

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION**

*In re: Furniture Mart, USA, Inc.
Data Breach Litigation*

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Case No. 4:25-cv-04018-RAL

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement is made and entered into by and among the following Settling Parties:¹ (i) Christine Logan, Gabriel Hilmar, and Austin Hinkle, individually and on behalf of the Settlement Class, by and through their counsel Federman & Sherwood and Ellzey Kherkher Sanford Montgomery, LLP respectively; and (ii) Furniture Mart, USA, Inc. by and through its counsel of record, O'Hagan Meyer LLC. The Settlement Agreement is subject to Court approval and is intended by the Settling Parties to fully, finally, and forever resolve, discharge, and settle the Released Claims, upon and subject to the terms and conditions hereof.

I. THE CLASS ACTION LAWSUIT

FMUSA is a South Dakota corporation with its principal place of business in Sioux Falls, South Dakota. FMUSA discovered suspicious activity related to some of its computer systems and immediately launched an investigation, with the assistance of third-party forensic specialists, to determine the nature and scope of the activity. The investigation determined that an unauthorized criminal actor had accessed certain files stored on FMUSA's network on November 3, 2024. FMUSA then undertook a comprehensive review of the contents of the data determined to be at risk to assess the information present and to whom it related. By December 2, 2022, FMUSA determined that the potentially impacted files contained certain personal information of a number

¹ Definitions are set forth in Section IV(1) of this Agreement.

of individuals that included individuals' names, Social Security numbers, and dates of birth. In January of 2025, FMUSA began providing formal written notice of the Data Breach to individuals whose Personal Information may have been accessed in connection therewith. FMUSA provided notice to a total of 10,684 individuals.

On or about April 7, 2025, Representative Plaintiffs filed a Consolidated Class Action Complaint in the United States District Court for the District of South Dakota, captioned: *IN RE: FURNITURE MART, USA, INC. DATA BREACH LITIGATION*, No. 4:25-CV-04018-RAL. In the Lawsuit, the Representative Plaintiffs allege that they received notice from FMUSA that their Personal Information may have been accessed by an unauthorized third-party criminal in connection with the Data Breach. Representative Plaintiffs allege they suffered damages as a result of the potential access to their Personal Information in connection with the Data Breach and they claim to seek redress from themselves and the other individuals who received notice that their Personal Information may have been accessed by a third-party criminal in connection with the Data Breach ("Settlement Class Members").

II. CLAIMS OF REPRESENTATIVE PLAINTIFFS AND BENEFITS OF SETTLING

Representative Plaintiffs believe that the claims asserted in the Lawsuit, as set forth in the Consolidated Class Action Complaint, have merit. Representative Plaintiffs and Class Counsel recognize and acknowledge, however, the expense and length of continued proceedings necessary to prosecute the Lawsuit against FMUSA through motion practice, trial, and potential appeals. They have also considered the uncertain outcome and risk of further litigation, as well as the difficulties and delays inherent in such litigation. Class Counsel are highly experienced in class action litigation and very knowledgeable regarding the relevant claims, remedies, and defenses at issue generally in such litigation and in this Lawsuit. They have determined that the terms set forth

