

## NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

*Santos, et al. v. Backchecked, LLC*

Case No. CV-24-03690-PHX-JJT

United States District Court for the District of Arizona

**IF YOUR PRIVATE INFORMATION WAS COMPROMISED IN THE SEPTEMBER 2024 BACKCHECKED DATA INCIDENT, A PROPOSED CLASS ACTION SETTLEMENT MAY AFFECT YOUR RIGHTS AND ENTITLE YOU TO BENEFITS, INCLUDING 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 settlement has been reached with Backchecked, LLC (“Backchecked” or “Defendant”) in a class action lawsuit. This case is about the targeted cyberattack on Backchecked's computer systems that occurred in September 2024 (“Data Incident”). Certain files that contained private information may have been accessed. These files may have contained personal information such as names, addresses, dates of birth, Social Security numbers, and driver’s license numbers.
- The lawsuit is called *Santos, et al. v. Backchecked, LLC*, Case No. CV-24-03690-PHX-JJT. The lawsuit is pending in the United States District Court for the District of Arizona (“Action”).
- Backchecked denies any wrongdoing. No court or other judicial entity has made any judgment or other determination of any wrongdoing by Backchecked.
- The parties have agreed to settle the lawsuit (“Settlement”) to avoid the costs and risks, disruptions, and uncertainties of continuing the Action.
- Backchecked's records indicate that you may be a Class Member, and entitled to benefits under the Settlement.
- 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>SUBMIT A CLAIM</b>                                       | <p>The only way to receive benefits from this Settlement is by submitting a valid and timely Claim Form.</p> <p>The fastest way to submit your Claim Form is online at <a href="http://www.BackcheckedSettlement.com">www.BackcheckedSettlement.com</a>. 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.</p> | <b>August 26, 2026</b> |
| <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 retain any rights you currently have with respect to the issues in this case against the Released Parties. You can hire your own lawyer at your own expense if you wish.                                                                                                                                                                                                                  | <b>August 26, 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 agree with the Settlement. You may also ask the Court for permission to speak about your objection at the Final Approval Hearing.                                                                                                                                                                                                                                             | <b>August 26, 2026</b> |
| <b>DO NOTHING</b>                                           | You will not receive benefits from this Settlement, and you will give up your rights related to the issues in this case and the Released Parties.                                                                                                                                                                                                                                                                                                                                       | 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. No Settlement benefits or payments will be provided unless the Court approves the Settlement and it becomes Effective.

## WHAT THIS NOTICE CONTAINS

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## Basic Information

### 1. Why was this Notice issued?

The United States District Court for the District of Arizona 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 *Santos, et al. v. Backchecked, LLC*, Case No. CV-24-03690-PHX-JJT. It is pending in the United States District Court for the District of Arizona. The people that filed this lawsuit are called the “Plaintiffs” (or “Class Representatives”) and the company they sued, Backchecked, LLC, is called the “Defendant.”

### 2. What is this lawsuit about?

This lawsuit alleges that during the September 2024 targeted cyberattack on Backchecked's computer systems, certain files that contained private information were accessed. These files may have contained personal information such as names, addresses, dates of birth, Social Security numbers, and driver’s license 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 of the settlement. In this Settlement, the Class Representatives are Raul Santos, and Karlo Peralta. 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. The Plaintiffs and their attorneys 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 living individuals residing in the United States whose Private Information may have been impacted in the Data Incident.”

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

Yes. Excluded from the Class are: (1) Backchecked and its officers, directors, and related companies; (2) governmental entities; (3) the Judge in this case, and the Judge’s family and staff; and (4) 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@BackcheckedSettlement.com](mailto:info@BackcheckedSettlement.com)
- Call toll free, 24/7: 1-833-386-6527
- By mail: Backchecked Data Incident Settlement  
c/o Settlement Administrator  
P.O. Box 25226  
Santa Ana, CA 92799-9958

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

## The Settlement Benefits

### 7. What does the Settlement provide?

Backchecked will establish a Settlement Fund of \$535,000.00. The Settlement Fund will first be used to pay the costs of administering the Settlement, Service Award payments to the Plaintiffs, and court-approved attorneys’ fees and costs. The net remaining money will be used to pay for Class benefits.

All Class Members may claim **Credit Monitoring** and one of two **Cash Payment** options.

The benefits are explained in more detail below.

**CREDIT MONITORING.** All Class Members are eligible to enroll in one year of three-bureau Credit Monitoring and Identity Protection Services. This benefit comes with \$1 million in identity theft insurance, and includes:

- real time monitoring of your credit file
- dark web scanning
- comprehensive public records monitoring

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

#### **CASH PAYMENTS**

**Cash Payment A – Documented Losses.** If you incurred actual, documented out-of-pocket losses due to the Data Incident, you can get back up to **\$2,500.00**. The losses must have occurred between September 26, 2024, and August 26, 2026.

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 Incident.

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

**Cash Payment B – Alternative Cash Payment.** Instead of Cash Payment A, you may claim a one-time estimated **\$50.00** payment.

If it turns out that there is not enough money in the Settlement Fund to fully pay all Cash Payments, everyone's payments will be reduced *pro rata*.

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

- Email: [info@BackcheckedSettlement.com](mailto:info@BackcheckedSettlement.com)
- Call toll free, 24/7: 1-833-386-6527
- By mail: Backchecked Data 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 Backchecked or any of the Released Parties about the issues that this Settlement covers. The "Releases" section of the Amended Settlement Agreement (Section XIII) describes the legal claims that you give up if you remain in the Class. The Amended Settlement Agreement is available at [www.BackcheckedSettlement.com](http://www.BackcheckedSettlement.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.BackcheckedSettlement.com](http://www.BackcheckedSettlement.com). If you prefer, you can download a printable Claim Form from the website and mail it to the Settlement Administrator at:

Backchecked Data Incident 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, 1-833-386-6527, by email [info@BackcheckedSettlement.com](mailto:info@BackcheckedSettlement.com), or by U.S. mail at the address above.

### 10. Are there any important deadlines?

If you are submitting a Claim Form online, you must do so by August 26, 2026. 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 August 26, 2026.

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

The Court will hold a final approval hearing on **September 10, 2026 (see Question 18)**. 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

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

Yes, the Court has appointed attorneys Leanna A. Loginov of Shamis & Gentile, P.A and Jeff Ostrow of Kopelowitz Ostrow P.A., to represent you and other 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 one-third of the Settlement Fund as reasonable attorneys' fees, plus reimbursement of litigation costs. This amount will be paid from the Settlement Fund.

Class Counsel will also ask for Service Award payments of \$2,500.00 for each of the Class Representatives. Service Award payments will also be paid from the Settlement Fund.

## Opting Out of 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 by submitting a written request to opt-out of the Settlement. If you opt out, you will not receive Settlement benefits or payment. However, you will keep any rights you may have to sue Backchecked on your own about the legal issues in this case.

If you opt-out, 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 opt-out of the Settlement is **August 26, 2026**.

To be valid, your written request to opt-out of the Settlement must have the following information:

- (1) the name of the Action: *Santos, et al. v. Backchecked, LLC*, Case No. CV-24-03690-PHX-JJT, pending in the United States District Court for the District of Arizona;
- (2) your full name, mailing address, telephone number, and email address;
- (3) personal signature; and
- (4) a clear statement that you want to opt-out of the Settlement or 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:

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

Your Request for Exclusion must be submitted, postmarked, or emailed by **August 26, 2026**.

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

You cannot object if you have opted out of the Settlement (**see Question 15**).

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

- (1) the name of the Action: *Santos, et al. v. Backchecked, LLC*, Case No. CV-24-03690-PHX-JJT, pending in the United States District Court for the District of Arizona;
- (2) your full name, mailing address, telephone number, and email address;
- (3) a clear description of all the reasons you object; include any legal support, such as documents, you may have for your objection;
- (4) if you 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;
- (5) if you have hired your own lawyer to represent you for this objection, provide their names and contact information (include any past lawyers who may be entitled to be paid for their work);
- (6) if your lawyer or their law firm 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) if you have hired your own lawyer, whether will they appear the Final Approval Hearing;
- (8) if you plan on calling witnesses at the Final Approval Hearing, provide a full list;

- (9) whether you intend to attend the Final Approval Hearing, and whether you want to speak at that hearing; and
- (10) your signature (if you have hired your own lawyer, their signature is not sufficient).

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 **August 26, 2026**. You must also send a copy of the objection to the Settlement Administrator, Class Counsel, and counsel for Defendants.

| Clerk of the Court                                                                                                  | Settlement Administrator                                                                                |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| Clerk of the Court<br>401 West Washington Street<br>Phoenix, AZ 85003                                               | Backchecked Data Incident Settlement<br>ATTN: Objections<br>P.O. Box 25226<br>Santa Ana, CA 92799-9958  |
| Class Counsel                                                                                                       | Counsel for Defendants                                                                                  |
| Jeff Ostrow<br><b>Kopelowitz Ostrow P.A.</b><br>1 West Las Olas Boulevard<br>Suite 500<br>Fort Lauderdale, FL 33301 | Michael Jervis<br><b>Mullen Coughlin LLC</b><br>426 W. Lancaster Avenue<br>Suite 200<br>Devon, PA 19333 |

## 17. 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 opt-out of 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

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

The Court will hold a final approval hearing on **September 10, 2026 at 9:00 a.m. Mountain Time**, in Room 505 of the United States District Court for the District of Arizona, at 401 West Washington Street, Phoenix, Arizona 85003.

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 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.BackcheckedSettlement.com](http://www.BackcheckedSettlement.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 Amended Settlement Agreement and other related documents are available at the Settlement Website, [www.BackcheckedSettlement.com](http://www.BackcheckedSettlement.com).

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

- Email: [info@BackcheckedSettlement.com](mailto:info@BackcheckedSettlement.com)
- Call toll free, 24/7: 1-833-386-6527
- By mail: Backchecked Data 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, 401 West Washington Street, Phoenix, Arizona 85003.

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