

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Notice of Class Action and Proposed Settlement

You may be entitled to receive benefits under this class action Settlement.

This Notice summarizes the proposed Settlement reached in a lawsuit entitled *Grogan v. McGrath RentCorp*, Case No. 3:22-cv-00490 in the United States District Court for the Northern District of California (“Action”). For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.McGrathRentCorpSettlement.com, by contacting the Settlement Administrator at (833) 630-5629. Contact information for Settlement Class Counsel Turke & Strauss LLP is: 613 Williamson St #201, Madison, WI 53703, (608) 237-1775. You may also access the Court docket in this case, for a fee, through the Court’s Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, 450 Golden Gate Ave., Courtroom A – 15th Floor, San Francisco, CA 94102, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

This Notice may affect your rights – please read it carefully.

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

- The Action alleges that as the result of a cyberattack by an unauthorized third party to certain computer systems of McGrath RentCorp (“McGrath”), personal information and protected health information stored by McGrath, including names, Social Security Numbers, dates of birth, Social Security or individual tax information and other information may have been compromised in or around 2021 (the “Incident”). McGrath maintains that it has meritorious defenses, and it was prepared to vigorously defend the lawsuit but encourages all persons who qualify as members of the Settlement Class to participate in the Settlement. The Settlement is not an admission of wrongdoing or an indication that McGrath has violated any laws.
- If your information was potentially compromised in the Incident, you are a Settlement Class Member.
- **All Settlement Class Members shall have the option to sign-up for one year of free credit monitoring,**
- **Any Settlement Class Member may submit a Reimbursement Claim for documented Economic Losses related to the Incident that have not been reimbursed by other third parties, up to an aggregate total of \$5,000 per Settlement Class Member. Economic Losses shall be deemed fairly traceable to the Data Breach if (i) the alleged wrongdoing occurred in 2021 or thereafter, (ii) the Settlement Class Member executes a statement signed under penalty of perjury indicating that the Economic Losses claimed are fairly traceable to the Incident, (iii) the alleged wrongdoing involved misuse of the type of personal information inadvertently disclosed in the Incident (i.e., name, address, Social Security Number, date of birth, medical treatment information, health insurance information, etc.), and (iv) the Settlement Administrator determines by a preponderance of evidence that it is fairly traceable to the Incident.**
- **Any Settlement Class Member may submit a Non-Economic Loss Claim fairly traceable to the Incident, currently estimated to be \$500 per Settlement Class Member based on Class Counsel’s estimates.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

<p>SUBMIT A REIMBURSEMENT CLAIM</p> <p>DEADLINE: NOVEMBER 6, 2023 SUBMIT ONE OR MORE</p>	<p>This is the only way for Settlement Class Members to request reimbursement of Economic Losses related to the Incident. If you submit a Reimbursement Claim, you will give up the right to sue McGrath in a separate lawsuit about the claims this Settlement resolves.</p>
<p>SUBMIT A NON-ECONOMIC LOSS CLAIM FORM</p> <p>DEADLINE: NOVEMBER 6, 2023</p>	<p>This is the only other way for Settlement Class Members to submit a claim for money that is not related to Economic Losses related to the Incident. If you submit a claim form, you will give up the right to sue McGrath in a separate lawsuit about the claims this Settlement resolves.</p>
<p>SUBMIT A CLAIM FORM FOR CREDIT MONITORING</p>	<p>This is the only way for Settlement Class Members to sign up for one year of free credit monitoring, identity theft protection, and identity restoration services. If you submit a claim form, you will give up the right to sue McGrath in a separate lawsuit about the claims this Settlement resolves.</p>
<p>DO NOTHING</p>	<p>Unless you exclude yourself, you are automatically part of this Settlement. You will not receive anything from the Settlement unless you submit a claim form, and you will still give up the right to sue, continue to sue, or be part of another lawsuit against McGrath about the legal claims resolved by this Settlement.</p>
<p>EXCLUDE YOURSELF</p> <p>DEADLINE: NOVEMBER 6, 2023</p>	<p>You will not receive any benefits from the Settlement, but you will not be bound by the terms of the Settlement, if approved by the Court.</p>
<p>OBJECT:</p> <p>DEADLINE: NOVEMBER 6, 2023</p>	<p>If you do not exclude yourself from the Settlement Class, you may object to the Settlement or to Settlement Class Counsel’s or the Settlement Class Representatives’ requests for Attorneys’ Fees and Expense Award or Service Awards, respectively.</p>
<p>GO TO A HEARING ON FEBRUARY 2, 2024</p>	<p>You may object to the Settlement and ask the Court permission to speak at the Fairness Hearing about your objection.</p>

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court still must decide whether to approve the Settlement. No benefits will be provided, or payments made until after the Court grants final approval of the Settlement and all appeals, if any, are resolved.

QUESTIONS? READ ON AND VISIT WWW.MCGRATHRENTCORPSETTLEMENT.COM

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BASIC INFORMATION

Why is this Notice being provided?

This Notice is provided pursuant to an order issued by the Court to inform you of the proposed Settlement and the Final Approval Hearing to be held by the Court to consider, among other things, (a) whether the Settlement is fair, reasonable and adequate and should be approved; and (b) Settlement Class Counsel's request for Attorneys' Fees and Expense Award of up to \$466,666.67 and the Settlement Class Representatives' request for a Service Award. This Notice explains the nature of the lawsuit, the general terms of the proposed Settlement (including the benefits available), and your legal rights and obligations. This Notice is not an expression of any opinion by the Court as to the merits of the claims or defenses asserted in the Action.

The Honorable Magistrate Judge Alex G. Tse of the United States District Court for the Northern District of California is overseeing this Action, which is known as *Grogan v. McGrath RentCorp*, Civil Action No. 22-cv-490 ("Action"). The persons that filed the lawsuit are called the "Plaintiffs." McGrath RentCorp is the "Defendant."

What is this Action about?

The Action alleges that as the result of a cyberattack by an unauthorized third party to certain computer systems of McGrath RentCorp ("McGrath"), personal information and protected health information stored by McGrath, including names, Social Security Numbers, dates of birth, Social Security or individual tax information and other information may have been compromised in or around 2021 (the "Incident").

Plaintiffs claim that McGrath did not adequately protect personal information and that as a result of the Incident people were harmed. McGrath denies any wrongdoing and that its actions have resulted in any harm to any individuals. No court or other entity has made any judgment or other determination of any wrongdoing or that any law has been violated.

Why is this a class action?

In a class action, one or more people called "class representatives" sue on behalf of themselves and other people with similar claims. The Plaintiffs (the Settlement Class Representatives here), together with the people they represent, are called Settlement Class Members. One court resolves the issues for all Settlement Class Members, except for those people who timely exclude themselves from the Settlement Class. In this case, the Settlement Class Representatives are Robert Grogan and Helena Cruz.

Why is there a Settlement?

The Court has not decided in favor of Plaintiffs or McGrath. Instead, both sides agreed to a Settlement. Settlement avoids the costs and uncertainty of trial and related appeals, while providing benefits to members of the Settlement Class. The Settlement Class Representatives and attorneys for the Settlement Class ("Settlement Class Counsel") believe the Settlement is in the best interests of the Settlement Class Members.

WHO IS IN THE SETTLEMENT

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

You are included in the Settlement Class if you are a member of the following:

All persons whose personal information, which may include health information, was potentially exposed to unauthorized access as a result of a Incident affecting Defendant's computer network that occurred in 2021.

What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are in the Settlement Class, or have any other questions about the Settlement, call the toll-free number, (833) 630-5629. You also may write with questions to: Grogan v. McGrath RentCorp c/o Kroll Settlement Administration, PO Box 5324, New York, NY 10150-5324 or go to www.McGrathRentCorpSettlement.com.

THE SETTLEMENT BENEFITS

What benefits does the Settlement provide?

McGrath will provide Settlement Class Members the following benefits under the Settlement: (1) the ability to immediately enroll in credit monitoring and identity restoration services for one year; (2) the opportunity for Non-Economic Loss Claims, currently estimated to be \$500 per Settlement Class Member, based on Settlement Class Counsel's estimates, and (3) reimbursement of documented Economic Losses up to \$5,000 per Settlement Class Member, which are: (a) related to the Incident; (b) not otherwise reimbursable by another third party; (c) supported by required documentation; and (d) meets all requirements set forth in the Reimbursement Claim and the Settlement Agreement.

Complete details regarding the Settlement benefits are available in the Settlement Agreement, which is available at www.McGrathRentCorpSettlement.com.

Tell me more about enrollment in the credit monitoring plan.

All persons potentially affected by the Incident are entitled to enroll in free credit monitoring and identity restoration services ("Credit Services") provided by Equifax for a period of one year, which will begin upon timely activation by the Settlement Class Member.

Credit Services Include:

- Credit Monitoring: Credit monitoring of Settlement Class Members' credit file for U.S. residents at all 3 major credit reporting agencies;
- Fraud Alerts;
- Identity Restoration Services: Provide professional fraud resolution assistance to Settlement Class Members who experience identity theft or fraud. This includes assistance with disputing transactions, implementing fraud alerts, negotiating with banks, creditors, the IRS and other third parties, and preparing paperwork.

Credit Services provided by Equifax are being provided to all persons potentially affected by the Incident, including Settlement Class Members. You must submit a claim form to receive a unique enrollment code and related activation instructions. If you elect to receive Credit Services provided by Equifax, you must timely enroll using the enrollment code you were mailed, by following the enrollment instructions accompanying the code. If you have any questions regarding enrollment in the Credit Services, you may contact Equifax as indicated in the letter containing your enrollment code, or you may contact the Settlement Administrator.

Tell me more about reimbursement of Economic Losses.

Reimbursement of Documented Economic Losses. Any Settlement Class Member may submit a Reimbursement Claim for documented Economic Losses related to the Incident that have not been reimbursed by other third parties, up to an aggregate total of \$5,000 per Settlement Class Member. Any Settlement Class Member whose Reimbursement Claim is rejected for failure to submit a claim within required time period may not submit a claim for reimbursement under this process.

Settlement Class Members who wish to make a timely and properly supported Reimbursement Claim of Economic Losses related to the Incident must provide to the Settlement Administrator the information required to evaluate the claim, including: (a) the Claimant's name and current address; (b) if applicable, a signed copy of IRS Form 14039 along with a statement under penalty of perjury that the form was submitted to the Internal Revenue Service; (c) the bills or invoices documenting the amount of the Claim and proof that the bills or invoices were paid; and

(d) a statement signed under penalty of perjury indicating that: (i) the Economic Losses claimed are fairly traceable to the Incident; and (ii) the total amount claimed has not been reimbursed by any other person or entity. Third-party documentation of Economic Losses is required to establish a claim. Economic Losses that are compensated under this Agreement are those that are reasonable and customarily incurred when responding to the type of fraud or identity theft suffered by the Settlement Class Member from the Incident.

Tell me more about filing a claim for Non-Economic Losses.

Reimbursement of Non-Economic Losses. Any Settlement Class Member may submit a claim for their Non-Economic Losses related to the Incident. Claims may be submitted electronically or in paper format.

Settlement Class Members who wish to make a timely and properly supported Claim for reimbursement of Non-Economic Losses related to the Incident must provide to the Settlement Administrator the information required to evaluate the claim, including: (a) the Claimant's name and current address. Nothing else is required.

HOW TO GET SETTLEMENT BENEFITS

How can I enroll in the Credit Services?

To receive the Credit Services from McGrath, any person potentially affected by the Incident including Settlement Class Members must timely enroll in the Credit Services by using the unique enrollment code and related instructions sent by mail in a letter from the Settlement Administrator following submission of a claim form.

How do I obtain reimbursement of Economic Losses related to the Incident?

For reimbursement of documented Economic Losses related to the Incident that have not been reimbursed by Equifax or other third party, up to an aggregate total of \$5,000 in reimbursement per Settlement Class Member with a number not to exceed the \$1,400,000 available in the Settlement Fund before the payment of Administrative Costs, Attorneys' Fees and Expenses Award, which are being requested up to \$466,666.67, submit a Reimbursement Claim and provide documentation proving the Economic Losses as described above. You can get the Reimbursement Claim at www.McGrathRentCorpSettlement.com or by calling (833) 630-5629. For each Reimbursement Claim, you must read the instructions carefully, fill out the form completely, attach the required documentation, and either submit the form and documentation through the Settlement website, or mail the form postmarked no later than **November 6, 2023**, to:

Grogan v. McGrath RentCorp
c/o Kroll Settlement Administration
PO Box 5324
New York, NY 10150-5324

If you have questions about how to file a claim, call 1 (833) 630-5629 or go to www.McGrathRentCorpSettlement.com.

How do I obtain reimbursement of Non-Economic Losses related to the Incident?

For reimbursement of Non-Economic Losses related to the Incident that have not been reimbursed by Equifax or other third party, the remaining of the \$1,400,000 will be distributed on a *pro rata* basis after the payment of Administrative Costs, Attorneys Fees and Expense Award, submit a claim form as described above. The current estimate is that each claiming Settlement Class Member will receive \$500, based on Settlement Class Counsel's estimates. You can get the claim form at www.McGrathRentCorpSettlement.com or by calling (833) 630-5629. For each Reimbursement Claim, you must read the instructions carefully, fill out the form completely, attach the required documentation, and either submit the form and documentation through the Settlement Website, or mail the form postmarked no later than **November 6, 2023**, to:

Grogan v. McGrath RentCorp
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New York, NY 10150-5324

If you have questions about how to file a claim, call 1 (833) 630-5629 or go to www.McGrathRentCorpSettlement.com.

When will I receive my reimbursement payment under the Settlement?

If you file a timely and valid Reimbursement Claim or claim form and submit required documentation, the Settlement Administrator will evaluate your claim to confirm your eligibility and calculate your payment amount. The Settlement Administrator will notify you of any deficiencies with respect to your claim. The Settlement Administrator will then issue a final decision on your claim.

Please ensure you provide a current, valid email address with your claim submission. If the email address you include with your claim form changes or becomes invalid for any reason, it is your responsibility to provide accurate contact information to the Settlement Administrator to receive a payment. When you receive the email notifying you of your Settlement payment, you will be provided with a number of digital payment options such as debit card, PayPal, or a credit on Amazon.com, to immediately receive your Settlement payment. At that time, you will also have the option to request that a paper check be mailed to you at the address provided in your claim form.

Payments for valid claims will not be made until after the Settlement is finally approved and all appeals and other reviews have been exhausted.

What am I giving up as part of the Settlement?

Unless you exclude yourself, you cannot sue McGrath or be part of any lawsuit against McGrath about any of the issues in this Action. Unless you exclude yourself, all of the decisions by the Court will bind you. The specific claims you are giving up are described in Paragraph 8 of the Settlement Agreement. You will be releasing your claims against McGrath and all related people as described in Paragraph 8.

The Settlement Agreement is available at www.McGrathRentCorpSettlement.com or by calling (833) 630-5629. The Settlement Agreement describes the Released Claims with specific descriptions, so please read it carefully. If you have any questions about what this means, you can talk to Settlement Class Counsel, or you can talk to your own lawyer at your own expense.

THE LAWYERS REPRESENTING YOU

Do I have a lawyer in the case?

Yes, you do have a lawyer in the case. The Court appointed the law firms of Meyer Wilson, Paronich Law, P.C., and Turke & Strauss LLP, to represent you and the Settlement Class. These firms are called Settlement Class Counsel. You will not be charged by these lawyers for their work on this case. If you want to be represented by your own lawyer, you may hire one at your own expense. Contact information for Settlement Class Counsel Turke & Strauss LLP is: 613 Williamson St #201, Madison, WI 53703, (608) 237-1775.

How will the lawyers be paid?

Settlement Class Counsel will ask the Court for McGrath to pay for a reasonable Attorneys' Fees and Expense Award of up to **\$466,666.67**, and a Settlement Class Representative Service Award not to exceed \$5,000 for each Plaintiff. The Court will decide the amount of Attorneys' Fees and Expense Award, and Service Awards. Any Attorneys' Fees and Expense Award, and Service Awards approved will be paid by McGrath and will not reduce the benefits provided to you or the other Settlement Class Members under the proposed Settlement.

EXCLUDING YOURSELF FROM THE SETTLEMENT

What does it mean to exclude myself from the Settlement?

If you want to keep the right to sue or continue to sue McGrath about the legal claims in this case, you must take steps to exclude yourself from the Settlement Class. Excluding yourself is also called "opting out" of the Settlement.

If I exclude myself, can I get anything from this Settlement?

If you exclude yourself, you cannot get anything from the Settlement. If you exclude yourself, you may not apply for any benefits under the proposed Settlement and you cannot object to the proposed Settlement.

If I do not exclude myself, can I sue later?

No. If you do not exclude yourself, you cannot sue later. Unless you exclude yourself, you give up the right to sue McGrath for all of the claims that this proposed Settlement resolves.

How do I exclude myself from the Settlement?

To exclude yourself from the proposed Settlement, you must timely submit, by U.S. Mail, written notice of your intent to opt-out of the Settlement to the Settlement Administrator's designated address established for opt-outs. The written notice must clearly manifest your intent to be excluded from the Settlement Class in *Grogan v. McGrath RentCorp*, Civil Action No. 22-cv-490 in the United States District Court for the Northern District of California, and must be signed by you. You can only request exclusion for yourself: you cannot request to exclude any other member of the Settlement Class. Mass opt-outs are not permitted.

To be effective, written notice must be postmarked by **November 6, 2023** and mailed to:

Grogan v. McGrath RentCorp
c/o Kroll Settlement Administration
PO Box 5324
New York, NY 10150-5324

You cannot ask to be excluded on the phone, by email, or on the website.

OBJECTING TO THE SETTLEMENT

How do I tell the Court if I do not like the Settlement?

If you are a Settlement Class Member, you can object to or comment on the Settlement, Settlement Class Counsel's request for Attorneys' Fees and Expense Award, and/or the Settlement Class Representative's request for Service Awards. To object, you must state in writing that you object to the Settlement, and include the following information in your written objection:

1. The name of the Action;
2. Your full name, mailing address, telephone number, and e-mail address;
3. A statement of the basis on which you claim to be a Settlement Class Member;
4. A written statement of all grounds for your objection, accompanied by any legal support for the objection, and any evidence you wish to introduce in support of the objection;
5. The identity of all counsel, if any, representing you, including any former or current counsel who may claim entitlement to compensation for any reason related to the objection to the Settlement or the Fee Application;
6. A statement confirming whether you intend to personally appear and/or testify at the Final Approval Hearing and the identification of any counsel representing you who intends to appear at the Final Approval Hearing;
7. A list of any persons who will be called to testify at the Final Approval Hearing in support of the objection;
8. A list by case name, court, and docket number, of all other cases in which you (directly or through counsel) have filed an objection to any proposed class action settlement within the last 3 years;
9. A list by case name, court, and docket number, of all other cases in which your counsel (on behalf of any person or entity) has filed an objection to any proposed class action settlement within the last 3 years;

10. A list by case name, court, and docket number, of all other cases in which you have been a named plaintiff in any class action or served as a lead plaintiff or class representative; and
11. Your signature signed under oath and penalty of perjury and the signature of your duly authorized attorney or other duly authorized representative (along with documentation setting forth such representation). If legally incapacitated, the signature of your duly authorized representative (along with documentation setting forth such legal incapacitation and representation).

Failure to include this information may be grounds for the Court to disregard your objection.

To submit an objection, send a letter the Court either by: (a) mailing it to the Clerk of the Court, United States District Court for the Northern District of California, San Francisco Courthouse, 450 Golden Gate Avenue, San Francisco, CA, 94102 or; (b) filing the objection in person at Clerk of the Court, United States District Court for the Northern District of California, San Francisco Courthouse, 450 Golden Gate Avenue, San Francisco, CA, 94102. Mailed objections must be filed or postmarked on or before the Objection Deadline, which is **November 6, 2023**.

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

You can object to the Settlement when you wish to remain a Settlement Class Member and be subject to the Settlement but disagree with some aspect of the Settlement. An objection allows your views to be heard in Court.

Excluding yourself from the Settlement Class means that you are no longer a Settlement Class Member and do not want the Settlement to apply to you. Once you are excluded, you lose the right to receive any benefits from the Settlement or to object to any aspect of the Settlement because the case no longer affects you.

FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing at **10:00 a.m. PT, on February 2, 2024**, at the United States District Court for the Northern District of California, San Francisco Courthouse, Courtroom A – 15th Floor 450 Golden Gate Avenue, San Francisco, CA 94102. At the Final Approval Hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and adequate. The Court may also consider Settlement Class Counsel’s Fee Application of up to \$466,666.67, and the Service Awards. If there are objections, the Court will consider them. After the Final Approval Hearing, the Court will decide whether to approve the proposed Settlement and how much to award to Settlement Class Counsel as fees and expenses, and the Service Award. You do not need to attend.

The Final Approval Hearing may be moved to a different date or time without additional notice, so if you wish to attend, it is recommended that you periodically check www.McGrathRentCorpSettlement.com to confirm the date of the Final Approval Hearing. You may access the case docket via PACER at <https://pacer.uscourts.gov/file-case/court-cmecf-lookup/court/CANDC> or in person at the clerk’s office of the Court’s physical location. You should monitor the settlement website or the Court’s PACER website to ensure that the final approval date does not change.

Do I have to come to the hearing?

You do not have to attend the hearing. Settlement Class Counsel will answer any questions the Court may have. However, you are welcome to attend the hearing at your own expense. If you submit a written objection, you do not have to come to the Fairness Hearing to raise your objection. As long as you timely mailed your written objection, the Court will consider it. You also may pay your own lawyer to attend the Final Approval Hearing, but their attendance is not necessary.

May I speak at the hearing?

Yes, you may speak at the hearing. If you would like to do so, you must indicate your intent to personally appear and/or testify at the Final Approval Hearing, and identify any counsel representing you who intends to appear at the Final Approval Hearing, when providing written notice of your objection as noted above regarding how to object

to the Settlement. The requirement that a Settlement Class Member must first submit a written objection as a prerequisite to appearing before the Court to object to the Settlement may be excused upon a showing of good cause. You cannot speak at the hearing if you exclude yourself from the Settlement.

IF YOU DO NOTHING

What happens if I do nothing at all?

If you are a Settlement Class Member and you otherwise do nothing, you will be legally bound by the Settlement, but you will not receive any benefits related to the Incident. You will not be able to bring a lawsuit, continue a lawsuit, or be a part of any other lawsuit against McGrath about the claims in this case.

If you would like to request benefits under the Settlement, you must follow the instructions described above.

GETTING MORE INFORMATION

How do I get more information about the proposed Settlement?

This Notice summarizes the proposed Settlement. More details are included in the Settlement Agreement. You can get a copy of the Settlement Agreement at www.McGrathRentCorpSettlement.com. You also may write with questions to the Settlement Administrator, at Grogan v. McGrath RentCorp, c/o Kroll Settlement Administration, PO Box 5324, New York, NY 10150-5324. You can access the Reimbursement Claim and claim forms and review additional documents on the Settlement website. You can also request to receive Reimbursement and claim forms, a copy of the Settlement Agreement, and a detailed notice by mail or by calling the toll-free number, (833) 630-562