

LEGAL NOTICE

If your financial institution issued one or more payment cards that was identified as having been at risk as a result of the cyber-attack that Eddie Bauer announced in 2016, it could get a payment from a class action settlement.

A federal court authorized this notice. This is not a solicitation from a lawyer.

A settlement of a lawsuit against Eddie Bauer, LLC (“Eddie Bauer”) has been proposed in which Eddie Bauer has agreed to resolve putative class claims brought by a financial institution, arising from third-party criminal cyber-attacks of Eddie Bauer’s point-of-sale systems, involving malware targeting customers’ payment card information that Eddie Bauer reported in 2016 (the “Cyber Attack”). If your financial institution (“you”) qualifies, you may send in a claim form to get benefits, or you can exclude yourself from the Settlement, or object to it.

The U.S. District Court for the Western District of Washington authorized this notice. Before any money is paid, the Court will have a hearing to decide whether to approve the Settlement.

Who Is Included?

You are a member of the Settlement Class and affected by the settlement if:

- (1) You are a financial institution, bank, credit union, or other entity in the United States (including its Territories and the District of Columbia); and
- (2) You issued one or more payment cards (including debit and credit cards) that was identified as having been at risk as a result of the Cyber Attack in an alert or similar document by Visa, MasterCard, Discover, or JCB. (See the Settlement or Settlement Website for more details as to the payment cards that are included.)

What Is This Case About?

The lawsuit, *Veridian Credit Union v. Eddie Bauer LLC*, No. 2:17-cv-00356 (W.D. Wash.), was filed by a financial institution and alleges that Eddie Bauer is legally responsible for the Cyber Attack. The lawsuit asserts claims for negligence and violation of RCW 19.255.020 and the Washington Consumer Protection Act, RCW 19.86. The lawsuit seeks, among other relief, to recover damages for the expense of payment card reissuance, amounts paid to cover fraudulent payment card charges, and other costs allegedly incurred responding to the Cyber Attack. Eddie Bauer denies any wrongdoing.

What Does the Settlement Provide?

Eddie Bauer has agreed to pay, on a claims-made basis, at least \$1,000,000, and up to \$2,800,000, into an Escrow Account out of which the Settlement Administrator will make payments to eligible Settlement Class Members. A Settlement Class Member, who submits a valid claim, will receive \$2.00 for each eligible

payment card it issued, subject to a pro rata increase if the total value of eligible claims submitted is less than \$1,000,000. Eddie Bauer has agreed to certain injunctive relief and to continue to maintain compliance with the Payment Card Industry Data Security Standards, for which Eddie Bauer has expended, and expects to expend, approximately \$5,000,000. Eddie Bauer also has agreed to pay up to an additional \$2,000,000 to cover the Costs of Settlement Administration, which may include any attorneys’ fees, costs, and expenses and Service Award payments that are approved by the Court.

How Do You Ask for a Payment?

A detailed notice and Claim Form package contains everything you need. Just call the toll-free number or visit the website below to get one. To qualify for a payment, you must send in a Claim Form, which can be submitted electronically or by mail. Claim Forms must be submitted electronically or, if mailed, postmarked by **October 10, 2019**.

What Are Your Other Options?

If you do not want to be legally bound by the Settlement, you must exclude yourself by **September 10, 2019**, or you will not be able to sue, or continue to sue, Eddie Bauer, or any other Defendant’s Released Persons (as defined in the Settlement), for any of the claims resolved by the Settlement. To exclude yourself, you must provide all required information. If you exclude yourself, you cannot get money from this Settlement. If you stay in the Settlement Class, but wish to object, you must do so by **October 4, 2019**. Details for excluding yourself or objecting to the Settlement can be found in the Settlement and on the Settlement Website.

The Court will hold a hearing in this case on **October 25, 2019**, to consider whether to approve the Settlement. At the hearing, the Court will also consider a request by the lawyers representing all Settlement Class Members for attorneys’ fees, costs, and expenses for investigating the facts, litigating the case, and negotiating the Settlement, as well as for a Service Award to the Plaintiff for its time participating in the case. You may ask to appear at the hearing, but you do not have to.

Want More Information?

For more information, call toll free at 888-335-2947 or visit the website at www.EddieBauerDataBreachSettlement.com.