

## NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Winer v. Phase II Systems, d/b/a Public Agency Retirement Services  
Case No. 30-2024-01428283-CU-NP-CXC  
Superior Court of Orange County, California

IF YOUR PRIVATE INFORMATION WAS COMPROMISED IN THE MARCH 2024  
PHASE II SYSTEMS d/b/a PUBLIC AGENCY RETIREMENT SERVICES  
SECURITY INCIDENT A PROPOSED CLASS ACTION SETTLEMENT  
MAY AFFECT YOUR RIGHTS.

*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 Settlement has been reached with Phase II Systems d/b/a Public Agency Retirement Services (“PARS” or “Defendant”) in a class action lawsuit. This case is about the targeted cyberattack on PARS’ computer systems that occurred in March 2024 (the “Security Incident”). Certain files that contained private information were accessed. These files may have contained personal information such as full names and social security numbers.
- The lawsuit is called *Winer v. Phase II Systems d/b/a Public Agency Retirement Services (“PARS”)*, Case No. 30-2024-01428283-CU-NP-CXC. It is pending in the Superior Court of Orange County, California (the “Litigation”).
- PARS 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.
- PARS’ records indicate that you are a Class Member, and entitled to benefits under the Settlement. You may have received a previous notice directly from PARS.
- 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                |
|-------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| <b>DO NOTHING</b>                                           | Unless you opt out of the Settlement, you are automatically part of the Settlement and will receive a cash payment. You will also 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             |
| <b>OPT OUT OF THE SETTLEMENT</b>                            | You can choose to opt out of the Settlement and receive no 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.        | <b>December 1, 2026</b> |
| <b>OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING</b>     | If you do not opt out of the Settlement, you may object to it by writing to the Court about why you don't like the Settlement. You may also object at the Final Approval Hearing.                                                                                                         | <b>December 1, 2026</b> |

- 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.

## WHAT THIS NOTICE CONTAINS

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### Basic Information

#### 1. Why was this Notice issued?

The Superior Court of Orange County, California, authorized this Notice. 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 *Winer v. Phase II Systems d/b/a Public Agency Retirement Services ("PARS")*, Case No. 30-2024-01428283-CU-NP-CXC. It is pending in the Superior Court of Orange County, California. The person that filed this lawsuit is called the “Plaintiff” (or “Class Representative”) and the company they sued, Phase II Systems d/b/a Public Agency Retirement Services, is called the “Defendant.”

#### 2. What is this lawsuit about?

This lawsuit alleges that during the March 2024 targeted cyberattack on PARS' computer systems, certain files that contained private information were accessed. These files may have contained personal information such as full names and social security numbers.

#### 3. What is a class action?

In a class action, one or more individuals sue on behalf of 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, except for those who opt out from the settlement. In this Settlement, the Class Representative is Christopher Winer. Everyone included in this Action are the Class Members.

#### 4. Why is there a Settlement?

The Court did not decide whether the Plaintiffs or the Defendant are right. Both sides have agreed to a Settlement to avoid the costs and risks of a trial, and to allow the Class Members to receive benefits from the Settlement. The Plaintiff and his attorney think the Settlement is best for all Class Members.

## Who is in the Settlement?

### 5. Who is included in the Settlement?

The court has defined the Class this way: “All individuals residing in the United States whose Personal Information was compromised in the Security Incident experienced by Defendant in or around March 2024, including all those individuals who received notice of the breach.”

### 6. Are there exceptions to being included?

Yes. Excluded from the Class are: (1) the Judge in this case, and the Judge’s family and staff; (2) PARS and its officers, directors, and related companies; and (3) anyone who validly excludes themselves from the Settlement.

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

- Email: [info@PhaseIIDataSettlement.com](mailto:info@PhaseIIDataSettlement.com)
- Call toll free, 24/7: 1-(833) 360-6805
- By mail: PARS Security Incident Settlement  
c/o Settlement Administrator  
P.O. Box 25226  
Santa Ana, CA 92799-9958

You may also view the Settlement Agreement at [www.PhaseIIDataSettlement.com](http://www.PhaseIIDataSettlement.com).

## The Settlement Benefits

### 7. What does the Settlement provide?

PARS will establish a Settlement Fund of \$750,000.00. The Settlement Fund will first be used to pay court-approved attorneys’ fees and costs, a Service Award payment for the Plaintiff, and the costs of administering the Settlement. The net remaining money will be used for direct payments to Class Members.

All Class Members who do not opt out (**see Question 13**) will receive a **Pro Rata Cash Payment**. The amount of this payment will be calculated by dividing the net money from the Settlement Fund by the number of Class Members who do not opt out. A full description of how this works is available in Settlement Agreement, at [www.PhaseIIDataSettlement.com](http://www.PhaseIIDataSettlement.com).

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

- Email: [info@PhaseIIDataSettlement.com](mailto:info@PhaseIIDataSettlement.com)
- Call toll free, 24/7: 1-(833) 360-6805
- By mail: PARS Security Incident 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 class, you won't be able to be part of any other lawsuit against PARS about the issues that this Settlement covers. The "Releases" section of the Settlement Agreement (Section IX) describes the legal claims that you give up if you remain in the Class. The language of the Release is included below:

Upon Final Approval of this Settlement Agreement, Releasors release, acquit, and forever discharge Defendant and each of their present and former parents, subsidiaries, divisions, and related or affiliated entities, and each of their respective predecessors, successors, assigns, parents, subsidiaries, owners, principals, managers, managing directors, representatives, administrators, shareholders, holding companies, partners, members, employers, employees, independent contractors, vendors, agents, advisors, attorneys, consultants, insurers, and reinsurers, including, without limitation, any person or entity who is, was or could have been named as a defendant in the Litigation ("Released Parties"), including Defendant's clients, from all liabilities, rights, claims, actions, causes of action, demands, damages, penalties, costs, attorneys' fees, losses, and remedies, whether known or unknown, existing or potential, suspected or unsuspected, legal, statutory, or equitable, that result from, arise out of, are based upon, or relate to the Security Incident, and conduct that was alleged or could have been alleged in the Litigation related to the Security Incident by any Class Member against any Released Parties, including, without limitation, any claims, actions, causes of action, demands, damages, penalties, losses, or remedies relating to, based upon, resulting from, or arising out of the Security Incident (the "Released Claims"), provided that nothing in this Release is intended to, does or shall be deemed to release any claims not arising out of, based upon, resulting from, or related to the Security Incident. Released Claims shall not include the right of any Class Member or any of the Released Persons to enforce the terms of the settlement contained in this Settlement Agreement.

"Releasors" shall refer, jointly and severally, and individually and collectively, to Plaintiff, the Participating Settlement Class Members, and to each of their respective predecessors, successors, spouses, children, beneficiaries, heirs, executors, administrators, estates, assigns, parents, subsidiaries, associates, affiliates, employers, employees, agents, consultants, independent contractors, insurers, directors, managing directors, officers, partners, principals, members, any other agent or representative of any of these persons and entities, and anyone claiming by, through, or on behalf of any of these persons or entities.

## 9. When will the Settlement benefits be issued?

The Court will hold a final approval hearing on **February 1, 2027 (see Question 16)**. If the Court approves the Settlement, there may 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

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

Yes, the Court has appointed attorney Leigh S. Montgomery of EKSM, LLP, to represent you and other Class Members (“Class Counsel”).

### 11. 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.

### 12. How will Class Counsel be paid?

Class Counsel will ask the court to approve \$210,000.00 as reasonable attorney’s fees and costs of litigation. This amount will be paid from the Settlement Fund.

Class Counsel will also ask for a Service Award payment of \$3,000.00 for the Class Representative. The Service Award payment will also be paid from the Settlement Fund.

## Compensation to the Settlement Administrator

### 13. How will the Settlement Administrator be paid?

As part of the resolution of the Action, Class Counsel and Defendant have agreed that the Settlement Administrator may be paid for class notice and settlement administration expenses. The class notice and settlement administration expenses will be paid from the Settlement Fund and will not exceed \$88,000.00.

## Excluding Yourself from the Settlement

### 14. 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 to sue PARS on your own about the legal issues in this case.

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 **December 1, 2026**.

A copy of the Request for Exclusion Form is available online at [www.PhaseIIDataSettlement.com](http://www.PhaseIIDataSettlement.com). To be valid, your Request for Exclusion must have the following information:

- (1) the name of the Litigation: *Winer v. Phase II Systems d/b/a Public Agency Retirement Services*, Case No. 30-2024-01428283-CU-NP-CXC, pending in the Superior Court of Orange County, California;
- (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:

PARS Security Incident Settlement  
ATTN: Exclusion Request  
P.O. Box 25226  
Santa Ana, CA 92799-9958

Your Request for Exclusion must be postmarked by **December 1, 2026**.

## **Commenting on or Objecting to the Settlement**

### **15. How do I tell the Court if I like or do not like the Settlement?**

If you are a Class Member and do not like part or all of the Settlement, you can object to it. Objecting means telling the Court your reasons for why you think the Court should not approve the Settlement. The Court will consider your views.

You cannot object if you have excluded yourself from the Settlement (**see Question 13**)

If submitting a written objection, you must provide the following information for the Court to consider your objection:

- (1) the name of the Litigation: *Winer v. Phase II Systems d/b/a Public Agency Retirement Services*, Case No. 30-2024-01428283-CU-NP-CXC, pending in the Superior Court of Orange County, California;
- (2) your full name, mailing address, telephone number, and email address;
- (3) whether the objection applies only to you, or to other Class Members, as well;
- (4) a clear description of all the reasons you object; include any legal support, such as documents, you may have for your objection;
- (5) if you have hired your own lawyer to represent you for this objection, provide their name, bar number, and contact information;
- (6) if you or your lawyer have objected in any other cases in the past five years, list the names, courts, the orders ruling on your objections, and civil action numbers for each of those cases;
- (7) whether you (or your attorney) intend to appear at the Final Approval Hearing;
- (8) if you plan on calling witnesses or submitting documents at the Final Approval Hearing, provide a full list of both;
- (9) your signature (or, if you have hired your own lawyer, your lawyer’s signature).

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

To be considered by the Court, you must file your written objection with the Clerk of Court by December 1, 2026. You must also send a copy of the written objection to the Settlement Administrator, Class Counsel, and counsel for Defendant.

| <b>Clerk of the Court</b>                                                                            | <b>Settlement Administrator</b>                                                                                           |
|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Clerk of the Court<br>751 W Santa Ana Blvd<br>Santa Ana, CA 92701                                    | PARS Security Incident Settlement<br>ATTN: Objections<br>P.O. Box 25226<br>Santa Ana, CA 92799-9958                       |
| <b>Class Counsel</b>                                                                                 | <b>Counsel for Defendant</b>                                                                                              |
| Leigh S. Montgomery<br><b>EKSM, LLP</b><br>4200 Montrose Boulevard<br>Suite 200<br>Houston, TX 77006 | Raymond O. Aghaian<br><b>BAKER &amp; HOSTETLER LLP</b><br>1900 Avenue of the Stars<br>Suite 2700<br>Los Angeles, CA 90067 |

In addition to written objections, you or your attorney may submit an oral objection or otherwise offer comments at the Final Approval Hearing. (**See Question 16**)

## **16. What is the difference between objecting and excluding?**

Objecting is telling the Court that you do not like something about the 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 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**

### **17. When is the Court's Final Approval Hearing?**

The Court will hold a final approval on **February 1, 2027 at 1:30 p.m. Pacific Time**, in Department CX103 of the Superior Court of Orange County, California, at 751 W Santa Ana Blvd, Santa Ana, CA 92701.

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

If you are a Class Member, you or your lawyer may speak at the hearing at your own cost .

The date and time of this hearing may change without further notice. Please check [www.PhaseIIDataSettlement.com](http://www.PhaseIIDataSettlement.com) for updates.

### **18. 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.

## Getting More Information

### 19. 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.PhaseIIDataSettlement.com](http://www.PhaseIIDataSettlement.com).

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

- Email: [info@PhaseIIDataSettlement.com](mailto:info@PhaseIIDataSettlement.com)
- Call toll free, 24/7: 1-(833) 360-6805
- By mail: PARS Security Incident 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, 751 W Santa Ana Blvd, Santa Ana, CA 92701.

**DO NOT CONTACT THE COURT OR CLERK OF COURT REGARDING THIS SETTLEMENT.**