

PLEASE NOTE: THE FINAL APPROVAL HEARING IN THIS CASE, ORIGINALLY SCHEDULED FOR FEBRUARY 7, 2019, HAS BEEN RESCHEDULED TO MAY 9, 2019 AT 9:00 A.M. THE LOCATION IS THE SAME. PLEASE CHECK THE CASE WEBSITE FOR ANY UPDATES

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re Intuit Data Litigation, Case No. 15-cv-1778-EJD

NOTICE OF CLASS ACTION SETTLEMENT

If you had a fraudulent tax return filed in your name by someone else using TurboTax for Tax Years 2014, 2015, or 2016, you may be entitled to two years of Free Credit Monitoring Services and other benefits from a class action settlement.

This is a Court approved Legal Notice. This is not a solicitation.

Read This Entire Notice Carefully as it Affects Your Rights

- A proposed Settlement has been reached in a class action lawsuit against Intuit, Inc. (*In re Intuit Data Litigation*, Case No. 15-cv-1778-EJD (N.D. Cal.)) about taxpayers whose identities were used to file fraudulent federal tax returns by someone else using Intuit's TurboTax service for tax years 2014, 2015, and 2016 (for which tax returns were filed in calendar years 2015, 2016, and 2017, respectively). The lawsuit claimed that Intuit failed to adequately prevent the filing of these fraudulent tax returns. Intuit denies any wrongdoing, and the Court has not ruled that Intuit did anything wrong or violated any law. This Notice is not intended to be an expression of any opinion by the Court with respect to the truth of the allegations in this action or the merits of the claims or defenses asserted.
- This Notice explains the nature of the lawsuit, the general terms of the proposed Settlement, and your legal rights and obligations.
- The Settlement affects the following "Class": All persons in the United States in whose identities fraudulent federal tax returns for the tax years 2014, 2015, and/or 2016 were filed using TurboTax, as determined by the United States Internal Revenue Service. Individuals within the Class are called "Class Members."
- Under the Settlement, Intuit will provide two (2) years of credit monitoring services, free of charge, through TransUnion to Class Members who choose to enroll. Class Members must enroll to get the free credit monitoring services. There is no cost to enroll or to receive the services. For more information on how to enroll, see Question 9 below. In addition, the Settlement also includes Intuit's previous adoption of numerous security measures that Intuit believes have reduced the incidence of SIRF and ATO, and Intuit's commitment to follow the security requirements that come out of the IRS Security Summit until at least 2021, or until the IRS Security Summit process ends, whichever is sooner. Intuit will also separately pay for the costs of administrating the Settlement and court-approved attorneys' fees and costs and service awards for the Plaintiffs who are serving as class representatives.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

ENROLL IN FREE CREDIT MONITORING	To receive two (2) years of free TransUnion credit monitoring services, you must affirmatively enroll. There is no cost to enroll or to receive the services. There are two ways to enroll: (1) <u>Enroll online</u> , at www.IntuitDataLitigation.com ; or (2) Enroll by mail. See Question 9.	Deadline: APRIL 12, 2019
DO NOTHING	If you do nothing, you will not be eligible to receive the free credit monitoring services. You will still receive the other benefits of the settlement. See Question 17.	
OBJECT OR COMMENT ON THE SETTLEMENT	You may object to the Settlement or provide comments regarding the Settlement. See Question 15.	Deadline: If your Personal ID Number (see the notice you received) starts with a “Y,” the deadline to object is MARCH 28, 2019. Otherwise, your deadline to object was JANUARY 7, 2019 and has expired.
ATTEND THE FINAL APPROVAL HEARING	You may, but are not required to, attend the Final Approval Hearing where the Court may hear arguments concerning the approval of the Settlement. If you wish to speak at the Final Approval Hearing, you must make a request to do so in your written objection or comment. See Question 22. Note the date and time for the Final Approval Hearing have changed. Please check the case website for updates.	Hearing Date: MAY 9, 2019 9:00 A.M.

- These rights and options, and the deadlines to exercise them, are explained in this Notice.
- The Court in this case still has to decide whether to approve the Settlement.

For more information, read on or visit www.IntuitDataLitigation.com

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BACKGROUND INFORMATION

1. Why is there a notice?

A Court authorized this notice because you have a right to know how the proposed Settlement may affect your rights. This notice explains the nature of the lawsuit, the general terms of the proposed Settlement and what it may mean to you. This notice also explains the ways you may participate in the Settlement.

2. What is this lawsuit about?

During tax years 2014, 2015, and 2016 (for which tax returns were filed in calendar years 2015, 2016, and 2017, respectively), some taxpayers' identities were used by someone else to file fraudulent federal tax returns using the TurboTax service. This lawsuit claimed that Intuit (the "defendant" in this lawsuit and the operator of TurboTax) failed to adequately prevent the filing of these fraudulent tax returns. "Plaintiffs" in this lawsuit are six of the taxpayers whose identities were used by someone else to file fraudulent federal tax returns using TurboTax. Intuit denies any wrongdoing, and the Court has not ruled that Intuit did anything wrong or violated any law. This Notice is not intended to be an expression of any opinion by the Court with respect to the truth of the allegations in this action or the merits of the claims or defenses asserted.

The operative complaint in this litigation, which describes the specific legal claims alleged by the Plaintiffs, is available at www.IntuitDataLitigation.com.

3. Why is this a class action?

In a class action, one or more people (called "Plaintiffs") sue on behalf of people who have similar claims. All of the people who have claims similar to the Plaintiffs are members of the "Class."

The Court has determined, for settlement purposes only, that this lawsuit should proceed as a class action, with the Plaintiffs serving as "class representatives," and has granted preliminary approval of the proposed Settlement, subject to a Final Approval Hearing.

4. Why is there a settlement?

Settlements avoid the costs and uncertainty of a trial and related appeals, while providing benefits to Class Members when the Settlement becomes final. The Court has not decided in favor of Plaintiffs or Defendant. Instead, both sides agreed to a settlement. The Plaintiffs and the attorneys for the Class (called "Class Counsel") believe that the Settlement is in the best interests of the Class Members.

SETTLEMENT CLASS MEMBERSHIP

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

You are a "Class Member," and are affected by this Settlement, if you are in the "Class." The Class includes: All persons in the United States in whose identities fraudulent federal tax returns

for the tax years 2014, 2015, and/or 2016 were filed using TurboTax, as determined by the United States Internal Revenue Service. Excluded from the Class are all employees of Intuit, counsel for Plaintiffs and Intuit, the Judge presiding over this lawsuit and Court staff.

If you received a notice about this Settlement by email or mail, you have been identified, based on Intuit's records, as being in the Class.

BENEFITS FOR CLASS MEMBERS

6. What benefits does the Settlement provide?

The Settlement provides the following benefits to Class Members:

- Two (2) years of TransUnion credit monitoring services, free of charge, for Class Members who enroll (See Questions 9-11);
- Intuit has already adopted numerous security measures it believes have reduced the incidence of fraud (See Question 13);

7. What credit monitoring services are being provided?

Under the Settlement, Class Members who enroll will receive two (2) years of credit monitoring services through TransUnion, free of charge. There is no cost to enroll or to receive the services. The TransUnion credit monitoring services being provided include the following features:

- Unlimited access to the Class Member's TransUnion credit report and VantageScore® credit score, with updates available daily, as well as related analysis and information regarding credit score trends.
- Daily credit monitoring service that provides email notifications of key changes to the Class Member's TransUnion credit file, including: name changes, address changes, new credit inquiries, new credit accounts, changes to existing credit accounts, new public records, delinquent accounts, fraud alerts, and more.
- Online credit dispute and identity restoration services, which includes assistance with police reports, affidavits, FTC submissions, and other general assistance, as well as unlimited toll-free access to credit specialists.
- Unlimited access to TransUnion's credit lock service, which places a credit lock on the Class Member's TransUnion credit file.
- Up to \$1 million in identity theft insurance without a deductible (subject to policy limitations and exclusions), as well as toll-free 24/7 access to identity theft insurance specialists.
- Unlimited online access to credit management and identity theft prevention resources located in an online education center.

Further information is available at www.IntuitDataLitigation.com.

8. Am I eligible to receive the free credit monitoring services?

All Class Members are eligible to claim the TransUnion credit monitoring services under the Settlement, but you must enroll in order to receive these services. There is no cost to enroll or to receive the services. See Question 9 for how to enroll.

9. How do I enroll in the free credit monitoring services?

You have two options for enrolling in the free TransUnion credit monitoring services being provided under the Settlement:

- **Online:** You can enroll online at www.IntuitDataLitigation.com.
- **By Mail:** You can download and print a claim form by visiting www.IntuitDataLitigation.com, fill it out, and mail your completed form (with postage) to: In re Intuit Data Litigation, c/o JND Legal Administration, PO Box 91348, Seattle, WA 98111. If you received notice of this Settlement by mail, you can also fill out the claim form that was attached to that notice and send it to: In re Intuit Data Litigation, c/o JND Legal Administration, PO Box 91348, Seattle, WA 98111.

There is no cost to enroll or to receive the services.

The deadline to enroll online is April 12, 2019. Mailed claim forms must be postmarked by no later than April 12, 2019.

10. When and how will I receive the credit monitoring benefits?

Class members who timely enroll in the free credit monitoring services will begin receiving benefits if the Settlement is finally approved. This process may take several months or longer. Please be patient. If the Settlement is finally approved, you will receive instructions about how to activate the services.

11. What happens if my contact information changes after I enroll in the credit monitoring services?

If, after you enroll in the free credit monitoring services, you change your contact information, it is your responsibility to inform the Settlement Administrator of your updated information. You may do so by contacting the Settlement Administrator at: In re Intuit Data Litigation, c/o JND Legal Administration, PO Box 91348, Seattle, WA 98111.

12. What can I do if I am a victim of identity theft or fraud?

You can find additional resources and information to help you in the event that you are a victim of identity theft or fraud, at www.IntuitDataLitigation.com.

13. What practice changes are included in the Settlement?

Since the date of the first class action complaint in this litigation, Intuit has adopted numerous security measures that Intuit believes have reduced the incidence of fraudulent tax returns filed on its Turbo Tax platform.

Some of the security measures adopted by Intuit include:

- Email and telephone number verification via code notification
- Elimination of option to file state tax returns that are not associated with a federal return
- Notification of customers if the same Social Security Number is used to file tax returns from more than one customer account during the current or prior two tax years
- Provision of additional information and leads to IRS with submission of suspicious tax returns
- Active participation in the Identity Theft Refund Fraud Information Sharing & Analysis Center (“ISAC”) and IRS Security Summits
- Strengthened password requirements and expanded multifactor authentication
- Employment of ThreatMetrix to assess risk associated with each login
- Account holder notified of any and all changes to his or her account profile and when tax return is filed
- Creation of new customer security portal and online security center
- Numerous security measures to prevent breach of Intuit’s systems

In addition, Intuit also will continue to participate in the IRS Security Summit until at least 2021, or until the IRS Security Summit process ends, whichever is sooner, and will follow the security requirements that come out of the IRS Security Summit process during that time period.

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

If the Settlement is approved and becomes final, Class Members will not be able to bring claims against Intuit or its affiliates for non-monetary relief about the issues raised in this case. Class Members will, however, retain all rights to bring claims against Intuit and its affiliates for damages or other monetary relief for the issues raised in this case (in other words, only non-monetary relief claims are being “released;” monetary relief claims are not being “released” by this Settlement).

OBJECTING TO OR COMMENTING ON THE SETTLEMENT

15. How do I tell the Court that I like or don’t like the Settlement?

You can comment on, or object to, the Settlement, Class Counsel’s request for attorneys’ fees and costs, and/or the request for service awards for the Plaintiffs. To comment or object, you must send a written letter including the following:

- a. The name of this case (*In re Intuit Data Litigation*, Case No. 15-cv-1778-EJD);
- b. Your name, address, telephone number, and signature;

Questions? Visit www.IntuitDataLitigation.com or call toll-free 1-833-288-5308

- c. Whether you intend to appear at the Final Approval Hearing, either in person or through counsel, and, if through counsel, identifying counsel by name, address, and phone number;
- d. The grounds for your objection or comment; and
- e. The basis upon which you claim to be a Class Member.

If your Personal ID Number (see the notice that you received in the mail or email) starts with a “Y,” to be considered by the Court, your comments must be filed or mailed to the Clerk of Court, or by filing them in person at any location of the United States District Court for the Northern District of California, and mailed to the Settlement Administrator, filed/postmarked no later than **March 28, 2019**, at the following addresses:

THE COURT	THE SETTLEMENT ADMINISTRATOR
Clerk of the Court USDC, Northern District of California 280 South 1st Street, Room 2112 San Jose, CA 95113	In re Intuit Data Litigation c/o JND Legal Administration PO Box 91348 Seattle, WA 98111

Otherwise your deadline to comment or object was **January 7, 2019** and has expired.

16. May I exclude myself from the Settlement?

No. This is a settlement under Rule 23(b)(2) of the Federal Rules of Civil Procedure. This Rule does not allow class members to “opt out” of the Settlement.

IF YOU DO NOTHING

17. What happens if I do nothing?

If you do nothing, you will not be eligible to receive the free TransUnion credit monitoring services but will receive the other benefits of the Settlement.

THE LAWYERS REPRESENTING YOU

18. Do I have a lawyer in the case?

Yes, the Court appointed the following law firms to represent the Class: Lieff, Cabraser, Heimann & Bernstein, LLP; Milberg Tadler Phillips Grossman LLP; Goldman Scarlato & Penny, PC; Abbott Law Group, PA; and Siprut, PC. These law firms are called “Class Counsel.”

If you want to be represented by your own lawyer, you may hire one at your own expense.

The Court also appointed Plaintiffs Richard Brown, Christine Diaz, Carol Knoch, James Lebinski, David Stock, and Marilyn Williams to represent the Class in this litigation (called “class representatives”).

19. How will Class Counsel be paid?

Class Counsel intends to ask the Court to award attorneys' fees and reimbursement of costs in the total amount of \$2,820,000. Class Counsel also intends to ask the Court to award service awards of \$5,000 each to the six class representatives, to compensate them for their time and efforts on behalf of the Class in this litigation.

The Court will determine the amount of attorneys' fees, costs, and service awards to award. Any attorneys' fees, costs and service awards awarded by the Court will be paid by Intuit in addition to (that is, on top of) the benefits provided to Class Members under the Settlement, and thus won't reduce the benefits provided to Class Members under the Settlement.

Class Counsel's application for attorneys' fees, costs, and service awards will be available at www.IntuitDataLitigation.com after it is filed.

FINAL APPROVAL HEARING

The Court will hold a hearing (the "Final Approval Hearing") to decide whether to approve the Settlement and the request for attorneys' fees, costs and service awards. You may attend the Final Approval Hearing, but you don't have to.

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

The Court will hold the Final Approval Hearing at **9:00 a.m. on May 9, 2019**, at the United States District Court for the Northern District of California, 280 South 1st Street, 5th Floor, Courtroom 4, San Jose, CA 95113. The hearing may be moved to a different date, time, or location without notice, so check for updates at www.IntuitDataLitigation.com. At this hearing, the Court will consider whether the Settlement is fair, reasonable and adequate. The Court may also consider Class Counsel's application for attorneys' fees and costs and for service awards for the class representatives. If there are objections, the Court will consider them at the hearing. After the hearing, the Court will decide whether to approve the Settlement. We don't know how long the decision will take.

21. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. You may attend at your own expense if you wish. If you submit a written objection, you do not have to come to Court to talk about it. As long as you submitted your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not required.

22. May I speak at the hearing?

At that hearing, the Court will at its discretion hear any objections and arguments concerning the fairness of the Settlement. To ask the Court to speak at the Final Approval Hearing, you must: (a) timely submit a written objection or comment in compliance with the instructions listed in Question 15 above; and (b) indicate in that objection or comment that you intend to appear at the Final Approval Hearing.

GETTING MORE INFORMATION

23. How do I get more information?

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement itself. You can get a copy of the Settlement Agreement, view other case documents, and get additional information and updates by visiting www.IntuitDataLitigation.com. You can also call 1-833-288-5308 for more information, contact Class Counsel at 888-886-8629, access the Court docket in this case through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or visit the office of the Clerk of the Court for the United States District Court for the Northern District of California, 280 South 1st Street, 2nd Floor, San Jose, CA 95113, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE FREE CREDIT MONITORING ENROLLMENT PROCESS.