

# Exhibit D

# **NOTICE OF PROPOSED CLASS LITIGATION**

## **SETTLEMENT**

United States District Court for the Southern District of Texas

*Trottier, et al. v. Sysco Corporation*

Case No. 4:23-cv-01818

**A Court has authorized this Long Form Notice (“Notice”). This is not a solicitation from a lawyer.**

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**If You Are an Individual Who Resides in the United States to Whom Sysco Sent Notice of the Cybersecurity Event in or around May 2023, You Are Eligible to Receive a Settlement Benefit from a Class Action Settlement.**

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- A Court authorized this Notice to those that are eligible to receive settlement benefits from a proposed \$2,300,000 class action settlement. The Litigation is titled *Trottier, et al. v. Sysco Corporation*, Case No. 4:23-cv-01818 and is pending in the United States District Court for the Southern District of Texas. The persons that filed the class action lawsuit are called Plaintiffs or Representative Plaintiffs and the company they sued is Sysco Corporation (Sysco or Defendant). Defendant denies any wrongdoing whatsoever.

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

All individuals who reside in the United States to whom Sysco sent notice of the Cybersecurity Event in or around May 2023.

Excluded from the Settlement Class are: (1) the Judge and Magistrate Judge presiding over the Lawsuits, any members of the Judges’ respective staffs, and immediate members of the Judges’ respective families; (2) officers, directors, members and shareholders of Sysco; (3) persons who timely and validly request exclusion from and/or opt-out of the Settlement Class and (4) 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 Cybersecurity Event or who pleads *nolo contendere* to any such charge.

- Settlement Class Members under the Settlement Agreement will be eligible to receive:
  - ❖ **Reimbursement for Documented Out-of-Pocket Losses:** All Settlement Class Members may submit a claim for reimbursement of Documented Out-of-Pocket Losses **up to \$5,000** per individual. Documented Out-of-Pocket Losses are unreimbursed costs, losses, or expenditures incurred by a Settlement Class Member in responding to notice of the Cybersecurity Event or as a result of identity theft or identity fraud, falsified tax returns, or other possible misuse of the Settlement Class Member’s personal information that were incurred between May 12, 2023, and the Claims Deadline of **<<date>>**; AND
  - ❖ **Residual Cash Payment:** All Settlement Class Members may claim a cash payment **currently estimated to be between \$100 and \$200, but up to \$599**. The residual cash payment may be claimed in addition to a claim for Documented Out-of-Pocket Losses.

Questions? Go to [www.website.com](http://www.website.com) or call **(XXX) XXX-XXXX**

If the aggregate amount of Approved Claims for Documented Out-of-Pocket Losses exceeds the remaining amount of the Settlement Fund after payment for costs of Credit Monitoring Services, Costs of Claims Administration, service award payments approved by the Court, and attorneys' fees and expenses awarded by the Court, Approved Claims for Documented Out-of-Pocket Losses will be decreased *pro rata* to consume the remaining amount of the Settlement Fund. The Parties do not anticipate any *pro rata* decrease.

**In addition to the above benefits, the settlement provides the following:**

- ❖ **Credit Monitoring Services** – In addition to claims for Documented Out-of-Pocket Losses and a Residual Cash Payment, all Settlement Class Members may claim two (2) years of three-bureau identity theft protection and Credit Monitoring Services.
- To obtain more information visit [www.website.com](http://www.website.com) or call (XXX) XXX-XXXX.

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

	<b>Summary of Legal Rights</b>	<b>Deadline(s)</b>
<b>Submit a Claim Form</b>	The only way to receive a settlement benefit from the settlement.	Submitted or postmarked on or before <<Claims Deadline>>.
<b>Exclude Yourself by Opting Out of the Class</b>	Receive no benefit from the settlement. This is the only option that allows you to keep your right to bring any other lawsuit against Defendant relating to the Cybersecurity Event.	Mailed and postmarked on or before <<the last day of the Opt-Out Date>>.
<b>Object to the Settlement and/or Attend the Final Fairness Hearing</b>	You can write the Court about why you agree or disagree with the settlement or the application for attorneys' fees and service awards. The Court cannot order a different settlement. You can also ask to speak at the Final Fairness Hearing on <<Final Fairness Hearing date>>, about the fairness of the settlement, with or without your own attorney.	Mailed and postmarked on or before <<the last day of the Objection Date>>.
<b>Do Nothing</b>	You will not receive any settlement benefit from this class action settlement, but will remain a Settlement Class Member and be bound by the Released Claims.	N/A

- Your rights and options as a Settlement Class Member – **and the deadlines to exercise your**  
Questions? Go to [www.website.com](http://www.website.com) or call (XXX) XXX-XXXX

**rights** – are explained in this Notice.

- The Court still will have to decide whether to approve the settlement. Settlement benefits will be made available only if the Court approves the settlement and after any possible appeals are resolved.

## What This Notice Contains

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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 give final approval to 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 Honorable George C. Hanks, Jr. of the United States District Court for the Southern District of Texas is overseeing this case captioned as *Trottier, et al. v. Sysco Corporation*, Case No. 4:23-cv-01818. The people who brought the lawsuit are called the Representative Plaintiffs. The company being sued, Sysco Corporation, is called the Defendant.

### 2. What is the Litigation about?

The Litigation alleges that on or around March 5, 2023, Sysco learned of a cybersecurity event believed to have begun on January 14, 2023, during which a threat actor gained access to its systems without authorization and claimed to have acquired certain data, or the Cybersecurity Event. Sysco's investigation of the Cybersecurity Event determined that the threat actor accessed data pertaining to Sysco's current and former employees, including name and Social Security Number, account numbers, and/or similar information.

After Sysco provided notice of the Cybersecurity Event in or around May 2023, various lawsuits were filed alleging claims in connection with the Cybersecurity Event.

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

### 3. Why is this a class action?

In a class action, one or more people called "Representative Plaintiffs" 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 Defendant. 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 Representative Plaintiffs appointed to represent the Settlement Class, and the attorneys for the Settlement Class, Proposed 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 who resides in the United States and to whom Sysco sent notice of the Cybersecurity Event in or around May 2023.

Excluded from the Settlement Class are: (1) the Judge and Magistrate Judge presiding over the Lawsuits, any members of the Judges' respective staffs, and immediate members of the Judges' respective families; (2) officers, directors, members and shareholders of Sysco; (3) persons who timely and validly request exclusion from and/or opt-out of the Settlement Class and (4) 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 Cybersecurity Event or who pleads *nolo contendere* to any such charge.

#### **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:

*Sysco Cybersecurity Event Litigation*  
c/o Kroll Settlement Administration LLC  
P.O. Box XXXX  
New York, NY 10150-XXXX

### **THE SETTLEMENT CLASS MEMBER BENEFITS—WHAT YOU GET IF YOU QUALIFY**

#### **7. What does the settlement provide?**

The settlement provides the following Settlement Class Member Benefits available to Settlement Class Members who submit Approved Claims: (a) reimbursement for Documented Out-of-Pocket Losses; and/or (b) Residual Cash Payment. In addition to the above, all Settlement Class Members may also submit a claim for Credit Monitoring Services.

#### **8. What settlement benefits are available under the settlement?**

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

- a) ***Reimbursement for Documented Out-of-Pocket Losses:*** All Settlement Class Members may submit a claim for reimbursement of Documented Out-of-Pocket Losses up to \$5,000 per individual. Documented Out-of-Pocket Losses are unreimbursed costs, losses, or expenditures incurred by a Settlement Class Member in responding to notice of the Cybersecurity Event that were incurred between May 12, 2023 and the Claims Deadline of <<date>>;

- Documented Out-of-Pocket Losses may include, without limitation, the following:
  1. costs associated with accessing or freezing/unfreezing credit reports with any credit-reporting agency;
  2. other miscellaneous expenses incurred related to any Documented Out-of-Pocket Loss such as notary, fax, postage, copying, mileage, and long-distance telephone charges;
  3. credit monitoring or other mitigative costs; and
  4. unreimbursed costs, losses, or expenditures incurred as a result of identity theft or identity fraud, falsified tax returns, or other possible misuse of the Settlement Class Member's Personal Identifiable Information.

Questions? Go to [www.website.com](http://www.website.com) or call (XXX) XXX-XXXX

- Settlement Class Members who elect to submit a claim for reimbursement of Documented Out-of-Pocket Losses must provide the Claims Administrator the information required to evaluate the claim, including:
  1. the Settlement Class Member's name and current address;
  2. documentation supporting the unreimbursed cost, loss, or expenditure; and
  3. a brief description of the documentation describing the nature of the cost, loss, or expenditure, if the nature of the cost, loss, or expenditure is not apparent from the documentation alone.
- Documentation supporting Documented Out-of-Pocket Losses can include receipts or other documentation not "self-prepared" by the Settlement Class Member that documents 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 to other submitted documentation.

**AND**

- b) ***Residual Cash Payment:*** All Settlement Class Members may claim a cash payment currently estimated to be between \$100 and \$200, but up to \$599. The Residual Cash Payment may be claimed in addition to a claim for Documented Out-of-Pocket Losses.
- If the aggregate amount of Approved Claims for Documented Out-of-Pocket Losses exceeds the remaining amount of the Settlement Fund after payment for costs of Credit Monitoring Services, Costs of Claims Administration, service award payments approved by the Court, and attorneys' fees and expenses awarded by the Court, Approved Claims for Documented Out-of-Pocket Losses will be decreased *pro rata* to consume the remaining amount of the Settlement Fund. The Parties do not anticipate any *pro rata* decrease.

**In addition to electing a cash payment, the settlement also provides:**

- c) ***Credit Monitoring:*** All Settlement Class Members may claim two (2) years of three-bureau identity theft protection and Credit Monitoring Services under the settlement that will include the following features: (1) dark web scanning with user notification if potentially unauthorized use of a Settlement Class Member's personal information is detected; (2) identity theft insurance; (3) real-time credit monitoring with Equifax, Experian, and TransUnion; and (4) access to fraud resolution agents. These services will be made available to all Settlement Class Members who choose to enroll regardless of whether they submit a claim for Documented Out-of-Pocket Losses and/or a claim for a Residual Cash Payment under the settlement.

## **HOW DO YOU SUBMIT A CLAIM?**

### **9. How do I get a settlement benefit?**

To receive a settlement benefit, you must complete and submit a Claim Form online at [www.website.com](http://www.website.com) or by mail to *Sysco Cybersecurity Event Litigation*, c/o Kroll Settlement Administration LLC, P.O. 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>>.

Questions? Go to [www.website.com](http://www.website.com) or call (XXX) XXX-XXXX

**TO RECEIVE AN ELECTRONIC OR ACH PAYMENT FOR YOUR VALID CLAIM, YOU MUST FILE A CLAIM FORM ONLINE AT [WWW.WEBSITE.COM](http://WWW.WEBSITE.COM)**

**10. When will I get my settlement benefit?**

The Court will hold a Final Fairness Hearing on **<<Date>>, at <<Time>> a.m. CT** 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. Cash payments and Credit Monitoring Services will begin after the settlement has obtained Court approval and the time for all appeals has expired.

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

Defendant and its affiliates will receive a release from all claims that could have been or that were brought against Defendant relating to the Cybersecurity Event. 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 Defendant and Defendant's past or present parent companies, subsidiaries, divisions, related or affiliated individuals and entities, divisions, successors, predecessors (including companies they have acquired, purchased or absorbed), subcontractors, assigns and joint ventures, and each of their respective successors, predecessors, officers, partners, directors, owners, stockholders, servants, agents, shareholders, members, managers, principals, investment advisors, consultants, employees, representatives, attorneys, accountants, lenders, underwriters, benefits administrators, investors, funds, indemnities, insurers, and reinsurers, past, present, and future, and all persons acting under, by or through, or in concert with any of them and assigns of each of them as well as covered entities associated with the Cybersecurity Event. These Released Claims are described in Section 6 of the Settlement Agreement, which is available at [www.website.com](http://www.website.com). If you have any questions, you can talk to the law firms listed in Question 17 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.

**12. If I exclude myself, can I get a settlement benefit from this settlement?**

No. If you exclude yourself, you will not be entitled to receive any benefits from the settlement.

**13. If I do not exclude myself, can I sue the Defendant and Related Entities for the same thing later?**

No. Unless you exclude yourself, you give up any right to sue Defendant and any other Related Entities for any claim that could have been or was brought relating to the Cybersecurity Event. 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.



#### 14. How do I exclude myself from the settlement?

To exclude yourself, send an opt-out request or written notice of intent to opt-out that says you want to be excluded from the settlement. The opt-out request must: (a) state the Settlement Class Member's full name, address, and telephone number; (b) contain the Settlement Class Member's personal and original signature or the original signature of a person authorized by law to act on the Settlement Class Member's behalf with respect to a claim or right such as those asserted in the Litigation, such as a trustee, guardian or person acting under a power of attorney; and (c) state unequivocally the Settlement Class Member's intent to be excluded from the settlement. If a Settlement Class Member submits his or her request to be excluded from the settlement and later removes the request prior to **the Opt-Out Date**, then the Settlement Class Member will not be excluded from the settlement. You must mail your opt-out request to the Claims Administrator **postmarked by <<end of the Opt-Out Date>>**, to:

*Sysco Cybersecurity Event Litigation*  
c/o Kroll Settlement Administration LLC  
P.O. Box **XXXX**  
New York, NY 10150-**XXXX**

#### OBJECTING TO THE SETTLEMENT

#### 15. 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, and/or Application for Attorneys' Fees, Costs, and Service Awards or some part of it by objecting to the settlement. For an objection to be a valid objection under the settlement, it must be: (a) electronically filed by **the Objection Date**; or (b) mailed first-class postage prepaid to the Clerk of Court for the United States District Court for the Southern District of Texas and **postmarked by no later than the Objection Date**. Objections must also be mailed to Proposed Class Counsel and counsel for Sysco either via the Court's electronic filing system (if filed electronically) or via U.S. mail (if mailed to the Clerk of Court) at the addresses below, **postmarked by no later than <<end of the Objection Date>>**.

Clerk of the Court	Proposed Class Counsel	Counsel for Sysco
Clerks Office United States District Court 515 Rusk Street Room 5300 Houston, Texas 77002	Patrick A. Barthle II <b>MORGAN &amp; MORGAN COMPLEX LITIGATION GROUP</b> 201 N. Franklin St., 7th Floor Tampa, FL 33602 813-229-4023 Email: PBarthle@forthepeople.com  Gary Klinger <b>MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN, PLLC</b> 227 W. Monroe Street, Suite 2100	Kelsey M. Machado Ian S. Shelton <b>BAKER &amp; MCKENZIE LLP</b> 800 Capitol Street, Suite 2100 Houston, TX 77002 713-470-5000 <a href="mailto:kelsey.machado@bakermckenzie.com">kelsey.machado@bakermckenzie.com</a> <a href="mailto:ian.shelton@bakermckenzie.com">ian.shelton@bakermckenzie.com</a>

	Chicago, IL 60606 866-252-0878 Email: gklinger@milberg.com	
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Your objection must be written and must include all of the following:

- i) the name or caption of this Litigation;
- ii) the objector's full name, address, telephone number, and e-mail address (if any);
- iii) information identifying the objector as a Settlement Class Member, including proof that the objector is a member of the Settlement Class;
- iv) a written statement of all grounds for the objection, accompanied by any legal support for the objection the objector believes applicable;
- v) the identity of all counsel representing the objector;
- vi) a statement whether the objector and/or his or her counsel will appear at the Final Fairness Hearing; and
- vii) the objector's signature and the signature of the objector's duly authorized attorney or other duly authorized representative, if any.

#### **16. 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 benefit from the settlement.

### **THE LAWYERS REPRESENTING YOU**

#### **17. Do I have a lawyer in this case?**

Yes. The Court appointed Gary M. Klinger of Milberg Coleman Bryson Phillips Grossman, PLLC and Patrick A. Barthle of Morgan & Morgan Complex Litigation Group, as Proposed 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.

#### **18. How will the Proposed Class Counsel be paid?**

Proposed Class Counsel shall apply to the Court for an award of attorneys' fees and costs of not to exceed one-third (approximately 33.33% of the Settlement Fund), and reasonable litigation costs and expenses. Any such award would compensate Proposed 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.

Proposed Class Counsel will include a request for a service award to the Representative Plaintiffs in recognition for their contributions to this Litigation not to exceed \$2,500 per Representative Plaintiff. The Claims Administrator will pay service awards from the Settlement Fund, approved by the Court.

Any attorneys' fees, costs and service award payments must be approved by the Court. The Court may award less than the amounts requested.

Questions? Go to [www.website.com](http://www.website.com) or call (XXX) XXX-XXXX

## THE COURT'S FINAL FAIRNESS HEARING

### 19. When and where will the Court decide whether to approve the settlement?

The Court will hold a Final Fairness Hearing on <<Date>> at <<Time>> CT, at the Bob Casey United States Courthouse, 515 Rusk Avenue, Houston, TX 77002, 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 application for attorneys' fees, costs, and service awards 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 Proposed Class Counsel recommends checking the Settlement Website [www.website.com](http://www.website.com), or calling (XXX) XXX-XXXX.

### 20. Do I have to attend the hearing?

No. Proposed Class Counsel will present the Settlement Class 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 15, the Court will consider it.

### 21. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Fairness Hearing. To do so, you must file an objection according to the instructions in Question 15, including all the information required. Your objection must be electronically filed or mailed to the Clerk of Court for the United States District Court for the Southern District of Texas, Proposed Class Counsel and counsel for Sysco, at the mailing addresses listed above, **postmarked by no later than <<end of the Objection Date>>**.

## IF YOU DO NOTHING

### 22. What happens if I do nothing?

If you do nothing, you will not receive any settlement 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 Defendant or the other Related Entities based on any claim that could have been or that was brought relating to the Cybersecurity Event.

## ADDITIONAL INFORMATION

### 23. 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](http://www.website.com). You may also call the Claims Administrator with questions or to receive a Claim Form at (XXX) XXX-XXXX.

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

It is your responsibility to inform the Claims Administrator of your updated information. You may do so at the address below, calling toll-free (XXX) XXX-XXXX or at the Contact page of the Settlement Website:

*Sysco Cybersecurity Event Litigation*  
c/o Kroll Settlement Administration LLC  
P.O. Box XXXX  
New York, NY 10150-XXXX

**PLEASE DO NOT CONTACT THE COURT, CLERK OF THE COURT OR PROPOSED  
CLASS COUNSEL FOR INFORMATION ABOUT THE CLASS LITIGATION  
SETTLEMENT**