
VIA U.S. MAIL

Date: December 19, 2024

To: All “Appropriate” Federal and State Officials Per 28 U.S.C. § 1715
(see attached service list)

Re: CAFA Notice for the proposed Settlement in *Morgan v. The Burton Corporation d/b/a Burton Snowboards*, Civil Action No. 2:23-CV-00366-GWC, pending in the United States District Court for the District of Vermont.

Pursuant to Section 3 of the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1715, Defendant The Burton Corporation (“Defendant” or “Burton”) hereby notifies you of the proposed settlement of the above-captioned action (the “Action”), currently pending in the United States District Court for the District of Vermont (the “Court”).

Eight items must be provided to you in connection with any proposed class action settlement pursuant to 28 U.S.C. § 1715(b). Each of these items is addressed below, and all exhibits are available for download at www.CAFANotice.com under the folder entitled *Morgan v. The Burton Corporation d/b/a Burton Snowboards*:

1. 28 U.S.C. § 1715(b)(1) – a copy of the complaint and any materials filed with the complaint and any amended complaints.

The Class Action Complaint is available as **Exhibit A**.

2. 28 U.S.C. § 1715(b)(2) – notice of any scheduled judicial hearing in the class action.

On December 9, 2024, Plaintiff filed a motion for preliminary approval of the class action Settlement, and the date of the preliminary approval hearing has not yet been set. The Court has not yet scheduled the Final Approval Hearing for this matter. The proposed Preliminary Approval Order is available as **Exhibit B**.

3. 28 U.S.C. § 1715(b)(3) – any proposed or final notification to class members.

Copies of the proposed Class Notice and Long Form Notice will be provided to Class Members and will be available on the Settlement Website created for the administration of this matter. These are available as **Exhibits C and D**, respectively. The Class Notices describe, among other things, the Claim submission process and the Class Members’ rights to object or exclude themselves from the Class.

4. 28 U.S.C. § 1715(b)(4) – any proposed or final class action settlement.
The Class Action Settlement Agreement and Release (the “Settlement Agreement”) is available as **Exhibit E**.
5. 28 U.S.C. § 1715(b)(5) – any settlement or other agreement contemporaneously made between class counsel and counsel for defendants.
There are no other settlements or other agreements between Class Counsel and Defendant’s Counsel beyond what is set forth in the Settlement Agreement.
6. 28 U.S.C. § 1715(b)(6) – any final judgment or notice of dismissal.
The Court has not yet entered a final judgment or notice of dismissal. Accordingly, no such document is presently available.
7. 28 U.S.C. § 1715(b)(7) – (A) If feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State’s appropriate State official; or (B) if the provision of the information under subparagraph (A) is not feasible, a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement.

The definition of the Class in the proposed Settlement Agreement means mean all persons whose personally identifiable information was potentially accessed in the Incident alleged in the Complaint. Excluded from the Settlement Class are: (1) the Judge presiding over the Action, any members of the Judge’s staff, and immediate members of the Judge’s family; (2) officers, directors, members and shareholders of Defendant; (3) persons who timely and validly request exclusion from the Settlement Class; (4) the successors and assigns of any such excluded persons; and (5) any person found by a court of competent jurisdiction to be guilty under criminal law of initiating, causing, aiding or abetting the criminal activity or occurrence of the Incident or who pleads *nolo contendere* to any such charge.

The complete list and counts by state of Class Members is not known.
8. 28 U.S.C. § 1715(b)(8) – any written judicial opinion relating to the materials described in 28 U.S.C. § 1715(b) subparagraphs (3) through (6).
There has been no written judicial opinion. Accordingly, no such document is presently available.

If you have any questions about this notice, the Action, or the materials available for download at www.CAFANotice.com under the folder entitled *Morgan v. The Burton Corporation d/b/a Burton Snowboards*, please contact the undersigned below.

Respectfully submitted,

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