

Superior Court of Wake County, North Carolina

Johnson et al. v. Fujifilm Diosynth Biotechnologies U.S.A., Inc.

Case No. 26CV012339-910

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

**IF YOUR PRIVATE INFORMATION WAS ACCESSED
IN THE DATA INCIDENT INVOLVING
FUJIFILM DIOSYNTH BIOTECHNOLOGIES U.S.A., INC.,
THAT TOOK PLACE IN THE SUMMER OF 2025, AND YOU WERE SENT
NOTICE, YOU MAY BE ENTITLED TO SETTLEMENT CLASS MEMBER
BENEFITS FROM A SETTLEMENT.**

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 in a class action lawsuit against Fujifilm Diosynth Biotechnologies U.S.A., Inc. (“Defendant”) involving a Data Incident that took place in the summer of 2025, involving Defendant and resulting in the potential unauthorized access to or acquisition of Settlement Class members’ Private Information. The Private Information involved includes information related to Defendant’s current and former employees, including, but not limited to, name, Social Security number, date of birth, driver’s license information, passport number, retirement account information and medical information.
- The Settlement Class includes: all individuals residing in the United States whose Private Information was impacted by the Data Incident affecting Fujifilm that Fujifilm discovered in approximately September 2025, including all those who received notice of the Data Incident.
- If you are a member of the Settlement Class, you can submit a Claim Form for the following Settlement Class Member Benefits:

Out-of-Pocket Losses: You may submit a Claim Form and provide reasonable documentation for losses related to the Data Incident for up to \$2,500 per Settlement Class Member (Your Out-of-Pocket Losses payment may be subject to a *pro rata* (a legal term meaning equal share) adjustment based upon the total value of all Valid Claims);

OR

Alternative Cash Payment: Instead of Out-of-Pocket Losses, without providing documentation, you may submit a Claim Form to receive an alternative cash payment in the amount of \$50;

AND

Credit Monitoring Services: In addition to Out-of-Pocket Losses) *or* Alternative Cash Payment, you may also submit a Claim Form to receive two years of free Credit Monitoring Services.

Injunctive Relief: Defendant is implementing additional security measures following the Data Incident.

This Notice may affect your rights. Please read it carefully.

YOUR LEGAL RIGHTS & OPTIONS		DEADLINE
SUBMIT A CLAIM FORM	The only way to get Settlement Class Member Benefits is to submit a timely and valid Claim Form.	Submitted or Postmarked by: November 25, 2026
EXCLUDE YOURSELF	Get no Settlement Class Member Benefits. Keep your right to file your own lawsuit against the Released Parties about the Released Claims that are released by the Settlement in this lawsuit.	Postmarked by: November 25, 2026
OBJECT TO THE SETTLEMENT	Stay in the Settlement, but tell the Court why you do not agree with the Settlement. You will still be bound by the Settlement if the Court approves it.	Filed by: November 25, 2026
DO NOTHING	Receive no Settlement Class Member Benefits. Give up your legal rights.	No Deadline

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court must decide whether to approve the Settlement, attorneys' fees, costs, and Service Awards. No Settlement Class Member Benefits will be provided unless the Court approves the Settlement.

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Basic Information

1. Why is this Notice being provided?

A court authorized this Notice because you have the right to know about the Settlement of this class action lawsuit and about all of your rights and options before the Court decides whether to grant final approval to the Settlement. This Notice explains the lawsuit, the Settlement, your legal rights, what Settlement Class Member Benefits are available, who is eligible for the Settlement Class Member Benefits, and how to get them.

The Honorable Hoyt G. Tessener of the Wake County Superior Court of North Carolina is overseeing this class action. The lawsuit is known as Johnson et al. v. Fujifilm Diosynth Biotechnologies U.S.A., Inc, Case No. 26CV012339-910 (the “lawsuit”). The individuals who filed this lawsuit are called the “Plaintiffs” and/or “Class Representatives” and the company sued, Fujifilm Diosynth Biotechnologies U.S.A., Inc., is called the “Defendant.”

2. What is this lawsuit about?

The Plaintiffs filed this lawsuit against the Defendant on behalf of themselves and all others similarly situated involving a Data Incident that took place in the summer of 2025, involving the Defendant and resulting in the potentially unauthorized access to or acquisition of Settlement Class members’ Private Information. The Private Information involved includes information related to Defendant’s current and former employees, including, but not limited to, name, Social Security number, date of birth, driver’s license information, passport number, retirement account information and medical information.

Defendant denies the legal claims and denies any wrongdoing or liability. The Court has not made any determination of any wrongdoing by Defendant, or that any law has been violated. Instead, the Plaintiffs and Defendant have agreed to a settlement to avoid the risk, cost, and time of continuing the lawsuit.

3. Why is there a Settlement?

The Plaintiffs and Defendant do not agree with the legal claims made in this lawsuit. The lawsuit has not gone to trial, and the Court has not decided in favor of the Plaintiffs or Defendant. Instead, the Plaintiffs and Defendant have agreed to settle the lawsuit. The Class Representatives, Defendant, and their lawyers believe

the Settlement is best for the Settlement Class because of the Settlement Class Member Benefits available and the risks and uncertainty associated with continuing the lawsuit.

4. Why is this lawsuit a class action?

In a class action, one or more people (called class representatives) sue on behalf of all people who have similar legal claims. Together, all these people are called a class or class members. One court resolves the issues for all class members, except for those class members who timely exclude themselves (opt-out) from the class.

Who is Included in the Settlement?

5. How do I know if I am included in the Settlement?

You are included in the Settlement Class if you are an individual residing in the United States whose Private Information may have been impacted by the Data Incident affecting Fujifilm that Fujifilm discovered in the summary of 2025 and you previously received notice from Defendant.

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

If you are still not sure whether you are a Settlement Class member, you may go to www.FLBDataSettlement.com or call toll-free (833) 591-3453.

The Settlement Benefits

7. What does the Settlement provide?

If you are a Settlement Class Member, you can submit a Claim Form for the following Settlement Class Member Benefits:

Out-of-Pocket Losses

You may submit a Claim Form with reasonable documentation for losses related to the Data Incident for up to \$2,500 per Settlement Class Member. Defendant's total aggregate liability for Out-of-Pocket Losses shall not exceed \$175,000, and so your claim may be reduced, *pro rata* based on the number of Valid Claims submitted.

Examples of expenses incurred as a result of the Data Incident, include (without limitation) bank fees, long distance phone charges, cell phone charges (only charged by the minute), data charges (only if charged based on the amount of data used), postage, gasoline for local travel and fees for credit reports, credit monitoring, or other identity theft insurance products purchased.

Examples of reasonable documentation include (but are not limited to): telephone records, correspondence including emails, or receipts. Personal certifications, declarations, or affidavits from the Settlement Class Member do not constitute reasonable documentation but may be included to provide clarification, context, or support for other submitted reasonable documentation. You will not be reimbursed for expenses if you have been reimbursed for the same expenses by another source, including compensation provided in connection with the medical monitoring and identity theft protection product offered as part of the notification letter provided by the Defendant or otherwise.

If you do not submit reasonable documentation supporting a loss, or if your Claim Form is invalid as determined by the Settlement Administrator, and you do not cure your Claim Form, your Claim Form will be denied.

Your Out-of-Pocket Losses payment may be subject to a pro rata (a legal term meaning equal share) adjustment based upon the total value of all Valid Claims.

Alternative Cash Payment

Instead of selecting Out-of-Pocket Losses, without providing documentation, you may submit a Claim Form to receive an alternate cash payment in the amount of \$50.

Credit Monitoring Services

In addition to Out-of-Pocket Losses) **or** Alternative Cash Payment, you will receive two years of free Credit Monitoring Services from CyEx.

Injunctive Relief

Defendant is implementing additional security measures following the Data Incident.

8. What am I giving up to receive Settlement Class Member Benefits or stay in the Settlement Class?

Unless you exclude yourself (opt-out), you will remain in the Settlement Class. If the Settlement is approved and becomes final, all Court orders and any judgments 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 Released Parties about the Released Claims in this lawsuit. The specific rights you are giving up are called “Released Claims.”

9. What are the Released Claims?

The Sections titled “Releases” and “Definitions” of the Settlement Agreement describe the Releases, Released Claims, and Released Parties, and the related provision, in necessary legal terminology, so please read this section carefully. The Settlement Agreement is available at www.FLBDataSettlement.com. For questions regarding the Releases, Released Claims, or Released Parties and what the language in the Settlement Agreement means, you can also contact Class Counsel listed below for free, or you can talk to your own lawyer at your own expense.

How To Get Benefits from The Settlement

10. How do I submit a Claim Form?

You must submit a timely and valid Claim Form to receive any Settlement Class Member Benefits. Your Claim Form must be submitted online at www.FLBDataSettlement.com by November 25, 2026, or mailed to the Settlement Administrator at the address on the Claim Form, postmarked by November 25, 2026. Claim Forms are also available at www.FLBDataSettlement.com or by calling (833) 591-3453 or by writing to:

Fujifilm Data Incident
Settlement Administrator
PO Box 25226
Santa Ana, CA, 92799

11. What happens if my contact information changes after I submit a Claim Form?

If you change your mailing address or email address after you submit a Claim Form, it is your responsibility to inform the Settlement Administrator of your updated information. You may notify the Settlement Administrator of any changes by writing to:

Fujifilm Data Incident
Settlement Administrator
PO Box 25226
Santa Ana, CA, 92799

12. When will I receive my Settlement Class Member Benefits?

If you file a timely and valid Claim Form, the Settlement Class Member Benefits will be provided after the Settlement is approved by the Court and becomes final.

It may take time for the Settlement to be approved and become final. Please be patient and check www.FLBDataSettlement.com for updates.

Excluding Yourself or Opt-Out of the Settlement

If you are a member of the Settlement Class and want to keep any right you may have to sue or continue to sue the Released Parties on your own about the legal claims in this lawsuit or 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.

13. How do I opt-out of the Settlement?

To exclude yourself from the Settlement, you must mail a written request for exclusion, which includes the following:

- 1) Your name, address, telephone number, and email address (if any);
- 2) Your personal physical signature; and
- 3) A statement that you want to be excluded from the Settlement Class, such as “I hereby request to be excluded from the Settlement Class in Johnson et al. v. Fujifilm Diosynth Biotechnologies U.S.A., Inc.”

The exclusion request must be mailed to the Settlement Administrator at the following address, and be postmarked by November 25, 2026:

Fujifilm Data Incident
Settlement Administrator
PO Box 25226
Santa Ana, CA, 92799

You cannot opt-out (exclude yourself) by telephone or by email.

“Mass” or “class” requests for exclusion filed by third parties on behalf of a “mass” or “class” of Settlement Class members or multiple Settlement Class members where the opt-out has not been signed by each and every individual Settlement Class member will not be allowed.

14. If I opt-out can I still get anything from the Settlement?

No. If you opt-out, you will not be able to receive Settlement Class Member Benefits, and you will not be bound by the Settlement or any judgments in this lawsuit. You can only get Settlement Class Member Benefits if you stay in the Settlement and submit a timely and valid Claim Form.

15. If I do not opt-out, can I sue the Defendant for the same thing later?

No. Unless you opt-out, you give up any right to sue any of the Released Parties for the legal claims this Settlement resolves and Releases, and you will be bound by all the terms of the Settlement, proceedings, orders, and judgments in the lawsuit. You must opt-out of this lawsuit to start or continue your own lawsuit or be part of any other lawsuit against the Released Parties about the Released Claims in this Settlement. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately.

Objecting to the Settlement

16. How do I tell the Court if I like or do not like the Settlement?

If you are a Settlement Class member, you can tell the Court you do not agree with all or any part of the Settlement and/or Application for Attorneys' Fees, Costs, and Service Awards.

To object, you must file your timely written objection with the Court as provided below by **November 25, 2026**, and send by U.S. mail to Class Counsel, Defendant's Counsel, and the Settlement Administrator postmarked by or shipped by private courier (such as Federal Express) by **November 25, 2026**, stating you object to the Settlement in *Johnson et al. v. Fujifilm Diosynth Biotechnologies U.S.A., Inc.*, Case No. 26CV012339-910.

To file an objection, you cannot exclude yourself from the Settlement Class. Your objection must include all of the following information:

- 1) Your full name, mailing address, telephone number, and email address (if any);
- 2) All grounds for the objection, accompanied by any legal support for the objection known to you as the objector or your own lawyer;
- 3) The number of times you have objected to a class action settlement within the five (5) years preceding the date that you file the objection, the caption of each case in which you have made such objection, and a copy of any orders related to or ruling upon your prior objections that were issued by the trial and appellate courts in each listed case;
- 4) The identity of all lawyers representing you in connection with the objection (if any), including any former or current lawyers 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 Awards;
- 5) The number of times your lawyer or your lawyer's law firm have objected to a class action settlement within the five (5) years preceding the date of the filed objection, the caption of each case in which your lawyer or the firm has made such objection and a copy of any orders related to or ruling upon your lawyer's or the lawyer's law firm's prior objections that were issued by the trial and appellate courts in each listed case;
- 6) The identity of all lawyers (if any) representing you as an objector, and whether they will appear at the Final Approval Hearing;
- 7) A list of all persons who will be called to testify at the Final Approval Hearing in support of your objection (if any);
- 8) A statement confirming whether you intend to personally appear and/or testify at the Final Approval Hearing; and

9) Your signature as the objector (a lawyer's signature is not sufficient).

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

To object, you must file your timely written objection with the Court by **November 25, 2026**, and send it by U.S. mail to Class Counsel, Defendant's Counsel, and the Settlement Administrator postmarked by or shipped by private courier (such as Federal Express) by **November 25, 2026**, at the following addresses:

Clerk of the Court	Settlement Administrator
Wake County Clerk of Superior Court 316 Fayetteville St Suite 2050 Raleigh, NC 27601	Fujifilm Data Incident Settlement Administrator PO Box 25226 Santa Ana, CA, 92799

Class Counsel	Counsel for Defendants
Jean Martin, Aylstock, Witkin, Kreis & Overholtz, PLC 17 E. Main Street, Suite 200, Pensacola, FL 32502; Brittany Resch, Strauss Borrelli PLLC 980 N Michigan Ave, Suite 1610, Chicago, IL 60611 Gary Mason, Mason & Perry LLP 5335 Wisconsin Avenue, NW, Suite 640, Washington, DC 20015 Ken Grunfeld, Kopelowitz Ostrow PA 65 Overhill Road, Bala Cynwyd, PA 19004	David P. Saunders McDermott Will & Schulte LLP 444 West Lake St. Suite 4000 Chicago, IL 60606

17. What is the difference between objecting and excluding?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you stay in the Settlement Class. Opting-out is telling the Court that you do not want to be part of the Settlement Class. If you opt-out, you cannot object because you are no longer part of the Settlement.

The Lawyers Representing You

18. Do I have a lawyer in the lawsuit?

Yes. The Court has appointed Jean Martin of Aylstock, Witkin, Kreis & Overholtz, PLC, Brittany Resch of Strauss Borrelli PLLC, Gary Mason of Mason LLP, and Ken Grunfeld of Kopelowitz Ostrow PA as Class Counsel to represent you and the Settlement Class for the purposes of this Settlement. You may hire your own lawyer at your own cost if you want someone other than Class Counsel to represent you in this lawsuit.

19. How will Class Counsel be paid?

Class Counsel will file a motion asking the Court to award the attorneys' fees and reimbursement of reasonable costs of up to \$245,000.00. Class Counsel will also ask the Court to approve the Service Awards for the Class Representatives of up to \$2,500.00 for their efforts. The Court may award less than these amounts.

The Final Approval Hearing

The Court will hold a "Final Approval Hearing" to decide whether to approve the Settlement and Application for Attorneys' Fees, Costs, and Service Awards. You may attend and you may ask to speak if you file an objection by the deadline, but you do not have to.

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

The Court will hold a Final Approval Hearing on **December 11, 2026, at 02:30 p.m.** before the Honorable Hoyt G. Tessener at the Wake County Superior Court, 316 Fayetteville St Suite 2050, Raleigh, NC 27601. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and decide whether to approve the Settlement, Class Counsel's Application for Attorneys' Fees, Costs, and Service Awards.

If there are objections that were filed by the deadline, the Court will consider them. If you file a timely objection, and you (or your lawyer) ask to speak at the hearing, the Court may hear objections at the hearing.

Note: The date and time of the Final Approval Hearing are subject to change without further notice to the Settlement Class. The Court may also decide to hold the hearing via video conference or by telephone. You should check the Settlement Website www.FLBDataSettlement.com to confirm the date and time of the Final Approval Hearing have not changed.

21. Do I have to attend 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 file an objection, you do not have to attend the Final Approval Hearing to speak about it. As long as you file your written objection by the deadline, the Court will consider it.

22. May I speak at 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 file an objection, you do not have to attend the Final Approval Hearing to speak about it. As long as you file your written objection by the deadline, the Court will consider it.

Getting More Information

23. How do I get more information about the Settlement?

This Notice summarizes the Settlement. Complete details about the Settlement are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at www.FLBDataSettlement.com. You may get additional information at www.FLBDataSettlement.com, by calling toll-free (833) 591-3453, or by writing to:

Fujifilm Data Incident
Settlement Administrator
PO Box 25226
Santa Ana, CA, 92799

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT'S CLERK OFFICE REGARDING THIS NOTICE.