

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Johnson et al. v. KYB Americas Corporation

Case No. 49D01-2508-CE-038312

Indiana Commercial Court in the Marion County Superior Court

**IF YOUR INFORMATION WAS POTENTIALLY IMPACTED IN THE
FEBRUARY 2025 KYB AMERICAS CORPORATION DATA SECURITY INCIDENT,
YOU MAY BE ELIGIBLE FOR BENEFITS FROM A CLASS ACTION SETTLEMENT.**

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

You are not being sued.

Please read this Notice carefully and completely.

- A Settlement has been reached with KYB Americas Corporation (“KYB” or “Defendant”) in a class action lawsuit. This case is about the targeted data security incident on KYB's computer systems that occurred in February 2025 (the “Data Security Incident”). Certain files that contained personal information were potentially accessed.
- The lawsuit is called *Johnson et al. v. KYB Americas Corporation*, Case No. 49D01-2508-CE-038312. It is pending in the Indiana Commercial Court in the Marion County Superior Court (the “Litigation”).
- KYB denies that it did anything wrong, and the Court has not decided who is right.
- The parties have agreed to settle the lawsuit (the “Settlement”) to avoid the costs and risks, disruptions, and uncertainties of continuing the Litigation.
- KYB's records indicate that you are a Class Member, and entitled to benefits under the Settlement. You may have received a previous notice directly from KYB.
- Your rights are affected whether you act or don't act. ***Please read this Notice carefully and completely.***

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
SUBMIT A CLAIM	The only way to receive benefits or payments from this Settlement is by submitting a valid and timely Claim Form. The fastest way to submit your Claim Form is online at www.KYBDataSettlement.com. If you prefer, you can download the Claim Form from the Settlement Website and mail it to the Settlement Administrator. You may also call or email the Settlement Administrator to receive a paper copy of the Claim Form.	August 26, 2026
OPT OUT OF THE SETTLEMENT	You can choose to opt out of the Settlement and receive no benefit or payment. This option allows you to sue, continue to sue, or be part of another lawsuit against the Defendants related to the legal claims resolved by this Settlement. You can hire your own lawyer at your own expense.	July 27, 2026
OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING	If you do not opt out of the Settlement, you may object to it by writing to the Court about why you don't like the Settlement. You may also ask the Court for permission to speak about your objection at the Final Approval Hearing. If you object, you may also file a claim for Settlement benefits.	July 27, 2026
DO NOTHING	Unless you opt out of the Settlement, you are automatically part of the Settlement. If you do nothing, you will not receive benefits or payments from this Settlement and you will give up the right to sue, continue to sue, or be part of another lawsuit against the Defendant related to the legal claims resolved by this Settlement.	No Deadline

- 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 approve the Settlement.

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Basic Information

1. Why was this Notice issued?

The Indiana Commercial Court in the Marion County Superior Court authorized this Notice. You have a right to know about the proposed Settlement of this class action lawsuit, and about all of your options, before the Court decides whether to grant final approval of the Settlement. This Notice explains the lawsuit, your legal rights, what benefits are available, and who can receive them.

The lawsuit is called *Johnson et al. v. KYB Americas Corporation*, Case No. 49D01-2508-CE-038312. It is pending in the Indiana Commercial Court in the Marion County Superior Court. The person that filed this lawsuit is called the “Plaintiff” (or “Class Representative”) and the company they sued, KYB Americas Corporation, is called the “Defendant.”

2. What is this lawsuit about?

This lawsuit alleges that during the February 2025 targeted data security incident on KYB’s computer systems, certain files that contained personal information were potentially accessed.

3. What is a class action?

In a class action, one or more individuals sue on behalf of other people with similar claims. These individuals are called the “Plaintiffs” or “Class Representatives.” Together, the people included in the class action are called a “Class” or “Class Members.” One court resolves the lawsuit for all Class Members, except for those who opt out from the settlement. In this Settlement, the Class Representative is Brad Johnson. Everyone included in this Action are the Class Members.

4. Why is there a Settlement?

The Court did not decide whether the Plaintiff or the Defendant are right. Both sides have agreed to a Settlement to avoid the costs and risks of a trial, and to allow the Class Members to receive benefits from the Settlement. The Plaintiff and their attorney think the Settlement is best for all Class Members.

Who is in the Settlement?

5. Who is included in the Settlement?

The court has defined the Class this way: “All individuals residing in the United States whose Personal Information was compromised in the Data Security Incident discovered by KYB in February 2025, including those individuals who received notice of the breach.”

6. Are there exceptions to being included?

Yes. Excluded from the Class are: (1) KYB and its officers, directors, and related companies; (2) anyone who validly excludes themselves from the Settlement; (3) the Judge in this case, and the Judge’s family and staff; and (4) anyone who perpetrated the Data Security Incident.

If you are not sure whether you are a Class Member, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: info@KYBDataSettlement.com
- Call toll free, 24/7: (833) 285-3418
- By mail: KYB Data Security Incident Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799

You may also view the Settlement Agreement at www.KYBDataSettlement.com.

The Settlement Benefits

7. What does the Settlement provide?

KYB has agreed to pay for a number of different benefits. All Settlement Class Members may claim three years of **Credit Monitoring Services**, and one or more of the following **cash payment** options:

OPTION A: Select one or more of the following benefits:

- Ordinary Losses (out-of-pocket expenses)
- Extraordinary Losses (losses from identity theft or fraud)
- Compensation for Lost Time

OR

OPTION B: Alternative Cash Payment

- Receive a one-time \$75.00 cash payment

There is an aggregate cap of \$250,000.00 on these cash payment options. This means that if the total value of benefits claimed is over \$250,000.00, everyone’s payments will be reduced pro rata so that they add up to \$250,000.00.

A full description of how this works is available in Settlement Agreement, at www.KYBDataSettlement.com.

CREDIT MONITORING SERVICES. All Class Members are eligible to enroll in three years of CyEx Financial Shield Complete. This comprehensive service comes with \$1 million of financial fraud insurance, and includes monitoring for:

- fraud or identity theft
- unauthorized financial transactions
- personal information associated with high-risk transactions

If anything suspicious happens, you will be able to talk to a fraud resolution agent to help fix any problems.

CASH PAYMENT OPTIONS

Ordinary Losses (out-of-pocket expenses). If you incurred actual, documented out-of-pocket expenses due to the Data Security Incident, you can get back up to **\$300.00**. The losses must have occurred between February 11, 2025, and August 26, 2026.

This benefit covers out-of-pocket expenses like:

- fees for credit reports, credit monitoring, or freezing and unfreezing your credit
- cost to replace your IDs
- postage to contact banks by mail

Ordinary Losses must be attested to and supported by documentation substantiating the full extent of the amount claimed. Documentation supporting the claim can include receipts or other documentation not “self-prepared” by the claimant that document the costs incurred. “Self-prepared” documents such as handwritten receipts are, by themselves, insufficient to receive reimbursement, but can be considered to add clarity or support other submitted documentation. Settlement Class Members shall not be reimbursed for Ordinary Losses if they have already been reimbursed for the same Ordinary Loss by another source or third party. Your documentation or notes should show that your expenses were because of the Data Incident.

Extraordinary Losses (losses from identity theft or fraud). If you lost money because of identity theft or fraud, you can get back up to **\$5,000.00**.

You will need to show that:

- the theft or fraud was probably caused by the Data Security Incident
- the losses are not already covered by **Out-of-Pocket Expenses**
- you tried to prevent the loss or get your money back, such as by using insurance you already have

The losses must have occurred between February 11, 2025, and August 26, 2026.

Extraordinary Losses must be attested to and supported by documentation substantiating the full extent of the amount claimed. Documentation supporting the claim can include receipts or other documentation not “self-prepared” by the claimant that document the costs incurred. “Self-prepared” documents such as handwritten receipts are, by themselves, insufficient to receive reimbursement, but can be considered to add clarity or support other submitted documentation. Settlement Class Members shall not be reimbursed for Extraordinary Losses if they have already been reimbursed for the same Extraordinary Loss by another source or third party. Your documentation or notes should show that your expenses were because of the Data Incident.

Compensation for Lost Time. Class Members who spent time responding to the Data Security Incident may claim up to four hours, at \$25.00 per hour, for a maximum of **\$100.00**.

You must have spent the time on tasks related to the Data Security Incident. Some examples include things like:

- changing your passwords
- investigating suspicious activity in your accounts
- researching the Data Security Incident

You must briefly describe how you spent this time.

-OR-

Alternative Cash Payment. Instead of the benefits in Option A, you may claim a one-time cash payment. This payment is expected to be **\$75.00**, but may be larger or smaller depending on the total claims filed. You do not have to provide any proof or explanation to claim this payment.

If you have questions about these benefits, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: info@KYBDataSettlement.com
- Call toll free, 24/7: (833) 285-3418
- By mail: KYB Data Security Incident Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799

8. What claims am I releasing if I stay in the Class?

If you stay in the class, you won't be able to be part of any other lawsuit against KYB about the issues that this Settlement covers. The "Releases" section of the Settlement Agreement (Section IX) describes the legal claims that you give up if you remain in the Class. The Settlement Agreement is available at www.KYBDataSettlement.com.

Submitting a Claim Form for a Settlement Payment

9. How do I submit a claim for a Settlement benefit?

The fastest way to submit your Claim Form is online at www.KYBDataSettlement.com. If you prefer, you can download a printable Claim Form from the website and mail it to the Settlement Administrator at:

KYB Data Security Incident Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799

You may also contact the Settlement Administrator to request a Claim Form by telephone, toll free, (833) 285-3418, by email info@KYBDataSettlement.com, or by U.S. mail at the address above.

10. Are there any important Settlement payment deadlines?

If you are submitting a Claim Form online, you must do so by **August 26, 2026**. If you are submitting a claim by U.S. mail, the completed and signed Claim Form, including supporting documentation, must be postmarked no later than **August 26, 2026**.

11. When will the Settlement benefits be issued?

The Court will hold a final approval hearing on September 25, 2026 at 11:15 a.m. Eastern Time, via WebEx. (**see Question 18**). If the Court approves the Settlement, there may be appeals. We do not know if appeals will be filed, or how long it will take to resolve them if they are filed.

Settlement payments will be distributed if the Court grants final approval, and after any appeals are resolved.

The Lawyers Representing You

12. Do I have a lawyer in the case?

Yes, the Court has appointed attorney Leigh S. Montgomery of Ellzey, Kherkher, Sanford & Montgomery, LLP, to represent you and other Class Members ("Class Counsel").

13. Should I get my own lawyer?

You will not be charged for Class Counsel's services. If you want your own lawyer, you may hire one at your expense.

14. How will Class Counsel be paid?

Class Counsel will ask the court to approve \$127,500.00 as reasonable attorney's fees and costs of litigation. This amount will be paid by KYB.

Class Counsel will also ask for a Service Award Payment of \$2,500.00 for the Class Representative. The Service Award Payment will also be paid by KYB.

Excluding Yourself from the Settlement

15. How do I opt out of the Settlement?

If you do not want to be part of the Settlement, you must formally exclude yourself from the Settlement. This is called a Request for Exclusion, and is sometimes also called "opting out." If you opt out, you will not receive Settlement benefits or payment. However, you will keep any rights you may have to sue KYB on your own about the legal issues in this case.

If you exclude yourself, you are telling the Court that you do not want to be part of the Settlement. You will not be eligible to receive any Settlement benefits if you exclude yourself.

The deadline to exclude yourself from the Settlement is **July 27, 2026**.

To be valid, your Request for Exclusion must have the following information:

- (1) the name of the Litigation: *Johnson et al. v. KYB Americas Corporation*, Case No. 49D01-2508-CE-038312, pending in the Indiana Commercial Court in the Marion County Superior Court;
- (2) your full name, mailing address, telephone number, and email address;
- (3) personal signature; and
- (4) the words “Request for Exclusion” or a clear and similar statement that you do not want to participate in the Settlement.

You may only exclude yourself—not any other person.

Mail your Request for Exclusion to the Settlement Administrator at:

KYB Data Security Incident Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799

Your Request for Exclusion must be submitted, postmarked, or emailed by **July 27, 2026**.

Commenting on or Objecting to the Settlement

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

If you are a Class Member and do not like part or all of the Settlement, you can object to it. Objecting means telling the Court your reasons for why you think the Court should not approve the Settlement. The Court will consider your views.

You cannot object if you have excluded yourself from the Settlement (**see Question 15**)

You must provide the following information for the Court to consider your objection:

- (1) the name of the Litigation: *Johnson et al. v. KYB Americas Corporation*, Case No. 49D01-2508-CE-038312, pending in the Indiana Commercial Court in the Marion County Superior Court;
- (2) your full name, mailing address, telephone number, and email address;
- (3) a clear description of all the reasons you object; include any legal support, such as documents, you may have for your objection;
- (4) if you have hired your own lawyer to represent you for this objection, provide their name, bar number, and contact information;
- (5) if you or your lawyer have objected in any other cases in the past three years, list the names, courts, and civil action numbers for each of those cases;
- (6) whether or not you or your lawyer would like to speak at the Final Approval Hearing;
- (7) your signature (or, if you have hired your own lawyer, your lawyer’s signature).

For your objection to be valid, it must meet each of these requirements.

To be considered by the Court, you must file your complete objection with the Clerk of Court by **July 27, 2026**. You must also send a copy of the objection to the Settlement Administrator.

Clerk of the Court	Settlement Administrator
Clerk of the Court 675 Justice Way Indianapolis, IN 46203	KYB Data Security Incident Settlement c/o Settlement Administrator P.O. Box 25226 Santa Ana, CA 92799

17. What is the difference between objecting and excluding?

Objecting is telling the Court that you do not 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 opting out and stating to the Court that you do not want to be part of the Settlement. If you opt out of the Settlement, you cannot object to it because the Settlement no longer affects you.

The Court's Final Approval Hearing

18. When is the Court's Final Approval Hearing?

The Court will hold a final approval hearing on **September 25, 2026 at 11:15 a.m. Eastern Time**, via WebEx.

At the final approval hearing, the Court will decide whether to approve the Settlement. The court will also decide how Class Counsel should be paid, and whether to award a Service Award Payment to the Class Representative. The Court will also consider any objections to the Settlement.

If you are a Class Member, you or your lawyer may ask permission to speak at the hearing at your own cost (**See Question 16**).

The date and time of this hearing may change without further notice. Please check www.KYBDataSettlement.com for updates.

19. Do I have to come to the Final Approval Hearing?

No. Class Counsel will answer any questions the Court may have. You may attend at your own expense if you wish, but you do not have to.

If you file an objection, you do not have to come to the Final Approval Hearing to talk about it; the Court will consider it as long as it was filed on time. You may also pay your own lawyer to attend, but you do not have to.

If I Do Nothing

20. What happens if I do nothing at all?

If you do nothing, you will not receive a benefit from this Settlement.

You will also give up the rights described in **Question 8**.

Getting More Information

21. How do I get more information?

This Notice is a summary of the proposed Settlement. The full Settlement Agreement and other related documents are available at the Settlement Website, www.KYBDataSettlement.com.

If you have additional questions, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: info@KYBDataSettlement.com
- Call toll free, 24/7: (833) 285-3418
- By mail: KYB Data Security Incident Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799

You can obtain copies of publicly filed documents by visiting the office of the Clerk of the Court, 675 Justice Way, Indianapolis, IN 46203.

DO NOT CONTACT THE COURT OR CLERK OF COURT REGARDING THIS SETTLEMENT