

**UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA**

**If you were notified by mail of the Data Incident impacting Bosley, Inc. in 2020, you may be eligible for a class action settlement payment.**

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

*Si desea recibir esta notificación en español, llámenos al 1-888-281-3953.*

- A Settlement has been reached in a class action lawsuit about a data incident that occurred in August 2020 (the “Data Incident”), which potentially exposed the personal information of Bosley, Inc. (“Bosley”) customers and employees.
- The cyber criminals responsible for the Data Incident uploaded a virus onto Bosley’s systems, encrypting Bosley’s data, including personal information of certain Bosley customers and employees. The potentially compromised personal information included Social Security numbers, driver’s license numbers, financial account information, medical information and/or health insurance information. Subsequently, lawsuits were filed against Bosley, alleging that it did not take appropriate care to protect its customers and employees from the Data Incident.
- The Settlement includes all persons residing in the United States whose personally identifiable information (PII) was potentially compromised in the Data Incident first announced by Bosley on or about January 26, 2021, including but not limited to all such persons who were residing in the State of California at the time of the Data Incident.
- The Settlement provides payments to people who submit valid claims for out-of-pocket expenses and lost time that were incurred and plausibly arose as a result of the Data Incident, and for other extraordinary unreimbursed monetary losses and lost time. In addition, California residents are eligible for a California statutory damages award of up to \$50.
- This Settlement also provides free access to Financial Shield Services ("Financial Shield") for a period of 2 years following enrollment without the need to submit a claim. Enrollment in Financial Shield must be completed within 90 days of the Settlement Effective Date. Please visit [www.BosleySettlement.com](http://www.BosleySettlement.com) for further details regarding enrollment.

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

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>Submit a Claim</b>	The only way to get a payment. You must submit a claim by <b>July 7, 2022.</b>
<b>Ask to be Excluded</b>	Get no payment. The only option that allows you to sue Bosley over the claims resolved by this Settlement. You must exclude yourself by <b>June 7, 2022.</b>
<b>Object</b>	Write to the Court about why you do not like the Settlement. You must object by <b>June 7, 2022.</b>
<b>Do Nothing</b>	Get no payment. Give up rights.

- 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 1-888-281-3953 or visit [www.BosleySettlement.com](http://www.BosleySettlement.com)**

## WHAT THE NOTICE CONTAINS

<b>BASIC INFORMATION</b> .....	<b>Page 3</b>
1. Why was this Notice issued?	
2. What is this lawsuit about?	
3. Why is this lawsuit a class action?	
4. Why is there a Settlement?	
<b>WHO IS IN THE SETTLEMENT?</b> .....	<b>Page 3-4</b>
5. How do I know if I am included in the Settlement?	
6. What if I am not sure whether I am included in the Settlement?	
<b>THE SETTLEMENT BENEFITS</b> .....	<b>Page 4-5</b>
7. What does the Settlement provide?	
8. What payments are available for Ordinary Expense Reimbursement?	
9. What payments are available for Extraordinary Expense Reimbursement?	
<b>HOW TO GET BENEFITS</b> .....	<b>Page 5</b>
10. How do I get benefits?	
11. How will claims be decided?	
<b>REMAINING IN THE SETTLEMENT</b> .....	<b>Page 5-6</b>
12. Do I need to do anything to remain in the Settlement?	
13. What am I giving up as part of the Settlement?	
<b>EXCLUDING YOURSELF FROM THE SETTLEMENT</b> .....	<b>Page 6</b>
14. If I exclude myself, can I get a payment from this Settlement?	
15. If I do not exclude myself, can I sue Bosley for the same thing later?	
16. How do I exclude myself from the Settlement?	
<b>THE LAWYERS REPRESENTING YOU</b> .....	<b>Page 6-7</b>
17. Do I have a lawyer in this case?	
18. How will the lawyers be paid?	
<b>OBJECTING TO THE SETTLEMENT</b> .....	<b>Page 7</b>
19. How do I tell the Court that I do not like the Settlement?	
20. What is the difference between objecting and asking to be excluded?	
<b>THE COURT’S FAIRNESS HEARING</b> .....	<b>Page 8</b>
21. When and where will the Court decide whether to approve the Settlement?	
22. Do I have to attend the hearing?	
23. May I speak at the hearing?	
<b>IF YOU DO NOTHING</b> .....	<b>Page 8</b>
24. What happens if I do nothing?	
<b>GETTING MORE INFORMATION</b> .....	<b>Page 8</b>
25. How do I get more information?	

## 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 class action 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.

Judge Philip S. Gutierrez of the United States District Court for the Central District of California is overseeing this case. The case is known as *Hashemi, et. al. v. Bosley, Inc.*, Case No. 21-cv-00946-PSG (RAOx). The persons who sued are called the Plaintiffs. Bosley is called the Defendant.

### 2. What is this lawsuit about?

The lawsuit claims that Bosley was responsible for the Data Incident and asserts claims such as: negligence, breach of confidence, violation of California’s Unfair Competition Law, violation of the California Consumer Privacy Act, breach of implied contract, violation of the California Confidentiality of Medical Information Act, violation of the California Customer Records Act, violation of the Florida Deceptive and Unfair Trade Practices Act, violation of New York General Business Law § 349, intrusion into private affairs / invasion of privacy, and declaratory Judgment. The lawsuit seeks compensation for people who experienced unreimbursed, documented out-of-pocket expenses, fraudulent charges, and/or lost time spent dealing with the aftermath / clean-up of the Data Incident; or unreimbursed, documented extraordinary monetary losses as a result of the Data Incident.

Bosley denies all of the Plaintiffs’ claims and maintains that it did not do anything wrong.

### 3. Why is this lawsuit a class action?

In a class action, one or more people called “Representative Plaintiffs” 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 Representative Plaintiffs are Ken Hashemi, Steve Altes, Sandra Johnson-Foster, Gregory Boute, Rafael Artime, and John Bowden. In addition, Steve Altes is representing a subclass of California residents whose personal information was potentially compromised in the Data Incident. 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 valid claims will get compensation. The Representative Plaintiffs and their attorneys believe the Settlement is fair, reasonable, and adequate and, thus, best for the Class and its members. The Settlement does NOT mean that Bosley 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 Settlement Class if you were notified by mail of the Data Incident in 2021, and you were a person residing in the United States whose personally identifiable information (PII) was potentially compromised in the Data Incident. Members of the Settlement Class who were residing in the State of California at the time of the Data Incident are also included in the California Settlement Subclass.

Specifically excluded from the Settlement Class and California Settlement Subclass are: (i) Bosley and Bosley’s parents, subsidiaries, affiliates, officers and directors, and any entity in which Bosley has a controlling interest; (ii) all individuals who make a timely election to be excluded from this proceeding using the correct protocol for opting out; (iii) any and all federal, state, or local governments, including but not limited to their departments, agencies, divisions, bureaus, boards, sections, groups, counsels and/or subdivisions; (iv) banks and other entities that issued payment cards which were utilized at Bosley during the Data Incident; (v) the attorneys representing

Questions? Call 1-888-281-3953 or visit [www.BosleySettlement.com](http://www.BosleySettlement.com)

any of the parties in the lawsuit; (vi) all judges assigned to hear any aspect of the lawsuit, as well as their immediate family members; and (vii) any person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding or abetting 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 **1-888-281-3953** with questions, email [BosleySettlement@cptgroup.com](mailto:BosleySettlement@cptgroup.com), or visit **www.BosleySettlement.com**. You may also write with questions to Bosley Settlement, c/o CPT Group Inc., 50 Corporate Park, Irvine, CA 92606. 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 general payments that are available:

- (1) Ordinary Expense Reimbursement (Question 8) and
- (2) Extraordinary Expense Reimbursement (Question 9).

You may submit a claim for either or both types of payments. You must also provide proof of your class membership in the form of either (1) the unique CPT ID and Passcode provided in the notice you received by postcard or e-mail; or (2) name and one of the following: (a) physical address you provided to Bosley for hair restoration services, employment, or inquiries for the same or (b) e-mail address provided to Bosley for hair restoration services, employment, or inquiries for the same. If you provide a bill or payment card statement as part of required proof for any part of your claim, you may redact unrelated transactions and all but the first four and last four digits of any account number. In order to claim each type of payment, you must provide related documentation with the Claim Form, and the expense for which you are submitting a claim form cannot have been reimbursed through any other source.

In addition, California residents who are members of the California Settlement Subclass are eligible for a California statutory damages award of up to \$50.

Finally, as part of the Settlement, Bosley has agreed to implement and/or maintain certain data security measures. More details are provided in the Settlement Agreement, which is available at **www.BosleySettlement.com**.

#### **8. What payments are available for Ordinary Expense Reimbursement?**

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

- Cost to obtain credit reports;
- Fees relating to a credit freeze;
- Card replacement fees;
- Late fees;
- Overlimit fees;
- Interest on payday loans taken as a result of the Data Incident;
- Other bank or credit card fees;
- Postage, mileage, and other incidental expenses resulting from lack of access to an existing account;
- Costs associated with credit monitoring or identity theft insurance purchased prior to the Claims Deadline, if purchased primarily as a result of the Data Incident; and

**Questions? Call 1-888-281-3953 or visit [www.BosleySettlement.com](http://www.BosleySettlement.com)**

- up to four (4) hours of unreimbursed attested lost time (at \$20 per hour) spent monitoring accounts, reversing fraudulent charges, or otherwise dealing with the aftermath / clean-up of the Data Incident (only if at least one full hour was spent and the Class Member provides a description of the activities performed during the time claimed as reflected in the Claim Form).

## **9. What payments are available for Extraordinary Expense Reimbursement?**

Class Members who had other extraordinary unreimbursed fraudulent charges or out-of-pocket losses and/or lost time incurred as a result of, or in resolving issues and losses caused by, the Data Incident, are eligible to make a claim for reimbursement of up to \$5,000 per Class Member. As part of the claim, the Class Member must plausibly show that:

- (1) it is an actual, documented, and unreimbursed monetary loss;
- (2) the loss was caused by the Data Incident;
- (3) the loss occurred during the time period from August 17, 2020 through and including the end of the Claims Deadline;
- (4) the loss is not already covered by one or more of the categories in Question 8 or reimbursed through any other source; and
- (5) a reasonable effort was made to avoid or seek reimbursement for the loss (including exhaustion of all available credit monitoring insurance and identity theft insurance).

Class Members who had documented extraordinary unreimbursed expenses may also make a claim for up to four (4) hours of unreimbursed attested lost time (at \$20 per hour) spent monitoring accounts, reversing fraudulent charges, or otherwise dealing with the aftermath / clean-up of the Data Incident (only if at least one full hour was spent and the Class Member provides a description of the activities performed during the time claimed as reflected in the Claim Form).

More details are provided in the Settlement Agreement, which is available at [www.BosleySettlement.com](http://www.BosleySettlement.com).

## **HOW TO GET BENEFITS**

### **10. How do I get benefits?**

To ask for a payment, you must complete and submit a Claim Form. Claim Forms are available at [www.BosleySettlement.com](http://www.BosleySettlement.com), or you may request one by mail by calling **1-888-281-3953** or emailing [BosleySettlement@cptgroup.com](mailto:BosleySettlement@cptgroup.com). Read the instructions carefully, fill out the Claim Form, and mail it postmarked no later than **July 7, 2022** to:

Bosley Settlement  
c/o CPT Group Inc.  
50 Corporate Park  
Irvine, CA 92606

### **11. How will claims be decided?**

The Claims Administrator will 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.

## **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 postmarked by **July 7, 2022**.

Questions? Call 1-888-281-3953 or visit [www.BosleySettlement.com](http://www.BosleySettlement.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 for the claims being resolved by this Settlement. The specific claims you are giving up are described in Section 1.24 of the Settlement Agreement. You will be “releasing” Bosley and all related people or entities as described in Section 6 of the Settlement Agreement. The Settlement Agreement is available at [www.BosleySettlement.com](http://www.BosleySettlement.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 Bosley about issues in this case, then you must take steps to get out of the Settlement Class. This is called excluding yourself from – or is sometimes referred to as “opting out” of – the Settlement Class.

### **14. If I exclude myself, can I get a payment from this Settlement?**

No. If you exclude yourself, 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 exclude myself, can I sue Bosley for the same thing later?**

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

### **16. How do I exclude myself from the Settlement?**

To exclude yourself, send a letter that says you want to be excluded from the Settlement in *Hashemi, et. al. v. Bosley, Inc. et. al.*, Case No. 21-cv-00946-PSG (RAOx). Include your name, address, and signature. You must mail your Exclusion Request postmarked by **June 7, 2022**, to:

Bosley Settlement  
c/o CPT Group Inc.  
50 Corporate Park  
Irvine, CA 92606

## **THE LAWYERS REPRESENTING YOU**

### **17. Do I have a lawyer in this case?**

Yes. The Court appointed the following lawyers as “Class Counsel”: M. Anderson Berry of Clayeo C. Arnold, 865 Howe Avenue, Sacramento, CA 95825, (916) 777-7777; Jeffrey S. Goldenberg of Goldenberg Schneider, LPA, 4445 Lake Forest Drive, Suite 490, Cincinnati, OH 45242, (513) 345-8297; David K. Lietz of Milberg Coleman Bryson Phillips Grossman, PLLC, 5335 Wisconsin Avenue NW, Suite 440, Washington, D.C. 20015-2052, (866) 252-0878; and Charles E. Schaffer of Levin Sedran & Berman, LLP, 510 Walnut Street, Suite 500, Philadelphia, PA 19106, (215) 592-1500.

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?**

Class Counsel will request the Court’s approval of an award for attorneys’ fees and reasonable costs and expenses of up to \$262,500. Class Counsel will also request approval of an incentive award of \$1,250 for each of the Representative Plaintiffs. Any amount that the Court awards for attorneys’ fees, costs, expenses, and an incentive award will be paid separately by Bosley and will not reduce the amount of payments to Class Members who submit 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, *Hashemi, et. al. v. Bosley, Inc.*, Case No. 21-cv-00946-PSG (RAOx), with the Clerk of the Court at the address below.

Your objection must include all of the following:

- your full name, address, telephone number, and e-mail address (if any);
- information identifying you as a Settlement Class Member, including proof that you are a member of the Settlement Class, which is described in response to Question 5;
- a written statement of all grounds for the objection, accompanied by any legal support for the objection that you believe is applicable;
- the identity of all counsel representing you, if any, in connection with your objection;
- a statement confirming whether you intend to personally appear and/or testify at the Final Fairness Hearing;
- your signature or the signature of your duly authorized attorney or other duly authorized representative;

To be timely, your objection must be **filed** with the Clerk of the Court for the United States District Court for the Central District of California no later than **June 7, 2022**.

In addition, you must **mail** a copy of your objection to both Class Counsel and Defense Counsel, postmarked no later than **June 7, 2022**:

COURT	CLASS COUNSEL	DEFENSE COUNSEL
Office of the Clerk U.S. District Court for the Central District of California 350 West First Street Los Angeles, CA 90012	M. Anderson Berry Clayo C. Arnold 865 Howe Avenue Sacramento, CA 95825	Teresa C. Chow Baker & Hostetler LLP 11601 Wilshire Blvd. Suite 1400 Los Angeles, CA 90025

**20. What is the difference between objecting and asking to be excluded?**

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 exclude yourself from the Class. Excluding yourself is telling the Court that you do not want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

## THE COURT'S 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 Fairness Hearing at **1:30 p.m.**, on **August 5, 2022**, at the United States District Court for the Central District of California located at 350 West First Street, Courtroom 6A, Los Angeles, CA 90012 (or by Zoom if the Court so orders). The hearing may be moved to a different date or time without additional notice, so it is a good idea to check **www.BosleySettlement.com** or call **1-888-281-3953**. 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 reasonable costs and expenses, as well as the request for an incentive award for each of the Representative Plaintiffs. 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.

### 23. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must file an objection according to the instructions in Question 19, including all the information required therein. Your Objection must be **filed** with the Clerk of the Court for the United States District Court for the Central District of California by mailing it postmarked no later than **June 7, 2022**. In addition, you must **mail** a copy of your objection to both Class Counsel and Defense Counsel listed in Question 19, postmarked no later than **June 7, 2022**.

## IF YOU DO NOTHING

### 24. What happens if I do nothing?

If you do nothing, you will get no benefits from this Settlement. Unless you exclude yourself, 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 Bosley about the legal issues in this case, ever again.

## GETTING MORE INFORMATION

### 25. How do I get more information?

This Notice summarizes the proposed Settlement. More details are in a Settlement Agreement. You can get a copy of the Settlement Agreement at **www.BosleySettlement.com**. You may also write with questions to **BosleySettlement@cptgroup.com**. You can also get a Claim Form at the website, or by calling the toll-free number, **1-888-281-3953**.