

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JULIO LOPEZ and MICHAEL OROS,

*On Behalf of Themselves and All Others
Similarly Situated,*

Plaintiffs,

v.

VOLUSION, LLC,

Defendant.

Case No.: 1:20-cv-00761-LY

**DECLARATION OF JUSTIN R. HUGHES OF KROLL SETTLEMENT
ADMINISTRATION LLC, IN SUPPORT OF FINAL APPROVAL**

I, Justin R. Hughes declare as follows:

1. I am a Senior Director of Kroll Settlement Administration LLC (“Kroll”),¹ the Settlement Administrator appointed in the above-captioned case, whose principal office is located at 2000 Market Street, Suite 2700, Philadelphia, Pennsylvania 19103. I am over 21 years of age and am authorized to make this declaration on behalf of Kroll and myself. The following statements are based on my personal knowledge and information provided by other experienced Kroll employees working under my general supervision. This declaration is being filed in connection with final approval.

2. Kroll has extensive experience in class action matters, having provided services in class action settlements involving antitrust, data breach, securities fraud, labor and employment, consumer, and government enforcement matters. Kroll has provided notification and/or claims administration services in more than 3,000 cases, including such data breach and privacy class action settlements as the Yahoo! Inc. Customer Data Security Breach Litigation, Bray et al. v. GameStop Corporation, Hutton v. National

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Settlement Agreement (as defined below).

Board of Examiners in Optometry, Hapka v. CareCentrix, Inc., and Orr et al. v. InterContinental Hotels Group, PLC et al. The Notice plan implemented in this matter is consistent with these other similar court-approved matters.

3. This declaration describes the implementation of the Class Notices developed for the class action entitled *Julio Lopez and Michael Oros, et al. v. Volusion, LLC*, referred to herein as the “Settlement.” The facts in this declaration are based on my personal knowledge, as well as information provided to me by my colleagues in the ordinary course of business in implementing the notice plan.

4. Kroll was appointed as the Settlement Administrator to provide notification and administration services in connection with the Class Action Settlement Agreement and Release (the “Settlement Agreement”) entered into in connection with the Settlement. Kroll’s duties under the Settlement have and will include: (a) preparing and sending notices in connection with the Class Action Fairness Act; (b) receiving and analyzing the Class Member contact list (the “Class List”) from defense counsel; (c) creating a website with online claim filing capabilities; (d) establishing a toll-free number; (e) establishing a post office box for the receipt of mail; (f) preparing and sending the Postcard Notice via First Class Mail; (g) preparing and sending email notice; (h) establishing an email address to receive Class Member inquiries; (i) receiving and processing mail from the United States Postal Service (“USPS”) with forwarding addresses; (j) receiving and processing undeliverable mail, without a forwarding address, from the USPS; (k) receiving and processing Claim Forms; (l) receiving and processing opt outs; (m) sending reminder notices to Class Members regarding filing a Claim, and (n) such other tasks as counsel for the Parties or the Court request Kroll perform.

NOTICE PLAN SUMMARY

5. Federal Rules of Civil Procedure, Rule 23 directs that notice must be “the best practicable under the circumstances” and must include “individual notice to all members who can be identified through reasonable effort.” The notice plan here satisfied this requirement with individual notice mailed via United States Postal Service (“USPS”) first class mail or sent via email. Address updating (both prior to mailing and on undeliverable pieces) and re-mailing protocols met or exceeded those used in other class action settlements. Coverage was further enhanced by a settlement website.

6. The notices were written in accordance with the plain language guidance provided by the Federal Judicial Center (“FJC”).²

7. Accordingly, the notice plan, as designed and implemented, is consistent with other court-approved notice programs and has reached the greatest practicable number of Class Members through the use of individual notice which courts have favored as the highest form of notice.

CAFA NOTICE

8. On behalf of the Defendant, Kroll provided notice of the proposed Settlement reflected in the Settlement Agreement pursuant to the Class Action Fairness Act 28 U.S.C. §1715(b) (“the CAFA Notice”). At Defense Counsel’s direction, Kroll sent the CAFA Notice, attached hereto as **Exhibit A**, to the (i) Attorney General of the United States and (ii) 56 state Attorneys General identified in the service list for the CAFA Notice, attached hereto as **Exhibit B**, via First-Class Certified Mail, on April 21, 2022. The CAFA Notice directed the Attorneys General to the website www.CAFANotice.com, a site that contains all the Settlement documents referenced in the CAFA Notice.

SETTLEMENT WEBSITE

9. On June 6, 2022, Kroll created a dedicated website entitled www.volusionprivacypassaction.com (the “Settlement Website”). The Settlement Website contains relevant information pertaining to the Settlement, important Settlement documents, a contact section, a frequently asked questions section, and allowed Class Members an opportunity to file a Claim Form online.

TOLL-FREE INFORMATION LINE, EMAIL AND POST OFFICE BOX

10. On June 6, 2022, Kroll established a toll-free number, 1-833-620-3589, for Class Members to call and obtain additional information regarding the Settlement through an Interactive Voice Response (“IVR”) system. Callers are able to hear an introductory message with a brief summary of the Settlement and have the option to hear answers to FAQs. The automated phone system is available 24 hours per day, 7 days per week. As of August 3, 2022, the IVR has received 101 calls.

² FED. JUD. CTR., *Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide* (2010), available at <https://www.fjc.gov/sites/default/files/2012/NotCheck.pdf>. The guide suggests that the minimum threshold for adequate notice is 70%. See *id.* at pp. 1, 3.

11. On June 6, 2022, Kroll established an email address, info@VolusionPrivacyClassAction.com, to receive and reply to email inquiries from Class Members pertaining to the Settlement.

12. On March 29, 2022, Kroll designated a post office box with the mailing address *Volusion Privacy Settlement*, PO Box 5324, New York, NY 10150-5324 in order to receive requests for exclusion, Claim Forms, objections, and correspondence from Class Members.

SETTLEMENT CLASS DATA

13. On May 23, 2022, Kroll received three (3) data files from the Defendant. One file contained 502,667 names and email addresses. The second file contained 38,695 names and email addresses. The third file contained 51,311 names, email address, and mailing addresses for potential Class Members. In total, once reconciled, combined and deduplicated, the eventual Class Member list totaled 529,156 records, of which there was an email and/or mailing address for 528,933 records.

NOTICE PLAN

14. On June 6, 2022, Kroll commenced Email Notice to the 522,078 records with email addresses on file for Class Members. A true and correct copy of a complete exemplar Email Notice (including the subject line) is attached hereto as **Exhibit C**. Of the 522,078 emails attempted for delivery, 34,284 emails were rejected/bounced. Based upon our experience in other similar administrations, it is not uncommon to see anywhere from 10-15% of emails being bounced or rejected. In this case, only about 7% were rejected.

15. On June 21, 2022, Kroll caused 27,391 Postcard Notices to be mailed via First Class Mail to Class Members for whom a physical mailing address was provided, and the Email Notice was either rejected/bounced or otherwise undelivered. Additionally, in an effort to ensure that the Postcard Notices would be deliverable to Class Members, Kroll caused the mailing address information to be updated utilizing the National Change of Address (“NCOA”) database, which provides updated address information for individuals who have moved during the previous four years and filed a change of address with the United States Postal Service (“USPS”). A true and correct copy the Postcard Notice is attached hereto as **Exhibit D**.

16. As of August 3, 2022, 178 Postcard Notices were returned to the USPS as undeliverable with a forwarding address. Upon information and belief, these Postcard Notices were automatically re-mailed or forwarded by the USPS to the updated addresses provided by the USPS.

17. As of August 3, 2022, 1,180 Postcard Notices were returned to Kroll by the USPS as undeliverable as addressed, without a forwarding address. Kroll ran 1,169 undeliverable records through an advanced address search.³ The advanced address search produced 817 updated addresses. Kroll has re-mailed Postcard Notices to the 817 updated addresses obtained from the advanced address search.

18. In summary, Kroll sent out Email Notice and/or Postcard Notice to 528,935 of the 529,156 Class Members. Based upon the undeliverable rates noted above, Kroll estimates direct notice was delivered to an overwhelming majority of the Class; indeed over 95% of the Class are assumed to have received direct notice.

CLAIMS, OBJECTIONS & REQUESTS FOR EXCLUSION RECEIVED TO DATE

19. The last day to submit claims, objections or requests for exclusion is September 6, 2022. Kroll sent a reminder email on July 27, 2022 to Class Members who had not yet filed a Claim, notifying them that they can still do so should they choose prior to the Claim Form deadline. Kroll intends to send a second reminder email in late August, closer to the Claim Form deadline.

20. Kroll is still in the process of reviewing and validating Claim Forms as they are received. To prevent Claims Forms from being filed by individuals outside of the Class and to curtail fraud, Class Members were provided a unique Class Member ID on their respective notices. The Class Member ID is required for Class Members to file a Claim Form online. Any mailed in Claim Forms without the Class Member ID will be reviewed against the Class List to confirm that they should be included. As of August 3, 2022, Kroll has received 25 Claim Forms through the mail and 1,046 Claim Forms filed electronically through the Settlement Website.

21. As of August 3, 2022, Kroll has received two (2) timely exclusion requests and no objections to the Settlement. A list of the requests for exclusions is attached hereto as **Exhibit E**.

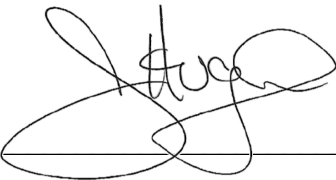
³ The remaining 11 undeliverable Notices received to date were received after the advanced address search was run and therefore those records were not included in the search.

NOTICE PLAN CONCLUSION

22. In conclusion, the notice plan implemented for this Settlement is consistent with other similar court-approved notice programs and satisfies the best notice requirements of Rule 23(c)(2)(b), including providing individual notice to all reasonably identifiable Class Members. Based on the final analysis of the direct mail/email program, we can reasonably assume that Email Notice and Postcard Notice was delivered to approximately 95% of the Class.

23. Kroll will provide a supplemental declaration closer to the date of the final approval hearing with updated claims and exclusion data.

I certify the foregoing statements are true and correct under penalty of perjury under the laws of the United States. Executed this 3rd day of August 2022 in Oakland, California.



Justin R. Hughes

EXHIBIT A



VIA US CERTIFIED MAIL

To: All “Appropriate” Federal and State Officials Per 28 U.S.C. § 1715 (see attached distribution list)

Re: CAFA Notice for the Proposed Settlement in *Lopez et al v. Volusion, LLC*, 1:20-cv-00761, pending in the United States District Court, Western District of Texas, Austin Division

Pursuant to Section 3 of the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, Defendant Volusion, LLC (“Defendant” or “Volusion”) hereby notifies you of the proposed settlement of the above-captioned action (the “Action”) currently pending in the United States District Court, Western District of Texas, Austin Division (the “Court”).

Eight items must be provided to you in connection with any proposed class action settlement pursuant to 28 U.S.C. § 1715(b). Each of these items is addressed below:

1. 28 U.S.C. § 1715 (b)(1) - a copy of the complaint and any materials filed with the complaint and any amended complaints.

The Complaint is available at the website: www.cafanotice.com under the *Lopez et al v. Volusion, LLC* folder as **Exhibit A – Original Complaint**.

2. 28 U.S.C. § 1715 (b)(2) - notice of any scheduled judicial hearing in the class action.

On April 12, 2022, Plaintiff filed Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification, and Approval of Notice Plan (the “Unopposed Motion for Preliminary Approval”). The Court has not yet scheduled a Motion Hearing nor the Fairness Hearing for this matter. The Unopposed Motion for Preliminary Approval and the Proposed Preliminary Approval Order are available at the website: www.cafanotice.com under the *Lopez et al v. Volusion, LLC* folder as **Exhibit B – Unopposed Motion for Preliminary Approval and Exhibit C - Proposed Preliminary Approval Order**.

3. 28 U.S.C. § 1715(b)(3) - any proposed or final notification to class members.

A copy of the proposed Postcard Notice and Email Notice, which will be provided directly to Class Members, and Long Form Notice which will be available on the Settlement website created for the administration are available for viewing at the website: www.cafanotice.com under the *Lopez et al v. Volusion, LLC* folder as **Exhibit D – Postcard Notice, Exhibit E – Email Notice, and Exhibit F – Long Form Notice**. The Notices describe, among other things, the claim submission process and the Class



Members' rights to object or exclude themselves from the Class along with important deadlines to act.

4. 28 U.S.C. § 1715(b)(4) - any proposed or final class action settlement.

The Class Action Settlement Agreement and Release is available at the website: www.cafanotice.com under the *Lopez et al v. Volusion, LLC* folder as **Exhibit G – Settlement Agreement**.

5. 28 U.S.C. § 1715(b)(5) - any settlement or other agreement contemporaneously made between class counsel and counsel for defendants.

There are no other settlements or other agreements between Class Counsel and counsel for Defendant beyond what is set forth in the Agreement.

6. 28 U.S.C. § 1715(b)(6) - any final judgment or notice of dismissal.

The Court has not yet entered a final judgment or notice of dismissal. Accordingly, no such document is presently available.

7. 28 U.S.C. § 1715(b)(7) – (A) If feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State's appropriate State official; or (B) if the provision of the information under subparagraph (A) is not feasible, a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement.

The definition of the class in the proposed Settlement Agreement means all persons to whom Volusion sent its Notice of Data Incident dated on or about April 21, 2020, advising that on or about October 8, 2019, Volusion learned that personal information of some customers of Volusion's merchant clients may have been improperly exposed as a result of malware placed on Volusion's e-commerce platform. Excluded from the Class is any judge presiding over this matter and any members of their first-degree relatives, judicial staff, the officers and directors of Volusion and its customers who were impacted by the Data Security Incident, Class Counsel and their first-degree relatives, and persons who timely and validly requires exclusion from the Class. The complete list and counts by state of Class Members is not known at this time.

8. 28 U.S.C. § 1715(b)(8) - any written judicial opinion relating to the materials described in 28 U.S.C. § 1715(b) subparagraphs (3) through (6).

There has been no written judicial opinion. Accordingly, no such document is presently available.



If you have any questions about this notice, the Action, or the materials located on the website: www.cafanotice.com under the *Lopez et al v. Volusion, LLC* folder, please contact the undersigned listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin R. Hughes". The signature is fluid and cursive, with a large loop at the end.

Justin R. Hughes
Senior Director
(215) 430-6005
Justin.Hughes@Kroll.com

EXHIBIT B

SERVICE LIST FOR CAFA NOTICE

U.S. Attorney General

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U.S. Department of Justice
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Washington, DC 20530

Alabama Attorney General

Steve Marshall
501 Washington Ave.
P.O. Box 300152
Montgomery, AL 36130

Alaska Attorney General

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1031 W. 4th Avenue, Suite 200
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American Samoa Attorney General

Fainu'uulelei Falefatu Ala'ilima-Utu
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Utulei, AS 96799

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Arkansas Attorney General

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California Attorney General

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Sacramento, CA 95814

Colorado Attorney General

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District of Columbia Attorney General

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Indiana Attorney General

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Des Moines, IA 50319

Kansas Attorney General

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120 S.W. 10th Ave., 2nd Fl.
Topeka, KS 66612

Kentucky Attorney General

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Louisiana Attorney General

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Maine Attorney General

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Maryland Attorney General

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Massachusetts Attorney General

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Minnesota Attorney General

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St. Paul, MN 55101

Mississippi Attorney General

Lynn Fitch
Department of Justice
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Jackson, MS 39205

Missouri Attorney General

Eric Schmitt
Supreme Ct. Bldg.
207 W. High St.
Jefferson City, MO 65101

Montana Attorney General

Austin Knudsen
Justice Bldg.
215 N. Sanders
Helena, MT 59620

Nebraska Attorney General

Doug Peterson
State Capitol
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Lincoln, NE 68509

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100 N. Carson St.
Carson City, NV 89701

New Hampshire Attorney General

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Concord, NH 03301

New Jersey Attorney General

Matthew J. Platkin
Richard J. Hughes Justice Complex
25 Market Street, P.O. Box 080
Trenton, NJ 08625

New Mexico Attorney General

Hector Balderas
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Santa Fe, NM 87504

New York Attorney General

Letitia A. James
Department of Law - The Capitol, 2nd fl.
Albany, NY 12224

North Carolina Attorney General

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Dept. of Justice
P.O. Box 629
Raleigh, NC 27602

North Dakota Attorney General

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Bismarck, ND 58505

Ohio Attorney General

Dave Yost
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Columbus, OH 43266

Oklahoma Attorney General

John O'Connor
313 NE 21st Street
Oklahoma City, OK 73105

Oregon Attorney General

Ellen F. Rosenblum
Justice Bldg.
1162 Court St., NE
Salem, OR 97301

Pennsylvania Attorney General

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Harrisburg, PA 17120

Puerto Rico Attorney General

Domingo Emanuelli Hernandez
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San Juan, PR 00902

Rhode Island Attorney General

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South Carolina Attorney General

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Columbia, SC 29211

South Dakota Attorney General

Jason Ravnsborg
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Herbert H. Slatery III
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Nashville, TN 37243

Texas Attorney General

Ken Paxton
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Austin, TX 78711

U.S. Virgin Islands Attorney General

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St. Thomas, Virgin Islands 00802

Utah Attorney General

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Salt Lake City, UT 84114

Vermont Attorney General

T.J. Donovan
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Montpelier, VT 05609

Virginia Attorney General

Jason Miyares
202 North Ninth Street
Richmond, VA 23219

Washington Attorney General

Bob Ferguson
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P.O. Box 40100
Olympia, WA 98504

West Virginia Attorney General

Patrick Morrisey
State Capitol Complex
Building 1, Room E-26
1900 Kanawha Blvd, E
Charleston, WV 25305

Wisconsin Attorney General

Josh Kaul
Wisconsin Department of Justice, State Capitol,
Room 114 East
P.O. Box 7857
Madison, WI 53707

Wyoming Attorney General

Bridget Hill
109 State Capitol
Cheyenne, WY 82002

Northern Mariana Islands Attorney General

Edward Manibusan
P.O. Box 10007
Administration Building
Saipan, MP 96950

EXHIBIT C

From: NoReply.Volusionprivacyclassaction <NoReply@Volusionprivacyclassaction.com>

Subject: [EXTERNAL] Legal Notice of Volusion Privacy Settlement

Claimant ID: 53249KARENARI

A Texas Federal Court authorized this Notice. This is not a solicitation.

If you were sent a notice by Volusion, LLC dated on or about April 21, 2020, regarding a Data Security Incident, you may be eligible for benefits from a class action settlement.

Para una notificación en español, visite www.VolusionPrivacyClassAction.com

Dear Karen Arinsberg:

You are receiving this notice to inform you of your rights and options in a proposed settlement in a class action lawsuit called *Julio Lopez and Michael Oros, on behalf of themselves and all others similarly situated v. Volusion, LLC, W.D. Tex* (the "Settlement").

What is this about? The lawsuit relates to an incident that took place on or about October 8, 2019, when Volusion learned that personal information of some customers of Volusion's merchant clients may have been improperly exposed as a result of malware placed on Volusion's e-commerce platform (the "Data Security Incident"). Volusion denies all allegations of wrongdoing or liability made in the lawsuit. Both sides have agreed to the Settlement to avoid the cost of further litigation.

Why am I being contacted? Records from Volusion indicate that your information may have been affected by the Data Security Incident and your rights may be affected by the proposed Settlement.

What does the Settlement provide? The proposed Settlement provides for funds up to \$4.3 million less additional defense expenses. The Settlement Fund will be used to pay for the following: (1) all notice and administration expenses; (2) any award of Attorneys' Fees and Expenses not to exceed \$450,000, as approved by the Court; (3) any Service Awards to the Class Representatives, not to exceed \$2,500; and (4) Settlement Benefits for approved Claims for out-of-pocket Losses and approved Claims for lost time. Settlement Benefits are described more fully in the Settlement Agreement available at www.VolusionPrivacyClassAction.com.

What can I get? If the Court approves the Settlement, Class Members who have submitted approved Claims are eligible to receive the following:

Compensation for Out-of-Pocket Losses: Compensation for out-of-pocket Losses, up to a total of \$1,500.00 per person for certain out-of-pocket expenses incurred because of the Data Security Incident. You must provide documentation of all out-of-pocket losses claimed.

Payment for Time Spent: You may be compensated for your time spent responding to the Data Security Incident of up to three (3) hours of lost time at \$20.00/hour. Payment for the time spent will be included within, and not in addition to, out-of-pocket losses claimed up to the maximum \$1,500.00 per person.

How do I file a claim? To receive Settlement Benefits you must file a Claim. Your Claimant ID is: 53249KARENARI. To file a Claim online, go to www.VolusionPrivacyClassAction.com or download a Claim Form. You can also write: **Volusion Privacy Settlement, c/o Kroll Settlement Administration, PO Box 5324, New York, NY 10150-5324**, or email: info@VolusionPrivacyClassAction.com. All Claim Forms must be submitted online or postmarked by **September 6, 2022**.

What are my other options?

Do Nothing: If you do nothing, you will not get any Settlement Benefits and you will give up your right to sue or continue to sue Volusion, LLC for the claims in this case.

Exclude Yourself: If you exclude yourself or remove yourself from the Class, you will not receive any Settlement Benefits. You will keep your right to sue or continue to sue Volusion, LLC for the claims in this case. Exclusion requests must be postmarked by **September 6, 2022**.

Object. If you do not exclude yourself from the Settlement you may object to it or tell the Court what you don't like about the Settlement. Objections must be filed with the Clerk of Court and a copy mailed to the Settlement Administrator by **September 6, 2022**. For more details about your rights and options and how to exclude yourself or object, go to www.VolusionPrivacyClassAction.com.

What happens next? The Court will hold a Final Approval Hearing on October 6, 2022 at 9:30 a.m., at the US District Court for the Western District of Texas, 501 West Fifth Street, Austin Texas 78701, to consider whether to approve the Settlement, Class Counsel's attorneys' fees and expenses, and Class Representatives' Service Awards. Class Counsel's fee motion will be posted to the website below once filed. The Court has appointed Edwards Law Group, Pearson, Simon & Warshaw, LLP, Kopelowitz Ostrow Ferguson Weiselberg and Gilbert, and Tycko & Zavareei LLP as Class Counsel. Class Counsel will answer any questions that the Court may have. You or your attorney may ask to speak at the hearing at your own cost, but you don't have to. A Notice of Intention to Appear at the Final Approval Hearing must be filed by **September 6, 2022**.

How do I get more information? To view the full notice and important documents such as the Settlement Agreement, go to www.VolusionPrivacyClassAction.com or contact

the Settlement Administrator by writing to **Volusion Privacy Settlement, c/o Kroll Settlement Administration, PO Box 5324, New York, NY 10150-5324**, or emailing info@VolusionPrivacyClassAction.com, or calling 1-833-620-3589.

PLEASE DO NOT CONTACT THE COURT OR THE COURT CLERK'S OFFICE

To unsubscribe from this list, please click Here: [Unsubscribe](#)

EXHIBIT D

Volusion Privacy Settlement
c/o Kroll Settlement Administration
P.O. Box 5324
New York, NY 10150-5324

FIRST-CLASS MAIL
U.S. POSTAGE PAID
CITY, ST
PERMIT NO. XXXX

A Texas Federal Court authorized this Notice.
This is not a solicitation.

If you were sent a notice by Volusion, LLC dated on or about April 21, 2020, regarding a Data Security Incident, you may be eligible for benefits from a class action settlement.

Para una notificación en español, visite www.VolusionPrivacyClassAction.com

Postal Service: Please do not mark barcode
<<Barcode>>

Class Member ID: <<Refnum>>

<<FirstName>> <<LastName>>

<<Address>>

<<Address2>>

<<City>>, <<ST>> <<Zip>>-<<zip4>>

[[POSTAL CODE AREA]]

What is this about? The lawsuit relates to an incident that took place on or about October 8, 2019, when Volusion learned that personal information of some customers of Volusion's merchant clients may have been improperly exposed as a result of malware placed on Volusion's e-commerce platform (the "Data Security Incident"). Volusion denies all allegations of wrongdoing or liability made in the lawsuit. Both sides have agreed to the Settlement to avoid the cost of further litigation.

Why am I being contacted? Records from Volusion indicate that your information may have been affected by the Data Security Incident and your rights may be affected by the proposed Settlement.

What does the Settlement provide? The proposed Settlement provides for funds up to \$4.3 million less additional defense expenses. The settlement fund will be used to pay for the following: (1) all notice and administration expenses; (2) any award of attorneys' fees and expenses not to exceed \$450,000, as approved by the Court; (3) any Service Awards to the Class Representatives, not to exceed \$2,500 each; and (4) Settlement Benefits for approved Claims for out-of-pocket losses and approved Claims for lost time. Settlement Benefits are described more fully in the Settlement Agreement available at www.VolusionPrivacyClassAction.com.

What can I get? If the Court approves the Settlement, Class Members who have submitted Approved Claims are eligible to receive the following:

Compensation for Out-of-Pocket Losses: Compensation for out-of-pocket losses, up to a total of \$1,500.00 per person for certain out-of-pocket expenses incurred because of the Data Security Incident. You must provide documentation of all out-of-pocket losses claimed.

Payment for Time Spent: You may be compensated for your time spent responding to the Data Security Incident of up to three (3) hours of lost time at \$20.00/hour. Payment for time spent will be included within, and not in addition to, out-of-pocket losses claimed up to the maximum \$1,500.00 per person.

How do I file a claim? To receive Settlement Benefits, go to www.VolusionPrivacyClassAction.com to file online or download a Claim Form. You can write: Volusion Privacy Settlement, c/o Kroll Settlement Administration, PO Box 5324, New York, NY 10150-5324, email: info@VolusionPrivacyClassAction.com. All Claim Forms must be submitted online or postmarked by September 6, 2022.

What are my other options? Do Nothing: If you do nothing, you will not get any Settlement Benefits and you will give up your right to sue or continue to sue Volusion, LLC for the claims in this case. **Exclude Yourself:** If you exclude yourself or remove yourself from the Class, you will not receive any Settlement Benefits. You will keep your right to sue or continue to sue Volusion, LLC for the claims in this case. Exclusion requests must be postmarked by September 6, 2022. **Object:** If you do not exclude yourself from the Settlement you may object to it or tell the Court what you don't like about the Settlement. Objections must be filed with the Clerk of Court and a copy mailed to the Settlement Administrator by September 6, 2022. For more details about your rights and options and how to exclude yourself or object, go to www.VolusionPrivacyClassAction.com.

What happens next? The Court will hold a Final Approval Hearing on October 06, 2022 9:30 a.m. at the US District Court for the Western District of Texas, 501 West Fifth Street, Austin, Texas 78701, to consider whether to approve the Settlement, Class Counsel's attorneys' fees and expenses, and Class Representatives' Service Awards. Class Counsel's fee motion will be posted to the website below once filed. The Court has appointed Edwards Law Group, Pearson, Simon & Warshaw, LLP, Kopelowitz Ostrow Ferguson Weisberg and Gilbert, and Tycko & Zavareei LLP as Class Counsel. Class Counsel will answer any questions that the Court may have. You or your attorney may ask to speak at the hearing at your own cost, but you don't have to. A Notice of Intention to Appear at the Final Approval Hearing must be filed by September 6, 2022.

How do I get more information? To view the full notice and important documents such as the Settlement Agreement, go to www.VolusionPrivacyClassAction.com or contact the Settlement Administrator by writing to Volusion Privacy Settlement, c/o Kroll Settlement Administration, PO Box 5324, New York, NY 10150-5324, or emailing info@VolusionPrivacyClassAction.com, or calling 1-833-620-3589.

If you did not receive this postcard at your current address, please submit your claim via www.VolusionPrivacyClassAction.com with the correct address and email address.

EXHIBIT E

REQUESTS FOR EXCLUSION

1. Todd Clark, Pittsfield, MA 01201
2. Julie Lynn Adams, Union City, TN 38261