

You may be entitled to benefits from a class action settlement, including credit monitoring and cash reimbursement.

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

- A class action settlement has been reached in a lawsuit against Mediant Communications Inc., arising out of an April 2019 Data Security Incident that may have resulted in the exposure of your personal information. If you received a Notice regarding the Settlement or you were previously mailed a notification that your personal information may have been impacted in the Data Security Incident, you are eligible to submit a Claim. The easiest way to submit a Claim is online at www.MediantSettlement.com.
- Under the terms of the settlement, Settlement Class Members can recover the following benefits:
 - **Credit Monitoring Services:** Settlement Class Members are automatically eligible for two years of free Credit Monitoring Services without the need to submit a Claim. You can access this benefit by providing your email address and Unique ID at www.MediantSettlement.com/CreditMonitor and you will be sent enrollment instructions after the Settlement is finalized. Note: Your Unique ID is located on the front of the postcard notice that was sent to Settlement Class Members via U.S. Mail. If you received a postcard notice, you can also write your email address on the credit monitoring form included with the notice and return the prepaid postcard via the U.S. Postal Service. If you lost or do not know your Unique ID, you may contact the Settlement Administrator at info@MediantSettlement.com.
 - **Reimbursement for Out-of-Pocket Losses.** If you have documentation showing that you spent money or incurred losses as a result of the Data Security Incident, including time taken off work, you may be eligible for reimbursement up to \$10,000.
 - **Reimbursement for Lost Time.** If you lost time as a result of the Data Security Incident, you may be eligible for reimbursement up to \$160. You can submit a Claim for up to 3 hours of lost time at \$20 per hour by providing a brief written description of how the claimed time was spent. You can recover an additional 5 hours of lost time at \$20 per hour by submitting reasonable supporting documentation of the time spent.

Your legal rights are affected whether or not you act. Please read this Notice carefully.

Your Legal Rights and Options		Deadline
SUBMIT A CLAIM FORM TO OBTAIN CASH BENEFITS	You must submit a Claim form by mail or online in order to receive reimbursement for Out-of-Pocket Losses and/or Lost Time.	November 21, 2022
OBTAIN CREDIT MONITORING	Settlement Class Members are automatically entitled to two years of free Credit Monitoring Services. Please provide your email address and Unique ID at www.MediantSettlement.com/CreditMonitor . If you received a postcard notice, you can also write your email address on the credit monitoring form included with the notice and return the prepaid postcard via the U.S. Postal Service. You do not need to submit a Claim form to receive this benefit.	November 21, 2022
EXCLUDE YOURSELF	Get no Settlement benefits. Keep your right to sue or continue to sue the Defendant for the Claims released by the Settlement. You cannot request to exclude yourself and still object.	October 3, 2022

Questions? Go to www.MediantSettlement.com or call 1-888-490-0774

OBJECT	Tell the Court why you do not like the Settlement. You will still be bound by the Settlement if the Court approves it. You may still file a Claim Form and/or receive Credit Monitoring Services.	October 3, 2022
DO NOTHING	Get no Settlement benefits. Be bound by the Settlement.	

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this case must still decide whether to approve the Settlement and the requested attorneys’ fees and expenses. No Settlement benefits or payments will be provided unless the Court approves the Settlement and it becomes final.

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Questions? Go to www.MediantSettlement.com or call 1-888-490-0774

BASIC INFORMATION

1. Why is this Notice being provided?

A Federal Court authorized this Notice because you have the right to know how the proposed Settlement of this class action lawsuit may affect your rights. This Notice explains the nature of the Litigation, the general terms of the proposed settlement, and what it may mean to you. This Notice also explains the ways you may participate in, or exclude yourself from, the Settlement.

The Honorable Gregory H. Woods of the United States District Court for the Southern District of New York is overseeing this class action. The case is known as *Toretto et al. v. Donnelley Financial Solutions, Inc. et. al.*, Case No. 1:20-cv-02667-GHW (the Litigation). The people who filed this lawsuit are called the “Plaintiffs” or “Class Representatives” and the settling company they sued, Mediant Communications Inc., is called “Mediant” or the “Defendant.”

2. What is this lawsuit about?

Mediant is a company that provides document processing services and communications to investors on behalf of mutual funds and public companies. Plaintiffs allege that on or around April 1, 2019, cybercriminals obtained unauthorized access to Mediant’s business email accounts, which contained certain investor information (the “Data Security Incident”). The compromised information may have included names, genders, addresses, email addresses, phone numbers, Social Security Numbers, tax identification numbers, and bank account numbers, as well as specific information relating to investors’ securities holdings.

The Defendant denies that it did anything wrong, and no court or other entity has made any judgment or other determination of any wrongdoing. Instead, Plaintiffs and the Defendant have agreed to a settlement to avoid the risk, cost, and time of further litigation.

3. Why is the 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. Together all these people are called a “Settlement Class” or “Settlement Class Members.” One court resolves the issues for all Settlement Class Members, except for those Settlement Class Members who timely exclude themselves from the Settlement Class.

4. Why is there a Settlement?

The Court has not decided in favor of Plaintiffs or the Defendant. Instead, both sides agreed to a settlement. Settlements avoid the costs and uncertainty of a trial and related appeals, while more quickly providing benefits to members of the Settlement Class.

WHO IS INCLUDED IN THE SETTLEMENT?

5. How do I know if I am part of the Settlement?

You are a Settlement Class Member if you received a postcard notice about this Settlement or you were previously mailed a notification that your personal information may have been impacted in the Data Security Incident occurring on or around April 1, 2019.

6. Are there exceptions to being included in the Settlement?

Yes. Excluded from the Settlement Class are: (1) all Settlement Class Members who timely and validly request exclusion (“opt-out”) from the Settlement Class; (2) any other Person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding or abetting the criminal occurrence of the Data Security Incident or who pleads *nolo contendere* (a legal term that means “I do not wish to contend”) to any such charge; and (3) the presiding judge and his staff and family.

7. What if I am still not sure whether I am part of the Settlement?

If you are still not sure whether you are a Settlement Class Member, you may go to the Settlement Website at www.MediantSettlement.com or call the Settlement Administrator’s toll-free number at 1-888-490-0774.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

8. What does the Settlement provide?

Reimbursement of Documented Out-of-Pocket Losses:

If you are a Settlement Class Member and you file a valid and timely Claim Form, you may be eligible for reimbursement of the following documented out-of-pocket losses, not to exceed \$10,000 per Settlement Class Member, that were incurred as a result of, and fairly traceable to, the Data Security Incident:

- Unreimbursed costs, expenses, losses, or other charges incurred as a result of identity theft or identity fraud, falsified tax returns, or other possible misuse of a Settlement Class Member’s personal information;
- Costs incurred on or after April 1, 2019, associated with accessing or freezing/unfreezing credit reports with any credit reporting agency;
- Other miscellaneous expenses incurred related to any Out-of-Pocket Loss such as notary, fax, postage, copying, mileage, and long-distance telephone charges;
- Credit monitoring or other mitigative costs that were incurred on or after April 1, 2019, through the date of the Settlement Class Member’s Claim submission; and
- Documented time taken off work to address issues related to the Data Security Incident to be compensated at the Settlement Class Member’s regular and documented hourly rate up to \$250 per hour.

To receive reimbursement for any of the above-referenced out-of-pocket losses, you must submit documentation of your out-of-pocket losses along with your Claim Form.

Lost Time:

If you are a Settlement Class Member and you file a valid and timely Claim Form, you may be eligible to receive up to three (3) hours for time spent dealing with the Data Security Incident (calculated at the rate of \$20 per hour) if you provide the following on your Claim Form:

- (1) Attestation that any claimed time lost was spent related to the Data Security Incident; and
- (2) Provide a brief written description of how the claimed lost time was spent.

You may claim up to an additional five (5) hours of lost time at \$20 per hour if you submit reasonable supporting documentation of the time spent (along with a brief description of the documentation describing the nature of the loss, if the nature of the loss is not apparent from the documentation alone).

Questions? Go to www.MediantSettlement.com or call 1-888-490-0774

Required documentation to support your Claim can include receipts or other documentation that is not “self-prepared.” “Self-prepared” documents such as handwritten receipts are, by themselves, insufficient to receive reimbursement, but can be considered to add clarity to or support other submitted documentation.

Credit Monitoring Services:

Settlement Class Members are automatically eligible for two years of free Credit Monitoring Services without the need to submit a Claim. You can access this benefit by providing your email address and Unique ID at www.MediantSettlement.com/CreditMonitor and you will be sent enrollment instructions after the Settlement is finalized. Your Unique ID is located on the front of the postcard notice that was sent to Settlement Class Members via U.S. Mail. If you received a postcard notice, you can also write your email address on the credit monitoring form included with the notice and return the prepaid postcard via the U.S. Postal Service. If you lost or do not know your Unique ID, you may contact the Settlement Administrator at info@MediantSettlement.com. You do not need to submit a Claim Form to receive this benefit.

9. Is there additional information available regarding the reimbursement of out-of-pocket losses and compensation for time spent dealing with the Data Security Incident?

Yes. Settlement Class Members seeking reimbursement must complete and submit a Claim Form to the Settlement Administrator by **November 21, 2022**. Claim Forms can be submitted online at www.MediantSettlement.com or by mail. If by mail, the Claim Form must be postmarked by **November 21, 2022**.

10. What am I giving up to receive Settlement benefits or stay in the Settlement Class?

Unless you exclude yourself, you are choosing to remain in the Settlement Class. If the Settlement is approved and becomes final, all of the Court’s orders will apply to you and legally bind you. You will not be able to sue, continue to sue, or be part of any other lawsuit against the Defendant and the Released Parties for the Released Claims. More information regarding the Released Parties and the Released Claims can be found in the Settlement Agreement available at www.MediantSettlement.com.

11. What are the Released Claims and the Released Parties?

The Settlement Agreement in Section II, paragraph 26 and Section V, paragraphs 34-36 (titled “Release”) describes the Release, Released Claims, and Released Parties, so please read these sections carefully. The Released Parties specifically include the Defendant, Donnelley Financial Solutions, Inc., Donnelley Financial LLC, Blackstone Real Estate Income Trust, Inc., Griffin-American Healthcare REIT III, Inc., Griffin-American Healthcare REIT IV, Inc., Griffin Institutional Access Real Estate Fund, Destra Dividend Total Return Fund, Ivy Natural Resources Fund’s 2018 proxy, Ivy National Resources Fund’s 2019 proxy, Moody National REIT II, Inc., Strategic Storage Growth Trust, Inc., Strategic Student & Senior Housing Trust, Inc., Strategic Storage Trust II, Inc., Strategic Storage Trust IV, Inc., CION Investment Corporation, Jackson National Life Insurance Company, Delaware Life Insurance Company, and their respective past, present, and future parent companies, partnerships, joint ventures, subsidiaries, affiliates, divisions, predecessors, successors, transferees, and assigns, employees, servants, members, providers, partners, principals, officers, directors, shareholders, owners, attorneys, heirs, executors, administrators, insurers, coinsurers, reinsurers, joint ventures, personal representatives, and trustees of such entities, and, any Person related to any such entities or individuals who is, was, or could have been named as a defendant in the Litigation.

Questions? Go to www.MediantSettlement.com or call 1-888-490-0774

The Settlement Agreement is available at www.MediantSettlement.com or in the public court records on file in this lawsuit. For questions regarding the Releases or what it means, you can also contact one of the lawyers listed in Question 26 for free, or you can talk to your own lawyer at your own expense.

HOW TO GET BENEFITS FROM THE SETTLEMENT

12. How do I make a Claim for Settlement benefits?

To submit a Claim for Out-of-Pocket Losses or Lost Time, you will need to submit a Claim Form. There are two options for submitting Claims:

(1) Submit Online: You may fill out and submit the Claim Form online at www.MediantSettlement.com. This is the easiest way to submit a Claim.

(2) Submit by Mail: You can download a copy of the Claim Form at www.MediantSettlement.com/Home/SubmitClaim and mail it to the address below. Alternatively, you can ask the Settlement Administrator to mail a Claim Form to you by calling 1-888-490-0774. Fill out your Claim Form, and mail it (including postage) to:

Mediant Settlement Administrator
PO Box 5290
Portland, OR 97208-5290

Claim Forms must be submitted online or postmarked by **November 21, 2022**; otherwise, you will not be entitled to any of the Settlement benefits, but you will be bound by the Settlement and the Court's judgment.

All Settlement Class Members are automatically entitled to 24 months of credit monitoring if you provide your email address and Unique ID at www.MediantSettlement.com/CreditMonitor by **November 21, 2022**. You will be sent activation instructions once the Settlement is final. Your Unique ID is located on the front of the postcard notice that was sent to Settlement Class Members via U.S. Mail. If you received a postcard notice, you can also write your email address on the credit monitoring form included with the notice and return the prepaid postcard via the U.S. Postal Service. If you lost or do not know your Unique ID, you may contact the Settlement Administrator at info@MediantSettlement.com. You do not need to submit a Claim Form to receive this benefit.

13. What happens if my contact information changes after I submit a Claim?

If you change your mailing address or email address after you submit a Claim Form, it is your responsibility to inform the Settlement Administrator of your updated information. You may notify the Settlement Administrator of any changes by calling 1-888-490-0774 or by writing to:

Mediant Settlement Administrator
PO Box 5290
Portland, OR 97208-5290

14. When will I receive my Settlement benefits?

If you make a valid Claim, payment will be provided by the Settlement Administrator after the Settlement is approved by the Court and becomes final.

It may take time for the Settlement to be approved and become final. Please be patient and check www.MediantSettlement.com for updates.

Questions? Go to www.MediantSettlement.com or call 1-888-490-0774

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

Yes, the Court has appointed J. Austin Moore of Stueve Siegel Hanson LLP, Elaine A. Ryan of Auer Ryan, PC, and John A. Yanchunis of Morgan & Morgan as Class Counsel to represent you and the Settlement Class for the purposes of this Settlement. You may hire your own lawyer at your own cost and expense if you want someone other than Class Counsel to represent you in this Litigation.

16. How will Class Counsel be paid?

Class Counsel will file a motion asking the Court to award them attorneys' fees and costs not to exceed \$700,000 to be paid by the Defendant. They will also ask the Court to approve \$2,500 service awards to each of the Plaintiffs (totaling \$7,500) for participating in this Litigation and for their efforts in achieving the Settlement. If awarded by the Court, Defendant will pay fees, costs, expenses, and service awards directly. The Court may award less than these amounts.

Class Counsel's application for attorneys' fees, expenses, and service awards will be made available on the Settlement Website at www.MediantSettlement.com on September 13, 2022, for you to comment on or object to the Settlement.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you are a Settlement Class Member and want to keep any right you may have to sue or continue to sue the Defendant or the Released Parties on your own based on the claims raised in this Litigation or released by the Released Claims, then you must take steps to get out of the Settlement. This is called excluding yourself from – or “opting out” of – the Settlement.

17. How do I exclude myself from the Settlement?

To exclude yourself from the Settlement, you must mail the Settlement Administrator written notice of a request for exclusion, which includes:

- (1) The case name (*Toretto et al. v. Donnelley Financial Solutions, Inc. et. al.*, Case No. 1:20-cv-02667-GHW (S.D.N.Y.));
- (2) Your name, address, and telephone number;
- (3) A clear statement that you want to be excluded from the Settlement Class, such as “I hereby request to be excluded from the proposed Settlement Class in *Toretto et al. v. Donnelley Financial Solutions, Inc. et. al.*, Case No. 1:20-cv-02667-GHW in the United States District Court for the Southern District of New York”; and
- (4) Your signature

The exclusion request must be **postmarked** and sent to the Settlement Administrator at the following address by **October 3, 2022**:

Mediant Settlement Administrator
PO Box 5290
Portland, OR 97208-5290

You cannot exclude yourself by telephone or by email.

Questions? Go to www.MediantSettlement.com or call 1-888-490-0774

18. If I exclude myself, can I still get anything from the Settlement?

No. If you exclude yourself, you are telling the Court you do not want to be part of the Settlement. You can only get Settlement benefits if you stay in the Settlement and submit a valid Claim Form.

19. If I do not exclude myself, can I sue the Defendant for the same thing later?

No. Unless you exclude yourself, you give up any right to sue the Defendant and the Released Parties for the Released Claims in this Settlement. You must exclude yourself from this Litigation to start or continue with your own lawsuit or be part of any other lawsuit against the Defendant or any of the Released Parties for the Released Claims. If you have a pending lawsuit, speak to your lawyer in that case immediately.

OBJECT TO THE SETTLEMENT

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

If you are a Settlement Class Member, you can tell the Court that you do not agree with all or any part of the Settlement or requested attorneys' fees and expenses. You can also give reasons why you think the Court should not approve the Settlement or attorneys' fees and expenses. To object, you must mail written notice to the Settlement Administrator, as provided below, **no later than October 3, 2022**, stating you object to the Settlement in *Toretto et al. v. Donnelley Financial Solutions, Inc. et. al.*, Case No. 1:20-cv-02667-GHW. The objection must also include the following additional information:

- (1) The objector's (your) full name, address, telephone number, and email address (if any);
- (2) Information identifying you as a Settlement Class Member;
- (3) A written statement of all grounds for the objection, accompanied by any legal support the objector cares to submit;
- (4) A statement as to whether the objection applies only to the objector, to a specific subset of the class, or to the entire class;
- (5) The identity of all lawyers (if any) representing you in connection with the objection;
- (6) A list of individuals who will be called to testify at the Final Fairness Hearing in support of the objection;
- (7) A statement whether you and your counsel will appear at the Final Fairness Hearing;
- (8) A statement confirming whether you intend to personally appear and/or testify at the Final Fairness Hearing; and
- (9) Your signature or the signature of your duly authorized attorney or other duly authorized representative.

To be timely, written notice of an objection in the appropriate form must be mailed to the Settlement Administrator **no later than October 3, 2022**, at the following address:

Mediant Settlement Administrator
PO Box 5290
Portland, OR 97208-5290

Any Settlement Class Member who fails to comply with the requirements for objecting in Section VIII of the Settlement Agreement shall waive and forfeit any and all rights he or she may have to appear separately and/or to object to the Settlement Agreement and shall be bound by all the terms of the Settlement Agreement and by all proceedings, orders and judgments in the Litigation.

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

Objecting is simply telling the Court you do not like something about the Settlement or the requested attorneys' fees and expenses. You can object only if you stay in the Settlement Class (that is, do not exclude yourself). You will still be bound by the Settlement if you object. Requesting exclusion is telling the Court you do not want to be part of the Settlement Class or the Settlement. If you exclude yourself, you cannot object to the Settlement, and you will not be bound by the Settlement and will not receive any Settlement benefits.

THE FINAL FAIRNESS HEARING

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

The Court will hold a Final Fairness Hearing on **January 5, 2023, at 10:00 a.m. EST** before the Honorable Gregory H. Woods, United States District Judge for the Southern District of New York, 500 Pearl Street, New York, NY 10007, in Courtroom 12C.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and decide whether to approve: the Settlement, Class Counsel's application for attorneys' fees, costs and expenses, and the service awards to Plaintiffs. If there are objections, the Court will consider them. The Court will also listen to people who have asked to speak at the hearing.

Note: The date and time of the Final Fairness Hearing are subject to change. The Court may also decide to hold the hearing via videoconference or by phone. Any change will be posted at www.MediantSettlement.com.

23. Do I have to attend to the Final Fairness Hearing?

No. Class Counsel will answer any questions the Court may have. However, you are welcome to attend at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you file or mail your written objection on time the Court will consider it.

24. May I speak at the Final Fairness Hearing?

Yes, as long as you do not exclude yourself, you can (but do not have to) participate and speak for yourself at the Final Fairness Hearing. This is called making an appearance. You also can have your own lawyer speak for you. If you choose to make an appearance, you must follow all of the procedures for objecting to the Settlement listed in Section 20 above and specifically include a statement whether you and your counsel will appear at the Final Fairness Hearing.

IF YOU DO NOTHING

25. What happens if I do nothing at all?

If you are a Settlement Class Member and you do nothing, you will not receive any Settlement benefits. You will give up the rights explained in the "Excluding Yourself from the Settlement" section of this Notice, including your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendant or any of the Released Parties about the legal issues in this Litigation that are released by the Settlement Agreement relating to the Data Security Incident.

GETTING MORE INFORMATION

26. How do I get more information?

This Notice summarizes the proposed Settlement. Complete details are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at www.MediantSettlement.com, by calling 1-888-490-0774 or by writing to:

Mediant Settlement Administrator
PO Box 5290
Portland, OR 97208-5290

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT'S CLERK OFFICE
REGARDING THIS NOTICE.**