

Albert v Manatee School Board
Claims Administrator
PO Box 3240
Portland OR 97208-3240

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR MANATEE COUNTY, FLORIDA
CIVIL DIVISION

NANCY ALBERT, SUSAN ANDESMITH,
PATRICIA ARAGON, CAROL CARTWRIGHT,
BRANDON COLON, DENNIS HENZEN,
WENDY HOOVER, ANNE MAGYAR,
TAWNYA MATHIS, TRUDI MOORE,
KATHLEEN MORASH, GWENDOLYN
PALMATEER, MONICA RICE, KAREN
ROGERS WASHINGTON, ROBERT SCUTERI,
KELLEY BAGWELL, DONNA FERNER,
DIANE HAUSHALTER, ANNELLE LYKE,
SHIRLEY PARNISKE, CAROLYN
SCHROEDER, CLIFFORD HORNSBY,
SHERRY CATLETT, MICHAEL
SANDERS, KATHLEEN BISHOP,
CASSANDRA LANG, MATTHEW DONOVAN,
WILLIAM VERHOEVE, SHIRLEY A. HAMILTON,
ROBERT F. HAMILTON, and APRIL ROBINSON,
individually and on behalf of all others similarly situated,
Plaintiffs,

vs.

SCHOOL BOARD OF MANATEE COUNTY,
FLORIDA,
Defendant.

Case No. 17-CA-004113

CLASS REPRESENTATION

**NOTICE REGARDING RIGHT TO BENEFIT FROM
CLASS ACTION SETTLEMENT**

A Settlement Agreement has been reached in a class action lawsuit alleging that the School Board of Manatee County, Florida (the "School Board") experienced an unauthorized disclosure of certain information which occurred on or about January 2017 ("Data Disclosure"). If you have been affected by the unauthorized disclosure, you may be entitled to payment under the Settlement Agreement reached in the case.

A settlement fund of \$300,000 has been established to pay valid claims related to certain forms of compensation. The final cash payment for Class Members will depend on the total number of valid and timely claims filed by all Class Members.

In addition, the School Board has agreed to pay certain other types of claims for all Class Members, and provide certain non-monetary relief.

Your legal rights are affected whether you act or don't act, so read this notice carefully.

YOUR OPTIONS	
Submit a Claim Form Deadline: As early as December 24, 2019	Complete and submit a Claim Form and receive compensation. By completing and submitting a valid Claim Form, you may recover money or other relief, depending on your claim made and the total claims by other Class Members.
Ask to Be Excluded Deadline: July 30, 2018	Get out of this lawsuit and get no benefits from it. Instead of submitting a Claim Form, you may ask to be excluded from the lawsuit. By excluding yourself, you cannot recover as part of this Settlement and you keep a right to sue on your own.
Object to the Settlement Deadline: July 30, 2018	Object to the terms of the Settlement Agreement. You may object to the terms of the Settlement Agreement and have your objections heard at the Fairness Hearing on November 19, 2018.
DO NOTHING	You will not receive any compensation and you will give up your rights to sue the School Board about the issues raised in this case.

1. What is this lawsuit about?

In the lawsuit, the Plaintiffs brought claims against the School Board for negligence and breach of implied contract based on the alleged compromise of W-2 tax data as a result of a Data Disclosure which occurred in January 2017.

The School Board denies any wrongdoing and denies all claims asserted against it in the lawsuit.

Both sides have agreed to settle the lawsuit to avoid the cost, delay, and uncertainty of litigation.

You can read Plaintiffs' Complaint, the Settlement Agreement, other case documents, and download a Claim Form at www.AlbertVManateeSettlement.com.

2. Why is this a class action?

In a class action, Plaintiffs (31 in total in the Amended Complaint) sue on behalf of a group (or a "Class") of people. Here, the Class Representatives sued on behalf of people who have similar claims regarding the Data Disclosure.

3. Why is there a Settlement?

To avoid the cost, risk, and delay of litigation, the Parties reached a Settlement Agreement as to Plaintiffs' and the Class' claims.

4. How do I know if I am a part of the Settlement?

For Settlement purposes, the Court has certified a Class consisting of all people who meet the following definition:

All current and former Manatee County School District employees, whose W-2 data was compromised as a result of the data disclosure which occurred on or about January 26, 2017.

5. What relief is available to Class Members, and how do I recover?

To obtain a recovery, you must submit a Claim Form. This is the only way to get a payment.

Class Members who submit a valid and timely Claim Form may be entitled to three potential forms of relief.

- (1) Class Members who, on their own, purchased identity theft protection services in response to an IRS notice of possible identity theft between January 26, 2017, and March 1, 2017, can receive reimbursement for the purchase of up to 12 months of the chosen service, not to exceed \$150. To obtain this reimbursement, Class Members will need to provide documentary proof of the monthly costs incurred.
- (2) The School Board previously made available to Class Members two years of AllClear ID. Those who originally requested and obtained the product from the School Board will automatically receive an additional 12 months of the product. Those Class Members who did not elect to obtain this product previously may now request coverage.
- (3) Class Members can obtain up to three categories of compensation if any are applicable. A \$300,000 Settlement Fund will be created to pay these claims. Qualified Class Members will receive the amounts explained below. However, if the total dollar amount of the claims exceeds the Settlement Fund, Class Members' payments will be reduced pro rata. Settlement Class Members may choose all applicable categories, except that Claim A and Claim B will be mutually exclusive of one another. The four categories are:

Claim A: Settlement Class Members who had a false/fraudulent tax return filed after January 26, 2017, will be eligible for a payment of \$250. Claimants must provide proof of the false tax return being filed and attest that they have no knowledge of a false/fraudulent return being filed in their name in the 3 years prior to 2017.

Claim B: Settlement Class Members who had an IRS tax transcript requested without authorization using their personally identifiable information ("PII") after January 26, 2017, and submitted an Identity Theft Affidavit to the IRS shall be entitled to a payment of \$150. Claimants must provide proof of the tax transcript request and submission of the Identity Theft Affidavit, and attest that they have no knowledge of an IRS tax transcript being fraudulently requested using their PII in the 3 years prior to 2017.

Claim C: Settlement Class Members who experienced incidents of identity theft, other than the filing of a false/fraudulent tax return or unauthorized request for an IRS tax transcript, after January 26, 2017, shall be entitled to a payment of \$150. Excluded from eligibility are incidents of fraudulent charges on existing credit cards. Claimants must provide documentation of the fraudulent activity or a personal attestation of the details of such activity including why documentation is not available. Additionally, Settlement Class Members making a claim under Claim C must attest that they have no knowledge of incidents of identity theft, other than fraudulent credit card activity, in the 3 years prior to 2017.

Claim D: Settlement Class Members who claim they suffered out-of-pocket expenses (other than the purchase of identity theft service) as a result of the Data Disclosure shall be entitled to reimbursement of such in an amount not to exceed \$500. Claimants must submit reasonable documentation supporting the claim for expenses. Settlement Class Members can also submit a self-verifying statement for time spent dealing with the effects of the breach and be reimbursed for up to 3 hours at \$15/hour under this claim. Before recovery under Claim D, Class Member must first submit a claim to AllClear ID and have that claim denied or exhausted and exhaust the appeal process.

You can download the Claim Form at www.AlbertVManateeSettlement.com and mail it to:

Albert v Manatee School Board Claims Administrator
P.O. Box 3240
Portland, OR 97208-3240

You can also get a Claim Form by calling the toll-free number 888-735-9711.

All Claim Forms must be mailed as early as December 24, 2019.

If any money remains in the \$300,000 Settlement Fund or any of its three parts, it will revert to the School Board's insurance carrier.

In addition to the monetary benefits described above, the School Board has agreed to the following injunctive relief for the benefit of all Class Members:

- (a) Awareness Campaign: The School Board will conduct an awareness campaign to educate Settlement Class Members regarding the coverage and claims process for the AllClear ID services. This campaign will include email communications, paper postings in prominent locations in the School Board's facilities, and a posting to the School Board's website. The School Board will instruct the Claims Administrator to include a reference to the School Board's website materials in the initial class mailing.
- (b) Cybersecurity Training for HR Personnel: The School Board's Human Resources and Payroll employees will be required to complete, by the end of 2018, an End User Security Awareness Program that includes a Phishing Security Awareness component. Additionally, all new Human Resources and Payroll employees for the next two years will be required to complete this training within ninety (90) days of hire.
- (c) Company Cybersecurity Program: The School Board will designate an employee or committee of employees to coordinate and be responsible for the School Board's cybersecurity program.
- (d) New Cybersecurity Protocols: The School Board will develop and implement new protocols for (i) the security of any files containing the personal identifying information of employees; and (ii) the electronic transfer of such files. These new protocols shall be implemented no later than May 1, 2018.

6. What am I giving up to receive these benefits?

By staying in the class, all of the Court's orders will apply to you, and you give the School Board a "release." A release means you cannot sue or be part of any other lawsuit against the School Board with respect to the claims or issues in this lawsuit, and you will be bound by the release contained in the Settlement Agreement.

7. How much will the Class Representatives receive?

The Class Representatives will receive their portion of the Settlement as a Class Member and a payment of up to \$150 as an incentive award for having pursued this action. Any incentive payment is subject to Court approval.

8. Do I have a lawyer in this case?

To represent the class, the Court has appointed attorneys with Morgan & Morgan Complex Litigation Group of Tampa, Florida; the Law Office of Jean Sutton Martin PLLC of Wilmington, North Carolina; and Meyer, Brooks, Demma and Blohm, P.A. of Tallahassee, Florida as "Class Counsel." You can contact Class Counsel at 813-275-5272.

Class Counsel will request an award of attorneys' fees, costs and expenses from the Court not to exceed \$75,000 for litigating the case and negotiating the Settlement. Any attorneys' fees, costs, and expense awards are subject to Court approval. You may hire your own attorney, but only at your own expense.

9. I don't want to be part of this case. How do I ask to be excluded?

If you don't want a payment from this Settlement, but you want to keep the right to individually sue the School Board about the issues in this case, then you must take steps to get out of the settlement. This is called excluding yourself, or "opting out," of the Settlement Class. To exclude yourself, you must send a letter by mail that (i) states the Class Member's full name, address, and telephone number; (ii) contains the Class Member's signature or the signature of the person authorized by law to sign on behalf of the Class Member; and (iii) states unequivocally that the Class Member's intent is to be excluded from the Settlement Class, to be excluded from the Settlement, not to participate in the Settlement, and/or to waive all rights to the benefits of the Settlement.

You must mail your exclusion request postmarked no later than July 30, 2018, to Albert v Manatee School Board Claims Administrator, P.O. Box 3240, Portland, OR 97208-3240.

10. How do I object?

Any Settlement Class Member who has not requested to be excluded from the Settlement Class may object to the Settlement. In order to exercise this right, you must submit your objection to the Court and to the Claims Administrator. Your objection must (i) set forth the Settlement Class Member's full name, current address, and telephone number; (ii) contain the Settlement Class Member's original signature or the signature of counsel for the Settlement Class Member; (iii) state that the Settlement Class Member objects to the Settlement, in whole or in part; (iv) set forth a statement of the legal and factual basis for the objection; (v) provide copies of any documents that the Settlement Class Member wishes to submit in support of his/her position; (vi) provide proof that the claimant is in the class; and (vii) provide a list of witnesses he/she intends to bring to the hearing, if any.

Objections must be delivered to the Claims Administrator on or before July 30, 2018.

The Claims Administrator's address is:

Albert v Manatee School Board Claims Administrator
P.O. Box 3240
Portland, OR 97208-3240.

The Fairness Hearing

The Court had scheduled a Final Fairness Hearing for September 13, 2018, at 11:00 a.m. That hearing has been rescheduled for November 19, 2018 at 9:30 a.m. The hearing will take place before Judge Gilbert A. Smith, Jr. at the Manatee County Judicial Center, 1051 Manatee Avenue West, Bradenton, FL 34205, in a Courtroom to be determined. The purpose of the hearing will be for the Court to determine whether the proposed Settlement is fair, reasonable, adequate, and in the best interests of the Class, and to rule on applications for compensation for Class Counsel and incentive awards for the Class Representatives. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed Settlement.

YOU ARE **NOT** REQUIRED TO ATTEND THIS HEARING TO BENEFIT FROM THIS SETTLEMENT. The hearing may be postponed to a later date without notice.

FOR MORE INFORMATION

Additional information and documents, including case documents, are available at www.AlbertVManateeSettlement.com, or you can contact Class Counsel at:

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**PLEASE DO NOT CALL THE COURT, THE JUDGE, OR THE DEFENDANT
WITH QUESTIONS ABOUT THE SETTLEMENT OR CLAIMS PROCESS.**