United States District Court
Western District of Louisiana

Castillo, et al. v. Berry Bros. General Contractors, Inc.
Case No. 6:24-cv-01723-JDC

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

YOUR PRIVATE INFORMATION MAY HAVE BEEN COMPROMISED IN THE AUGUST 2024 BERRY BROS. GENERAL CONTRACTORS, INC. DATA BREACH, AND A PROPOSED CLASS ACTION SETTLEMENT MAY AFFECT YOUR RIGHTS AND ENTITLE YOU TO BENEFITS AND A CASH PAYMENT.

A court has authorized this notice. This is not a solicitation from a lawyer.
You are not being sued.
Please read this Notice carefully and completely.

- A proposed Settlement has been reached with Berry Bros. General Contractors, Inc. ("Berry Bros." or "Defendant") in a class action lawsuit. This case is about the targeted cyberattack on Berry Bros.' computer systems that occurred in August 2024 (the "Data Breach"). Certain files that contained private information may have been accessed. These files may have contained personal information such as names and Social Security numbers.
- The lawsuit is called *Castillo, et al. v. Berry Bros. General Contractors, Inc.*, Case No. 6:24-cv-01723-JDC. It is pending in the United States District Court for the Western District of Louisiana (the "Litigation").
- Berry Bros. denies that it did anything wrong, and the Court has not decided who is right.
- The parties have agreed to settle the lawsuit (the "Settlement") to avoid the costs and risks, disruptions, and uncertainties of continuing the Litigation.
- Berry Bros.' records indicate that you may be a Settlement Class Member and may be entitled to benefits under the Settlement. You may have received a previous notice directly from Berry Bros.
- Your rights are affected whether you act or don't act. ***Please read this Notice carefully and completely.***

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
SUBMIT A CLAIM	The only way to receive benefits or payments from this Settlement is by submitting a valid and timely Claim Form. The fastest way to submit your Claim Form is online at www.BerryBrosDataBreachSettlement.com. If you prefer, you can download the Claim Form from the Settlement Website and mail it to the Settlement Administrator. You may also call or email the Settlement Administrator to receive a paper copy of the Claim Form.	**February 23, 2027**
OPT OUT OF THE SETTLEMENT	You can choose to opt out of the Settlement and receive no benefit or payment. This option allows you to sue, continue to sue, or be part of another lawsuit against the Defendant related to the legal claims resolved by this Settlement. You can hire your own lawyer at your own expense.	**January 25, 2027**
OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING	If you do not opt out of the Settlement, you may object to it by writing to the Court about why you don't think the Settlement should be approved. You may also ask the Court for permission to speak about your objection at the Final Approval Hearing. If you object, you will remain a Settlement Class Member and may also file a claim for Settlement benefits.	**January 25, 2027**
DO NOTHING	Unless you opt out of the Settlement, you are automatically part of the Settlement. If you do nothing, you will not receive benefits or payments from this Settlement and you will give up the right to sue, continue to sue, or be part of another lawsuit against the Defendant related to the legal claims resolved by this Settlement.	No Deadline

- These rights and options—**and the deadlines to exercise them—**are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the Settlement. Payments will only be made after the Court grants final approval of the Settlement and after any appeals are resolved.

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Basic Information

1. Why was this Notice issued?

The United States District Court for the Western District of Louisiana authorized this Notice to inform you how you may be affected by this proposed Settlement. You have a right to know about the proposed Settlement of this class action lawsuit, and about all of your options, before the Court decides whether to grant final approval of the Settlement. This Notice explains the lawsuit, your legal rights, what benefits are available, and who can receive them.

The lawsuit is called *Castillo, et al. v. Berry Bros. General Contractors, Inc.*, Case No. 6:24-cv-01723-JDC. It is pending in the United States District Court for the Western District of Louisiana. The person that filed this lawsuit is called the "Plaintiff" (or "Class Representative"), and the company they sued, Berry Bros. General Contractors, Inc., is called the "Defendant."

2. What is this lawsuit about?

This lawsuit alleges that during the August 2024 targeted cyberattack on Berry Bros.' computer systems, certain files that contained private information were accessed. These files may have contained personal information such as names and Social Security numbers.

Berry Bros. denies these claims and any wrongdoing. No court or other juridical entity has made any judgment or other determination of any wrongdoing by Berry Bros.

3. What is a class action?

In a class action, one or more individuals sue on behalf of themselves and other people with similar claims. These individuals are called the "Plaintiffs" or "Class Representatives." Together, the people included in the class action are called a "Class" or "Class Members." One court resolves the lawsuit for all Class Members. Because this is a proposed class action settlement, even individuals who did not file their own lawsuit can obtain benefits under the proposed settlement, except for those individuals who opt out from the proposed settlement by the deadline. In this proposed Settlement, the Class Representative is Moises Castillo. Everyone included in this Action are the Settlement Class Members.

4. Why is there a Settlement?

The Court has not decided whether the Plaintiff or the Defendant are right. Instead, both sides have agreed to the proposed Settlement after arms-length negotiations to avoid the costs and risks of a trial, and to allow the Settlement Class Members to receive benefits provided for under the proposed Settlement. The Plaintiff and their attorneys ("Class Counsel") believe the proposed Settlement is in the best interests of the Settlement Class Members.

Who is in the Settlement?

5. Who is included in the Settlement?

The Court has defined the Settlement Class as: "All individuals residing in the United States whose PII was compromised in the Data Breach experienced by Berry Bros. in or around August 13, 2024, through August 21, 2024, including all those individuals who received notice of the breach." In this sentence, PII means Personally Identifiable Information.

6. Are there exceptions to being included?

Yes. Excluded from the Class are: (1) Berry Bros. and its officers, directors, legal representatives, attorneys, and related companies; (2) the Judges in this case, and the Judges' families and staff; and (3) anyone who validly excludes themselves from the Settlement.

If you are not sure whether you are a Settlement Class Member, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: info@BerryBrosDataBreachSettlement.com
- Call toll free, 24/7: (833) 200-7771
- By mail:

Berry Bros. Data Breach Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799-9958

You may also view the Settlement Agreement at www.BerryBrosDataBreachSettlement.com.

The Settlement Benefits

7. What does the Settlement provide?

All Settlement Class Members are eligible to enroll in **Credit Monitoring** and to claim **one** of the two **cash payment** options. These benefits are described in more detail below.

CREDIT MONITORING. All Settlement Class Members are eligible to enroll in two years of CyEx Financial Shield Total. Enrollment codes have been sent to all Settlement Class Members by postcard. If you no longer have your enrollment code, please contact the Settlement Administrator.

This comprehensive service comes with $1 million of financial fraud insurance, and includes monitoring for:

- fraud or identity theft

- unauthorized financial transactions
- personal information associated with high-risk transactions

If anything suspicious happens, you will be able to talk to a fraud resolution agent to help fix any problems.

CASH PAYMENT OPTIONS

Documented Out-of-Pocket Losses. If you incurred actual, documented out-of-pocket losses due to the Data Breach, you can get back up to **$3,000.00**. The losses must have occurred between August 13, 2024, and February 23, 2027.

This benefit covers out-of-pocket expenses like:

- losses because of identity theft or fraud
- fees for credit reports, credit monitoring, or freezing and unfreezing your credit
- cost to replace your IDs
- postage to contact banks by mail

You need to send proof, like bank statements or receipts, to show how much you spent or lost. You can also send notes or papers you made yourself to explain or support other proof, but those notes or papers alone are not enough to make a valid claim. Your proof or notes should show that your expenses were because of the Data Breach.

You cannot claim a payment for expenses that have already been reimbursed by a third party.

Alternative Cash Payment. *Instead of any other payment*, you may claim a one-time *pro rata* cash payment. This payment is expected to be **$50.00** but may be smaller depending on the total claims filed, as explained below.

You do not have to provide any proof or explanation to claim this payment.

There is an aggregate cap of $325,000.00 on Documented Out-of-Pocket Losses and Alternative Cash Payments. This means that if the total value of benefits claimed in these categories is over $325,000.00, everyone's cash payments will be reduced *pro rata* so that they do not exceed $325,000.00.

A full description of how this works is available in Settlement Agreement, at www.BerryBrosDataBreachSettlement.com.

If you have questions about these benefits, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: info@BerryBrosDataBreachSettlement.com
- Call toll free, 24/7: (833) 200-7771
- By mail:

Berry Bros. Data Breach Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799-9958

8. What claims am I releasing if I stay in the Class?

If you stay in the Settlement Class, you won't be able to be part of any other lawsuit against Berry Bros. about issues related to the Data Breach. The "Releases" section of the Settlement Agreement (Section VII)

describes the legal claims that you give up if you remain in the Settlement Class. The Settlement Agreement is available at www.BerryBrosDataBreachSettlement.com.

Submitting a Claim Form for a Settlement Payment

9. How do I submit a claim for a Settlement benefit?

The fastest way to submit your Claim Form is online at www.BerryBrosDataBreachSettlement.com. If you prefer, you can download a printable Claim Form from the website and mail it to the Settlement Administrator at:

Berry Bros. Data Breach Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799-9958

You may also contact the Settlement Administrator to request a Claim Form by telephone, toll free, (833) 200-7771, by email info@BerryBrosDataBreachSettlement.com, or by U.S. mail at the address above.

10. Are there any important Settlement payment deadlines?

If you are submitting a Claim Form online, you must do so by **February 23, 2027**. If you are submitting a claim by U.S. mail, the completed and signed Claim Form, including supporting documentation, must be postmarked no later than **February 23, 2027**.

11. When will the Settlement benefits be issued?

The Court will hold a final approval hearing on **March 4, 2027,** (***see* Question 18)** to decide whether to approve the Settlement. If the Court approves the Settlement, there may still be appeals. We do not know if appeals will be filed, or how long it will take to resolve them if they are filed.

Settlement payments will be distributed if the Court grants final approval, and after any appeals are resolved.

The Lawyers Representing You

12. Do I have a lawyer in the case?

Yes, the Court has appointed attorneys Leigh S. Montgomery and Thomas Kherkher of Ellzey Kherkher Sanford Montgomery, LLP, and David H. Hanchey of The Townsley Law Firm, LLP, to represent you and other Settlement Class Members ("Class Counsel").

13. Should I get my own lawyer?

You will not be charged for Class Counsel's services. If you want your own lawyer, you may hire one at your expense.

14. How will Class Counsel be paid?

Class Counsel will ask the Court to approve $142,750.00 as reasonable attorneys' fees and reimbursement of litigation costs. The Court will decide the amount of attorneys' fees and litigation costs to be paid. This amount will be paid by Berry Bros., and you will not have to separately pay any portion of these fees yourself.

Class Counsel will also ask for a Service Award Payment of $2,500.00 for the Class Representative. The Service Award Payment will also be paid by Berry Bros.

Excluding Yourself from the Settlement

15. How do I opt out of the Settlement?

If you do not want to be part of the Settlement, you must formally exclude yourself from the Settlement. This is called a Request for Exclusion and is sometimes also called "opting out." If you opt out, you will not receive Settlement benefits or payment. However, you will keep any rights you may have, if any, to sue Berry Bros. on your own about the legal issues in this case, but you will need to find your own attorney at your own cost to represent you.

If you exclude yourself, you are telling the Court that you do not want to be part of the Settlement. You will not be eligible to receive any Settlement benefits if you exclude yourself.

The deadline to exclude yourself from the Settlement is **January 25, 2027**.

To be valid, your Request for Exclusion must have the following information:

(1) the name of the Litigation: *Castillo, et al. v. Berry Bros. General Contractors, Inc.*, Case No. 6:24-cv-01723-JDC, pending in the United States District Court for the Western District of Louisiana;

(2) your full name, mailing address, telephone number, and email address;

(3) personal signature; and

(4) the words "Request for Exclusion" or a clear and similar statement that you do not want to participate in the Settlement.

You may only exclude yourself—not any other person.

Mail your Request for Exclusion to the Settlement Administrator at:

Berry Bros. Data Breach Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799-9958

Your Request for Exclusion must be postmarked, or emailed by **January 25, 2027**.

If you do not comply with these procedures and the deadline for exclusions/opt-outs, you will lose any opportunity to exclude yourself from the Settlement, and your rights will be determined in this lawsuit by the Settlement Agreement if it is approved by the Court.

Commenting on or Objecting to the Settlement

16. How do I tell the Court if I like or do not like the Settlement?

If you are a Settlement Class Member, you have the right to tell the Court what you think about the proposed Settlement. If you do not think the Settlement is fair, reasonable, or adequate, you can object to it. Objecting means telling the Court reasons why you think the Court should not approve the Settlement. The Court will

consider your views. You cannot ask the Court to order a larger settlement. The Court can only approve or deny the proposed Settlement as it is.

You cannot object if you have excluded yourself from the Settlement (***see* Question 15**).

You must provide the following information for the Court to consider your objection:

(1) the name of the Litigation: *Castillo, et al. v. Berry Bros. General Contractors, Inc.*, Case No. 6:24-cv-01723-JDC, pending in the United States District Court for the Western District of Louisiana;

(2) your full name, mailing address, telephone number, and email address;

(3) a clear description of all the reasons you object, including any legal support, such as documents, you may have for your objection;

(4) if you have hired your own lawyer to represent you for this objection, provide their name, and contact information;

(5) if you or your lawyer have objected in any other cases in the past four years, list the names, courts, and civil action numbers for each of those cases;

(6) whether or not you or your lawyer would like to speak at the Final Approval Hearing;

(7) if you plan on calling witnesses or submitting documents at the Final Approval Hearing, provide a full list of both;

(8) your personal signature, and if you have hired your own lawyer, their signature (your lawyer's signature alone is not sufficient); and

(9) information that proves that you are a Settlement Class Member (such as a notice you have received).

For your objection to be valid, it must meet each of these requirements.

To be considered by the Court, you must file your complete objection with the Clerk of Court by **January 25, 2027**. You must also send a copy of the objection to the Settlement Administrator.

Clerk of the Court	Settlement Administrator
Clerk of the Court John M. Shaw United States Courthouse 800 Lafayette Street, Suite 2100 Lafayette, LA 70501	Berry Bros. Data Breach Settlement c/o Settlement Administrator P.O. Box 25226 Santa Ana, CA 92799-9958

If you do not comply with these procedures and the deadline for objections, you may lose any opportunity to have your objection considered at the Final Approval Hearing or otherwise to contest the approval of the proposed Settlement or to appeal from any orders or judgments entered by the Court in connection with the proposed Settlement. You will still be eligible to receive Settlement benefits if the Settlement becomes final even if you object to the proposed Settlement.

17. What is the difference between objecting and excluding?

Objecting is telling the Court that you do not like something about the proposed Settlement. You can object to the Settlement only if you do not exclude yourself from the Settlement. Excluding yourself from the

Settlement is opting out and stating to the Court that you do not want to be part of the proposed Settlement. If you opt out of the Settlement, you cannot object to it because the Settlement no longer affects you.

The Court's Final Approval Hearing

18. When is the Court's Final Approval Hearing?

The Court will hold a Final Approval Hearing on **March 4, 2027, at 1:30 p.m. Central Time**, in Courtroom 4 of the United States District Court for the Western District of Louisiana, at Lake Charles Division, 611 Broad St., Lake Charles, LA 70601.

At the final approval hearing, the Court will decide whether to approve the proposed Settlement. The Court will also decide how Class Counsel should be paid, and whether to award a Service Award Payment to the Class Representative. The Court will also consider any objections to the proposed Settlement.

If you are a Class Member, you or your lawyer may ask permission to speak at the hearing at your own cost (***See* Question 16**).

The date and time of this hearing may change without further notice. Please check www.BerryBrosDataBreachSettlement.com for updates.

19. Do I have to come to the Final Approval Hearing?

No. Class Counsel will answer any questions the Court may have. You may attend at your own expense if you wish, but you do not have to.

If you file an objection, you do not have to come to the Final Approval Hearing to talk about it; the Court will consider it as long as it was filed on time. You may also pay your own lawyer to attend, but you do not have to.

If I Do Nothing

20. What happens if I do nothing at all?

If you do nothing, you will not receive a benefit from this Settlement.

You will also give up the rights described in **Question 8**.

Getting More Information

21. How do I get more information?

This Notice is a summary of the proposed Settlement. The full Settlement Agreement and other related documents are available at the Settlement Website, www.BerryBrosDataBreachSettlement.com.

If you have additional questions, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: info@BerryBrosDataBreachSettlement.com
- Call toll free, 24/7: (833) 200-7771
- By mail:

Berry Bros. Data Breach Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799-9958

You can obtain copies of publicly filed documents by visiting the office of the Clerk of the Court, John M. Shaw United States Courthouse, 800 Lafayette Street, Suite 2100, Lafayette, LA 70501. The Court cannot respond to any questions regarding this notice, the lawsuit, or the proposed Settlement.

DO NOT CONTACT THE COURT, CLERK OF COURT, OR DEFENDANT REGARDING THIS SETTLEMENT