

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

In re: Furniture Mart, USA, Inc., Data Breach Litigation
Case No. 4:25-cv-04018-RAL
United States District Court for the District of South Dakota

IF YOUR PERSONAL INFORMATION WAS COMPROMISED IN THE NOVEMBER 2024 FURNITURE MART, USA, INC. DATA BREACH, 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 Furniture Mart, USA, Inc. (“FMUSA” or “Defendant”) in a class action lawsuit. This case is about the targeted cyberattack on FMUSA's computer systems that occurred in November 2024 (the “Data Breach”). Certain files that contained personal information were accessed. These files may have contained personal information such as names, Social Security numbers, and dates of birth.
- The lawsuit is called *In re: Furniture Mart, USA, Inc., Data Breach Litigation*, Case No. 4:25-cv-04018-RAL. It is pending in the United States District Court for the District of South Dakota (the “Lawsuit”).
- FMUSA 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 Lawsuit.
- FMUSA's records indicate that you are a Class Member and entitled to benefits under the Settlement. You may have received a previous notice directly from FMUSA.
- 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
SUBMIT A CLAIM	The only way to receive benefits or payments from this Settlement is by submitting a valid and timely Claim Form. The fastest way to submit your Claim Form is online at www.FMUSADataBreachSettlement.com. If you prefer, you can download the Claim Form from the Settlement Website and mail it to the Claims Administrator. You may also call or email the Claims Administrator to receive a paper copy of the Claim Form.	November 3, 2026
OPT OUT OF THE SETTLEMENT	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.	October 5, 2026
OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING	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 Fairness Hearing. If you object, you may also file a claim for Settlement benefits.	October 5, 2026
DO NOTHING	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.



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Basic Information

1. Why was this Notice issued?

The United States District Court for the District of South Dakota, 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 *In re: Furniture Mart, USA, Inc., Data Breach Litigation*, Case No. 4:25-cv-04018-RAL. It is pending in the United States District Court for the District of South Dakota. The people that filed this lawsuit are called the “Plaintiffs” (or “Class Representatives”) and the company they sued, Furniture Mart, USA, Inc., is called the “Defendant.”

2. What is this lawsuit about?

This lawsuit alleges that during the November 2024 targeted cyberattack on FMUSA's computer systems, certain files that contained personal information were accessed. These files may have contained personal information such as names, Social Security numbers, and dates of birth.

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 Christine Logan; Gabriel Hilmar; and Austin Hinkle. Everyone included in this Lawsuit 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 individuals residing in the United States whose Personal Information was potentially compromised in the Data Breach.”

6. Are there exceptions to being included?

Yes. Excluded from the Class are: (i) FMUSA and any of its parents, subsidiaries, affiliates, officers and directors, and any entity in which FMUSA has a controlling interest; (ii) all individual who make a timely election to be excluded from this proceeding using the correct protocol for opting out; (iii) any and all federal, state, or local governments, including but not limited to their departments, agencies, divisions, bureaus, boards, sections, groups, counsels and/or subdivisions; (iv) the attorneys representing the Parties in the Lawsuit; (v) all judges assigned to hear any aspect of the Lawsuit, as well as their immediate family members; and (vi) any person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding or abetting the potential Data Breach, or who pleads nolo contendere to any such charge.

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

- Email: info@FMUSADataBreachSettlement.com
- Call toll free, 24/7: 1- (833) 421-7349
- By mail: FMUSA Data Breach Settlement
c/o Claims Administrator
PO Box 25226
Santa Ana, CA 92799-9958

You may also view the Settlement Agreement at www.FMUSADataBreachSettlement.com.

The Settlement Benefits

7. What does the Settlement provide?

FMUSA has agreed to pay for a number of different benefits. All Class Members are eligible to claim **credit monitoring** services, and one or more **cash payment** options. These benefits are explained in more detail below.

CREDIT MONITORING. All Class Members are eligible to enroll in three years of CyEx Identity Defense Complete. This comprehensive service 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 PAYMENT OPTIONS

Documented Losses. If you incurred actual, documented out-of-pocket losses due to the Data Breach, you can get back up to **\$4,500.00**. The losses must have occurred between **November 3, 2024**, to present.



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.

Lost Time. Class Members who spent time responding to the Data Breach may claim up to four hours, at \$25.00 per hour, for a maximum of **\$100.00**.

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

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

You must briefly describe how you spent this time.

Alternative Cash Payment. Instead of any other cash payment option, you may claim a one-time cash **\$75.00** payment. You do not have to provide any proof or explanation to claim this payment.

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

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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 FMUSA about the issues that this Settlement covers. The "Releases" section of the Settlement Agreement (Section 10) describes the legal claims that you give up if you remain in the Class. The Settlement Agreement is available at www.FMUSADataBreachSettlement.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.FMUSADataBreachSettlement.com. If you prefer, you can download a printable Claim Form from the website and mail it to the Claims Administrator at:

FMUSA Data Breach Settlement
c/o Claims Administrator
PO Box 25226
Santa Ana, CA 92799-9958

You may also contact the Claims Administrator to request a Claim Form by telephone, toll free, 1- (833)-421-7349, by email info@FMUSADataBreachSettlement.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 **November 3, 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 **November 3, 2026**.

11. When will the Settlement benefits be issued?

The Court will hold a Final Fairness Hearing on **November 9, 2026, at 10:00 a.m. Central Time (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 the law firms of Federman & Sherwood and Ellzey Kherkher Sanford Montgomery, LLP, 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 \$285,000.00 as reasonable attorney's fees and reimbursement of litigation costs. This amount will be paid by FMUSA.

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 by FMUSA.

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 FMUSA 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 **October 5, 2026**.

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

- (1) the name of the Lawsuit: *In re: Furniture Mart, USA, Inc., Data Breach Litigation*, Case No. 4:25-cv-04018-RAL, pending in the United States District Court for the District of South Dakota;
- (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 Claims Administrator at:

FMUSA Data Breach Settlement
ATTN: Exclusion Request
PO Box 25226
Santa Ana, CA 92799-9958

Your Request for Exclusion must be postmarked by **October 5, 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 Lawsuit: *In re: Furniture Mart, USA, Inc., Data Breach Litigation*, Case No. 4:25-cv-04018-RAL, pending in the United States District Court for the District of South Dakota;
- (2) your full name, mailing address, telephone number, and email address;

- (3) information that proves that you are a Class Member (such as a notice you have received);
- (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) whether you or your attorney will personally appear at the Final Fairness Hearing;
- (7) 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 **October 5, 2026**. You must also send a copy of the objection to the Claims Administrator, Class Counsel, and Counsel for Defendants.

Clerk of the Court	Claims Administrator
Clerk of the Court United States District Court for the District of South Dakota 400 S. Phillips Ave Sioux Falls, SD 57104	FMUSA Data Breach Settlement ATTN: Objections PO Box 25226 Santa Ana, CA 92799-9958

Class Counsel	Counsel for Defendants
William B. Federman Jessica A. Wilkes FEDERMAN & SHERWOOD 10205 N. Pennsylvania Ave Oklahoma City, OK 73120	James W. Davidson O'HAGAN MEYER LLC One East Wacker Drive Suite 3400 Chicago, Illinois 60601 Telephone: (312) 422-6100 Facsimile: (312) 422.6110 j davidson@ohaganmeyer.com

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 Fairness Hearing

18. When is the Court's Final Fairness Hearing?

The Court will hold a final approval on **November 9, 2026, at 10:00 a.m. Central Time**, at United States , at 400 S. Phillips Ave. Sioux Falls, SD 57104.

At the Final Fairness 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.FMUSADataBreachSettlement.com for updates.

19. Do I have to come to the Final Fairness 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 Fairness 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.FMUSADataBreachSettlement.com.

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

- Email: info@FMUSADataBreachSettlement.com
- Call toll free, 24/7: 1- (833)-421-7349
- By mail: FMUSA Data Breach Settlement
c/o Claims Administrator
PO 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, 400 S. Phillips Ave. Sioux Falls, SD 57104.

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