CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT, MARION COUNTY, FLORIDA
Allison Fisher v. Upgrade, Inc., Case No. 26CA002450AX

Our records indicate you may have created an account and submitted an application through the Upgrade Sites between February 1, 2024 to October 30, 2026, and you may be entitled to a payment from a class action settlement.

A Court authorized this Notice. You are not being sued. This is not a solicitation from a lawyer.

- A Settlement has been reached in a class action lawsuit against Upgrade. The class action lawsuit accuses Upgrade ("Defendant") of using tracking technologies on its mobile application or websites (the "Sites") without consent in violation of state and federal law. Defendant denies that it violated any law but has agreed to the Settlement to avoid the risks, uncertainties and expenses associated with continuing the case.

- You may be included in the class if you created an account and submitted an application through the Upgrade Sites between February 1, 2024, to October 30, 2026.

- If approved by the Court, Defendant will establish a Settlement Fund of up to $5,250,000.00. All payments to Settlement Class Members, the cost to administer the Settlement, the cost to inform people about the Settlement, attorneys' fees, and incentive awards will also come out of this fund. Under the terms of the Settlement, you may receive up to a $15.00 Cash Payment if you submit a valid claim. The Settlement also requires Defendant's use of non-essential tracking technologies associated with a Person's use of the Sites to either be with the Person's consent or in compliance with applicable federal or state laws.

- 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 VALID CLAIM FORM BY JANUARY 22, 2026	This is the only way to receive a Cash Payment.
EXCLUDE YOURSELF BY JANUARY 22, 2026	You will receive no benefits, but you will retain any rights you currently have to sue Defendant about the claims in this case.
OBJECT BY JANUARY 22, 2026	Write to the Court explaining why you don't like the Settlement.
GO TO THE HEARING BY MARCH 10, 2027	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 Defendant about the claims in this case as set forth in the release contained in the Settlement Agreement.

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

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 class action lawsuit and about all of your options 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 Robert W. Hodges of the Circuit Court for the Fifth Judicial Circuit in and for Marion County, Florida, located at 110 NW First Avenue, Ocala, 34475, is overseeing this case. The case is called *Allison Fisher v. Upgrade, Inc.*, Case No. 26CA002450AX. The Person who has sued is called the Plaintiff. The Defendant is Upgrade, Inc.

2. What is a class action?

In a class action, one or more people called the Class Representatives (in this case, Allison Fisher) sue on behalf of a group or a "class" of people who have similar claims. In a class action, the court resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement Class.

3. What is this lawsuit about?

This lawsuit alleges the Defendant violated the Florida Security of Communications Act ("FSCA"), Fla. Stat. § 934.03 the Electronic Communications Privacy Act ("ECPA"), 18 U.S.C. § 2510, and other privacy-related or state-specific wiretapping and/or trap & trace laws associated with the use of website tracking technologies, by using tracking technologies to disclose to third parties its website users' interactions with Defendant without consent. Defendant denies that it violated any law or is otherwise liable for the claim asserted in the lawsuit. The Court has not determined who is right. Rather, the Parties have agreed to settle the lawsuit to avoid the uncertainties and expenses associated with ongoing litigation.

4. Why is there a Settlement?

The Court has not decided whether Plaintiff or Defendant should win this case. Instead, both sides agreed to a Settlement. That way, they avoid the uncertainties and expenses associated with ongoing litigation, and Settlement Class Members will get compensation sooner rather than, if at all, after the completion 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 created an account and submitted an application through Upgrade between February 1, 2024 and October 30, 2026.

Excluded from the Settlement Class are (1) any Judge or Magistrate presiding over this Action and members of their families; (2) the Defendant, its subsidiaries, parent companies, successors, predecessors, and any entity in which the Defendant or its parents have a controlling interest and their current or former officers, directors, and attorneys; (3) persons who properly execute and file a timely request for exclusion from the class; and (4) the legal representatives, successors or assigns of any such excluded persons.

THE SETTLEMENT BENEFITS

6. What does the Settlement provide?

Monetary Relief: Defendant has agreed to create a Settlement Fund of up to $5,250,000.00. All payments to Settlement Class Members, the cost to administer the Settlement, the cost to inform people about the Settlement, attorneys' fees, and an award to the Class Representative will also come out of this Settlement Fund (*see* Question 13).

Prospective Changes: In addition to this monetary relief, the Settlement also requires Defendant to use non-essential tracking technologies on the Sites either with a user's consent or in compliance with applicable federal or state laws.

A detailed description of the Settlement benefits can be found in the Settlement Agreement.

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 up to $15.00. **You must submit a timely and valid Claim Form** in order to receive any compensation under the Settlement.

8. When will I get my payment?

The hearing to consider the fairness of the Settlement is scheduled for March 10, 2027. If the Court approves the Settlement, eligible Settlement Class Members whose claims were approved by the Settlement Administrator will receive their Cash Payment within 30 days after the Settlement has been finally approved and/or any appeals process is complete. The payment will be made in the form of a check, unless you elect to receive e-payment option, 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 a Settlement Class Member and you want to get a Cash Payment you **must** complete and submit a valid Claim Form by **January 22, 2026.** Claim Forms can be found and submitted by clicking here [hyperlink], or by printing and mailing a paper Claim Form, copies of which are available for download here [hyperlink].

We also encourage you to submit your claim online. 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 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 Defendant. You will be "releasing" Defendant and certain of its affiliates described in Section 1.27 of the Settlement Agreement. Unless you exclude yourself (*see* Question 14), you are "releasing" the claims, regardless of whether you submit a claim or not. The Settlement Agreement is available through the "court documents" link on the Settlement Website.

The Settlement Agreement describes the Released Claims with specific descriptions (*see* Sections 1.23 and 3.1-3.2 of the Settlement Agreement), so read it carefully. If you have any questions you can talk to the lawyers listed in Question 12 for free or you can, of course, talk to your own lawyer at your own expense if you have questions about what this means.

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 Defendant for the claims being resolved by this Settlement.

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in the case?

The Court has appointed Alec Leslie of Bursor & Fisher, P.A., and Bryson Harris Suciu & DeMay PLLC 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.

13. How will the lawyers be paid?

Class Counsel's reasonable 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 $5,250,000.00 Settlement Fund as reasonable attorneys' fees, but any amount awarded is in the Court's discretion. In no event will the Court award more than one-third of the Settlement Fund as reasonable attorneys' fees, but the Court may award less.

As approved by the Court, the Class Representative will be paid an incentive award from the Settlement Fund for helping to bring and settle the lawsuit. The Class Representative will seek no more than $3,000.00 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 mail or otherwise deliver a letter (or request for exclusion) stating that **you want to be excluded** from the *Allison Fisher v. Upgrade, Inc.*, Case No. 26CA002450AX Settlement. Your letter or request for exclusion must also include your name, your address, the email you used to create an account with Upgrade, your signature, the name and number of this case, and a statement that you wish to be excluded.

Alternatively, if you want to object to the Settlement, you must file your objection with the Court no later than **January 22, 2027,** and mail or deliver your exclusion request no later than **January 22, 2027** to:

Upgrade Website Settlement
c/o Kroll Settlement Administration LLC
PO Box 225391
New York, NY 10150-5391

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

No. Unless you exclude yourself, you give up any right to sue Defendant for the claims being resolved 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 benefits.

OBJECTING TO THE SETTLEMENT

17. How do I object to the Settlement?

If you're a Settlement Class Member, you can object to the Settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must file with the Court a letter or brief stating that you object to the Settlement in *Allison Fisher v. Upgrade, Inc.*, Case No. 26CA002450AX 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 your name, home address, the email you used to create an account with Upgrade, an explanation of the basis upon which you claim to be a Settlement Class Member, the name and contact information of any and all attorneys representing, advising, or in any way assisting you in connection with your objection, and your signature. If you, or an attorney assisting you with your objection, have ever objected to any class action settlement where you or the objecting attorney has asked for or received payment in exchange for dismissal of the objection (or any related appeal) without modification to the settlement, you must include a statement in your objection identifying each such case by full case caption. You must also mail or deliver a copy of your letter or brief to Class Counsel and Defendant's Counsel listed below.

Class Counsel will file with the Court and post on the Settlement Website, its request for reasonable attorneys' fees and costs by January 8, 2027.

If you want to appear and speak at the Final Approval Hearing to object to the Settlement, with or without a lawyer (explained below in answer to Question Number 21), you must say so in your letter or brief. You must file the objection with the Court no later than **January 22, 2027.** The Court's address is:

The Honorable Robert W. Hodges
Circuit Court for the Fifth Judicial Circuit in and for Marion County, Florida
110 NW First Avenue, Ocala, 34475

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

Objecting simply 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. 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 in person or virtually by Zoom at 9:00 a.m. ET on **March 10, 2027,** at the Circuit Court for the Fifth Judicial Circuit in and for Marion County, Florida. 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 Representative. 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 www.UpgradeWebsiteSettlement.com or email Class Counsel at info@bursor.com or hbryson@brysonpllc.com with the subject titled "Upgrade." 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, but it's not required.

21. May I speak at the hearing?

Yes. You may ask the Court for permission to speak at the hearing. To do so, you must include in your letter or brief objecting to the Settlement a statement saying that it is your "Notice of Intent to Appear in *Fisher v. Upgrade, Inc.*, Case No. 26CA002450AX. It must include your name, address, telephone number, and signature, as well as the name and address of your lawyer if one is appearing for you. Your objection and notice of intent to appear must be filed with the Court and postmarked no later than **January 22, 2027.**

GETTING MORE INFORMATION

22. Where do I get more information?

This Notice summarizes the Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at www.UpgradeWebsiteSettlement.com. You may also write with questions to *Upgrade Website Settlement*, c/o Kroll Settlement Administration LLC, PO Box 225391, New York, NY 10150-5391. You can call the Settlement Administrator at (833) 453-1098 or contact Class Counsel by emailing info@bursor.com or hbryson@brysonpllc.com, if you have any questions. Before doing so, however, please read this full Notice carefully. You may also find additional information elsewhere on the Settlement Website.