

## LEGAL NOTICE

**If your financial institution issued one or more payment cards identified as having been at risk as a result of the Data Security Incident that Wawa, Inc. announced on December 19, 2019, your financial institution could get a payment from a class action settlement.**

*A federal court authorized this Notice. This is not a solicitation from a lawyer.*

***Your financial institution's legal rights are affected whether you act or do not act. Read this Notice carefully.***

A settlement has been reached to resolve class action lawsuits against Wawa, Inc. ("Wawa") brought by financial institutions as a result of a data security incident Wawa announced on December 19, 2019, which affected approximately 30 million payment cards (the "Data Security Incident"). If your financial institution ("you") qualifies, you may submit a claim form to receive benefits, or you can exclude yourself from the Settlement, or object to it. The U.S. District Court for the Eastern District of Pennsylvania authorized this Notice. Before any money is paid, the Court will have a hearing to decide whether to approve the Settlement.

### **Who Is Included?**

You are a member of the Settlement Class if:

- (1) You are a financial institution in the United States (including its Territories and the District of Columbia); **and**
- (2) You issued one or more payment cards (including debit and credit cards) identified as having been compromised by the Data Security Incident in an alert or similar document by Visa, MasterCard, or Discover ("Alerted On Payment Card"), or any payment card other than American Express, that was used at a Wawa location between March 4, 2019 and December 12, 2019. (See [www.WawaFinancialInstitutionSettlement.com](http://www.WawaFinancialInstitutionSettlement.com) for more details as to the payment cards that are included.)

### **What Is This Case About?**

In the class action lawsuits collectively referred to as the "Financial Institution Track" of *In re Wawa, Inc. Data Security Litigation*, Case No. 2:19-cv-06019 (E.D. Pa.), certain financial institutions (the "Financial Institution Plaintiffs") asserted claims against Wawa for alleged negligence and negligence *per se*, and injunctive and declaratory relief related to the Data Security Incident. The Financial Institution Plaintiffs (on behalf of the Settlement Class) sought to recover damages in the lawsuits for the expense of payment card reissuance, amounts paid to cover fraudulent payment card charges, and other costs allegedly incurred as a result of the Data Security Incident. Wawa denies the allegations, any wrongdoing, and any liability to the Financial Institution Plaintiffs and the Settlement Class. The Court has not decided whether Wawa has any legal liability.

### **What Does the Settlement Provide?**

Under the Settlement, Wawa will fund a settlement of up to \$28.5 million for claims-made payments to Settlement Class Members who timely submit valid claims. Three types of claims may be made: For Cancellation and Replacement Claims (Tier 1), eligible Settlement Class Members who submit a valid claim will receive \$5.00 per Alerted On Payment Card that was cancelled and replaced between December 12, 2019 and May 1, 2020, as a result of the Data Security Incident. The per-card payment may be below \$5.00 if the aggregate valid claims for this Tier exceed \$18.5 million. For Fraud Related Claims (Tier

2), Settlement Class Members may receive up to \$4,000 if they file a valid claim for reimbursement of certain documented fraud losses incurred from transactions that occurred between December 12, 2019 and May 1, 2020, as a direct result of the Data Security Incident. Wawa's maximum obligation for Tier 2 claims is \$8 million. More information about the types of claims and the information required to file them is available at the Settlement Website. As an alternative to claims under Tier 1 or Tier 2, a Settlement Class Member may instead file a claim under Tier 3. The value of a claim made under Tier 3 will be a fixed amount calculated by dividing \$2 million by the estimated number of Class Members ultimately confirmed in discovery (the "Tier 3 amount"). To illustrate: if there are 5,000 class members, the value of a claim under this tier will be \$400 per claimant. The Tier 3 amount will also serve as a minimum claim value for all Class Members who submit valid claims. In addition, if approved by the Court, Wawa will pay up to \$9 million in attorneys' fees, expenses, Service Awards for the three Settlement Class Representatives of up to \$10,000, and administration costs.

### **How Do You Ask for a Payment?**

A detailed Notice and Claim Form package contains everything you need. Just call the number or visit the Settlement Website below to get a Claim Form. To qualify for a payment, you must send in a complete and valid Claim Form, which can be submitted electronically or by mail. Claim Forms must be submitted electronically, and if mailed postmarked, by **AUGUST 12, 2024**.

### **What Are Your Other Options?**

If you do not want to be legally bound by the Settlement, you must exclude yourself by **JUNE 26, 2024**, or you will not be able to sue, or continue to sue, Wawa or any other Defendants' Released Persons (as defined in the Settlement Agreement) for any of the claims resolved by the Settlement. To exclude yourself, you must provide all required information. If you exclude yourself, you cannot get money from this Settlement. If you stay in the Settlement Class but wish to object, you must do so by **JUNE 26, 2024**. Details for excluding yourself or objecting to the Settlement can be found in the Settlement Agreement available on the Settlement Website.

The Court will hold a hearing in this case at **10:00 a.m. on DECEMBER 18, 2024**, to consider whether to approve the Settlement. At the hearing, the Court will also consider a request by the lawyers representing all Settlement Class Members for attorneys' fees, costs, and expenses for investigating the facts, litigating the case, and negotiating the Settlement, as well as for Service Awards to the Settlement Class Representatives for their time participating in the case. You may ask to appear at the hearing, but you do not have to.

For more information, call toll free at 1-855-391-9265 or visit [www.WawaFinancialInstitutionSettlement.com](http://www.WawaFinancialInstitutionSettlement.com).