

**NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT**

**If You Received Notice of a Data Incident Involving  
Brightline, You May Be Eligible For Benefits  
From A Class Action Settlement.**

*This is not a solicitation from a lawyer, junk mail, or an advertisement.  
A Court authorized this Notice.*

- A proposed Settlement in the amount of \$7,000,000.00 has been reached in a class action lawsuit known as *Terrance Rosa et al. v. Brightline, Inc.*, Case No. 24-md-03090-RAR, S.D. Fla. (“Action”).
- The Action alleges that on or about January 30, 2023, unauthorized individuals accessed computer software utilized by Brightline that contained Private Information of approximately one million individuals that was in the custody and control of Brightline (“Data Incident”). Brightline maintains that it has defenses to the Action, and that it was prepared to vigorously defend the lawsuit.
- The Settlement Class includes: All living individuals residing in the United States who received notice that their Private Information may have been impacted in the Data Incident.
- The Settlement Class also includes a subclass of individuals that were residing in California as of January 30, 2023.
- All Settlement Class Members may elect to receive a Cash Payment, California Statutory Award (if applicable), and Credit Monitoring, as set forth below:

**Cash Payment A or Cash Payment B:** All Settlement Class Members may select either Cash Payment A or Cash Payment B. Any Settlement Class Member who submits a Valid Claim may elect to receive Cash Payment A in the form of cash compensation up to \$5,000.00 by providing reasonable documented losses related to the Data Incident (“Cash Payment A”); *or* Cash Payment B in the form of a flat cash payment in the amount of \$100.00 (“Cash Payment B”).

**California Statutory Award:** In addition to Cash Payment A *or* Cash Payment B, all California Settlement Subclass Members may also elect to receive the California Statutory Award in the amount of \$100.00.

**Credit Monitoring:** In addition to Cash Payment A *or* Cash Payment B and the California Statutory Award (if applicable), all Settlement Class Members may also make a Claim for three years of free Credit Monitoring, or one additional year of credit monitoring for Settlement Class Members who elected to receive two free years offered by Brightline.

All Settlement Class Member Benefits may be subject to a *pro rata* increase or decrease depending upon how many Settlement Class Members make Valid Claims and the total amount of the Cash Payments, California Statutory Awards, and Credit Monitoring claimed.

Cash Payments will be made via electronic transfer or by paper check out of the Net Settlement Fund. The Net Settlement Fund is the Settlement Fund after payment of Settlement Administration Costs, attorneys’ fees to Class Counsel of up to 33.33% of the Settlement Fund, and reimbursement of costs to Class Counsel.

**Your legal rights are affected regardless of whether you do or do not act.  
Read this Notice carefully.**

**Questions? Go to [www.BrightlineDataSecuritySettlement.com](http://www.BrightlineDataSecuritySettlement.com) or call 1-888-884-1369**

## YOUR LEGAL RIGHTS & OPTIONS IN THIS SETTLEMENT

<b>Submit a Claim Form</b>	<b>You must submit a Valid Claim Form to get a Cash Payment, California Statutory Award (if applicable) and Credit Monitoring from this Settlement.</b> Claim Forms must be submitted online or mailed and postmarked no later than <b>February 26, 2025</b> .
<b>Do Nothing</b>	If you do nothing, you remain in the Settlement. You also give up your rights to sue Brightline or any of the other Released Parties, including those that directly or indirectly provided your Private Information to Brightline, and you will not get any of the Settlement Class Member Benefits (cash compensation or offer and credit monitoring).
<b>Opt-Out of the Settlement</b>	<b>Get out of the Settlement. Get no Cash Payment, California Statutory Award (if applicable), or Credit Monitoring. Keep your rights.</b> This is the only option that allows you to keep your right to sue Brightline or any one of its Customers for the claims being released in the Settlement. You will not get any money or benefits from the Settlement. Your request to opt-out must be mailed and postmarked no later than <b>January 9, 2025</b> .
<b>File an Objection</b>	Stay in the Settlement, but tell the Court why you think the Settlement should not be approved. Objections must be filed with the Court no later than <b>January 9, 2025</b> , and sent by U.S. Mail to Class Counsel, Defendant’s Counsel and the Settlement Administrator.
<b>Go to a Hearing</b>	You can ask to speak in Court about the fairness of the Settlement, at your own expense. <i>See</i> Question 18 for more details. The Final Approval Hearing is scheduled for <b>February 10, 2025, at 10:00 a.m. ET</b> .

**Questions? Go to [www.BrightlineDataSecuritySettlement.com](http://www.BrightlineDataSecuritySettlement.com) or call 1-888-884-1369**

## BASIC INFORMATION

### 1. How do I know if I am affected by the Action and Settlement?

You are a Settlement Class member if you are an individual residing in the United States who was sent a notice of the Brightline Data Incident indicating your Private Information may have been impacted in the Data Incident.

You are also a California Settlement Subclass Member if you are a Settlement Class member residing in California as of January 30, 2023.

The Settlement Class specifically excludes: (a) all persons who are employees, directors, officers, and agents of Brightline, or their respective subsidiaries and affiliated companies; (b) governmental entities; and (c) the Judge assigned to the Action, that Judge's immediate family, and Court staff.

### 2. What is this case about?

This case is known as *Rosa et al. v. Brightline, Inc.*, Case No. 24-md-03090-RAR, currently pending in the United States District Court Southern District of Florida. The Persons who sued are called the "Plaintiffs" or "Class Representatives" and the company they sued, Brightline, Inc., is known as the "Defendant" in this case.

Plaintiffs filed a lawsuit against Defendant, individually, and on behalf of all others whose Private Information was potentially impacted as a result of the Data Incident.

The Action alleges that on or about January 30, 2023, there was unauthorized access to or acquisition of the Private Information of Plaintiffs and approximately one million individuals as a result of unauthorized access to the Fortra GoAnywhere MFT application that Brightline used.

Defendant denies all claims asserted against it in the Action and denies all allegations of wrongdoing and liability.

### 3. Why is there a Settlement?

The Parties agreed to settle the Action and all claims arising out of or related to the allegations or subject matter of the Complaint for the purpose of avoiding the burden, expense, risk, and uncertainty of continuing to litigate the Action. The Plaintiffs and their attorneys believe the proposed Settlement is fair, reasonable, and adequate and in the best interest of the Settlement Class. The Court did not decide in favor of the Plaintiffs or Defendant. Full details about the proposed Settlement are found in the Settlement Agreement available at [www.BrightlineDataSecuritySettlement.com](http://www.BrightlineDataSecuritySettlement.com).

### 4. Why is this 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 "Settlement Class" or "Settlement Class Members."

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

You are included in the Settlement Class if you are an individual residing in the United States and received notice about the Brightline Data Incident indicating your Private Information may have been impacted in the Data Incident.

**Questions? Go to [www.BrightlineDataSecuritySettlement.com](http://www.BrightlineDataSecuritySettlement.com) or call 1-888-884-1369**

You are also a California Settlement Subclass Member if you were residing in California as of January 30, 2023.

If you are not sure whether you are included as a Settlement Class Member, or have any other questions about the Settlement, visit [www.BrightlineDataSecuritySettlement.com](http://www.BrightlineDataSecuritySettlement.com), call toll free 1-888-884-1369, or write to *Brightline Data Security Incident Settlement*, c/o Settlement Administrator, PO Box 4867, Portland, OR 97208-4867.

## THE SETTLEMENT BENEFITS

### 6. What does this Settlement provide?

The proposed Settlement will provide the following benefits to Settlement Class Members:

#### **Cash Payment A**

Settlement Class Members may submit a Claim for a Cash Payment under this section for up to \$5,000.00 per Settlement Class Member upon presentment of reasonable documented losses related to the Data Incident. To receive a documented loss payment, a Settlement Class Member must elect Cash Payment A on the Claim Form attesting under penalty of perjury to incurring documented losses. Settlement Class Members will be required to submit reasonable documentation supporting the losses. Settlement Class Members will not be reimbursed for expenses if they have been reimbursed for the same expenses by another source, including compensation provided in connection with the credit monitoring and identity theft protection product offered as part of the notification letter provided by Brightline or otherwise. If a Settlement Class Member does not submit reasonable documentation supporting a loss, or if their Claim is invalid as determined by the Settlement Administrator, and the Settlement Class Member does not cure their Claim, the Claim will be denied and the Settlement Class Member's Claim for Cash Payment A will instead be processed as if they elected Cash Payment B.

For submitting reasonable documentation, it is important for you to send documents that show what happened and how much you lost or spent, so that you can be reimbursed. Examples of costs related to the incident may include receipts, notices, or account statements reflecting payment for credit monitoring services or a credit freeze/unfreeze.

If you have costs, expenses, and losses due to identity theft, fraud, or misuse of your personal information you believe is traceable to the Data Incident, please submit those documents as well. Examples include: account statement with unauthorized charges circled, police report, IRS document, FTC Identity Theft Report, letter refusing to refund fraudulent charges, and receipt for your credit.

Other expenses such as notary, fax, postage, copying, mileage, long-distance telephone charges, or professional fees related to the Data Incident can be reimbursed. Examples include phone bills, receipts, detailed list of addresses you traveled (i.e. police station, IRS office), reason why you traveled there (i.e. police report or letter from IRS re: falsified tax return) and number of miles you traveled.

#### **Cash Payment B**

Instead of selecting Cash Payment A, a Settlement Class Member may elect to receive Cash Payment B, which is a flat Cash Payment in the amount of \$100.00.

#### **California Statutory Award**

In addition to Cash Payment A or Cash Payment B, California Settlement Subclass Members who submit a Valid Claim may also make a Claim for the California Statutory Award in the amount of \$100.00.

**Questions? Go to [www.BrightlineDataSecuritySettlement.com](http://www.BrightlineDataSecuritySettlement.com) or call 1-888-884-1369**

## **Credit Monitoring Claims**

In addition to Cash Payment A or Cash Payment B and the California Statutory Claim Payment (if applicable), Settlement Class Members may also make a Claim for up to three years of free Credit Monitoring, or one additional year if a Settlement Class Member already accepted Brightline's offer of two years.

Settlement Class Member Benefits may be subject to a *pro rata* increase or decrease depending upon how many Settlement Class Members submit Valid Claims and the value of all Settlement Class Member Benefits claimed.

### **7. How do I submit a Claim Form?**

You must submit a Claim online at the Settlement Website ([www.BrightlineDataSecuritySettlement.com](http://www.BrightlineDataSecuritySettlement.com)) or send a hard copy Claim Form to the Settlement Administrator at the following address: *Brightline Data Security Incident Settlement*, PO Box 4867, Portland, OR 97208-4867. All Claim Forms will be reviewed by the Settlement Administrator for completeness and validity. Claim Forms must be postmarked or submitted online no later than **February 26, 2025**. For more information, please visit [www.BrightlineDataSecuritySettlement.com](http://www.BrightlineDataSecuritySettlement.com), or you can call the Settlement Administrator at 1-888-884-1369 for a Claim Form.

### **8. What am I giving up as part of the Settlement?**

If you stay in the Settlement Class, you will be eligible to receive the Settlement Class Member Benefits outlined herein provided you submit a Valid Claim, but you will not be able to sue Brightline, nor their past, present, or future direct or indirect heirs, assigns, associates, corporations, investors, owners, parents, subsidiaries, affiliates, divisions, officers, directors, shareholders, members, agents, employees, attorneys, insurers, reinsurers, benefit plans, predecessors, successors, managers, administrators, executors, or trustees; nor will you be able to sue Brightline or Brightline's Customers' past, present, or future direct or indirect heirs, assigns, associates, corporations, investors, owners, parents, subsidiaries, affiliates, divisions, officers, directors, shareholders, members, agents, employees, attorneys, insurers, reinsurers, benefit plans, predecessors, successors, managers, administrators, executors, or trustees ("Released Parties") regarding claims relating to the Data Incident.

Please note that companies other than Brightline similarly experienced data incidents relating to the GoAnywhere MFT application at or around the same time as the Data Incident. By remaining in the Settlement Class, you will not be releasing any claims relating to any such other entities. For the avoidance of doubt, Brightline's Customers are not released from any claims related to their own independent use of the Fortra GoAnywhere Transfer application and are only being released from claims which relate to Brightline's use of the Fortra GoAnywhere Transfer application.

The Settlement Agreement, which includes all provisions about Released Claims and Released Parties, is available at [www.BrightlineDataSecuritySettlement.com](http://www.BrightlineDataSecuritySettlement.com).

The only way to keep the right to sue the Released Parties for claims arising from the Data Incident is to opt-out of the Settlement (*see* Question 10), otherwise you will be included in the Settlement Class and, if the Settlement is approved, you give up the right to sue for these claims.

**Questions? Go to [www.BrightlineDataSecuritySettlement.com](http://www.BrightlineDataSecuritySettlement.com) or call 1-888-884-1369**

## EXCLUDE YOURSELF OR OPTING-OUT OF THE SETTLEMENT

### 9. How do I opt-out of the Settlement?

If you do not want to be included in the Settlement, you must “opt-out.” A Settlement Class Member may opt-out of the Settlement Class at any time during the Opt-Out Period by mailing a request to opt-out to the Settlement Administrator postmarked no later than the last day of the Opt-Out Period. The opt-out request must be personally signed by the Settlement Class Member and contain the requestor’s name, address, telephone number, and email address (if any), and include a statement indicating a request to opt-out of the Settlement Class. Any Settlement Class Member who does not timely and validly request to opt-out shall be bound by the terms of this Agreement even if that Settlement Class Member does not submit a Valid Claim.

Your written Request to Opt-Out must be postmarked no later than **January 9, 2025**, to:

*Brightline Data Security Incident Settlement*  
c/o Settlement Administrator  
PO Box 4867  
Portland, OR 97208-4867

Instructions on how to submit a request to opt-out are available at [www.BrightlineDataSecuritySettlement.com](http://www.BrightlineDataSecuritySettlement.com) or from the Settlement Administrator by calling 1-888-884-1369.

If you opt-out, you will not be able to receive any of the Settlement Class Member Benefits, and you cannot object to the Settlement at the Final Approval Hearing. You will not be legally bound by anything that happens in the Action, and you will keep your right to sue Brightline and / or its Customers on your own for the claims that this Settlement resolves.

### 10. If I do not opt-out, can I sue later?

No. If you do not opt-out of the Settlement, and the Settlement is approved by the Court, you forever give up the right to sue the Released Parties (listed in Question 8) for the claims this Settlement resolves and you will be bound by any judgment or orders issued by the Court.

### 11. What happens if I do nothing at all?

If you do nothing, you will be bound by the Settlement and any judgment or orders if the Court approves it, you will not get any money or reimbursement from the Settlement, you will not be able to start or proceed with a lawsuit against the Released Parties arising from the Data Incident, or be part of any other lawsuit against the Released Parties (listed in Question 8) related to the settled claims in this case at any time.

## THE LAWYERS REPRESENTING YOU

### 12. Do I have a lawyer in the case?

Yes. The Court has appointed Jeff Ostrow of Kopelowitz Ostrow P.A, John Yanchunis of Morgan & Morgan P.A., James Cecchi of Carrella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C., and Mason Barney of Siri & Glimstad LLP (called “Class Counsel”) to represent the interests of all Settlement Class Members in this Action. 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.

**Questions? Go to [www.BrightlineDataSecuritySettlement.com](http://www.BrightlineDataSecuritySettlement.com) or call 1-888-884-1369**

### 13. How will the lawyers be paid?

Class Counsel will file an Application for Attorneys' Fees and Costs with the Court. The attorneys' fees will not exceed 33.33% of the total \$7,000,000.00 Settlement Fund. Class Counsel will also request the payment of reasonable costs incurred in prosecuting the Action. A copy of Class Counsel's Application for Attorneys' Fees and Costs will be filed with the Court no later than 45 days before the initial scheduled Final Approval Hearing. A copy will be posted on this Settlement Website, [www.BrightlineDataSecuritySettlement.com](http://www.BrightlineDataSecuritySettlement.com), before the Final Approval Hearing, and the Court will make the final decision as to the amounts to be paid to Class Counsel and may award less than the amount requested.

## OBJECTING TO THE SETTLEMENT

### 14. If I do not like the Settlement, how do I tell the Court?

If you want to tell the Court that you do not agree with the proposed Settlement or some part of it, you must file an Objection with the Court and serve it on Class Counsel, Brightline's Counsel, and the Settlement Administrator by **January 9, 2025** (the last day of the "Objection Period"), stating why you do not think the Settlement should be approved.

To be valid, each Objection must set forth the following:

- a. the objector's full name, mailing address, telephone number, and email address (if any);
- b. all grounds for the objection, accompanied by any legal support for the objection known to the objector or objector's counsel;
- c. the number of times the objector has objected to a class action settlement within the 5 years preceding the date that the objector files the objection, the caption of each case in which the objector has made such objection, and a copy of any orders related to or ruling upon the objector's prior objections that were issued by the trial and appellate courts in each listed case;
- d. the identity of all counsel who represent the objector, including any former or current counsel who may be entitled to compensation for any reason related to the objection to the Settlement and/or Application for Attorneys' Fees, Costs, and Service Awards;
- e. the number of times in which the objector's counsel and/or counsel's law firm have objected to a class action settlement within the 5 years preceding the date of the filed objection, the caption of each case in which counsel or the firm has made such objection and a copy of any orders related to or ruling upon counsel's or the counsel's law firm's prior objections that were issued by the trial and appellate courts in each listed case in which the objector's counsel and/or counsel's law firm have objected to a class action settlement within the preceding 5 years;
- f. the identity of all counsel (if any) representing the objector, and whether they will appear at the Final Approval Hearing;
- g. a list of all persons who will be called to testify at the Final Approval Hearing in support of the objection (if any);
- h. a statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing; and
- i. the objector's signature (an attorney's signature is not sufficient).  
Class Counsel and/or Defendant's Counsel may conduct limited discovery on any objector or objector's counsel.

**Questions? Go to [www.BrightlineDataSecuritySettlement.com](http://www.BrightlineDataSecuritySettlement.com) or call 1-888-884-1369**

Your objection must be filed with the Clerk of Court by **January 9, 2025** (the last day of the “Objection Period”) and must also include the case name and docket number *Rosa et al. v. Brightline, Inc.*, Case No. 24-md-03090-RAR (“Action”). The address of the Clerk of Court is as follows:

Office of District Court Southern District of Florida Clerk  
 Wilkie D. Ferguson, Jr. U.S. Courthouse  
 400 North Miami Avenue  
 Miami, FL 33128

In addition, you must concurrently mail or hand deliver a copy of your objection to Class Counsel, Brightline’s Counsel and the Settlement Administrator, mailed and postmarked no later than **January 9, 2025**.

CLASS COUNSEL	BRIGHTLINE’S COUNSEL
<p style="text-align: center;">Jeff Ostrow                      Kopelowitz Ostrow P.A.                      One West Las Olas Blvd., Suite 500                      Fort Lauderdale, Florida 33301                      ostrow@kolawyers.com</p> <p style="text-align: center;">John A. Yanchnis                      Morgan &amp; Morgan                      201 N. Franklin St., 7th Floor,                      Tampa, FL 33602                      jyanchunis@forthepeople.com</p> <p style="text-align: center;">James E. Cecchi                      Carella, Byrne, Cecchi, Brody &amp; Angello, P.C.                      5 Becker Farm Rd.                      Roseland, NJ 07068                      jcecchi@carellabyrne.com</p> <p style="text-align: center;">Mason A. Barney                      Siri &amp; Glimstad LLP                      745 Fifth Ave., Suite 500                      New York, NY 10151                      mbarney@sirillp.com</p>	<p style="text-align: center;">Phyllis B. Sumner                      Elizabeth D. Adler                      Charles G. Spalding, Jr.                      King &amp; Spalding, LLP                      1180 Peachtree Street NE                      Suite 1600                      Atlanta, GA 30309                      eadler@kslaw.com                      cspalding@kslaw.com</p>
<p><b>SETTLEMENT ADMINISTRATOR</b>  <i>Brightline Data Security Incident Settlement</i>                      PO Box 4867                      Portland, OR 97208-4867</p>	

If you do not submit your objection with all requirements, or if your objection is not timely submitted by **January 9, 2025**, you will be considered to have waived all objections and will not be entitled to speak at the Final Approval Hearing.

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

Objecting is simply telling the Court that you don’t like something about the Settlement. You can object only if you stay in the Settlement Class. Opting-out is telling the Court that you don’t want to be part of the Settlement Class. If you opt-out you have no basis to object because the Settlement no longer affects you.

**QUESTIONS? GO TO [WWW.BRIGHTLINE DATASECURITYSETTLEMENT.COM](http://WWW.BRIGHTLINE DATASECURITYSETTLEMENT.COM) OR CALL 1-888-884-1369**

## THE FINAL APPROVAL HEARING

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

The Court will hold the Final Approval Hearing on **February 10, 2025, at 10:00 a.m. ET** in Courtroom 11-2, of the United States District Court District for the Southern District of Florida, Wilkie D. Ferguson, Jr. United States Courthouse, 400 N. Miami Avenue, Miami, FL 33128. The hearing may be moved to a different date, time, or location, or may be held virtually, without additional notice, so it is recommended that you periodically check the website for updated information.

At the hearing, the Court will consider whether the proposed Settlement is fair, reasonable, adequate, and in the best interests of the Settlement Class Members, and if it should be Finally approved. If there are valid objections, the Court will consider them and will listen to people who have asked to speak at the hearing if the request was made properly. The Court will also consider the attorneys' fees and costs requested to be paid to Class Counsel.

### 17. Do I have to come to the hearing?

No. You are not required to come to the Final Approval Hearing. However, you are welcome to attend the hearing at your own expense.

If you submit an objection, you do not have to come to the hearing to talk about it. If your objection was submitted properly and on time, the Court will consider it. You also may pay your own lawyer to attend the Final Approval Hearing, but that is not necessary. However, you must follow the requirements for making objections in Question 15, including the requirements for making appearances at the hearing.

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

Yes. You can speak at the Final Approval Hearing, but you must ask the Court for permission. To request permission to speak, you must file an objection according to the instructions in Question 15, including all the information required for you to make an appearance at the hearing. You cannot speak at the hearing if you opt-out from the Settlement.

## GET MORE INFORMATION

### 19. How do I get more information about the Settlement?

This is only a summary of the proposed Settlement. If you want additional information about this Action, including a copy of the Settlement Agreement, the Complaint, the Court's Preliminary Approval Order, Class Counsel's Application for Attorneys' Fees and Costs when available, and more, please visit the Settlement Website, [www.BrightlineDataSecuritySettlement.com](http://www.BrightlineDataSecuritySettlement.com), or call 1-888-884-1369. You may also contact the Settlement Administrator at *Brightline Data Security Incident Settlement*, PO Box 4867, Portland, OR 97208-4867.

**PLEASE DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR ACTION TO THE CLERK OF THE COURT, THE JUDGE, DEFENDANT, OR BRIGHTLINE'S COUNSEL.**

**Questions? Go to [www.BrightlineDataSecuritySettlement.com](http://www.BrightlineDataSecuritySettlement.com) or call 1-888-884-1369**