

SUPERIOR COURT OF NEW JERSEY

BERGEN COUNTY LAW DIVISION

DOCKET NO: BER-L-004121-22

Individuals who were notified by Service Employees International Union, Local 32BJ that their confidential personal information was or may have been compromised in a Data Security Incident that occurred between October 21, 2021 and November 1, 2021 may be eligible for a payment from a class action settlement.

A New Jersey state Court ordered this notice. This is not a solicitation from a lawyer.

- A settlement has been reached with Service Employees International Union, Local 32BJ (“SEIU 32BJ”) in a class action lawsuit about the data security incident (“the Data Security Incident”) that occurred between October 21, 2021, and November 1, 2021. SEIU 32BJ first announced the Data Security Incident on or about February 11, 2022, and began mailing notice letters to those whose information was identified as compromised. The lawsuit was filed asserting claims against SEIU 32BJ relating to the Data Security Incident. SEIU 32BJ denies all of the claims.
- Plaintiff alleges that between October 21, 2021, and November 1, 2021, SEIU 32BJ was the target of a Data Security Incident in which an unauthorized user gained access to certain of SEIU 32BJ’s computer systems, which resulted in the unauthorized access of personal information. Plaintiff alleges that, as a result of the Data Security Incident, an unauthorized user gained access to Personal Identifying Information (“PII”) of Plaintiff and other class members. The PII included names, addresses and social security numbers. SEIU 32BJ expressly denies that Class Plaintiff’s PII was compromised and viewed by any third-party, that SEIU 32BJ failed to adequately safeguard any PII, or that Class Plaintiff or anyone else was injured by any act or omission committed by SEIU 32BJ.
- The Settlement Class includes all residents of the United States whose information may have been affected by the Data Security Incident. You should have received a letter from the Claims Administrator if you are a member of the Settlement Class. That notification included a unique Class Member ID for you to verify your identity to receive the settlement benefits described in this notice. If for some reason you did not receive the letter, but believe you are a Settlement Class Member, please call 1-833-630-9977 to verify your identity and receive further information on how to file a claim.
- The settlement provides cash reimbursement of up to \$25 per hour (for a maximum of 4 hours) as compensation for time lost dealing with the Data Security Incident, up to \$1,500 per person for documented “ordinary or extraordinary losses” incurred in responding to the Data Security Incident.
- You must file a claim form to receive a payment. You can file a claim online on this website, www.MateoDataIncidentSettlement.com, download a claim form and mail it, or you may call 1-833-630-9977 and ask that a claim form be mailed to you. The claims deadline is June 20, 2023. You must use the unique Class Member ID received with your notification to verify your identity as a member of the Settlement Class. If for some reason you did not receive login information, but believe you are a Settlement Class Member, please call 1-833-630-9977 to verify your identity and receive further information on how to file a claim.

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

Your Legal Rights & Options in this Settlement:		
Submit a Claim	You must submit a claim to get a payment.	Deadline: June 20, 2023
Ask to be Excluded	This allows you to sue SEIU 32BJ over the claims resolved by this settlement. You will not get anything from this settlement.	Deadline: June 5, 2023
Object	Write to the Court about why you do not like the settlement. You can still obtain a payment despite objecting and unless you request exclusion.	Deadline: June 5, 2023
Do Nothing	You get no payment for lost time or reimbursement for expenses and you 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 must 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 in favor of the settlement.

Questions? Call 1-833-630-9977 or visit [www. MateoDataIncidentSettlement.com](http://www.MateoDataIncidentSettlement.com)

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Questions? Call 1-833-630-9977 or visit [www. MateoDataIncidentSettlement.com](http://www.MateoDataIncidentSettlement.com)

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 grant “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 Robert C. Vinci of the New Jersey Superior Court of Bergen County Law Division is overseeing this case, which is captioned *Victor Mateo, on behalf of himself and all others similarly situated v. SEIU 32BJ*, Docket No. BER-L-004121-22, Case Code 508. The Person who sued is called the Plaintiff. SEIU 32BJ is called the Defendant.

2. What is this lawsuit about?

The lawsuit claims that SEIU 32BJ was responsible for the Data Security Incident that occurred, and asserts claims such as: negligence, negligence *per se*, violation of the New Jersey Consumer Fraud Act, and declaratory relief. The lawsuit seeks compensation for people who had losses as a result of the Data Security Incident.

SEIU 32BJ denies all of Plaintiff’s claims. SEIU 32BJ expressly denies that Class Plaintiff’s PII was compromised and viewed by any third-party, that SEIU 32BJ failed to adequately safeguard any PII, or that Class Plaintiff or anyone else was injured by any act or omission committed by SEIU 32BJ.

3. Why is this lawsuit a class action?

In a class action, one or more people called “Class Plaintiff(s)” sue on behalf of all people who have similar claims. All of these people together are the “Settlement Class” or “Settlement Class Members.” In this case, the Class Plaintiff is Victor Mateo. One Court resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement 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 Approved Claims will get compensation. The Class Plaintiff and his attorneys believe the settlement is fair, reasonable, and adequate and, thus, in the best interests of the Settlement Class and its members. The settlement does not mean that SEIU 32BJ 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 if you reside in the United States and were sent a letter notifying you that your PII was or may have been compromised in the Data Security Incident announced by SEIU 32BJ on or about February 11, 2022. If you were affected, you should have received a letter notification. Specifically excluded from the Settlement Class are: (a) SEIU 32BJ and its respective officers and directors; (b) Settlement Class Members who timely and validly request exclusion from the Settlement Class (for more information about requesting exclusion see Questions 13–15), (c) the Judge assigned to evaluate the fairness of this settlement; and (d) any other Person found by a Court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding or abetting the criminal activity that caused the Data Security Incident or who pleads *nolo contendere* to any such charge.

Questions? Call 1-833-630-9977 or visit [www. MateoDataIncidentSettlement.com](http://www.MateoDataIncidentSettlement.com)

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, or have any other questions related to the settlement, you may:

1. Call 1-833-630-9977;
2. Email info@MateoDataIncidentSettlement.com; or
3. Write to: Mateo v. SEIU 32BJ
c/o Kroll Settlement Administration
PO Box 5324
New York, NY 10150-5324

Please do not contact the Court with questions.

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

The settlement will provide cash payments to people who submit Approved Claims for losses or time lost as a result of the Data Security Incident. If you have not received unique Class Member ID, but believe you are a Settlement Class Member, please call 1-833-630-9977 to verify your identity and receive further information on how to file a claim.

8. What payments are available?

Settlement Class Members are eligible to receive cash reimbursement (capped in the aggregate amount of \$550,000) for the following categories of expenses:

- *Compensation for Lost Time*: Settlement Class Members may file a claim to receive a cash payment for up to four (4) hours of lost time remedying issues related to the Data Security Incident, at a rate of \$25 per hour with an attestation and brief description of the actions taken to remedy issues and the time associated with each action.
- *Compensation for Ordinary or Extraordinary Losses*: Settlement Class Members may file a claim to receive cash payments of up to \$1,500 per Person for ordinary and/or extraordinary losses incurred in responding to the Data Security Incident. Ordinary and/or Extraordinary Losses include:
 - Out-of-pocket expenses incurred as a result of the Data Security Incident including unreimbursed bank fees, unreimbursed credit card reissuance fees, unreimbursed overdraft fees, unreimbursed charges related to the unavailability of funds, unreimbursed late fees, unreimbursed over-limit fees, unreimbursed charges from banks or credit card companies, or reasonable expenses relating to tax remediation efforts, and fees for credit reports between October 21, 2021, and March 18, 2022;
 - Cost of purchasing credit monitoring or other identity theft insurance products purchased between October 21, 2021, and March 18, 2022;
 - Losses associated with identity theft, fraud, and other actual misuse of personal information, provided that (i) the loss is an actual documented and unreimbursed monetary loss; (ii) you provide proof or documentation that that loss was proximately caused by the Data Security Incident; (iii) the loss is not already covered by one of the categories listed above; (iv) you made reasonable efforts to avoid the loss or seek reimbursement for the loss, including, but not limited to, exhaustion of all available credit monitoring or identity monitoring insurance; and (v) the loss occurred between October 21, 2021 and March 18, 2022.

Questions? Call 1-833-630-9977 or visit [www. MateoDataIncidentSettlement.com](http://www.MateoDataIncidentSettlement.com)

Reasonable documentation must be submitted with your claim form showing that the expenses were proximately caused by the Data Security Incident in order to receive reimbursement for out-of-pocket costs. More details are provided in the Settlement Agreement, which is available at www.MateoDataIncidentSettlement.com.

HOW TO GET BENEFITS

9. How do I get benefits?

To get payment from the settlement, you must complete a claim form. Please read the instructions carefully, fill out the claim form, provide reasonable documentation (where applicable), and submit it online or mail it postmarked no later than June 20, 2023, to:

Mateo v. SEIU 32BJ
c/o Kroll Settlement Administration
PO Box 5324
New York, NY 10150-5324

You may submit a claim online or download a copy at www.MateoDataIncidentSettlement.com or you may request one by mail by calling 1-833-630-9977.

10. How will claims be decided?

The Claims Administrator will initially 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

11. 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 June 20, 2023.

12. What am I giving up as part of the Settlement?

If the settlement becomes Final, you will give up your right to sue SEIU 32BJ for the claims being resolved by this settlement. The specific claims you are giving up against SEIU 32BJ are described in paragraphs 1.18 and 6.1 of the Settlement Agreement. You will be releasing SEIU 32BJ and all related people or entities as described in Section 1.19 of the Settlement Agreement. The Settlement Agreement is available at www.MateoDataIncidentSettlement.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 16 for free, or you can, of course, talk to your own lawyer at your own expense.

Questions? Call 1-833-630-9977 or visit www.MateoDataIncidentSettlement.com

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment from this settlement, but you want to keep the right to sue SEIU 32BJ 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.

13. 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. You will also not be bound by any Judgment in this case.

14. If I do not exclude myself, can I sue SEIU 32BJ for the same thing later?

No. Unless you exclude yourself, you give up any right to sue SEIU 32BJ 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.

15. 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 Case No. BER-L-004121-22 captioned Victor Mateo v. SEIU 32BJ. Include your name, address, and signature. You must mail your exclusion request postmarked by June 5, 2023, to:

Mateo v. SEIU 32BJ
c/o Kroll Settlement Administration
PO Box 5324
New York, NY 10150-5324

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

Yes. The Court appointed the following lawyers as Settlement Class Counsel: Golomb Spirt Grunfeld, P.C.

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.

17. How will the lawyers be paid?

Settlement Class Counsel will request the Court’s approval of an award for attorneys’ fees and reasonable costs and expenses of up to \$183,333.33. Settlement Class Counsel will also request approval of an incentive award of up to \$1,500 for the Class Plaintiff.

Questions? Call 1-833-630-9977 or visit [www. MateoDataIncidentSettlement.com](http://www.MateoDataIncidentSettlement.com)

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the settlement or some part of it.

18. 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, Case No. BER-L-004121-22 captioned Victor Mateo v. SEIU 32BJ, with the Clerk of the Court at the address below.

Your objection must include all of the following information: (i) your full name, address, telephone number, and e-mail address (if any); (ii) information identifying you as a Settlement Class Member; (iii) a written statement of all grounds for the objection, accompanied by any legal support for the objection that you believe applicable; (iv) the identity of all counsel representing you; (v) a statement whether you and/or your counsel will appear at the Final Fairness Hearing; (vi) your signature and the signature of your duly authorized attorney or other duly authorized representative, if applicable; and (vii) a list, by case name, Court, and docket number, of all other cases in which the objector and/or the objector's counsel has filed an objection to any proposed class action settlement within the last three (3) years.

Your objection must be **postmarked** no later than June 5, 2023 to:

Clerk of Court
Vicinage 2 Superior Court Bergen County
10 Main Street
Hackensack, NJ 07601

In addition, you must **mail** a copy of your objection to Class Counsel and Defense Counsel, postmarked no later than June 5, 2023:

Class Counsel	Defense Counsel
Kenneth J. Grunfeld Golomb Spirt Grunfeld PC 1835 Market Street, Suite 2900 Philadelphia, PA 19103	Spencer Persson Davis Wright Tremaine, LLP, 865 S. Figueroa Street, Suite 2400, Los Angeles, CA 90017

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

Questions? Call 1-833-630-9977 or visit [www. MateoDataIncidentSettlement.com](http://www.MateoDataIncidentSettlement.com)

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to grant final approval of the settlement.

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

The Court will hold a Fairness Hearing at 10:00 a.m. ET on July 13, 2023. The hearing will be held at the following location: Courtroom 352 of the Superior Court of New Jersey, Bergen County Justice Center, 10 Main Street, Hackensack, NJ, 07601.

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 the Class Plaintiff. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

21. 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 18, the Court will consider it.

22. 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 18, including all the information required.

Your Objection must be **filed** with the Clerk of the Court no later than June 5, 2023. In addition, you must **mail** a copy of your objection to both Class Counsel and Defense Counsel listed in Question 18, postmarked no later than June 5, 2023.

IF YOU DO NOTHING

23. What happens if I do nothing?

If you do nothing, you will get no monetary benefits from this settlement. Once 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 SEIU 32BJ about the legal issues in this case, ever again.

You must exclude yourself from the settlement if you want to retain the right to sue SEIU 32BJ for the claims resolved by this settlement.

Questions? Call 1-833-630-9977 or visit [www. MateoDataIncidentSettlement.com](http://www.MateoDataIncidentSettlement.com)

GETTING MORE INFORMATION

24. How do I get more information?

This notice only provides a summary the proposed settlement. Details about the settlement can be found in the Settlement Agreement available at www.MateoDataIncidentSettlement.com.

You may also:

1. Write to: Mateo v. SEIU 32BJ
c/o Kroll Settlement Administration
PO Box 5324
New York, NY, 10150-5324
2. Visit the settlement website at www.MateoDataIncidentSettlement.com
3. Call the toll-free number 1-833-630-9977.

Questions? Call 1-833-630-9977 or visit [www. MateoDataIncidentSettlement.com](http://www.MateoDataIncidentSettlement.com)