

**IF YOU USED A CREDIT OR DEBIT CARD AT ONE OF THE DICKEY'S
BARBECUE RESTAURANTS LISTED BELOW BETWEEN
APRIL 23, 2019 AND OCTOBER 29, 2020, YOU MAY BE PART OF A
CLASS ACTION SETTLEMENT**

You can access and submit a Claim Form by visiting www.DickeysClassAction.com

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

Dickey's Barbecue Restaurants, Inc. and Dickey's Capital Group, Inc. (together, "Dickey's") have agreed to pay \$2.35 million to settle a class action lawsuit regarding a data security incident Dickey's announced in October 2020. As previously announced, between April 23, 2019 and October 29, 2020 (the "Period of the Security Incident"), unauthorized actors accessed Dickey's point-of-sale systems and obtained customers' cardholder information, including credit and debit card numbers, card expiration dates, and cardholder names on payment cards that were used at Dickey's locations during that time period (the "Security Incident"). This settlement resolves claims on behalf of all customers who used their credit or debit cards at an affected Dickey's location during the Period of the Security Incident (the "Settlement"). In addition to the credit monitoring and monetary compensation described below, Dickey's has implemented and agreed to further implement significant data security enhancements. Dickey's has denied the allegations made by the plaintiffs in these cases.

SETTLEMENT CLASS

The Settlement Class consists of all residents of the United States who used a payment card to make a purchase at a "Dickey's Barbecue Pit[®]" restaurant identified in Exhibit B to the Settlement Agreement (attached hereto) between April 23, 2019 and October 29, 2020. Excluded from the Class are Dickey's executive officers and the Judge to whom the Lawsuit is assigned.

SUMMARY OF THE SETTLEMENT TERMS

The Settlement provides three alternative forms of relief to Class Members who submit a valid Claim Form:

CATEGORY	WHO IS ELIGIBLE	WHAT YOU CAN GET	HOW TO OBTAIN IT
Expense Reimbursement	Class Members who have incurred unreimbursed losses for out-of-pocket expenses incurred related to the Security Incident	Can receive reimbursement for Out-of-Pocket Losses up to \$5,000	www.DickeysClassAction.com
Cash Payment	All Class Members	Automatic cash payment (estimated to be \$100 for California Class Members; \$50 for non-California Class Members)	www.DickeysClassAction.com
Credit Monitoring	All Class Members	24 months of credit monitoring and identity theft protection	www.DickeysClassAction.com

Questions? Call 1-800-658-3921 or visit www.DickeysClassAction.com.

Class Members can only receive a single category of relief and may submit only one claim form (regardless of the number of cards they used or transactions they made at Dickey's during the Period of the Security Incident). The Court in charge of this case still has to decide whether to approve the Settlement. If the Court approves the Settlement, cash payments and credit services will be sent after any appeals are resolved.

YOUR LEGAL RIGHTS AND OPTIONS UNDER THE SETTLEMENT

Option 1: Submit a Claim Form to be Eligible for Compensation

If you timely submit a valid Claim Form by **April 22, 2023**, you will receive compensation. You will also give up your right to sue Dickey's regarding the Security Incident.

Option 2: Exclude Yourself From the Settlement

If you do not wish to receive compensation from the Settlement and you would like to retain the right to sue Dickey's over the Security Incident on your own at your own expense (and on an individual rather than a class basis), you will need to exclude yourself from the Class. You will get no monetary compensation from the Settlement. The deadline to exclude yourself (also called opting out) is **April 22, 2023**.

Option 3: Object to the Settlement

You have a right to stay in the Class and argue in a written objection that the Settlement should not be approved. You will still be bound by the Settlement if it is approved and you will not be allowed to exclude yourself from the Settlement. The deadline to object is **April 22, 2023**. You can also ask to speak in Court about the fairness of the Settlement.

Option 4: Do Nothing

If you do nothing, you will not receive any payment. You will be bound by the Settlement's terms and will lose the right to sue Dickey's regarding the Security Incident. All Class Members, however, will receive the benefit of Dickey's data security enhancements, regardless of whether or not they submit a Claim Form.

THE SETTLEMENT BENEFITS

1. What benefits are available to class members?

Class members may select one of three forms of relief: (1) expense reimbursement; (2) cash payment; or (3) credit services option.

Class members who select the expense reimbursement will be eligible to receive reimbursement for out-of-pocket losses incurred in connection with the breach, up to a maximum amount of \$5,000, upon submission of a claim form with supporting documentation to show proof of expenses.

Class members who select the cash option will be eligible to receive a cash payment, estimated in the amount of \$100 for California Class Members and \$50 for non-California Class Members. The difference in payment amounts accounts for enhanced statutory damages potentially available to California Class Members under the California Consumer Privacy Act. Residency will be determined by the Class Member's primary residence during the time of the Security Incident.

Class members who select the credit services option will receive a 24-month plan providing: (i) three-bureau credit monitoring, (ii) identity restoration services that provide professional fraud resolution assistance to Settlement Class Members who experience identity theft or fraud, helping them with identity recovery and restoration, and (iii) \$1,000,000 of identity theft insurance coverage. Credit Services are valid to be activated within twelve months from the mailing or emailing of the activation code.

Each Class Member is only entitled to make one claim, regardless of how many debit or credit cards they used at Dickey's during the Period of the Security Incident and regardless of how many times they used the card at Dickey's. Class Members are not entitled to more than one form of recovery.

Questions? Call 1-800-658-3921 or visit www.DickeysClassAction.com.

Any information that you provide as part of this settlement - including your name, e-mail address, mailing address, or any other contact information - will not be used by Dickey's or any third party for any marketing purpose, or for any other reason that is unrelated to the administration of this settlement.

2. What data security improvements has Dickey's agreed to implement?

For a period of three years from the time the applicable business practice change is initiated, Dickey's will employ the following business practice changes related to information security to safeguard customers' payment card information: (a) protect remote access credentials to franchisee servers behind Multi-Factor Authentication; (b) update firewall rules at Dickey's locations to restrict unpermitted access; (c) mandate that its franchised restaurants migrate to an EMV point of sale system; (d) provide annual security awareness training for its employees; (e) maintain a reasonable Written Information Security Program updated from time to time and distributed as part of its security awareness training; (f) maintain and review a process to conduct risk-based monitoring of security events on Dickey's network and assess appropriate remediation of security events; (g) implement and maintain an identity access management solution to appropriately manage users of its internal applications; (h) maintain a process to keep up-to-date operating system security patches on all company owned and managed workstations and servers; and (i) implement enhanced password protection for all user passwords.

HOW TO GET BENEFITS

3. How do I get my cash compensation and/or credit monitoring?

To receive a cash payment and/or credit monitoring, you must complete and submit the appropriate Claim Form. Claim Forms are available on this website: www.DickeysClassAction.com, or you may have one mailed to you by calling 1-800-658-3921. Read the instructions carefully, fill out the Claim Form, and submit it online by **April 22, 2023** or print it out and mail it postmarked no later than **April 22, 2023** to:

Kostka v. Dickey's Barbecue Restaurants
Notice and Claims Administrator
PO Box 5736
Portland, OR 97228-5736

4. When will I receive my payment?

If you submit a complete, valid, and timely Claim Form, the Claims Administrator will send your cash payment or credit monitoring activation code to you after the Court grants final approval of the Settlement and any appeals have been exhausted. Please be patient as this process may take some time. Neither Dickey's, the Claims Administrator, nor Class Counsel has control over how long it may take to receive your cash payment. The Claims Administrator may require additional information from any claimant if the original claim submission is deficient.

5. How do I activate the credit monitoring services if I select that option?

Class members may elect to receive credit monitoring services instead of monetary compensation. You must select this option on your Claim Form in lieu of any cash compensation option. The Credit Services will consist of a 24-month plan providing: (i) three-bureau credit monitoring, (ii) identity restoration services that provide professional fraud resolution assistance to Settlement Class Members who experience identity theft or fraud, helping them with identity recovery and restoration, and (iii) \$1,000,000 of identity theft insurance coverage. Dickey's will email you an activation code to start the period of your Credit Services. Credit Services are valid to be activated within twelve months from the mailing or emailing of the activation code.

Questions? Call 1-800-658-3921 or visit www.DickeysClassAction.com.

6. What am I giving up to stay in the Settlement Class?

Unless you exclude yourself from the Settlement, you cannot sue Dickey's for the Security Incident resolved by this Settlement. The Settlement Agreement provides

“Upon the date the Judgment becomes Final, each Settlement Class Member, including Representative Plaintiffs, shall be deemed to have, and by operation of the Judgment shall have, fully, finally, and forever released, relinquished, and discharged all Released Claims against all Released Persons. Further, upon the date the Judgment becomes Final, and to the fullest extent permitted by law, each Settlement Class Member, including Representative Plaintiffs, shall, either directly, indirectly, representatively, as a member of or on behalf of the general public or in any capacity, be permanently barred and enjoined from commencing, prosecuting, or participating in any recovery in any action in this or any other forum (other than participation in the settlement as provided herein) in which any of the Released Claims is asserted.”

If you have any questions, you can contact the law firms listed in Question 8 for free or you can consult your own lawyer at your own expense if you have questions about what the release means.

7. How do I exclude myself from the Settlement Class?

If you do not want to receive compensation or credit monitoring from this settlement and you want to keep the right to sue Dickey's on your own and at your own expense regarding the Security Incident, then you must take steps to get out of the Settlement Class. This is called excluding yourself from—or is sometimes referred to as “opting out” of—the Settlement Class. If you opt out of the Settlement Class, you will not be bound by any judgment in this case. You must exclude yourself from the Settlement Class to pursue any other lawsuit against Dickey's for the claims arising in this case. **IF YOU EXCLUDE YOURSELF FROM THE SETTLEMENT, YOU WILL NOT BE ENTITLED TO RECEIVE MONETARY COMPENSATION FROM THE SETTLEMENT.**

To exclude yourself, you must send a letter by U.S. Mail saying you wish to do so. Your “Request for Exclusion” must include:

- The name of this lawsuit (*Kostka, et al. v. Dickey's Barbecue Restaurants, Inc., et. al.*, No. 3:20-cv-3424-K (N.D. Tex.))
- Your name and address;
- A statement requesting exclusion from the Class; and
- Your signature

You must mail your Exclusion Request postmarked by **April 22, 2023**, to:

Kostka v. Dickey's Barbecue Restaurants
Notice and Claims Administrator
PO Box 5736
Portland, OR 97228-5736

THE LAWYERS REPRESENTING YOU

8. Do I have a lawyer in this case?

Yes. The Court appointed the following lawyers as “Co-Lead Class Counsel:” Ben Barnow, Benjamin F. Johns and John Yanchunis. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

Questions? Call 1-800-658-3921 or visit www.DickeysClassAction.com.

9. How will the lawyers be paid?

Co-Lead Class Counsel will ask the Court to award up to one-third of the settlement fund for attorneys' fees, plus reimbursement of litigation costs, and the cost of the third-party Claims Administrator's services. The attorneys' fees will compensate Class Counsel for their role in obtaining both the monetary relief and improvements in Dickey's data security practices. Class Counsel will also ask the Court to approve a \$1,500 service award for each of the Representative Plaintiffs for their efforts in litigating this case on behalf of the Settlement Class. Any amount that the Court awards for these collective items will be paid directly by Dickey's out of the Settlement Fund.

OBJECTING TO THE SETTLEMENT

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

You can object to the Settlement if you do not like it or some part of it and think that it should not be approved. The Court will consider your views. To do so, you must submit your written objection to the Clerk of Court, counsel for Dickey's, and the Claims Administrator at the addresses below.

Your objection must include the following:

- The name of the lawsuit (*Kostka, et. al v. Dickey's Barbecue Restaurants, Inc., et. al*, No. 3:20-cv-3424-K (N.D. Tx.))
- Your full name, address, telephone number, e-mail address (if any), and signature;
- Information confirming that you are a member of the Settlement Class (for example, proof of a credit or debit card purchase at an impacted Dickey's location during the Period of the Security Incident);
- A written statement of all grounds for the objection, accompanied by any legal support for the objection you believe applicable;
- The names and addresses of all lawyers representing you in connection with the objection (if any);
- A statement as to whether you and/or your lawyer intend to appear at the Fairness Hearing; and
- Your signature and the signature of your attorney (along with documentation setting forth such representation).

You may (but are not required to) include copies of any documents you wish to submit in support of your position, and any legal support for your objection that you believe is applicable.

You must mail the objection to the Court, Dickey's counsel, and the Settlement Administrator at the following addresses, and it must be postmarked no later than **April 22, 2023**:

THE COURT	SETTLEMENT ADMINISTRATOR	DICKEY'S COUNSEL
Office of the Clerk U.S. District Court for the Northern District of Texas 1100 Commerce Street Room 1452 Dallas, TX 75242	Kostka v. Dickey's Barbecue Restaurants Notice and Claims Administrator PO Box 5736 Portland, OR 97228-5736	Ian C. Ballon, Esq. Greenberg Traurig, LLP 1900 University Avenue 5th Floor East Palo Alto, CA 94303

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

Objecting is telling the Court you do not like the Settlement and why you think it, or parts of it, should not be approved. You can object only if you do not exclude yourself from the Class. Excluding yourself is

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telling the Court that you do not want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

FINAL APPROVAL HEARING

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

The Judge presiding over this matter, the Hon. Ed Kinkeade, will hold a Fairness Hearing at **9:30 a.m. on June 6, 2023**, at the United States District Court for the Northern District of Texas, located at 1100 Commerce Street, Dallas, Texas 75242, Courtroom 1627. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.DickeysClassAction.com or call 1-800-658-3921 for any updates about the hearing. If so, information about remote participation can be found through the website or telephone number above. At the hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider how much Co-Lead Class Counsel will receive in attorneys' fees and expense reimbursement, payment for settlement administration costs, and the request for service awards for the Representative Plaintiffs. If there are timely objections, the Court will consider them. The Court may listen to people who have asked to speak at the hearing (*see* Question 10). After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

13. Do I have to attend the hearing?

No. Co-Lead Class Counsel will answer any questions the Court may have. You or your own lawyer are welcome to attend at your expense. If you send an objection, you do not have to come to the Court to talk about it. As long as you submitted your written objection on time and mailed it according to the instructions provided in Question 10, the Court will consider it.

If you want to speak at the Fairness Hearing, you must file an objection according to the instructions in Question 10.

IF YOU DO NOTHING

14. What happens if I do nothing?

If you do nothing, you will get no compensation from this Settlement and, if the Settlement is approved and the judgment becomes final, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Dickey's concerning the Security Incident.

GETTING MORE INFORMATION

15. How do I get more information?

This Notice summarizes the proposed Settlement. More details are in a Settlement Agreement, which is on the Settlement website at www.DickeysClassAction.com. You may also send questions to info@DickeysClassAction.com. You can also get a Claim Form at the website, by visiting www.DickeysClassAction.com, or by calling the toll-free number, 1-800-658-3921.

*Please do not contact the Court or Dickey's with questions about the Settlement.
Visit the website or call the number listed above.*

Questions? Call 1-800-658-3921 or visit www.DickeysClassAction.com.