

## NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

*Kessler, et al. v.*  
*Excel Fitness Consolidator, LLC d/b/a Excel Fitness Management, LLC.*  
Case No. CJ-2026-1077  
District Court of Oklahoma County, Oklahoma

**IF YOUR PRIVATE INFORMATION WAS COMPROMISED IN THE JANUARY 2025 EXCEL FITNESS MANAGEMENT, LLC., DATA INCIDENT, A PROPOSED CLASS ACTION SETTLEMENT MAY AFFECT YOUR RIGHTS, AND ENTITLE YOU TO BENEFITS AND 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 Excel Fitness Consolidator, LLC d/b/a Excel Fitness Management, LLC. (“Excel Fitness” or “Defendant”) in a class action lawsuit. This case is about the targeted cyberattack on Excel Fitness' computer systems that occurred in January 2025 (the “Data Incident”). Certain files that contained private information were accessed. These files may have contained personal information such as name; addresses; email addresses; phone numbers; dates of birth; financial account information; and/or Social Security numbers.
- The lawsuit is called *Kessler, et al. v. Excel Fitness Consolidator, LLC d/b/a Excel Fitness Management, LLC.*, Case No. CJ-2026-1077. It is pending in the District Court of Oklahoma County, Oklahoma (the “Litigation”).
- Excel Fitness 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.
- Excel Fitness' records indicate that you are a Class Member, and entitled to benefits under the Settlement. You may have received a previous notice directly from Excel Fitness.
- 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 or payments 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.ExcelFitnessDataSettlement.com">www.ExcelFitnessDataSettlement.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>September 21, 2026</b> |
| <b>OPT OUT OF THE SETTLEMENT</b>                            | You can choose to opt out of the Settlement and receive no benefit or payment. This option allows you to sue, continue to sue, or be part of another lawsuit against the Defendants related to the legal claims resolved by this Settlement. You can hire your own lawyer at your own expense.                                                                                                                                                                                                                | <b>August 21, 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 ask the Court for permission to speak about your objection at the Final Approval Hearing. If you object, you may also file a claim for Settlement benefits.                                                                                                                                                                                                       | <b>August 21, 2026</b>    |
| <b>DO NOTHING</b>                                           | Unless you opt out of the Settlement, you are automatically part of the Settlement. If you do nothing, you will not receive benefits or payments from this Settlement and you will 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               |

- 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 District Court of Oklahoma County, Oklahoma, 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 *Kessler, et al. v. Excel Fitness Consolidator, LLC d/b/a Excel Fitness Management, LLC.*, Case No. CJ-2026-1077. It is pending in the District Court of Oklahoma County, Oklahoma. The people that filed this lawsuit are called the “Plaintiffs” (or “Class Representatives”) and the company they sued, Excel Fitness Consolidator, LLC d/b/a Excel Fitness Management, LLC., is called the “Defendant.”

### 2. What is this lawsuit about?

This lawsuit alleges that during the January 2025 targeted cyberattack on Excel Fitness' computer systems, certain files that contained private information were accessed. These files may have contained personal information such as name; addresses; email addresses; phone numbers; dates of birth; financial account information; and/or 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 Representatives are Seychelle Kessler and Reginald Lipford. 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 Plaintiffs and their 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 current and former employees residing in the United States whose Personal Information was potentially accessible in the Data Incident discovered by Defendant in January 2025, including all those individuals who received notice of the Data Incident.”

### 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) Excel Fitness 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@ExcelFitnessDataSettlement.com](mailto:info@ExcelFitnessDataSettlement.com)
- Call toll free, 24/7: (833) 421-7286
- By mail: Excel Fitness Data Incident Settlement  
c/o Settlement Administrator  
P.O. Box 25226  
Santa Ana, CA 92799

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

## The Settlement Benefits

### 7. What does the Settlement provide?

All Settlement Class Members may claim **Credit Monitoring Services** and one or more of the **cash payment** options. The benefits are explained in more detail below.

**CREDIT MONITORING SERVICES.** All Class Members are eligible to enroll in two years of CyEx Financial Shield Complete. This benefit comes with \$1 million in identity theft insurance, and includes:

- fraud or identity theft
- unauthorized financial transactions
- personal information associated with high-risk transactions

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

#### **CASH BENEFIT OPTIONS**

**Claims for Out-of-Pocket and Extraordinary Losses.** If you incurred actual, documented out-of-pocket losses due to the Data Incident, you can get back up to **\$4,000.00**. The losses must have occurred between January 17, 2025, and September 21, 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.

**Claims for Lost Time.** Class Members who spent time responding to the Data Incident may claim up to three hours, at \$25.00 per hour, for a maximum of **\$75.00**.

You must have spent the time on tasks related to the Data Incident. Some examples include things like:

- changing your passwords
- investigating suspicious activity in your accounts
- researching the Data Incident

You must attest that the time claimed was spent as a result of the Data Incident.

**Alternative Cash Payment.** *Instead of any other cash payment option*, you may claim a one-time cash payment. This payment is expected to be **\$50.00**, but may be larger or smaller depending on the total claims filed. You do not have to provide any proof or explanation to claim this payment.

There is an aggregate cap of \$175,000.00 on these benefits. This means that if the total value of benefits claimed is over \$175,000.00, everyone's payments will be reduced *pro rata* so that they add up to \$175,000.00.

A full description of how this works is available in Settlement Agreement, at [www.ExcelFitnessDataSettlement.com](http://www.ExcelFitnessDataSettlement.com).

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

- Email: [info@ExcelFitnessDataSettlement.com](mailto:info@ExcelFitnessDataSettlement.com)
- Call toll free, 24/7: (833) 421-7286
- By mail: Excel Fitness Data Incident Settlement  
c/o Settlement Administrator  
P.O. Box 25226  
Santa Ana, CA 92799

## 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 Excel Fitness about the issues that this Settlement covers. The "Releases" section of the Settlement Agreement (Section XII) describes the legal claims that you give up if you remain in the Class. The Settlement Agreement is available at [www.ExcelFitnessDataSettlement.com](http://www.ExcelFitnessDataSettlement.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.ExcelFitnessDataSettlement.com](http://www.ExcelFitnessDataSettlement.com). If you prefer, you can download a printable Claim Form from the website and mail it to the Settlement Administrator at:

Excel Fitness Data Incident Settlement  
c/o Settlement Administrator  
P.O. Box 25226  
Santa Ana, CA 92799

You may also contact the Settlement Administrator to request a Claim Form by telephone, toll free, (833) 421-7286, by email [info@ExcelFitnessDataSettlement.com](mailto:info@ExcelFitnessDataSettlement.com), or by U.S. mail at the address above.

### **10. Are there any important Settlement payment deadlines?**

If you are submitting a Claim Form online, you must do so by September 21, 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 September 21, 2026.

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

The Court will hold a final approval hearing on February 4, 2027 (**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 attorney William B. of Federman & Sherwood, 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 \$150,000.00 as reasonable attorney's fees and costs of litigation. This amount will be paid by Excel Fitness.

Class Counsel will also ask for Service Award payments of \$3,000.00 for each of the Class Representatives. Service Award payments will also be paid by Excel Fitness.

## Excluding Yourself from 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. 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 Excel Fitness 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 **August 21, 2026**.

To be valid, your Request for Exclusion must have the following information:

- (1) the name of the Litigation: *Kessler, et al. v. Excel Fitness Consolidator, LLC d/b/a Excel Fitness Management, LLC.*, Case No. CJ-2026-1077, pending in the District Court of Oklahoma County, Oklahoma;
- (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:

Excel Fitness Data Incident Settlement  
c/o Settlement Administrator  
P.O. Box 25226  
Santa Ana, CA 92799

Your Request for Exclusion must be submitted, postmarked, or emailed by **August 21, 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 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 15**)

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

- (1) the name of the Litigation: *Kessler, et al. v. Excel Fitness Consolidator, LLC d/b/a Excel Fitness Management, LLC.*, Case No. CJ-2026-1077, pending in the District Court of Oklahoma County, Oklahoma;
- (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) whether the objection applies only to you, or to other Class Members, as well;
- (5) if you have hired your own lawyer to represent you for this objection, provide their name, bar number, and contact information;
- (6) whether or not you or your lawyer would like to speak at the Final Approval Hearing;
- (7) if you or your lawyer have objected in any other cases, list the names, courts, and civil action numbers for each of those cases;
- (8) your signature (or, if you have hired your own lawyer, your lawyer's signature).

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 21, 2026**. You must also send a copy of the objection to the Settlement Administrator.

| Clerk of the Court                                             | Settlement Administrator                                                                                        |
|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| Clerk of the Court<br>321 Park Ave.<br>Oklahoma City, OK 73102 | Excel Fitness Data Incident Settlement<br>c/o Settlement Administrator<br>P.O. Box 25226<br>Santa Ana, CA 92799 |

## 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 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

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

The Court will hold a final approval hearing on **February 4, 2027 at 1:30 p.m. Central Time**, at the District Court of Oklahoma County, Oklahoma, at 321 Park Ave., Oklahoma City, OK 73102.

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

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

- Email: [info@ExcelFitnessDataSettlement.com](mailto:info@ExcelFitnessDataSettlement.com)
- Call toll free, 24/7: (833) 421-7286
- By mail: Excel Fitness Data Incident Settlement  
c/o Settlement Administrator  
P.O. Box 25226  
Santa Ana, CA 92799

You can obtain copies of publicly filed documents by visiting the office of the Clerk of the Court, 321 Park Ave., Oklahoma City, OK 73102.

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