

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

NEW YORK SUPREME COURT FOR KINGS COUNTY
Ava Hoffman et. al v. FitOn, Inc., Index No. 542301/2025

Our Records Indicate You Have an Account with *FitOn* and May Be Entitled to a Payment From a Class Action Settlement.


*A court authorized this notice. This is not a solicitation from a lawyer.
You are not being sued.*

- A settlement has been reached in a class action lawsuit against FitOn, Inc. The class action lawsuit claims Defendant, FitOn, Inc., disclosed its subscribers' personally identifiable information ("PII") to third parties, without consent and in violation of the Video Privacy Protection Act (the "VPPA"). The VPPA defines PII to include information which identifies a person as having requested or obtained specific video materials or services from a video tape service provider. Defendant denies that it violated any law.
- You are included in the Settlement Class if you are a person in the United States who, from October 22, 2022, to and through May 29, 2026, had a FitOn account and accessed any FitOn Video Platform in the United States and watched or acquired a pre-recorded video available on the platform.
- Persons included in the Settlement will be eligible to receive a cash payment of \$10.00, subject to *pro rata* (meaning equal) reduction in the event that Approved Claims for Cash Payments exceed the Net Settlement Benefit Cap of \$2,500,000.
- Read this notice carefully. Your legal rights are affected whether you act, or don't act.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM BY AUGUST 31, 2026	This is the only way to receive a payment.
EXCLUDE YOURSELF BY AUGUST 31, 2026	You will receive no benefits, but you will retain any rights you currently have to sue the Defendant about the claims in this case.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
OBJECT BY AUGUST 31, 2026	Write to the Court explaining why you don't like the Settlement, and potentially speak at the Final Approval Hearing.
STATE YOU ARE ATTENDING THE FINAL APPROVAL HEARING BY AUGUST 31, 2026	Ask to speak in Court about your opinion of the Settlement.
DO NOTHING	You won't get a share of the Settlement benefits and will give up your rights to sue the Defendant about the claims in this case.

Your rights and options—and the **deadlines to exercise them**—are explained in this Notice.

	<p>For complete information and to file a claim, scan this QR code to go directly to the Settlement website, www.fitonvppasettlement.com</p>
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Basic Information

1. Why was this Notice issued?

A Court authorized this notice because you have a right to know about a proposed Settlement of this Action and about all of your options in the Action, before the Court decides whether to give final approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

The Honorable Saul Stein, of the New York Supreme Court for Kings County, is overseeing this case. The case is called *Ava Hoffman et. al v. FitOn, Inc.*, Index No. 542301/2025. The people who have sued are called the Plaintiffs. The Defendant is FitOn, Inc.

2. What is a class action?

In a class action, one or more people called the class representative (in this case, Ava Hoffman, Shante Pierro, and Daniela Zamor) sue on behalf of a group or a “class” of people who have similar claims. In a class action, when a class is certified, the court resolves the issues for all class members, except for those who exclude themselves from the class or opt out.

3. What is this lawsuit about?

This lawsuit claims that Defendant violated the Video Privacy Protection Act, 18 U.S.C. § 2710 (“VPPA”) and otherwise violated the privacy of the Settlement Class by disclosing its subscribers’ personally identifiable information (“PII”) to third parties without consent. The VPPA defines PII to include information which identifies a person as having requested or obtained specific video materials or services from a video tape service provider. The Defendant denies that it violated any law.

4. Why is there a Settlement?

The Court has not decided whether the Plaintiffs or the Defendant should win this Action. Instead, both sides agreed to a Settlement. That way, they avoid the uncertainties and expenses associated with

ongoing litigation, and individuals in the Settlement Class who choose to participate will receive compensation instead of facing the unknown of a trial.

Who's Included in the Settlement?

5. How do I know if I am in the Settlement Class?

The **Settlement Class** is defined as:

All persons in the United States who held accounts with a FitOn Video Platform and accessed at least one video between October 22, 2022 and May 29, 2026.

The Settlement Benefits

6. What does the Settlement provide?

Defendant has agreed to make up to \$2,500,000 available under the Settlement. Cash Payments to members of the Settlement Class who select payments, the cost to administer the Settlement, the cost to inform people about the Settlement, attorneys' fees, and an award to the Class Representatives will come out of this fund (see Question 13).

7. How much will my payment be?

If you are member of the Settlement Class you may submit a Claim Form to receive a cash payment of \$10.00 USD, subject to *pro rata* (meaning equal) reduction in the event that Approved Claims for Cash Payments exceed the Net Settlement Benefit Cap of \$2,500,000. The amount of payment will depend on how many Settlement Class Members file valid claims.. You can contact Class Counsel to inquire as to the number of claims filed.

8. When will I get my payment?

The hearing to consider the fairness of the settlement, called the Final Approval Hearing, is scheduled for October 6, 2026. If the Court approves the Settlement, Settlement Class Members whose claims were approved by the Settlement Administrator will receive their payment after the Settlement has been finally approved and/or any appeals process is complete. Please be patient, as this process may take a few months to complete, or longer if there is an appeal. The payment will be in the form of a check, unless you elect to receive payment by PayPal or Venmo, and all checks will expire and become void 180 days after they are issued.

How to Get Benefits

9. How do I get a payment?

If you are in the Settlement Class and you want to get a payment, you must complete and submit a Claim Form by **August 31, 2026**. Claim Forms can be submitted online at www.fitonvppasettlement.com. If you prefer, you can download a printable Claim Form from the website and mail it to the Settlement Administrator at the address listed on the Claim Form.

We also encourage you to submit your claim on-line. Not only is it easier and more secure, but it is completely free and takes only minutes!

Remaining in the Settlement

10. What am I giving up if I stay in the Settlement Class?

If the Settlement becomes final, you will give up your right to sue Defendant for the claims this Settlement resolves. The Settlement Agreement describes the specific claims you are giving up against the Defendant. You will be “releasing” the Defendant and certain of its affiliates described in the Settlement Agreement. Unless you exclude yourself (see Question 14), you are “releasing” the claims (defined in the Agreement as the “Released Claims”), regardless of whether you submit a claim or not. The Settlement Agreement is available through the “Important Documents” page on the Settlement Website at www.fitonvppasettlement.com.

The Settlement Agreement describes the Released Claims with specific language, so read it carefully. If you have any questions you can talk to the Class Counsel, listed in Question 12 for free, or you can, of course, talk to your own lawyer if you have questions.

11. What happens if I do nothing at all?

If you do nothing, you won’t get any benefits from this Settlement. But, unless you exclude yourself, you won’t be able to start a lawsuit or be part of any other lawsuit against the Defendant for the claims being resolved by this Settlement. If you do nothing you will be bound by the releases in the Settlement.

The Lawyers Representing You

12. Do I have a lawyer in the case?

The Court has appointed the lawyers of Bursor & Fisher, P.A. to be the attorneys representing the Settlement Class. They are called “Class Counsel.” They believe, after conducting an extensive investigation, that the Settlement Agreement is fair, reasonable, and in the best interests of the Settlement Class. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense. For contact information for Class Counsel, please see the answer to Question 22.

13. How will the lawyers and “Class Representatives” be paid?

Class Counsel’s attorneys’ fees, costs, and expenses will be paid from the Settlement Fund in an amount determined and awarded by the Court. Class Counsel is entitled to seek no more than one-third of the \$2.5 million Settlement Fund, but the Court may award less than this amount. Class Counsel will file with the Court and post on the website its request for attorneys’ fees by August 14, 2026.

As approved by the Court, the Class Representatives will be paid an Incentive Award from the Settlement Fund for helping to bring and settle the case. The Class Representatives (there are three) will seek no more than \$3,500 each as an incentive award, but the Court may award less than this amount.

Excluding Yourself from the Settlement

14. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send to the Settlement Administrator by mail to FitOn VPPA Settlement, PO Box 25191, Santa Ana, CA 92799-5598, or email to info@fitonvppasettlement.com a letter (or request for exclusion) stating that you want to be excluded from the *Ava Hoffman et. al v. FitOn, Inc.*, Index No. 542301/2025 settlement. Your letter or request for exclusion must also include your name, your address, your signature, the name and number of this case, and a statement that you wish to be excluded. You must mail or email your exclusion request no later than **August 31, 2026**.

15. If I don’t exclude myself, can I sue the Defendant for the same thing later?

No. Unless you exclude yourself, you give up any right to sue the Defendant for the claims being resolved and released by this Settlement.

16. If I exclude myself, can I get anything from this Settlement?

No. If you exclude yourself, do not submit a Claim Form to ask for Settlement benefits.

Objecting to the Settlement

17. How do I object to the Settlement?

If you are a Class Member, you can object to the Settlement if you don’t like any part of it, such as the releases in the Settlement, the amount of requested attorneys’ fees, or the claims process. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must mail to the Settlement Administrator (FitOn VPPA Settlement, PO Box 25191, Santa Ana, CA 92799-5598) a letter or brief stating that you object to the Settlement in *Ava Hoffman et. al v. FitOn, Inc.*, Index No. 542301/2025 and identify all your reasons for your objections (including citations and supporting evidence) and attach any materials you rely on for your objections. Your letter or brief must also include (1) your name, email address, and mailing address; (2) an explanation of why you are a Settlement Class Member (e.g., copy of the Notice you received of the Settlement); (3) all grounds for your objection, including all citations to legal authority and evidence supporting the

objection; (4) the name and contact information of any attorneys representing, advising, or assisting you with the objection; and (5) a statement indicating whether you intend to appear at the Final Approval Hearing (personally or through an attorney)

If you want to appear and speak at the Final Approval Hearing to object to the Settlement, with or without a lawyer, you must say so in your letter or brief.

18. What's the difference between objecting and excluding myself from the Settlement?

Objecting means 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 from the Settlement Class is telling the Court that you don't want to be part of the Settlement Class or the Settlement. If you exclude yourself, you have no basis to object because the case no longer affects you.

The Court's Final Approval Hearing

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

The Court will hold the Final Approval Hearing at 11 a.m ET on **October 6, 2026** in the New York Supreme Court for Kings County. The purpose of the hearing will be for the Court to determine whether to approve the Settlement as fair, reasonable, adequate, and in the best interests of the Settlement Class; to consider the Class Counsel's request for attorneys' fees and expenses; and to consider the request for an incentive award to the Class Representatives. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement.

The hearing may be postponed to a different date or time without notice, so it is a good idea to check the website, www.fitonvppasettlement.com, or call 1-833-421-7280 regularly. If, however, you timely objected to the Settlement and advised the Court that you intend to appear and speak at the Final Approval Hearing, you will receive notice of any change in the date of such Final Approval Hearing.

20. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But, you are welcome to come at your own expense. If you send an objection or comment, you don't have to come to Court to talk about it. As long as you filed and mailed your written objection on time, the Court will consider it. You may also pay another lawyer to attend with you or on your behalf, but it's not required.

21. May I speak at the hearing?

Yes. The best way to do that is through an objection (see answer to Question 17). However, you may also appear at the Final Approval Hearing and ask the Court to speak either for or against the Settlement. It will be in the Court's discretion to decide whether you will be allowed to speak about the Settlement.

Getting More Information

22. Where do I get more information about the Settlement?

This Notice summarizes the Settlement. More details are in the Settlement Agreement and other documents related to the Settlement will be posted on the Settlement Website. You can get a copy of the Settlement Agreement at www.fitonvppasettlement.com. You may also write with questions to FitOn VPPA Settlement, P.O. Box 25191, Santa Ana, CA 92799-9958. You can call the Settlement Administrator at 1-833-421-7280 or contact Class Counsel at info@bursor.com, or call Class Counsel at (646) 837-7150 if you have any questions. Before doing so, however, please read this full Notice carefully. Please do not contact the Court, Defendant, or Defendant's counsel about the Settlement Agreement.