

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

If you are an individual in the United States whose Private Information was potentially compromised in the Data Incident detected by Defendants on or around February 22, 2024, a class action settlement may affect your rights.

The Isanti County (Minnesota) District Court authorized this Notice.

A proposed class action Settlement has been reached with EFS Advisors, LLC and Educators Benefit Consultants, LLC d/b/a Aviben (“Defendants”) in the action captioned *Kennedy, et al., v. EFS Advisors, LLC, et al.*, Case No. 30-cv-24-649, pending in the Isanti County (Minnesota) District Court.

If approved by the Court, the Settlement will resolve and release the legal claims (“Released Claims”) related to the unauthorized third-party attempt to access Defendants’ computer network, detected by Defendants on or about February 22, 2024, during which the unauthorized actor may have accessed impacted individuals’ Private Information (the “Data Security Incident”).

If you are a Settlement Class Member, the Settlement affects your legal rights. Please read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
SUBMIT A CLAIM FORM DEADLINE: OCTOBER 22, 2026	Submitting a Claim Form is the only way that you can receive Settlement Benefits. Only Settlement Class Members who do not exclude themselves from the Settlement are eligible to submit a Claim Form to receive Settlement Benefits. More information about submitting a Claim Form is available at FAQ #12 .
EXCLUDE YOURSELF FROM THIS SETTLEMENT DEADLINE: OCTOBER 7, 2026	Excluding yourself from the Settlement (or “opting out”) is the only option that allows you to sue, continue to sue, or be part of another lawsuit against the Defendants or other Released Parties for the claims this Settlement resolves. If you exclude yourself, you will give up the right to receive any Settlement Benefits. More information about excluding yourself is available at FAQ #18 .
OBJECT TO THE SETTLEMENT DEADLINE: OCTOBER 7, 2026	You may object to the Settlement by writing to the Court and informing it why you do not think the Settlement should be approved. You will still be bound by the Settlement if it is approved. If you exclude yourself from the Settlement, you <u>cannot</u> object to it; however, you may still submit a Claim Form to receive Settlement Benefits. More information about objecting is available at FAQ #21 .
ATTEND THE FINAL APPROVAL HEARING NOVEMBER 6, 2026	You may attend the Final Approval Hearing where the Court may hear arguments concerning approval of the Settlement. If you wish to speak at the Final Approval Hearing, you must make a request to do so in your written objection or comment. You are <u>not</u> required to attend the Final Approval Hearing. More information about the Court’s Final Approval Hearing is available at FAQ #23 .
DO NOTHING	If you do nothing, you will not receive any of the Settlement Benefits and you will give up any rights you may have to sue, continue to sue, or be part of another lawsuit against the Defendants and other Released Parties for the claims this Settlement resolves.

- These rights and options—and the deadlines to exercise them—are explained in this Notice.

Questions? Visit www.EFSDataSettlement.com or call toll-free 1-855-707-4306.

- The Court in charge of this case still has to decide whether to approve the Settlement. No Settlement Benefits will be provided unless the Court approves the Settlement, and it becomes final.

BASIC INFORMATION

1. Why is there a Notice?

The Court authorized this Notice to inform you of a proposed Settlement in this class action lawsuit. You have the right to understand the terms of the Settlement, as well as your rights and options, before the Court decides whether to grant final approval.

This Notice explains the nature of the lawsuit, the terms of the proposed Settlement, who is eligible to receive benefits from this Settlement, a description of the benefits, and how to obtain those benefits.

2. What is this lawsuit about?

The lawsuit is known as *Kennedy, et al., v. EFS Advisors, LLC, et al.*, Case No. 30-cv-24-649, pending in the Isanti County (Minnesota) District Court (the “Action”).

Daniel Kennedy, David Miller, and Peter Gepson are the Plaintiffs who brought this class action lawsuit against Defendants EFS Advisors, LLC and Educators Benefit Consultants, LLC d/b/a Aviben.

In the lawsuit, Plaintiffs asserted multiple legal claims against the Defendants in response to the Data Security Incident. The specific legal claims alleged by the Plaintiffs can be viewed in the Consolidated Class Action Complaint, which is available on the Settlement Website, www.EFSDataSettlement.com.

3. Why is this a class action?

In a class action lawsuit, one or more individuals (called the “Plaintiffs” or “Class Representatives”) bring claims on behalf of a larger group of people who have similar claims (the “Settlement Class” or “Settlement Class Members”). The Court resolves the claims for all Settlement Class Members, except for those who choose to exclude themselves from the Settlement Class. Under the Settlement, members of the Settlement Class who do not exclude themselves from the Settlement are referred to as “Settlement Class Members.”

4. Why is there a Settlement?

The Plaintiffs and the Defendants disagree over the legal claims made in this Action. The Action has not gone to trial, and the Court has not decided in favor of the Plaintiffs or Defendants (collectively referred to as the “Parties”). Instead, the Parties have agreed to settle the Action after considering the risks and uncertainties of continuing the lawsuit, and all factors related to the Settlement. The Parties believe that this Settlement is fair, reasonable, adequate, and in the best interests of themselves and the Settlement Class.

WHO IS INCLUDED IN THE SETTLEMENT?

5. How do I know if I am part of the Settlement?

The Settlement Class includes all living individuals in the United States whose Private Information was potentially accessed in the Data Security Incident.

6. Are there exceptions to individuals who are included in the Settlement Class?

Yes, excluded from the Settlement Class are (a) all persons who are directors, officers, and agents of Defendant; (b) governmental entities; and (c) the Judge assigned to the Action, that Judge’s immediate family, and Court staff.

7. What if I am still not sure whether I am part of the Settlement?

If you are still not sure whether you are included in this Settlement, you can contact the Settlement Administrator for free assistance by calling toll-free 1-855-707-4306, emailing Info@EFSDataSettlement.com or writing to EFS Data Security Incident Settlement, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103.

THE SETTLEMENT BENEFITS

8. What does the Settlement provide?

Under the Settlement, the maximum amount Defendants will pay is \$850,000.00, which includes all payments to Settlement Class Members, Class Counsel's award for Attorneys' Fees and Costs, Service Awards for the Class Representatives, notice and administration expenses, credit monitoring, and any other payments required under the Settlement (the "Aggregate Cap"). If the total value of Approved Claims, plus all other costs and payments under the Settlement, exceeds the Aggregate Cap, each Settlement Class Member's individual cash payment shall be reduced *pro rata* so that the total payments do not exceed the Aggregate Cap.

All Settlement Class Members who submit a timely and valid Claim Form may make a Claim for **Credit Monitoring** for one year with three-bureau credit monitoring, including at least \$1,000,000.00 in theft protection insurance and one of the following Cash Payment options:

(1) Compensation for Documented Out-of-Pocket Losses: Up to \$2,500.00 per claimant for documented, out-of-pocket unreimbursed losses that are fairly traceable to the Data Security Incident. Settlement Class Members must submit reasonable documentation supporting their Claims for ordinary losses.

Reasonable documentation may include receipts, credit card statements, bank statements, invoices, and telephone records, or other documentation not "self-prepared" by the claimant that documents the costs incurred. "Self-prepared" documents such as handwritten receipts are, by themselves, insufficient to receive reimbursement, but can be considered to add clarity or support other submitted documentation. Settlement Class Members shall not be reimbursed for expenses if they have been reimbursed for the same expenses by another source. These losses may include the following:

- i. **Out-of-pocket expenses incurred** as a result of the Data Security Incident, including bank fees, long-distance phone charges, cell phone charges (only if charged by the minute), data charges (only if charged based on the amount of data used), postage, or gasoline for local travel;
- ii. **Fees for credit reports, credit monitoring, or other identity theft insurance products** purchased between February 22, 2024, and October 22, 2026; and,
- iii. **Monetary losses due to fraud or identity theft** (i) that are fairly traceable to the Data Security Incident; (ii) that occurred after the Data Security Incident and before October 22, 2026; and (iii) for which the Settlement Class Member made reasonable efforts to seek reimbursement or avoid, including but not limited to, exhaustion of all available credit monitoring insurance and identity theft insurance.

(2) Alternative Cash Payment: One-time cash payment of \$50.00. This is an alternative option available to Settlement Class Members who are not seeking compensation for Documented Out-of-Pocket Losses.

9. Are there other Settlement Benefits?

Yes. Defendants have also committed to undertaking reasonable steps to further enhance the security of their systems and environments. Defendants will provide a confidential declaration to Class Counsel describing its security enhancements since the Data Security Incident. These costs are separate from, and do not affect the Settlement Benefits offered to the Settlement Class. Please visit www.EFSDDataSettlement.com for a full description of the Settlement Benefits.

10. What legal rights am I giving up by remaining in the Settlement Class?

Unless you exclude yourself, you are choosing to remain in the Settlement Class as a Settlement Class Member. If the Settlement is approved and becomes final, all of the Court's orders will apply to you and legally bind you. You will not be able to sue, continue to sue, or be part of any other lawsuit against the Defendants and the other Released Parties about the legal issues in this Action, resolved by this Settlement, and released by the Settlement Agreement and Release ("Settlement Agreement"). The specific rights you are giving up are called Released Claims (*see next question*).

11. What are the Released Claims?

The Released Claims are defined as: any and 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, liquidated or unliquidated, legal, statutory, or equitable, against the Released Parties, that result from, arise out of, are based upon, or relate to the Data Security Incident under any theory and/or the Litigation, and conduct that was alleged or could have been alleged in the Action, the initial complaints, Plaintiffs' First Amended Complaint, and/or any subsequent operative complaints, 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 Data Security Incident, Defendants' information security policies and practices, or Defendants' maintenance or storage of PII.

For more information about the Released Claims, please refer to the Settlement Agreement available at www.EFSDDataSettlement.com.

HOW TO GET SETTLEMENT BENEFITS—SUBMITTING A CLAIM FORM

12. How do I make a claim for Settlement Benefits?

Settlement Class Members must submit a claim in order to receive Settlement Benefits. Visit www.EFSDDataSettlement.com to submit a claim online or to download a full Claim Form to complete and return by mail. Claim Forms must be submitted online by **October 22, 2026**. Claim Forms submitted by mail must be postmarked no later than **October 22, 2026**. Settlement Class Members may also complete and return the Claim Form that was attached to the Notice that was mailed to them.

Completed Claim Forms, along with supporting documentation submitted by mail must be sent to:

EFS Data Security Incident Settlement
Attn: Claim Forms
1650 Arch Street, Suite 2210
Philadelphia, PA 19103

Remember, Claim Forms submitted by mail must be postmarked no later than **October 22, 2026**.

13. Can I request a Claim Form?

Yes. Settlement Class Members can also request a Claim Form be mailed to them by calling toll-free 1-855-707-4306 or by writing to the Settlement Administrator.

Mail: EFS Data Security Incident Settlement, Attn: Claim Request, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103

Email: Info@EFSDDataSettlement.com

14. What happens if my contact information changes after I submit a claim?

If you need to update your contact information after you submit a Claim Form, you may notify the Settlement Administrator of any changes by writing to the Settlement Administrator via mail or email. Please include your Notice ID number with any written requests to assist the Settlement Administrator in identifying you.

15. When and how will I receive the Settlement Benefits?

If you submit a valid claim for Credit Monitoring Services, the Settlement Administrator will send you an email with instructions on how to activate those services after the Settlement is approved and becomes Final. The email will be sent to the email address that you provide on your Claim Form.

Cash Benefits will also be issued by the Settlement Administrator only after the Settlement is approved and becomes Final. Cash Benefits will be issued via the payment selection you made on the Claim Form. It is your responsibility to inform the Settlement Administrator of any updates to your payment information after the submission of your Claim Form.

The Settlement approval process may take time and there may be appeals that must be resolved before any Settlement Benefits can be issued. Please be patient and check www.EFSDataSettlement.com for updates.

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

Yes, the Court has appointed Philip Krzeski of Chestnut Cambronne PA; Mariya Weekes of Milberg, PLLC; Nickolas J. Hagman of Cafferty Clobes Meriwether & Sprengel LLP; and Scott Edward Cole of Cole & Van Note as Class Counsel to represent you and all Settlement Class Members. You may hire your own lawyer at your own cost and expense if you want someone other than Class Counsel to represent you.

Philip Krzeski Chestnut Cambronne PA 100 Washington Ave. S., Ste. 1700 Minneapolis, MN 55401	Mariya Weekes Milberg, PLLC 333 SE 2nd Avenue, Ste. 2000 Miami, FL 33131	Nickolas J. Hagman Cafferty Clobes Meriwether & Sprengel LLP 135 S. LaSalle, Suite 3210 Chicago, IL 60603	Scott Edward Cole Cole & Van Note 555 12th Street, Ste. 2100 Oakland, CA 94607
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17. How will Class Counsel be paid?

Class Counsel will file a motion for Fee Award and Costs, which shall not exceed \$325,000.00. Class Counsel will seek Service Award payments on behalf of the Class Representatives in recognition of their contributions to this Action, in an amount not to exceed \$2,500.00 for each of the three (3) Class Representatives (\$7,500.00 total). The Court may award less than these amounts.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you are a Settlement Class Member and want to keep any right you may have to sue or continue to sue the Defendants and/or the other Released Parties on your own based on the claims raised in this Action or released by the Released Claims, then you must take steps to get out of the Settlement. This is called excluding yourself from—or “opting out” of—the Settlement. Any Settlement Class Member who does not file a timely Request for Exclusion in accordance with the instructions below will lose the opportunity to exclude themselves from the Settlement and will be bound by the Settlement.

18. How do I get out of the Settlement?

Settlement Class Members who want to exclude themselves or “opt out” of the Settlement must submit an opt out to the Settlement Administrator postmarked no later than **October 7, 2026**.

The opt out request must be personally signed by the Settlement Class member and contain the requestor’s name, address, telephone number, and email address (if any), and include a statement indicating a request to be excluded from the Settlement Class.

The opt out request must be mailed so it is postmarked or received by the Settlement Administrator at the address below no later than **October 7, 2026**:

EFS Data Security Incident Settlement
Attn: Exclusion Requests
P.O. Box 58220
Philadelphia, PA 19102

Any Settlement Class Member who does not timely and validly request to opt out shall be bound by the terms of the Agreement even if that Settlement Class Member does not submit a Valid Claim. All persons who opt out shall not receive any benefits or be bound by the terms of this Agreement. All persons falling within the definition of the Settlement Class who do not Opt Out shall be bound by the terms of this Agreement and the Final Approval Order and Judgment.

No person shall purport to exercise any exclusion rights of any other person, or purport (a) to opt out Settlement Class Members as a group, in the aggregate, or as a class involving more than one Settlement Class Member; or (b) to opt out more than one Settlement Class Member on a single paper, or as an agent or representative. Any such purported Requests

for Exclusion shall be void, and the Settlement Class Member(s) who is or are the subject of such purported opt out shall be treated as a Settlement Class Member and be bound by the Settlement Agreement, including the Release contained therein, and judgment entered by the Court, unless he or she submits a valid and timely opt out.

If you opt out, you will not receive any Settlement Benefits and you will have no right to object to the Settlement or to participate at the Final Approval Hearing.

19. If I opt out of the Settlement, can I still receive Settlement Benefits?

No. If you opt out of the Settlement, you are telling the Court that you do not want to be part of the Settlement. You are only eligible to receive Settlement Benefits if you stay in the Settlement and submit a valid Claim Form.

20. If I do not opt out of the Settlement, can I sue the Defendants for the same thing later?

No. Unless you opt out of the Settlement, you give up any right to sue the Defendants and the other Released Parties for the claims that this Settlement resolves. You must opt out of the Settlement to start or continue with your own lawsuit or be part of any other lawsuit against the Defendant or any of the other Released Parties. If you have a pending lawsuit, speak to your lawyer in that case immediately.

OBJECT TO OR COMMENT ON THE SETTLEMENT

21. How do I tell the Court that I do not like the Settlement?

Settlement Class Members who wish to object to the Settlement, Class Counsel's Application for Attorneys' Fees and Costs, and/or Service Awards for the Class Representatives must submit a written objection.

Objecting is the exclusive means for any challenge to the Settlement Agreement. Any Settlement Class Member who does not file a timely and adequate objection in accordance with instructions provided in this Section waives the right to object or to be heard at the Final Approval Hearing and shall be forever barred from making any objection to the Settlement and shall be bound by the terms of the Agreement and by all proceedings, orders, and judgments in the Action.

The written objection must include: (a) the objector's full name, mailing address, telephone number, and email address (if any); (b) all grounds for the objection, accompanied by any legal support for the objection known to the objector or objector's counsel; (c) the number of times the objector has objected to a class action settlement within the five years preceding the date that the objector files the objection, the caption of each case in which the objector has made such objection, and a copy of any orders related to or ruling upon the objector's prior objections that were issued by the trial and appellate courts in each listed case; (d) the identity of all counsel who represent the objector, including any former or current counsel who may be entitled to compensation for any reason related to the objection to the Settlement and/or Application for Attorneys' Fees, Costs, and Service Award; (e) the number of times in which the objector's counsel and/or counsel's law firm have objected to a class action settlement within the five years preceding the date of the filed objection, the caption of each case in which counsel or the firm has made such objection and a copy of any orders related to or ruling upon counsel's or the counsel's law firm's prior objections that were issued by the trial and appellate courts in each listed case in which the objector's counsel and/or counsel's law firm have objected to a class action settlement within the preceding five years; (f) the identity of all counsel (if any) representing the objector, and whether they will appear at the Final Approval Hearing; (g) a list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any); (h) a statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing; and (i) the objector's signature (an attorney's signature is not sufficient).

The written objection must be filed with the Court no later than October 7, 2026.

COURT
<i>Isanti County (Minnesota) District Court</i> 555 18th Ave SW Cambridge, MN 55008

You must also send a copy of your written objection to the Settlement Administrator, Class Counsel, and Defendants' Counsel postmarked no later than October 7, 2026.

CLASS COUNSEL	DEFENDANTS' COUNSEL	SETTLEMENT ADMINISTRATOR
Philip Krzeski Chestnut Cambronne PA 100 Washington Ave. S., Ste. 1700 Minneapolis, MN 55401	Daniel Mirarchi Gordon Rees Scully Mansukhani, LLP Three Logan Square 1717 Arch Street, Suite 610 Philadelphia, PA 19103	EFS Data Security Incident Settlement Attn: Objections P.O. Box 58220 Philadelphia, PA 19102

For an objection to be considered by the Court, the relevant Settlement Class Member must submit the objection no later than **October 7, 2026**, and the relevant Settlement Class Member must not have excluded themselves from the Settlement Class. An objection submitted via mail will be deemed submitted on the postmark date indicated on the envelope, as long as it is addressed in accordance with the instructions above. If an objection is submitted via private courier (*e.g.*, Federal Express), an objection shall be deemed to have been submitted on the shipping date reflected on the shipping label, as long as it is addressed in accordance with the instructions above.

Class Counsel and/or Defendants' Counsel may conduct limited discovery on any objector or objector's counsel.

22. What is the difference between objecting and requesting exclusion?

Objecting is telling the Court you do not like something about the Settlement. You can object only if you stay in the Settlement Class (that is, do not exclude yourself). Requesting exclusion is telling the Court you do not want to be part of the Class or the Settlement. If you exclude yourself, you cannot object to the Settlement because it no longer affects you.

THE FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing on **November 6, 2026, at 9:00 a.m. CT**, via Zoom.

The date and time of the Final Approval Hearing is subject to change without further notice to the Settlement Class, so please check www.EFSDataSettlement.com for updates.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also decide whether to enter a judgment approving the Settlement and whether to approve Class Counsel's award for Attorneys' Fees and Costs, and Service Awards for the Class Representatives.

If there are objections, the Court will consider them. The Court will also listen to people who have asked to speak at the hearing.

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

No. Class Counsel will answer any questions the Court may have. However, you are welcome to attend at your own expense. If you submit a timely and complete objection, the Court will consider it, and you do not have to come to Court to talk about it.

25. May I speak at the Final Approval Hearing?

Yes. If you wish to attend and speak at the Final Approval Hearing, you must indicate this in your written objection (*see* Question 21). Your objection must state that it is your intention to appear at the Final Approval Hearing and must identify any witnesses you may call to testify or exhibits you intend to introduce into evidence at the Final Approval Hearing. If you

plan to have your attorney speak for you at the Final Approval Hearing, your objection must also include your attorney's name, address, and phone number.

IF YOU DO NOTHING

26. What happens if I do nothing at all?

If you are a Settlement Class Member and you do nothing, you will not receive any Settlement Benefits. You will also give up certain rights, including your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendants or any of the other Released Parties about the legal issues in this Action and released by the Settlement.

GETTING MORE INFORMATION

27. How do I get more information?

This Notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.EFSDDataSettlement.com. You may also contact the Settlement Administrator by mail or email:

Mail: EFS Data Security Incident Settlement, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103

Email: Info@EFSDDataSettlement.com

**PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE
TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.**