

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

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

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

A Federal Court authorized this Notice. This is not an advertisement or a solicitation from a lawyer.

- A proposed Settlement has been reached in a class action lawsuit called *Julio Lopez and Michael Oros, on behalf of themselves and all others similarly situated v. Volusion, LLC*, United States District Court for the Western District of Texas, Austin Division (the “Court”), Case No. 1:20-cv-00761-LY (the “Settlement”).
- Volusion, LLC (“Volusion”) is an ecommerce platform that hosts websites for businesses to set up e-commerce shops, including by offering services that allow businesses to accept credit card payments.
- The lawsuit relates to a data security incident that took place on or about October 8, 2019, potentially affecting certain personal information of some of Volusion’s merchant clients’ customers (the “Data Security Incident”). 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.
- Volusion denies all allegations of wrongdoing or liability made in the lawsuit.
- The Court has not decided who is right or wrong. Instead, both sides have agreed to the Settlement to avoid the cost of further litigation.
- You are a Class Member if you were sent a Notice of the Data Security Incident by Volusion 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.
- The proposed Settlement provides for a fund totaling not more than **\$4.3 million** less additional defense expenses. The Settlement Fund will be used to pay for the following in the following order: (1) all notice and administration expenses; (2) any award of attorneys’ fees and expenses approved by the Court; (3) any Service Awards to the Class Representatives; and (4) Settlement Benefits to Class Members for approved Claims for out-of-pocket losses and approved Claims for lost time.
- Class Members’ rights and options—and the deadlines to exercise them—are explained in this notice. The deadlines may be moved, canceled, or otherwise modified, so please check the Settlement Website, www.VolusionPrivacyClassAction.com, regularly for updates and further details.
- Payments will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.

YOUR LEGAL RIGHTS AND OPTIONS		
FILE A CLAIM	<ul style="list-style-type: none"> • File a claim for Settlement Benefits online or by mail • Be bound by the Settlement • Give up your right to sue or continue to sue Volusion for the claims in this case 	Submitted online or postmarked by September 6, 2022
ASK TO BE EXCLUDED (“OPT OUT”)	<ul style="list-style-type: none"> • Remove yourself from the Settlement and receive no Settlement Benefits • Keep your right to sue or continue to sue Volusion for the claims in this case 	Postmarked by September 6, 2022
OBJECT	<ul style="list-style-type: none"> • Tell the Court what you do not like about the proposed Settlement • You will still be bound by the Settlement, and you may still file a Claim • You cannot both request exclusion and object 	Postmarked by September 6, 2022
ATTEND THE HEARING	<ul style="list-style-type: none"> • Ask to speak in Court about the Settlement • If you want your own attorney to represent you, you must pay for him or her yourself • File your Notice of Intention to Appear by September 6, 2022 	October 6, 2022 at 9:30 a.m.
DO NOTHING	<ul style="list-style-type: none"> • Receive no Settlement Benefits • Give up your right to sue or continue to sue Volusion for the claims in this case 	

Your legal rights may be affected whether or not you act. Please read this notice carefully.

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BASIC INFORMATION

1. Why is there a notice?

You have a right to know about a proposed Settlement of a class action lawsuit, and about your options, before the Court decides whether to approve the Settlement.

The Court in charge of this case is the United States District Court for the Western District of Texas, Austin Division. The case is called *Julio Lopez and Michael Oros, on behalf of themselves and all others similarly situated v. Volusion, LLC*, Case No. 1:20-cv-00761-LY. The individuals who sued, Plaintiffs Julio Lopez and Michael Oros (“Class Representatives”) on behalf of themselves and all other persons similarly situated are, collectively, called “Plaintiffs.” The company that Plaintiffs sued, Volusion, LLC, is called the Defendant.

2. What is this lawsuit about?

The lawsuit relates to a data security incident that took place on or about October 8, 2019, potentially affecting certain personal information of some of Volusion’s merchant clients’ customers. 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. 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.

3. Why is this a class action?

In a class action, one or more people called Class Representatives (in this case Julio Lopez and Michael Oros), sue on behalf of people who have similar claims. All these people together are a “class” or “class members.” Individual class members do not have to file a lawsuit to participate in the class action settlement or be bound by the judgment in the class action. One court resolves the issues for all class members, except for those who exclude themselves from the class.

4. Why is there a Settlement?

The Court has not decided who is right or wrong. Instead, both sides, with the assistance of experienced privacy litigation class action mediator Bruce A. Friedman, Esq. of JAMS have agreed to the Settlement. Both sides want to avoid the cost of further litigation. The Class Representatives and their attorneys think the Settlement is in the best interests of the Class and is fair, reasonable, and adequate.

WHO IS IN THE SETTLEMENT?

5. Am I part of the Settlement?

The Class consists of 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.

6. What if I am still not sure if I am included in the Settlement?

If you are not sure whether you are a Class Member, or have any other questions about the Settlement, you should visit the Settlement Website, www.VolusionPrivacyClassAction.com, or contact the Settlement Administrator by email at info@VolusionPrivacyClassAction.com, or call toll-free at 1-833-620-3589.

SETTLEMENT BENEFITS – WHAT CLASS MEMBERS GET

7. What does the Settlement provide?

The proposed Settlement provides for a fund totaling up to **\$4.3 million** less additional defense expenses, which 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 \$450,000.00; (3) any Service Awards to the Class Representatives, not to exceed \$2,500.00; and (4) Settlement Benefits to Class Members for approved Claims for out-of-pocket losses and approved Claims for lost time spent responding to the Data Security Incident.

8. What can I get from the Settlement?

If the Court approves the Settlement, Class Members who have not excluded themselves from the Settlement and have submitted approved Claims are eligible to receive the following:

Reimbursement for Out-of-Pocket Losses: Compensation will be made for unreimbursed losses, up to a total of \$1,500.00 per person for certain out-of-pocket expenses incurred as a result of the Data Security Incident. Upon submission of a Claim Form and required supporting documentation, out-of-pocket expenses may include bank fees, long distance phone charges, cell phone charges, data charges, postage, gasoline for local travel, and fees for credit reports, credit monitoring, or other identity theft insurance products purchased between the date of Volusion's Notice of Data Incident and the date of the Claims Deadline.

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

Payment of funds to Class Members cannot exceed the available funds to the Settlement. In the unlikely event this occurs, payments will be reduced *pro rata*, such that they will be pro-rated down proportionately.

If a *pro rata* reduction is necessary, then *pro rata* reduction shall occur in the following order: first, each Class Member's payment for lost time shall be reduced *pro rata* such that no Class Member's payment for lost time shall be reduced below \$20.00; second, if after the first *pro rata* reduction, the balance of the settlement fund is still insufficient to pay the remaining Claims, then a second *pro rata* reduction shall be made to Class Members' claims for out-of-pocket losses such that no Class Member's payment for out-of-pocket losses shall be reduced more than 50%; and third, if after the second *pro rata* reduction the balance of the settlement fund is still insufficient to pay the remaining Claims, then all Claims shall be reduced proportionally.

To the extent any check or electronic payment issued by the Settlement Administrator remains uncashed ninety (90) days after issuance and the Settlement Administrator has no reasonable means to re-issue the check or payment or if a re-issued check or payment remains uncashed an additional ninety (90) days thereafter, those unpaid funds are forfeited by a Class Member and may be distributed by the Settlement Administrator to the Cy Pres Recipient approved by the Court.

HOW TO GET SETTLEMENT BENEFITS

9. How can I get Settlement Benefits?

To be eligible to receive Settlement Benefits, you must complete and submit a timely and valid Claim Form, along with any required documentation, online or by mail postmarked no later than **September 6, 2022**. You may submit a Claim Form electronically or obtain a blank Claim Form at www.VolusionPrivacyClassAction.com. You may also request one from the Settlement Administrator by mail or email as follows:

Volusion Privacy Settlement
c/o Kroll Settlement Administration
PO Box 5324
New York, NY 10150-5324
Email: info@VolusionPrivacyClassAction.com

If you do not submit a valid Claim Form by **September 6, 2022**, you will not receive Settlement Benefits, but you will be bound by the Court's judgment in this case.

10. When would I get my Settlement Benefits?

Settlement Benefits will be made to Class Members who filed a timely and valid claim after the Court grants "final approval" to the Settlement and after all appeals are resolved. If the Court approves the Settlement, there may be appeals. It is always uncertain whether these appeals can be resolved and resolving them can take time. Please be patient.

11. What am I giving up to get Settlement Benefits or stay in the Settlement?

If you are a Class Member, unless you exclude yourself from the Settlement, you cannot sue the Defendant, continue to sue, or be part of any other lawsuit against the Defendant about the claims released in this Settlement. It also means that all the decisions by the Court will bind you. The Released Claims are defined in the Settlement Agreement and describe the legal claims that you give up if you stay in the Settlement. The Settlement Agreement is available at www.VolusionPrivacyClassAction.com.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want a payment from the Settlement or you want to keep the right to sue or continue to sue the Defendant on your own about the claims released in this Settlement, then you must take steps to get out. This is called excluding yourself—or it is sometimes referred to as “opting out” of the Settlement.

12. How do I get out of the Settlement?

To exclude yourself (or “opt-out”) from the Settlement, you must complete and mail to the Settlement Administrator a written Request for Exclusion. The Request for Exclusion must include:

- The name of the case, *Julio Lopez and Michael Oros, on behalf of themselves and all others similarly situated v. Volusion, LLC*, United States District Court for the Western District of Texas, Austin Division, Case No. 1:20-cv-00761-LY;
- your full name and current address;
- your personal signature; and
- a statement at the top of the communication containing the words “Request for Exclusion” or a comparable statement indicating your desire to be excluded from the Settlement.

You must mail your exclusion request, postmarked by **September 6, 2022**, to the Settlement Administrator at the following address:

**Volusion Privacy Settlement – Exclusion Request
c/o Kroll Settlement Administration
PO Box 5324
New York, NY 10150-5324**

If you do not submit a timely and valid Request for Exclusion, you will lose the opportunity to exclude yourself from the Settlement and will be bound by the Settlement.

If you ask to be excluded, you shall be deemed to have waived any rights or benefits under the Settlement, and you cannot object to the Settlement. You will not be legally bound by anything that happens in this lawsuit, and you may be able to sue (or continue to sue) the Defendant about the claims in this lawsuit.

13. If I don't exclude myself, can I sue the Defendant for the same thing later?

No. Unless you exclude yourself, you give up any right to sue the Defendant for the claims that this Settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself from this Settlement to continue your own lawsuit. If you properly exclude yourself from the Settlement, you will not be bound by any orders or judgments entered in the litigation relating to the Settlement.

14. If I exclude myself, can I still get Settlement Benefits?

No. You will not get any of the Settlement Benefits if you exclude yourself. If you exclude yourself from the Settlement, do not send in a Claim Form asking for benefits as that claim will not be approved.

THE LAWYERS REPRESENTING YOU

15. Do I need to hire my own lawyer?

No. 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 will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense. You or your attorney may ask to speak at the hearing at your own cost, but you don't have to.

16. How will the lawyers be paid?

Class Counsel will file a motion seeking a fee and expense award not to exceed \$450,000.00, as well as the Class Representative Service Awards of up to \$2,500.00 as approved by the Court, if any. The Court will determine the amounts of fees, expenses, and Service Awards, which will be paid from the settlement fund.

OBJECTING TO THE SETTLEMENT

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

If you are a Class Member and have not excluded yourself from the Settlement, you may object to the Settlement or Class Counsel's Fee Application by filing a written statement of objection with the Court on or before the Objection Deadline. The written objection must include:

- The name of the case, *Julio Lopez and Michael Oros, on behalf of themselves and all others similarly situated v. Volusion, LLC*, United States District Court for the Western District of Texas, Austin Division, Case No. 1:20-cv-00761-LY,
- your full name, current mailing address, current e-mail address, e-mail address used to access Volusion, and telephone number,
- a statement of the specific grounds for the objection, as well as any documents supporting the objection,
- the identity of any attorneys representing you,
- a statement regarding whether you or your attorney intend to appear at the Final Approval Hearing, and
- your signature or the signature of your attorney.

Your objection must be submitted to the Court either by filing it with the Court or by mailing it via U.S. Mail to the Court postmarked by September 6, 2022, to the following address: United States District Court for the Western District of Texas, Austin Division, 501 West Fifth Street, Austin, Texas 78701. You must also mail a copy of your objection to the Settlement Administrator:

**Volusion Privacy Settlement - Objection
c/o Kroll Settlement Administration
PO Box 5324
New York, NY 10150-5324**

If you do not file a timely and adequate objection, you will waive your right to object or to be heard at the Final Approval Hearing and will be forever barred from making any objection to the Settlement.

If you intend to appear in person or by counsel at the Final Approval Hearing, a Notice of Intention to Appear at the Final Approval Hearing must be filed with the Clerk of the Court and a copy sent by mail to the Settlement Administrator by September 6, 2022, that must include copies of any papers, exhibits, or other evidence that you or your counsel will present to the Court in connection with the Final Approval Hearing.

18. What is the difference between objecting and excluding?

Objecting is simply telling the Court that you don't 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 telling the Court that you don't want to be part of the Settlement. If you exclude yourself from the Settlement, you have no basis to object to the Settlement because it no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing on October 6, 2022 at 9:30 a.m. at the United States District Court for the Western District of Texas, Austin Division, 501 West Fifth Street, Austin, Texas 78701.

At the Final Approval Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider how much to award Class Counsel for attorneys' fees and costs and the Class Representatives as Service Awards. If there are objections, the Court will consider them at this time. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

20. Do I have to come to the hearing?

No. Class Counsel will answer any questions that the Court may have, but you may come at your own expense. If you submit an objection, you do not have to come to Court to talk about it. As long as you filed and served your written objection on time to the proper addresses, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

21. May I speak at the hearing?

Yes. You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must have timely filed an objection and Notice of Intention to Appear in accordance with the procedures explained in Question 17 above.

Any request for appearance that fails to satisfy these requirements, or that has otherwise not been properly or timely submitted, will be deemed ineffective and a waiver of such Class Member's rights to appear and to comment on the Settlement at the Final Approval Hearing. Only the Parties, Class Members, or their counsel may request to appear and be heard at the Final Approval Hearing. Persons or entities that opt-out may not request to appear and be heard at the Final Approval Hearing.

IF YOU DO NOTHING

22. What happens if I do nothing at all?

If you do nothing, you will not get any of the Settlement Benefits. Unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendant about the legal issues in this case, ever again.

GETTING MORE INFORMATION

23. How do I get more information?

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement, available at the Settlement Website, www.VolusionPrivacyClassAction.com. If you have additional questions, you can visit the Settlement Website or contact the Settlement Administrator:

**Volusion Privacy Settlement
c/o Kroll Settlement Administration
PO Box 5324
New York, NY 10150-5324**

Email: info@VolusionPrivacyClassAction.com

Toll-Free: 1-833-620-3589

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

QUESTIONS? Visit www.VolusionPrivacyClassAction.com or call toll-free at 1-833-620-3589