

Exhibit D

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

United States District Court for the Eastern District of North Carolina, Western Division

In re Golden Corral Data Incident Litigation

Case No. 5:24-cv-00123-M-BM

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

If You Are An Individual Impacted By The Data Incident That Occurred Between August 11, 2023, and August 15, 2023 Who Was Sent A Notice of The Data Incident, You Are Eligible to Receive a Settlement Payment from a Class Action Settlement

- A Court authorized this Notice, to those that are eligible to receive a Settlement Payment from a proposed class action settlement. The Litigation is titled *In re Golden Corral Data Incident Litigation*, Case No. 5:24-cv-00123-M-BM and is pending in the United States District Court for the Eastern District of North Carolina, Western Division. The persons that filed the class action lawsuit are called Plaintiffs or Settlement Class Representatives and the company they sued is Golden Corral Corporation (“Golden Corral” or “Defendant”). Golden Corral denies any wrongdoing whatsoever.

- **Who is a Settlement Class Member?**

All individuals impacted by the Data Incident that occurred between August 11, 2023, and August 15, 2023, who were sent a notice of the Data Incident.

Excluded from the Settlement Class are (1) the judges presiding over this Litigation, and members of their direct families; (2) Golden Corral, its subsidiaries, parent companies, successors, predecessors, and any entity in which Golden Corral or its parents have a controlling interest, and its current or former officers and directors; and (3) Settlement Class Members who submit a valid request for exclusion prior to the Opt-Out Deadline.

- Under the Settlement Agreement, Settlement Class Members will be eligible to receive:
 - ❖ **Compensation for Unreimbursed Economic Losses:** Settlement Payment from the Settlement Fund, up to a total of **\$10,000** per Settlement Class Member, upon submission of an Approved Claim and supporting documentation, for unreimbursed ordinary and/or extraordinary economic losses incurred as a result of the Data Incident;

OR

- ❖ **Pro Rata Cash Payment:** Settlement Class Members may submit a claim for a *pro rata* share of the Net Settlement Fund, instead of Unreimbursed Economic Losses. The estimated value of *Pro Rata* Cash Payments will be **\$50** per Approved Claim. The amount of the *Pro Rata* Cash Payments will be increased or decreased on a *pro rata* basis, depending upon the number of Approved Claims filed and the amount of funds available for these payments.
- To submit a claim or obtain more information visit **www.website.com** or call (XXX) XXX-XXXX to request a Claim Form no later than **<<Claims Deadline>>**.

Please read this Notice carefully. Your legal rights will be affected, and you have a choice to make at this time.

	Summary of Legal Rights	Deadline(s)
Submit a Claim Form	The only way to receive a Settlement Payment from the settlement.	Submitted or postmarked on or before << Claims Deadline >>.
Exclude Yourself by Opting Out of the Class	Receive no benefit from the settlement. This is the only option that allows you to keep your right to bring any other lawsuit against Golden Corral relating to the Data Incident.	Mailed and postmarked on or before << Opt-Out Deadline >>.
Object to the Settlement and/or Attend the Final Approval Hearing	You can write to the Court about why you agree or disagree with the settlement or the Fee and Expense Application. The Court cannot order a different settlement. You can also ask to speak at the Final Approval Hearing on << Final Approval Hearing date >>, about the fairness of the settlement, with or without your own attorney.	Mailed and postmarked on or before << Objection Deadline >>.
Do Nothing	You will not receive any Settlement Payment from this class action settlement.	N/A

- Your rights and options as a Settlement Class Member – **and the deadlines to exercise your rights** – are explained in this Notice.
- The Court still will have to decide whether to approve the settlement. Payments to Settlement Class Members will be made only if the Court approves the settlement and after any possible appeals are resolved.

TO RECEIVE AN ELECTRONIC OR ACH PAYMENT FOR YOUR APPROVED CLAIM, YOU MUST FILE A CLAIM FORM ONLINE AT WWW.WEBSITE.COM

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BASIC INFORMATION

1. Why is there a Notice?

The Court authorized this Notice because you have a right to know about the settlement, and all of your options, before the Court decides whether to finally approve the settlement. This Notice explains the nature of the Litigation that is the subject of the settlement, the general terms of the settlement, and your legal rights and options.

The Judge Richard E. Meyers II of the United States District Court for the Eastern District of North Carolina, Western Division, is overseeing this case captioned as *In re Golden Corral Data Incident Litigation*, Case No. 5:24-cv-00123-M-BM. The people who brought the lawsuit are called the Settlement Class Representatives. The company being sued, Golden Corral Corporation, is called the Defendant.

2. What is the Litigation about?

The Litigation alleges that, on August 15, 2023, Golden Corral was targeted in a cyberattack by an unknown third party. Plaintiffs allege that this cyberattack exposed certain personally identifiable information of Golden Corral's current and former employees, and certain non-employees. Specifically, the following types of Private Information were allegedly exposed: names, Social Security Numbers, financial account details, driver's license numbers, medical information, usernames and passwords, and health insurance information. On February 16, 2024, Golden Corral began notifying Plaintiffs and the Settlement Class about the Data Incident.

Golden Corral denies any wrongdoing whatsoever. No court or other judicial body has made any judgment or other determination that Golden Corral has done anything wrong.

3. Why is this a class action?

In a class action, one or more people called "Settlement Class Representatives" or "Plaintiffs" sue on behalf of all people who have similar claims. Together, all of these people are called a "Settlement Class," and the individuals are called "Settlement Class Members." 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?

The Court has not decided in favor of the Plaintiffs or Golden Corral in the Litigation. Instead, both sides agreed to the settlement. The settlement avoids the cost and risk of a trial and related appeals, while providing benefits to Settlement Class Members. The Settlement Class Representatives appointed to represent the Settlement Class, and the attorneys for the Settlement Class, Class Counsel, think the settlement is best for all Settlement Class Members.

WHO IS IN THE SETTLEMENT?

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

You are affected by the settlement and potentially a Settlement Class Member if you are an

individual impacted by the Data Incident that occurred between August 11, 2023, and August 15, 2023, and were sent a notice of the Data Incident.

Only Settlement Class Members are eligible to receive benefits under the settlement. Excluded from the Settlement Class are: (1) the judges presiding over this Litigation, and members of their direct families; (2) Golden Corral, its subsidiaries, parent companies, successors, predecessors, and any entity in which Golden Corral or its parents have a controlling interest, and its current or former officers and directors; and (3) Settlement Class Members who submit a valid request for exclusion prior to the Opt-Out Deadline.

6. What if I am not sure whether I am included in the settlement?

If you are not sure whether you are included in the settlement, you may call (XXX) XXX-XXXX with questions. You may also write with questions to:

<<Mailing Caption>>
c/o Kroll Settlement Administration LLC
PO Box XXXX
New York, NY 10150-XXXX

THE SETTLEMENT BENEFITS–WHAT YOU GET IF YOU QUALIFY

7. What does the settlement provide?

The settlement provides the following Settlement Payments available to Settlement Class Members who submit Approved Claims: (a) Compensation for Unreimbursed Economic Losses, up to \$10,000 per Settlement Class Member, with supporting documentation; or (b) a *Pro Rata* Cash Payment – an estimated \$50 Settlement Payment (that may increase or decrease based on Approved Claims and remaining Settlement Funds). If a Settlement Class Member does not submit an Approved Claim, the Settlement Class Member will release his or her claims against Golden Corral without receiving a Settlement Payment.

Settlement Class Members with Unreimbursed Economic Losses must submit documentation supporting their claims. This can include receipts or other documentation not “self-prepared” by the claimant that document the costs incurred. “Self-prepared” documents such as handwritten receipts are, by themselves, insufficient to receive reimbursement, but can be considered to add clarity or support other submitted documentation.

To receive the *Pro Rata* Cash Payment, Settlement Class Members must submit a valid Claim Form, but no documentation is required to make a claim. The amount of the Settlement Payment is estimated at \$50, but will be increased or decreased on a *pro rata* basis, depending upon the number of Approved Claims filed and the amount of funds available for these payments.

8. What payments are available for reimbursement under the settlement?

Settlement Class Members that submit a valid and timely Claim Form may select one of the following:

- a) ***Compensation for Unreimbursed Economic Losses:*** Settlement Class Members may submit a claim for up to a total of \$10,000 per person, upon submission of a claim **and supporting documentation**.

- These Unreimbursed Economic Losses may include:
 - *Unreimbursed economic losses* incurred as a result of the Data Incident, including, without limitation, unreimbursed losses relating to fraud or identity theft; professional fees including attorneys' fees, accountants' fees, and fees for credit repair services; costs associated with freezing or unfreezing credit with any credit reporting agency; credit monitoring costs that were incurred on or after the Data Incident through the date of claim submission; and miscellaneous expenses such as notary, fax, postage, copying, mileage, and long-distance telephone charges.

OR

- b) ***Pro Rata Cash Payment:*** Settlement Class Members may submit a claim for a *pro rata* share of the Net Settlement Fund, minus all Approved Claims for Unreimbursed Economic Losses. The estimated value of *Pro Rata* Cash Payments will be \$50 per Approved Claim. **No documentation is required to make a claim for the *Pro Rata* Cash Payment.** The amount of the *Pro Rata* Cash Payment will be increased or decreased on a *pro rata* basis, depending upon the number of Approved Claims filed and the amount of funds available for these payments.

HOW DO YOU SUBMIT A CLAIM?

9. How do I get a Settlement Payment?

To receive a Settlement Payment, you must complete and submit a Claim Form online at www.website.com or by mail to <<Mailing Caption>>, c/o Kroll Settlement Administration LLC, PO Box XXXX, New York, NY 10150-XXXX. Read the Claim Form instructions carefully, fill out the Claim Form, provide the required documentation, and submit online by <<Claims Deadline>> or by mail postmarked by <<Claims Deadline>>.

10. How will claims be decided?

Claims will be subject to review for completeness and plausibility by a Settlement Administrator, and claimants will have the opportunity to seek review by Counsel for the Parties, if they dispute the Settlement Administrator's initial determination.

The Settlement Administrator shall verify that each person who submits a Claim Form is a Settlement Class Member. The Settlement Administrator shall have the sole discretion and authority to determine whether and to what extent documentation for unreimbursed ordinary and/or extraordinary economic losses reflect valid Unreimbursed Economic Losses actually incurred that are fairly traceable to the Data Incident but may consult with both Class Counsel and Golden Corral's Counsel in making

individual determinations. The Settlement Administrator is authorized to contact any Settlement Class Member (by e-mail, telephone, or U.S. mail) to seek clarification regarding a submitted claim prior to making a determination as to its validity.

In the event of any ambiguities in the Claim Form, the Settlement Administrator must contact the Settlement Class Member prior to making a determination as to its validity and, specifically, to determine whether the Settlement Class Member wishes to file a claim for a *Pro Rata* Cash Payment or compensation for Unreimbursed Economic Losses.

11. When will I get my Settlement Payment?

The Court will hold a Final Approval Hearing on <<Date>>, at <<Time>> a.m. ET to decide whether to approve the settlement. If the Court approves the settlement, there may be appeals from that decision and resolving them can take time. It also takes time for all of the Claim Forms to be processed. Please be patient. Payments will begin after the settlement has obtained Court approval and the time for all appeals has expired.

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

Golden Corral and its affiliates will receive a release from all claims that could have been or that were brought against Golden Corral relating to the Data Incident. Thus, if the settlement becomes Final and you do not exclude yourself from the settlement, you will be a Settlement Class Member and you will give up your right to sue Golden Corral and each of their present and former parents, subsidiaries, divisions, affiliates, predecessors, successors, and assigns, Board of Trustees, and the present and former directors, officers, employees, agents, insurers, reinsurers, shareholders, attorneys, advisors, consultants, representatives, partners, joint venturers, independent contractors, wholesalers, resellers, distributors, retailers, and the predecessors, successors, and assigns of each of them as well as covered entities associated with the Data Incident. This release is described in Section IX of the Settlement Agreement, which is available at **www.website.com**. If you have any questions, you can talk to the law firms listed in Question 18 for free or you can talk to your own lawyer.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want to be part of the settlement, then you must take steps to exclude yourself from the Settlement Class. This 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 receive any benefits from the settlement.

14. If I do not exclude myself, can I sue the Released Parties for the same thing later?

No. Unless you exclude yourself, you give up any right to sue Golden Corral and any other Released Party for any claim that could have been or was brought relating to the Data Incident. You must exclude yourself from the settlement to start your own lawsuit or to be part of any different lawsuit relating

to the claims in this case.

15. How do I exclude myself from the settlement?

To exclude yourself, send a request for exclusion or written notice of intent to opt-out that says you want to be excluded from the Settlement in *In re Golden Corral Data Incident Litigation*, Case No. 5:24-cv-00123-M-BM. The request for exclusion must include: (1) the name of the Litigation; (2) the individual's full name, current address, personal signature, and the words "Request for Exclusion;" and (3) a comparable statement that the individual does not wish to participate in the Settlement, or some other clear manifestation of the intent to opt-out of the settlement in the written communication. Any Settlement Class Member who does not file a timely request for exclusion as described will lose the opportunity to exclude himself or herself from the settlement and will be bound by the settlement. You must mail your request for exclusion to the Settlement Administrator postmarked by <<**Opt-Out Deadline**>>, to:

<<Mailing Caption>>
c/o Kroll Settlement Administration LLC
PO Box XXXX
New York, NY 10150-XXXX

OBJECTING TO THE SETTLEMENT

16. How do I tell the Court that I do not like the settlement?

You can tell the Court that you do not agree with the settlement, the Fee and Expense Application or some part of it by objecting to the settlement. For an objection to be a valid objection under the settlement, it must be in writing, mailed to the to the Clerk of the Court at the address listed below, postmarked by **no later** than <<**Objection Deadline**>>.

Clerk of the Court
Peter A. Moore, Jr. Clerk of Court PO Box 25670 Raleigh NC 27611

Your objection must be written and must include all of the following:

- i) the name of the Litigation (*In re Golden Corral Data Incident Litigation*, Case No. 5:24-cv-00123-M-BM);
- ii) the Settlement Class Member's full name, current mailing address, and telephone number;
- iii) a statement of the specific grounds for the objection, as well as any documents supporting the objection and a description of whether the objection applies only to the Settlement Class Member, a subset of the Settlement Class, or the entire Settlement Class;
- iv) the identity of any attorneys representing the objector (if any);
- v) a statement regarding whether the Settlement Class Member (or his/her attorney) intends to appear at the Final Approval Hearing;

- vi) a description and/or copies of evidence that may be introduced at fairness hearing;
- vii) a list of proceedings in which the Settlement Class Member has submitted an objection during the past five years; and
- viii) the signature of the Settlement Class Member or the Settlement Class Member's attorney.

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

Objecting is telling the Court that you do not like the settlement or parts of it and why you do not think it should be approved. You can object only if you are a Settlement Class Member. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class and do not want to receive any payment from the settlement. If you exclude yourself, you have no basis to object because you are no longer a Settlement Class Member, and the case no longer affects you.

THE LAWYERS REPRESENTING YOU

18. Do I have a lawyer in this case?

Yes. The Court appointed Gary M. Klinger of Milberg Coleman Bryson Phillips Grossman PLLC, as Class Counsel to represent the Settlement Class in settlement negotiations. If you want to be represented by your own lawyer, you may hire one at your own expense.

19. How will the lawyers be paid?

Class Counsel will file a Fee and Expense Application for an award of attorneys' fees to be paid from the Settlement Fund not to exceed 33.33% of the value of the settlement, or \$610,500, and litigation expenses up to \$20,000. Any such award would compensate Class Counsel for investigating the facts, litigating the case, and negotiating the settlement and will be the only payment to them for their efforts in achieving this settlement and for their risk in undertaking this representation on a wholly contingent basis.

Class Counsel will file a Fee Application that will include a request for Service Award payments for the Settlement Class Representatives in recognition for their contributions to this Litigation not to exceed \$2,500 per Plaintiff (\$15,000 total), from the Settlement Fund.

Any Fee and Expense Application and Service Award payments must be approved by the Court. The Court may award less than the amounts requested.

THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing at <<Time>> ET on <<Date>>, at the <<Court Address>>, Room ____ as ordered by the Court. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are timely and valid 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 Fee and Expense Application and Service Award payments. After the hearing, the Court will decide whether to approve the settlement. We do

not know how long these decisions will take. The hearing may be moved to a different date or time without additional notice, so Class Counsel recommends checking the Settlement Website **www.website.com**, or calling **(XXX) XXX-XXXX**.

21. Do I have to attend the hearing?

No. Class Counsel will present the settlement 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 visit 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 16, the Court will consider it.

22. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must file an objection according to the instructions in Question 16, including all the information required. Your objection must be **mailed** to the Clerk of the Court, at the mailing address listed above, postmarked by no later than the <<end of the Objection Deadline>>.

IF YOU DO NOTHING

23. What happens if I do nothing?

If you do nothing, you will not receive any benefits from this settlement. If the settlement is granted final approval and becomes Final, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Golden Corral or the other Released Parties based on any claim that could have been or that was brought relating to the Data Incident.

ADDITIONAL INFORMATION

24. How do I get more information?

This Notice summarizes the settlement. More details are in the Settlement Agreement itself. A copy of the Settlement Agreement is available at **www.website.com**. You may also call the Settlement Administrator with questions or to receive a Claim Form at **(XXX) XXX-XXXX**.

25. What if my contact information changes or I no longer live at my address?

It is your responsibility to inform the Settlement Administrator of your updated information. You may do so at the address below:

<<Mailing Caption>>
c/o Kroll Settlement Administration LLC
PO Box XXXX
New York, NY 10150-XXXX

PLEASE DO NOT CONTACT THE COURT, CLERK OF THE COURT OR CLASS

COUNSEL FOR INFORMATION ABOUT THE CLASS ACTION SETTLEMENT