

## LEGAL NOTICE

# If you used a credit or debit card at certain Earl Enterprises restaurants between May 2018 and March 2019, you may be eligible to receive benefits from a class action settlement.

A Settlement has been reached with Earl Enterprises Holdings, Inc. (“Earl Enterprises”) in a class action lawsuit arising out of a data security incident reported by Earl Enterprises in March 2019, wherein certain of Earl Enterprises restaurants were the target of third-party criminal attacks involving malware variants that targeted customers’ payment card information, from on or about May 23, 2018 through March 18, 2019 (the “Data Incident”). The Data Incident potentially resulted in unauthorized access to customer payment card data, such as credit and debit card numbers, expiration dates, and, in some cases, cardholder names (“Personal Information”). The Settlement includes all persons residing in the United States who made a credit or debit card purchase at any affected Earl Enterprises restaurant during the period of the Data Incident. Affected restaurants include certain locations of Buca di Beppo, Planet Hollywood, Earl of Sandwich, Chicken Guy, Tequila Taqueria, and Mixology 101. For a list of the specific affected Earl Enterprises restaurants and the exposure window of the Data Incident for each affected location, go to [www.EarlSettlement.com](http://www.EarlSettlement.com). The Settlement provides compensation to Class Members who submit valid claims for reimbursement of up to \$5,000 for certain documented out-of-pocket expenses and lost time that were incurred as a result of the Data Incident, or two (2) restaurant promotional cards valued at \$10.00 each.

The Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida, authorized this notice in the case, known as *Hymes, et al v. Earl Enterprises Holdings, Inc.*, Case No. 2021-CA-007617-O.

Go to [www.EarlSettlement.com](http://www.EarlSettlement.com) for detailed information about the Settlement, including a list of affected Earl Enterprises restaurants and the exposure dates for each affected location.

### **WHAT IS THIS ABOUT?**

The lawsuit claims that Earl Enterprises was responsible for the Data Incident. Earl Enterprises denies all of the claims and says it did not do anything wrong. The Court did not decide in favor of either side. Instead, both sides agreed to a settlement. This Settlement is not an admission of wrongdoing or an indication that any law was violated, and no Court has made such a determination.

### **WHO IS INCLUDED?**

You are included in the Settlement if you reside in the United States and made a credit or debit card purchase at any affected Earl Enterprises restaurant during the period of the Data Incident (“Settlement Class Members”).

### **WHAT DOES THE SETTLEMENT PROVIDE?**

The Settlement provides two types of relief to people who submit valid claims. You may submit a claim for either:

- (1) Reimbursement of up to \$5,000 for certain documented unreimbursed out-of-pocket expenses and lost time (up to 4 hours at \$20/hour) that resulted from the Data Incident and that were incurred prior to September 4, 2020; or,
- (2) Compensation in the form of two (2) restaurant promotional cards valued at \$10.00 each for non-documented losses and material time taking action to deal with the repercussions of the Data Incident prior to September 4, 2020.

Earl Enterprises will also pay Court-awarded attorneys’ fees, costs and expenses of up to \$195,000 and service awards of up to \$2,500 each to the Representative Plaintiffs.

### **HOW DO YOU GET A PAYMENT OR PROMOTIONAL CARDS?**

To get a payment or promotional cards, you must submit a Claim Form by **Friday, January 5, 2024**. Claim Forms are available at [www.EarlSettlement.com](http://www.EarlSettlement.com) or by calling 1-844-976-1987.

### **WHAT ARE YOUR OPTIONS?**

If you do not want to be legally bound by the Settlement, you must exclude yourself from it by **Friday, January 5, 2024**, or you will not be able to sue, or continue to sue, Earl Enterprises about the legal claims this Settlement resolves. If you exclude yourself, you cannot get a payment or promotional cards from the Settlement.

If you stay in the Settlement Class, you can tell the Court that you do not agree with the Settlement or some part of it by objecting to it by **Friday, January 5, 2024**.

The Long Notice available at [www.EarlSettlement.com](http://www.EarlSettlement.com) explains how to exclude yourself or object and describes the released claims in detail.

## **WHO REPRESENTS YOU?**

The Court appointed John A. Yanchunis and Ryan J. McGee, of Morgan & Morgan Complex Litigation Group, Matthew M. Guiney and Carl Malmstrom of Wolf Haldenstein Adler Freeman & Herz, LLP, Mark Reich and Courtney Maccarone of Levi & Korsinsky, LLP, and Gayle M. Blatt of Casey Gerry Schenk Francavilla Blatt & Penfield, LLP, as Class Counsel to represent the Settlement Class. Class Counsel will ask the Court for an award for attorneys' fees, costs, and expenses of up to \$195,000, and service awards of up to \$2,500 each for the Representative Plaintiffs Saul Hymes, Ilana Harwayne-Gidansky, Edgar Fierro, and Joan Lewis. If you want to be represented by your own lawyer, you may hire one at your own expense.

## **WHEN WILL THE SETTLEMENT BE APPROVED?**

The Court will hold a hearing on Monday, February 12, 2024, at 9:30 AM to consider whether to approve the Settlement, and Class Counsel's request for attorneys' fees, costs and expenses, and service awards. You or your own lawyer may ask to appear and speak at the hearing at your own cost, but you do not have to.

## **WANT MORE INFORMATION?**

Visit [www.EarlSettlement.com](http://www.EarlSettlement.com) or call 1-844-976-1987.