

If Wichita State University (“WSU”) notified you of a December 2019 Data Incident, you may be eligible for a payment from a class action settlement.

A Court authorized this Notice. This is not a solicitation from a lawyer.

- A Settlement has been reached in a proposed class-action lawsuit called *Bahnmaier v. Wichita State University*, Case No. 2:20-cv-02246-JAR-TJJ in the United States District Court for the District of Kansas, concerning a cyber-attack that occurred as a result of criminals accessing the computer systems at Wichita State University (“WSU”) and potentially compromising personal information (“Data Incident”).
- The Data Incident happened between December 3, 2019 and December 5, 2019. WSU was the victim of a cyber-attack in which criminals may have gained unauthorized access to certain student and employee web portals. The Lawsuit alleges that the Data Incident potentially exposed personally identifiable information (“PII”), including names, email addresses, dates of birth, and Social Security Numbers of approximately 443,000 individuals. WSU denies the claims in the lawsuit, including that any personal information was accessed, and says it did not do anything wrong.
- The Settlement includes all Persons who were sent notification by WSU of the Data Incident announced by WSU in March 2020. It specifically excludes: (i) WSU and its officers and directors; (ii) all Settlement Class Members who timely and validly request exclusion from the class; (iii) Judge Julie A. Robinson, who is assigned to evaluate the fairness of this Settlement, and her staff and family; (iv) Magistrate Judge Teresa J. James and her staff and family; and (v) any other person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding or abetting the criminal activity occurrence of the Data Incident or who pleads *nolo contendere* to any such charge.
- The Settlement provides payments, up to \$300 per Person, to people who submit Valid Claims for documented out-of-pocket expenses related to the Data Incident and for up to three hours of time spent dealing with the Data Incident, at \$20 per hour.

Your legal rights are affected even if you do nothing. Read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
Submit a Claim	The only way to get a payment. You must file a Claim by July 12, 2021 .
Ask to Opt-Out of the Settlement	Get no payment. The only option that allows you to sue WSU over the claims resolved by this Settlement. You must request to opt-out of the Settlement by June 10, 2021 .
Object	Write to the Court about why you do not like the Settlement. You must submit an objection by June 10, 2021 .
Do Nothing	Get no payment. Give up rights to sue WSU for the claims in this case.

These rights and options – **and the deadlines to exercise them** – are explained in this Notice.

The Court in charge of this case still has to decide whether to grant final approval of the Settlement. Payments will only be made after the Court grants final approval of the Settlement and after any appeals are resolved.

Questions? Call 1-844-367-8804 or visit www.WichitaStateUniversitySettlement.com

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BASIC INFORMATION

1. Why was this Notice issued?

The Court authorized this Notice because you have a right to know about the proposed settlement in this lawsuit and about all of your options before the Court decides whether to give “final approval” to the Settlement. This Notice explains the legal rights and options that you may exercise before the Court decides whether to approve the Settlement.

The Honorable Julie A. Robinson of the United States District Court for the District of Kansas is overseeing this case. The case is known as *Bahnmaier v. Wichita State University*, Case No. 2:20-cv-02246-JAR-TJJ. The Person who sued is called the Plaintiff. WSU is the Defendant in this case.

2. What is this Lawsuit about?

The lawsuit claims that WSU was responsible for the Data Incident that occurred, and asserts claims such as: negligence, negligence *per se*, breach of implied contract, unjust enrichment and violations of the Kansas consumer protection statutes. The Lawsuit seeks compensation for people who had losses as a result of the Data Incident.

WSU denies all of the Plaintiff’s claims and says it did not do anything wrong.

3. 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 claims. All of these people together are the “class” or “class members.” In this case, the Class Representative is Michael Bahnmaier. One court resolves the issues for all class members, except for those who exclude themselves from the class.

4. Why is there a Settlement?

By agreeing to settle, both sides avoid the cost and risk of a trial, and people who submit timely, Valid Claims will get compensation. The Class Representative and his attorneys believe the Settlement is fair, reasonable, and adequate and, thus, best for the Class and its members. The Settlement does not mean that WSU did anything wrong.

WHO IS IN THE SETTLEMENT?

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

You are included in the Class if you reside in the United States and were notified by WSU in March 2020 of the Data Incident that occurred between December 3, 2019 and December 5, 2019.

The Settlement Class specifically excludes: (i) WSU and its officers and directors; (ii) all Settlement Class Members who timely and validly request exclusion from the class; (iii) Judge Julie A. Robinson, who is assigned to evaluate the fairness of this Settlement, and her staff and family; (iv) Magistrate Judge Teresa J. James and her staff and family; and (v) any other person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding or abetting the criminal activity occurrence of the Data Incident or who pleads *nolo contendere* to any such charge.

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

If you are not sure whether you are included in the Settlement, you may call toll-free **1-844-367-8804** with questions or visit www.WichitaStateUniversitySettlement.com. You may also write with questions to WSU Data Breach Settlement, c/o Claims Administrator, PO Box 70, Warminster, PA 18974-0070. Please do not contact the Court with questions.

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

The Settlement will provide payments to people who submit Valid Claims.

There are two types of payments that are available: (1) Expense Reimbursement (*Question 8*) and (2) Lost Time Reimbursement (*Question 9*). You may submit a Claim for either or both types of payments. The maximum amount of money you may claim is \$300 per Person. In order to claim expense reimbursement, you must provide related documentation with the Claim Form. In order to claim lost time reimbursement, you must (1) attest that any claimed lost time was spent related to the Data Incident; and (2) provide a written description of how the claimed lost time was spent related to the Data Incident.

8. What payments are available for out-of-pocket expense reimbursement?

Class Members are eligible to receive reimbursement of up to \$300 (in total) for the following categories of out-of-pocket expenses resulting from the Data Incident:

1. Unreimbursed bank fees or penalties;
2. Unreimbursed card reissuance fees or penalties;
3. Unreimbursed overdraft fees or penalties;
4. Unreimbursed charges related to unavailability of funds;
5. Unreimbursed late fees or penalties;
6. Unreimbursed over-limit fees or penalties;
7. Long distance telephone charges;
8. Cell minutes (if charged by minute), Internet usage charges (if charged by the minute or by the amount of data usage and incurred solely as a result of the Data Incident), and text messages (if charged by the message and incurred solely as a result of the Data Incident);
9. Unreimbursed charges from banks or credit card companies;
10. Interest on payday loans that were taken out solely as a result of the Data Incident;
11. Costs of credit report(s) purchased by Settlement Class Members between December 3, 2019 and February 10, 2021 (with affirmative statement by the Class Member that it was purchased primarily because of the Data Incident);
12. Costs of credit monitoring and identity theft protection purchased by Settlement Class Members between December 3, 2019 and April 26, 2021 (with affirmative statement by the Class Member that it was purchased primarily because of the Data Incident and not for other purposes, and with proof of purchase); and
13. Other losses incurred by Class Members determined to be traceable to the Data Incident by the Claims Administrator.

Questions? Call 1-844-367-8804 or visit www.WichitaStateUniversitySettlement.com

9. What payments are available for lost time reimbursement?

Class Members are also eligible to receive up to three hours for time spent dealing with issues resulting from the Data Incident.

- Time spent dealing with issues resulting from the Data Incident is calculated at the rate of \$20 per hour.
- You can only claim lost time if at least one full hour was spent dealing with issues resulting from the Data Incident, and you must both attest to the time spent and describe how the time was spent on the Claim Form.
- Lost time claims can be combined with reimbursement for out-of-pocket expenses and are subject to the same \$300 maximum reimbursement per Person.

More details are provided in the Amended Settlement Agreement (“Settlement Agreement”), which is available at www.WichitaStateUniversitySettlement.com.

HOW TO GET BENEFITS

10. How do I get benefits?

If you want to get money from this Settlement, you must complete and submit a Claim Form online or by mail, postmarked, no later than **July 12, 2021** to:

WSU Data Breach Settlement
c/o Claims Administrator
PO Box 70
Warminster, PA 18974-0070

Please read the instructions carefully. You must include reasonable documentation for any out-of-pocket expenses and charges incurred. If you cannot provide documentation, you must provide a statement explaining why you cannot provide documentation.

You can get a Claim Form online at www.WichitaStateUniversitySettlement.com, or you may request one by mail by calling **1-844-367-8804**.

11. How will Claims be decided?

The Claims Administrator will initially decide whether the information provided on a Claim Form is complete and valid. The Claims Administrator may require additional information from any claimant. If the required information is not provided timely, the Claim will be considered invalid and will not be paid.

If the Claim is complete and the Claims Administrator denies the claim entirely or partially, the Claimant will be provided an opportunity to have their Claim reviewed by an impartial claims referee.

REMAINING IN THE SETTLEMENT

12. Do I need to do anything to remain in the Settlement?

You do not have to do anything to remain in the Settlement, but if you want a payment you must submit a Claim Form either online or via mail, postmarked by **July 12, 2021**. See *Question 10* for instructions on filing a Claim.

Questions? Call 1-844-367-8804 or visit www.WichitaStateUniversitySettlement.com

13. What am I giving up as part of the Settlement?

If the Settlement becomes Final, you will give up your right to sue WSU for the claims being resolved by this Settlement. The specific claims you are giving up against WSU are identified in Section 1.17 and described in Section 6 of the Settlement Agreement. You will be “releasing” WSU as described in Section 6 of the Settlement Agreement. The Settlement Agreement is available at www.WichitaStateUniversitySettlement.com.

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the law firms listed in *Question 17* for free or you can, of course, talk to your own lawyer at your own expense if you have questions about what this means.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment from this Settlement, but you want to keep the right to sue WSU over issues in this case, then you must take steps to opt-out of the Class. This is called excluding yourself from the Class or sometimes it is referred to as “opting out” of the Class.

14. If I opt-out of the Settlement can I get a payment from this Settlement?

No. If you opt-out, you will not be entitled to any benefits of the Settlement, but you will not be bound by any judgment in this case.

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

No. Unless you opt-out, you give up any right to sue WSU for the claims that this Settlement resolves. You must opt-out of the Class to start your own lawsuit or to be part of any different lawsuit relating to the claims in this case. If you opt-out, do not submit a Claim Form to ask for a payment.

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

To opt-out of the Settlement, send a letter that says you want to opt-out of the Settlement in *Bahnmaier v. Wichita State University*, Case No. 2:20-cv-02246-JAR-TJJ. You must include your name, address, and signature. You must mail your opt-out request so that it is postmarked by **June 10, 2021**, to:

WSU Data Breach Settlement
c/o Claims Administrator
PO Box 70
Warminster, PA 18974-0070

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in this case?

Yes. The Court appointed Federman & Sherwood as “Class Counsel” to represent you and all Class Members. 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.

18. How will the lawyers be paid?

For litigating the case and negotiating the Settlement, Class Counsel will request the Court’s approval of an award for attorneys’ fees and reasonable costs and expenses of no more than \$325,000. Class Counsel will also request approval of a service award of \$1,500 to be given to the Class Representative. Any amount that the Court awards for attorneys’ fees, expenses, and a service award to the Class Representative will be paid separately by WSU and will not reduce the amount of payments to Class Members who submit

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Valid Claims.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the Settlement or some part of it.

19. How do I tell the Court that I do not like the Settlement?

You can object to the Settlement if you do not like it or some part of it. The Court will consider your views. To do so, you must file a written objection in this case, *Bahnmaier v. Wichita State University*, Case No. 2:20-cv-02246-JAR-TJJ, with the Clerk of the Court at the address below.

Your objection must include all the following information:

1. your full name, address, telephone number, and e-mail address (if any);
2. information identifying you as a Class Member, including proof that you are a member of the class (e.g., copy of settlement notice, copy of original notice of the Data Incident);
3. a written statement of all grounds for your objection, accompanied by any legal support for the objection you believe is applicable;
4. the identity of any and all counsel representing you in connection with the objection;
5. a statement whether you and/or your counsel will appear at the Final Fairness Hearing;
6. your signature and the signature of your duly authorized attorney representing you in connection with the objection or other duly authorized representative (along with documentation setting forth such representation); and
7. a list, by case name, court, and docket number, of all other cases in which you and/or your counsel have filed an objection to any proposed class action settlement within the last three (3) years.

To be timely, your objection must be **postmarked** to the Clerk of the Court for the United States District Court for the District of Kansas no later than **June 10, 2021**. In addition, you must **mail** a copy of your objection to both Class Counsel and Defense Counsel, postmarked no later than **June 10, 2021**:

COURT	DEFENSE COUNSEL	CLASS COUNSEL
Clerk of the Court 500 State Ave. Kansas City, KS 66101	Casie D. Collignon Baker & Hostetler, LLP, 1801 California Street, Suite 4400 Denver, CO 80202-2662	William B. Federman Federman & Sherwood 10205 N. Pennsylvania Ave. Oklahoma City, OK 73120

20. What is the difference between objecting and opting out?

Objecting is telling the Court that you do not like the settlement and why you do not think it should be approved. You can object only if you do not opt-out of the Class. Opting out of the settlement is telling the Court that you do not want to be part of the class. If you opt-out, you have no basis to object because the case no longer affects you.

THE COURT'S FINAL FAIRNESS HEARING

The Court will hold a hearing to decide whether to grant final approval of the Settlement.

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

The Court will hold a Final Fairness Hearing at 2:00 p.m. on **July 27, 2021**, at the United States District Court for the District of Kansas located at 500 State Ave., Kansas City, KS 66101. The hearing may be

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moved to a different date or time without additional notice, so it is a good idea to check www.WichitaStateUniversitySettlement.com or call **1-844-367-8804**. The hearing may also be held via zoom or telephonically. Instructions on how to appear at the Final Fairness Hearing will be posted on the settlement website, located at www.WichitaStateUniversitySettlement.com or you can call **1-844-367-8804**.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are timely objections, the Court will consider them and will listen to people who have asked to speak at the hearing if such a request has been properly made. The Court will also rule on the request for an award of attorneys' fees and expenses, as well as the request for a service award for the Class Representative. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

22. Do I have to attend the hearing?

No. Class Counsel will present the Settlement Agreement to the Court. You or your own lawyer are welcome to attend at your expense, but you are not required to do so.

If you send an objection, you do not have to come to the Court to talk about it. As long as you filed your written objection on time with the Court and mailed it according to the instructions provided in *Question 19*, the Court will consider it. If, however, you would also like to attend and speak at the hearing, you must state your intention to do so as part of your objection, as discussed in *Question 19*.

IF YOU DO NOTHING

23. What happens if I do nothing?

If you do nothing, you will get no benefits from this Settlement. Unless you opt-out of the Settlement after the Settlement is granted final approval and the Judgment becomes Final, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against WSU about the legal issues in this case, ever again.

GETTING MORE INFORMATION

24. How do I get more information?

This Notice summarizes the proposed settlement. More details are in the Settlement Agreement.

You can get a copy of the Settlement Agreement at www.WichitaStateUniversitySettlement.com.

You may also write with questions to:

WSU Data Breach Settlement
c/o Claims Administrator
PO Box 70
Warminster, PA 18974-0070

You can also get a Claim Form and further information at the website, or by calling the toll-free number, **1-844-367-8804**.

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

Questions? Call **1-844-367-8804** or visit www.WichitaStateUniversitySettlement.com