarily because of the Data Incident); and
- Costs of fraud resolution services incurred by the Settlement Class Members between September 27, 2017 and the date the Claims Deadline (with affirmative statement by the Settlement Class Member that the cost was incurred primarily because of the Data Incident and not for other purposes, and with proof of purchase).

To receive reimbursement for any of the above-referenced out-of-pocket expenses, you must submit documentation of your out-of-pocket expenses.

Compensation for Time Spent Dealing with the Data Incident:

Settlement Class Members are also eligible to receive up to three hours of lost time spent dealing with the Data Incident (calculated at the rate of \$20 per hour), but only if at least one full hour was spent, and only if you attest on the Claim Form to the time spent. To receive up to three hours in lost time, you need not submit any documentation of that lost time, but you must attest that the time claimed was spent dealing with the Data Incident. Settlement Class Members may claim an additional two hours of lost time if you can provide adequate documentation of those additional two hours spent dealing with the Data Incident.

9. Is there additional information available regarding the reimbursement of out-of-pocket expenses and compensation for time spent dealing with the Data Incident?

Yes. Settlement Class Members seeking reimbursement must complete and submit a Claim Form to the Claims Administrator by **December 22, 2021**. Claim Forms can be submitted online at www.247ClassSettlement.com or by mail. If by mail, the Claim Form must be postmarked by **December 22, 2021**. You must submit reasonable documentation that the out-of-pocket expenses and charges claimed were both actually incurred and plausibly arose from the Data Incident. Failure to provide supporting documentation of the out-of-pocket expenses referenced above, as requested on the Claim Form will result in denial of a claim.

No documentation is needed for the first three hours of claimed lost-time expenses. If you wish to claim up to two hours of additional lost-time expenses, you must submit reasonable documentation that the additional time claimed was spent dealing with the Data Incident.

To be approved, claims for expenses must be complete and submitted to the Claims Administrator on or before the Claims Deadline. No payment shall be made for emotional distress, personal/bodily injury, or punitive damages, as all such amounts are not recoverable pursuant to the terms of the Settlement Agreement.

10. What am I giving up to receive settlement benefits or stay in the Settlement Class?

Unless you exclude yourself, you are choosing to remain in the Settlement Class. If the Settlement is approved and becomes final, all of the Court’s orders will apply to you and legally bind you. You will not be able to sue, continue to sue, or be part of any other lawsuit against [24]7 and related parties about the legal issues in this litigation that are released by this Settlement. The specific rights you are giving up are called Released Claims.

11. What are the Released Claims?

The Settlement Agreement in section six (6) (titled “Releases”) describes these “Released Claims” and the “Released Parties” in necessary legal terminology, so read these sections carefully. The Settlement Agreement is available at www.247ClassSettlement.com or in the public court records on

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file in this lawsuit. For questions regarding the Releases or what they mean, you can also contact one of the lawyers listed in Question 26 for free, or you can, talk to your own lawyer at your own expense.

HOW TO GET BENEFITS FROM THE SETTLEMENT

12. How do I make a claim for settlement benefits?

To file a claim for reimbursement of documented out-of-pocket expenses that were incurred as a result of the Data Incident (not to exceed \$2,000 per Settlement Class Member), you must submit a valid Claim Form.

On the same Claim Form, you may also make a claim for time spent dealing with the Data Incident (calculated at the rate of \$20 per hour), but only if at least one full hour was spent, and only if you attest on the Claim Form to the time spent.

Settlement Class members seeking reimbursement under the Settlement must complete and submit a Claim Form to the Claims Administrator, postmarked or submitted online on or before **December 22, 2021**. Claim Forms may be submitted online at www.247ClassSettlement.com, or printed from the website and mailed to the Claims Administrator at the address on the form. Claim Forms are also available by calling 1-855-535-1873 or by writing to: [24]7 Claims Administrator, P.O. Box 6509, Portland, OR 97228-6509. The quickest way to file a claim is online.

13. What happens if my contact information changes after I submit a claim?

If you change your mailing address or email address after you submit a Claim Form, it is your responsibility to inform the Claims Administrator of your updated information. You may notify the Claims Administrator of any changes by calling 1-855-535-1873 or by writing to:

[24]7 Claims Administrator
P.O. Box 6509
Portland, OR 97228-6509

14. When will I receive my settlement benefits?

If you make a Valid Claim, payment will be provided by the Claims Administrator after the Settlement is approved by the Court and becomes final.

It may take time for the Settlement to be approved and become final. Please be patient and check www.247ClassSettlement.com for updates.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

Yes, the Court has appointed Michael F. Ram of Morgan & Morgan Complex Litigation Group and Melissa S. Weiner of Pearson, Simon, & Warshaw, LLP, as Class Counsel to represent you and the Settlement Class for the purposes of this Settlement. You may hire your own lawyer at your own cost and expense if you want someone other than Class Counsel to represent you in this litigation.

16. How will Class Counsel be paid?

Class Counsel will file a motion asking the Court to award them attorneys' fees and costs not to exceed \$450,000. They will also ask the Court to approve \$2,000 incentive awards to each of the

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Plaintiffs for participating in this litigation and for their efforts in achieving the Settlement. If awarded by the Court, Defendant will pay fees, costs, expenses, and incentive awards directly. The Court may award less than these amounts.

Class Counsel’s application for attorneys’ fees, expenses, and incentive awards will be made available on the Settlement website at www.247ClassSettlement.com before the deadline for you to comment or object to the Settlement.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you are a Settlement Class Member and want to keep any right you may have to sue or continue to sue the Defendant on your own based on the claims raised in this litigation or released by the Released Claims, then you must take steps to get out of the Settlement. This is called excluding yourself from – or “opting out” of – the Settlement.

17. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must mail written notice of a request for exclusion, which identifies the case name *Ford et al. v. [24]7.ai, Inc.*, Case No. 5:18-cv-02770-BLF, your name, address and telephone number, contains a clear statement that you want to be excluded from the Settlement Class, such as “I hereby request to be excluded from the proposed Settlement Class in *Ford et al. v. [24]7.ai, Inc.*, Case No. 5:18-cv-02770-BLF”, and is individually signed by the person(s) seeking to be excluded from the Settlement Class.

The exclusion request must be **postmarked** and sent to the Claims Administrator at the following address by **November 22, 2021**:

[24]7 Claims Administrator
P.O. Box 6509
Portland, OR 97228-6509

You cannot exclude yourself by telephone or by email.

18. If I exclude myself, can I still get anything from the Settlement?

No. If you exclude yourself, you are telling the Court that you do not want to be part of the Settlement. You can only get settlement benefits if you stay in the Settlement and submit a valid Claim Form.

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

No. Unless you exclude yourself, you give up any right to sue Defendant and Released Persons for the claims that this Settlement resolves relating to the Data Incident. You must exclude yourself from this litigation to start or continue with your own lawsuit or be part of any other lawsuit against the Defendant or any of the Released Persons. If you have a pending lawsuit, speak to your lawyer in that case immediately.

OBJECT 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 tell the Court that you do not agree with all or any part of the Settlement or requested attorneys’ fees and expenses. You can also give reasons why you think the Court should not approve the Settlement or attorneys’ fees and expenses. To object, you

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must file written notice as provided below, which includes the case name and docket information (*Ford, et al. v. [24]7.ai, Inc.*, Case No. 1:19-cv-00483-CFC), no later than **November 22, 2021**, stating that you object to the Settlement in *Ford et al. v. [24]7.ai, Inc.*, Case No. 5:18-cv-02770-BLF. The objection must also include the following additional information:

- (1) The objector's (your) full name, address, telephone number, and email address (if any);
- (2) Information identifying you as a Settlement Class Member, including proof that you are a member of the Settlement Class (e.g., copy of notice, copy of original notice of the Data Incident);
- (3) A written statement of all grounds for the objection, accompanied by any legal support for the objection you believe is applicable;
- (4) The identity of any and all counsel representing you in connection with the objection;
- (5) A statement whether you and your counsel will appear at the Final Approval Hearing; and
- (6) Your signature and the signature of your duly authorized attorney or other duly authorized representative (along with documentation setting forth such representation).

To be timely, written notice of an objection in the appropriate form must be filed with the Clerk of the Court located at:

Office of the Clerk
United States District Court,
Northern District of California
450 Golden Gate Ave
San Francisco, CA 94102-3489

Any Settlement Class member who fails to comply with the requirements for objecting in ¶ 5.1 of the Settlement Agreement shall waive and forfeit any and all rights he or she may have to appear separately and/or to object to the Settlement Agreement, and shall be bound by all the terms of the Settlement Agreement and by all proceedings, orders and judgments in the Litigation.

21. What is the difference between objecting and asking to be excluded?

Objecting is simply telling the Court you do not like something about the Settlement or requested attorneys' fees and expenses. You can object only if you stay in the Settlement Class (that is, do not exclude yourself). Requesting exclusion is telling the Court you do not want to be part of the Settlement Class or the Settlement. If you exclude yourself, you cannot object to the Settlement.

THE FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing on **January 27, 2022, at 9:00 a.m.** before the Honorable Beth Labson Freeman, United States District Judge for the Northern District of California, 280 South 1st Street, San Jose, CA 95113, in Courtroom 3 – 5th Floor.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and decide whether to approve: the Settlement, Class Counsel's application for attorneys' fees, costs and expenses, and the incentive awards to Plaintiffs. If there are objections, the Court will consider them. The Court will also listen to people who have asked to speak at the hearing.

Note: The date and time of the Final Approval Hearing are subject to change. The Court may also decide to hold the hearing via Zoom or telephonically. Any change will be posted at www.247ClassSettlement.com. You can also check the date and time of the hearing by accessing the

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Court's Public Access to Court Electronic Records (PACER) system. Instructions on how to do so are included in Section 26, below.

23. Do I have to attend to the Final Approval Hearing?

No. Class Counsel will answer any questions the Court may have. However, you are welcome to attend at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you mail your written objection on time the Court will consider it.

24. May I speak at the Final Approval Hearing?

Yes, as long as you do not exclude yourself, you can (but do not have to) participate and speak for yourself in this litigation and Settlement. This is called making an appearance. You also can have your own lawyer speak for you, but you will have to pay for the lawyer yourself.

If you want to appear, or if you want your own lawyer instead of Class Counsel to speak for you in this litigation, you must send a letter saying that it is your "Notice of Intention to Appear in *Ford et al. v. [24]7.ai, Inc.*" Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked by **November 22, 2021**, and be sent to the Court at:

Clerk of the Court:
Office of the Clerk
United States District Court,
Northern District of California
450 Golden Gate Ave
San Francisco, CA 94102-3489.

If you want to speak at the Final Approval Hearing without having followed these procedures, you may do so if you demonstrate good cause to the Court.

IF YOU DO NOTHING

25. What happens if I do nothing at all?

If you are a Settlement Class Member and you do nothing, you will not receive any settlement benefits. You will give up rights explained in the "Excluding Yourself from the Settlement" section of this Notice, including your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendant or any of the Released Persons about the legal issues in this litigation that are released by the Settlement Agreement relating to the Data Incident.

GETTING MORE INFORMATION

26. How do I get more information?

This Notice summarizes the proposed Settlement. Complete details are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at www.247ClassSettlement.com, by calling 1-855-535-1873 or by writing to: [24]7 Claims Administrator, P.O. Box 6509, Portland, OR 97228-6509.

You can also access information about this case through the Court's Public Access to Court Electronic Records (PACER) system. To learn about PACER and register for a PACER account, go to

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<https://www.Pacer.gov/>. Once you have a PACER account, you can access and retrieve documents from the Court's docket for the Action at <https://ecf.cand.uscourts.gov/cgi-bin/login.pl>. You can also access and retrieve documents from the Court's docket by visiting the Clerk's Office located at United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

If you have questions, you may contact Class Counsel at:

<p>Michael F. Ram Morgan & Morgan Complex Litigation Group c/o [24]7 Settlement 20 North Orange Ave, Suite 1600 Orlando, FL 32801</p>	<p>Melissa S. Weiner Pearson, Simon & Warshaw, LLP c/o [24]7 Settlement 800 LaSalle Ave, Suite 2150 Minneapolis, MN 55402</p>
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**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT'S CLERK OFFICE
REGARDING THIS NOTICE.**