

Exhibit D

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
UNITED STATES DISTRICT COURT, DISTRICT OF COLORADO**

***Rodriguez v. Professional Finance Co. Inc.*, Case No. 1:22-cv-01679-RMR-STV**

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

If You were Impacted by the Data Incident Experienced by Professional Finance Company, Inc., You Could be Eligible for a Payment from a Class Action Settlement

- You may be eligible to receive a payment from a proposed \$2,500,000 non-reversionary class action settlement (the “Settlement Fund”).
- The class action lawsuit concerns the February 2022 Data Incident involving Professional Finance Company, Inc. (“PFC”) in which Plaintiffs allege that an unauthorized third party gained access to certain of Defendant’s files containing the sensitive personal information including names and Social Security numbers of some customers of Defendant’s clients and others with whom Defendant interacts. Defendant disagrees with Plaintiffs’ claims and denies any liability or wrongdoing.
- To be eligible to make a claim, your data must have been impacted in the February 2022 Data Incident experienced by Defendant.
- Eligible claimants of the SSN Subclass under the Settlement Agreement will be eligible to receive:
 - ❖ **Reimbursement for the actual amount of unreimbursed out-of-pocket expenses up to \$500, with supporting documentation of the monetary losses;**
 - ❖ **Enrollment in 24 months of free credit monitoring (“Credit Monitoring”) in the form of Identity Defense Complete provided by CyEx for SSN Subclass Members.**
 - ❖ **\$50 cash payment to SSN Subclass Members residing in California at the time of the Data Incident.**
- Eligible claimants of the Non-SSN Subclass under the Settlement Agreement will be eligible to receive:
 - ❖ **Enrollment in 24 months of free identity theft monitoring (“Identity Monitoring”) in the form of Identity Defense Plus provided by CyEx for Non-SSN Subclass Members.**
- For more information or to submit a claim visit **www.PFCdatasettlement.com** or call **1-###-###-####** Monday through Saturday, between 8:30 a.m. and 5:00 p.m. E.T.
- **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	You must submit a Valid Claim form to receive payment.	Submitted or Postmarked on or Before <u> </u> , 2024
Exclude Yourself By Opting Out of the Class	Receive no payment. This is the only option that allows you to keep your right to bring any other lawsuit against Defendant for the same claims.	Submitted or Postmarked on or Before <u> </u> , 2024
Object to the Settlement and/or Attend the Fairness Hearing	Stay in the Settlement, but tell the Court about why you disagree with the Settlement. You will still be bound by the settlement if the Court approves it. You can also ask to speak to the Court at the Final Approval Hearing on <u> </u> , 2024 about the fairness of the Settlement, with or without your own attorney.	Received on or Before <u> </u> , 2024
Do Nothing	Receive no payment. Give up rights if you are a Class Member.	N/A

- Your rights and options as a 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. Benefits, including applicable payments to Class Members will be made if the Court approves the Settlement and after any possible appeals are resolved.

What This Notice Contains

Basic Information.....3

Who is in the Settlement?.....4

The Settlement Benefits—What You Get if You Qualify.....4

How do You Submit a Claim?.....5

What Does Defendant Receive in the Settlement – Releases from Claims.....5

Excluding Yourself from the Settlement.....6

Objecting to the Settlement.....6

The Lawyers Representing You and What They may Receive.....8

The Court’s Final Approval Hearing8

If You Do Nothing.....9

Getting More Information.....9

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 give “final approval” to the Settlement. This notice explains the nature of the lawsuit that is the subject of the Settlement, the general terms of the Settlement, and your legal rights and options.

Judge Regina M. Rodriguez of the United States District Court for the District of Colorado is overseeing this case captioned as *Rodriguez v. Professional Finance Company, Inc.*, Case No. 1:22-cv-1679. The person(s) who brought the lawsuit is called the Plaintiff. The company being sued, Professional Finance Company, Inc., is called the Defendant.

2. What is this lawsuit about?

Plaintiffs filed this lawsuit against Defendant, individually, and on behalf of anyone whose personally identifiable information (“PII”) was potentially impacted as a result of the Data Incident.

Plaintiffs allege that as a result of the Data Incident, unauthorized third parties accessed their, and Class Members’ PII and asserted claims against Defendant for: (1) negligence; (2) breach of implied contract; (3) breach of third-party beneficiary contract; (4) unjust enrichment; (5) invasion of privacy; (6) violations of the Colorado Consumer Protection Act, Colo. Rev. Stat. § 6-1-101, *et seq.*; (7) violations of the Arizona Consumer Fraud Act, Ariz. Rev. Stat. § 44-1521, *et seq.*, (8) violations of the California Customer Records Act, Cal. Civ. Code §§ 1798.80, *et seq.*, (9) violations of the California Unfair Competition Law, Cal. Bus. Code §17200, *et seq.*, (10) violations of the California Consumer Privacy Act, Cal. Civ. Code § 1798.150, (11) violations of the Nevada Consumer Fraud Act, Nev. Rev. Stat. §§ 598.0915 and 598.0923, *et seq.*, and (12) declaratory judgment/injunctive relief.

Defendant denies these claims and denies any wrongdoing or liability. No court or other judicial entity has decided Plaintiffs’ claims or whether Defendant did anything wrong.

3. Why is this lawsuit a class action?

In a class action, one or more people called class representatives or representative plaintiffs sue on behalf of all people who have similar claims. Together, all of these people are called a class, and the individuals are called class members. One court resolves the issues for all class members, except for those who exclude themselves from the class.

4. Why is there a Settlement?

The Court has not decided in favor of Plaintiffs or Defendant. Instead, both sides agreed to the Settlement. The Settlement avoids the cost and risk of further litigation or trial. The Class Representatives, Defendant, and their attorneys believe that the settlement is fair, reasonable, and adequate, and in the best interest of the Class Members.

WHO IS IN THE SETTLEMENT?

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

You are included in the Settlement if your information was impacted by the Data Incident.

Only Settlement Class Members are eligible to receive benefits under the Settlement. Specifically excluded from the Settlement Class are: (i) Defendant and its officers and directors; (ii) all Persons who timely and validly request exclusion from the Class; and (iii) the Judge assigned to evaluate the fairness of this settlement.

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 of the benefits for which you may qualify, you may call 1-###-###-#### with questions. You may also write with questions to:

PFC Settlement Administrator

address

address

info@PFCdatasettlement.com

THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

7. What does the Settlement provide?

The Settlement provides that Defendant will fund the following payments up to a total of \$2,500,000 less distributions for fees and expenses described below: (a) a \$50 cash payment to individuals who were living in California at the time of the Data Incident whose Social Security numbers were included in the Data Incident; (b) 24 months of free Credit Monitoring provided to all individuals whose Social Security numbers were included in the Data Incident; (c) up to \$500 for any unreimbursed expenses incurred as a result of the Data Incident for all individuals whose Social Security numbers were included in the Data Incident; and (d) 24 months of free Identity Monitoring provided to all individuals whose Social Security numbers *were not* included in the Data Incident.

After the distribution of the Fee and Expense Award, Administrative Expenses, Service Awards, and Settlement benefits to claimants, the Settlement Administrator will distribute the Settlement Fund to Class Members who submit valid claims for the \$50 cash payment to California residents and those who submit valid claims for up to \$500 in reimbursement for out-of-pocket expenses. Claims for reimbursed out-of-pocket expenses must be accompanied by supporting documentation.

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

Settlement Class Members who submit a claim are eligible to receive:

- a) \$50 cash payment if the Settlement Class Member's Social Security number was involved in the Data Incident and they resided in California at the time of the Data Incident;
- b) Enrollment in 24 months of Credit Monitoring in the form of Identity Defense Complete provided by CyEx or similar product if the Settlement Class Member's Social Security

number was involved in the Data Incident.

- c) Reimbursement of actual, documented, unreimbursed out-of-pocket expenses resulting from the Data Incident (up to \$500 in total), if the Settlement Class Member's Social Security number was involved, to include expenses such as:
- 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 February 1, 2022; and
 - Other expenses reasonably attributable to the Data Incident, such as notary, data charges (if charged based on the amount of data used) fax, postage, copying, mileage, cell phone charges (only if charged by the minute), and long-distance telephone charges.
- d) Enrollment in 24 months of Identity Monitoring in the form of Identity Defense Plus provided by CyEx or similar product if the Settlement Class Member's Social Security number *was not* involved in the Data Incident.

HOW DO YOU SUBMIT A CLAIM?

9. How do I get a benefit?

To receive a benefit under the Settlement, you must complete and submit a claim for that benefit (a "Claim"). Every Claim must be made on a form ("Claim Form") available at www.PFCdatasettlement.com or by calling 1-###-###-####. Read the instructions carefully, fill out the Claim Form, provide the required documentation, and submit it according to the instructions on the Claim Form.

10. How will claims be decided?

The Settlement Administrator will decide whether and to what extent any Claim made on each Claim Form is valid. The Settlement Administrator may require additional information. If you do not provide the additional information in a timely manner the Claim will be considered invalid and will not be paid. The Settlement Administrator will possess data, securely held, allowing it to distinguish between SSN Subclass and Non-SSN Subclass members.

11. When will I get my payment?

The Court will hold a hearing on _____, 2024 at _____ .m. MT 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, perhaps more than a year. It also takes time for all the Claim Forms to be processed. Please be patient.

WHAT DOES DEFENDANT RECEIVE IN THE SETTLEMENT – RELEASE FROM CLAIMS

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

If you stay in the settlement, you may submit a claim to receive payment, but you will not be able to sue the Released Parties for any claims related to the Data Incident ("Released Claims"). These releases are described in the Settlement Agreement, which is available at

www.PFCdatasettlement.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 this 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, but you will *not* be bound by any judgment in this case.

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

No. Unless you exclude yourself, you give up any right to the Released Parties for the Released Claims. 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 released in this case. If you exclude yourself, do not submit a Claim Form – you will not be eligible for any benefit under the Settlement.

15. How do I exclude myself from the Settlement?

To exclude yourself, you must send a timely letter or email that says you want to be excluded from the Settlement in *Rodriguez v. Professional Finance Company, Inc.*, Case No. 1:22-cv-1679, in the United States District Court for the District of Colorado. The letter should state your full name, address, and telephone number; and must (a) be individually and originally signed by you or by a person authorized by law to act on your behalf; and (b) clearly manifest your intent to be excluded from the Settlement, to be excluded from the settlement, not to participate in the settlement, and/or to waive all rights to the benefits of the settlement. You must mail your exclusion request postmarked by the Objection/Exclusion Deadline , 2024, to:

PFC Settlement Administrator
Attn: Exclusion Request

If you wish to email an exclusion request, send it by , 2024, to: EMAIL ADDRESS

Instructions on how to submit a request for exclusion are available at www.PFCdatasettlement.com or from the Settlement Administrator by calling 1-###-###-####.

OBJECTING TO THE SETTLEMENT

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

You can choose (but are not required) to object to the Settlement if you do not like it or a portion of it, whether that be to the Settlement benefits, the request for attorneys’ fees or service awards, the releases provided to the Defendant, or some other aspect of the Settlement. Through an objection, you give reasons why you think the Court should not approve the Settlement. The Court will consider your views in its decision whether to approve the Settlement. To object, you must mail your objection to the

Clerk of the Court at the mailing address listed below, postmarked by **no later** than the Objection/Exclusion Deadline, _____, 2024. In the alternative, you may file your objection with the Clerk of the Court using the Court’s ECF system. You may need the assistance of counsel in using the ECF system.

Court	
Clerk of the Court United States District Court for the District of Colorado Alfred A. Arraj U.S. Courthouse 901 19 th Street, Room A105 Denver, CO 80294-3589	

A copy of the objection must also be mailed and postmarked or emailed to the Settlement Administrator by the Objection/Exclusion Deadline, _____, 2024, to:

PFC Settlement Administrator
Attn: Exclusion Request
address
address

If you wish to email an objection to the Settlement Administrator, send it by _____, 2024, to: EMAIL ADDRESS

Your objection must be written and must include all of the following: : (1) full name, address, and current telephone number; (2) the name and number of this case; (3) all grounds for the objection, with factual and legal support for the stated objection, including any supporting materials; and (4) your signature (or of your counsel if represented by your own lawyer). If represented by counsel, you must also provide the name and telephone number of your counsel. If you intend to appear at the Final Approval Hearing, either with or without counsel, please identify in the objection witnesses you may call to testify at the Final Approval Hearing and all exhibits you intend to introduce into evidence at the Final Approval Hearing, which are to be attached to, or included with, the written objection.

17. 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 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 or other benefit from the Settlement. If you exclude yourself, you have no basis to object because you are no longer a member of the settlement Class, and the case no longer affects you. If you submit both a valid objection and a valid request to be excluded, you will be deemed to have only submitted the request to be excluded.

THE LAWYERS REPRESENTING YOU AND WHAT THEY MAY RECEIVE

18. Do I have a lawyer in this case?

Yes. The Court appointed Jean S. Martin of Morgan & Morgan, Terence R. Coates of Markovits, Stock & DeMarco, LLC, and Joseph M. Lyon of The Lyon Firm as Class Counsel, to represent the Class. 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 ask the Court for an award of attorneys' fees up to \$750,000, plus litigation expenses not to exceed \$25,000. This payment for Attorneys' Fees will be made out of the Settlement Fund. 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.

Settlement Class Counsel will also ask the Court for a service award up to \$2,000 for each of the Class Representatives.

Any award for attorneys' fees, costs, and expenses for Settlement Class Counsel, and for service awards to the Settlement Class Representatives, must be approved by the Court. The Court may award less than the amounts requested. Settlement Class Counsel's papers in support of final approval of the Settlement will be filed no later than _____, 2024 and their application for attorneys' fees, costs and expenses, and service awards will be filed no later than _____, 2024 and will be posted on the settlement website.

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 _____ m. MT on _____, 2024, at the Alfred A. Arraj U.S. Courthouse, 901 19th Street, Denver, CO 80294-3589 in Room _____ or by remote or virtual means 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 request for an award of attorneys' fees and reasonable costs and expenses, as well as the request for service awards for the Class Representatives. 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 or conducted via remote means without additional notice, so Class Counsel recommends checking the website www.PFCdatasettlement.com regularly for updates.

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 visit the Court to talk about it but you may appear if you wish.

22. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, it is best to 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, Settlement Class Counsel and Defendant's Counsel, postmarked no later than _____, 2024. If you do not file an objection, you may still ask the Court if you can speak at the hearing, but the Court does not have to grant that request.

IF YOU DO NOTHING

23. What happens if I do nothing?

If you do nothing you will not get any money or other benefit from this Settlement. If the Settlement is granted and the judgment on the Settlement becomes final, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Released Parties based on the Released Claims, ever again.

GETTING MORE INFORMATION

24. How do I get more information?

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement itself. A copy of the Settlement Agreement is available at **www.PFCdatasettlement.com**. You may also call the Settlement Administrator with questions or to get a Claim Form at 1-###-###-####.

You may also contact Class Counsel at:

Terence Coates
Markovits, Stock, & DeMarco, LLC
119 East Court Street, Suite 530
Cincinnati, OH 45202
(513) 651-3700

**PLEASE DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT
OR LITIGATION TO THE CLERK OF THE COURT, THE JUDGE,
DEFENDANT, OR DEFENDANT'S COUNSEL.**