

THIS IS A COURT APPROVED LEGAL NOTICE. YOU ARE NOT BEING SUED.

THIS IS NOT A SOLICITATION FROM A LAWYER.

United States District Court for the Northern District of California

Smith-Washington et al. v. TaxAct, Inc.

Case No. 3:23-cv-00830-VC

www.TaxActClassSettlement.com

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION

If you used a TaxAct online do-it-yourself consumer Form 1040 tax filing product and filed a tax return using the TaxAct online product at any time between January 1, 2018, and December 31, 2022, or your spouse filed a joint tax return using the TaxAct online product during that same period, you should read this Notice as you may be entitled to a cash payment and the free use of TaxAct® Xpert Assist for your tax year 2024 return.

What Is the Lawsuit About?

This lawsuit was brought on behalf of TaxAct users who allege that TaxAct, Inc. (“TaxAct”) purportedly shared or otherwise made accessible to third parties (including but not limited to Facebook (now Meta Platforms, Inc.) and Google) certain of its users’ personal and financial information, without permission. TaxAct expressly denies any liability or wrongdoing.

Who Is Part of the Settlement Classes?

There are two Settlement Classes. The Nationwide Class includes all natural persons who used a TaxAct online do-it-yourself consumer Form 1040 tax filing product and filed a tax return using the TaxAct online product at any time between January 1, 2018, and December 31, 2022, and whose postal address listed on their tax return was in the United States. The Nationwide Class includes a California Subclass of members whose postal address listed on their tax returns was in California. The Nationwide Married Filing Jointly Class includes all natural persons whose spouse used a TaxAct online do-it-yourself consumer Form 1040 tax filing product and filed a joint tax return using the TaxAct online product at any time between January 1, 2018, and December 31, 2022, and whose postal address listed on such joint tax return was in the United States. The Nationwide Married Filing Jointly Class also includes a California Married Filing Jointly Subclass of members whose postal address listed on the joint tax return was in California.

If, as of January 9, 2024, you filed a demand for arbitration against TaxAct to arbitrate claims that would otherwise be released in accordance with the terms of the Settlement Agreement, you are excluded from both Settlement Classes unless you elect to opt-in to the Settlement Classes by filing a timely Claim Form.

What Does the Settlement Provide?

If the Settlement is approved by the Court, TaxAct will establish a Qualified Settlement Fund of fourteen million, nine hundred and fifty thousand U.S. dollars (\$14,950,000.00) plus up to two million five hundred thousand U.S. dollars (\$2,500,000.00) of additional funds set aside to be used towards Notice and Administration Costs with any remainder of unused Notice and

Administrative funds to be distributed to the Settlement Class. The Qualified Settlement Fund will be used to pay all valid claims submitted by Settlement Class Members (estimated to be approximately \$18.65 each based on a 5% claim rate), as well as Notice and Administration Expenses, Attorneys' Fees and Costs (up to 25% of the cash value of the Settlement Fund plus up to 25% of the value of Xpert Assist redeemed, up to a maximum redeemed value of Five Million Eight Hundred Thousand U.S. Dollars and Zero Cents (\$5,800,000.00) by approved Settlement Class Members, as well as reasonable expenses), and Service Awards (up to \$10,000 each) for the Settlement Class Representatives. **TaxAct will also provide Xpert Assist to all Settlement Class Members who submit a valid Claim Form and who return to prepare a tax year 2024 return on TaxAct's website using any TaxAct online do-it-yourself consumer Form 1040 tax return filing product (including TaxAct's free product).**

How Do I Submit a Claim and Get a Cash Payment and Xpert Assist?

Claim Forms may be submitted online at www.TaxActClassSettlement.com by **11:59 p.m. PT on September 11, 2024** or printed from the Settlement Website and mailed to the Settlement Administrator at: **Smith-Washington v. TaxAct, Inc, c/o Kroll Settlement Administration LLC, PO Box 225391, New York, NY 10150-5391**, postmarked by **September 11, 2024**. You may also contact the Settlement Administrator to request a Claim Form by telephone at **(833) 425-9910**, by email at **info@TaxActClassSettlement.com**, or by U.S. mail at **Smith-Washington v. TaxAct, Inc, c/o Kroll Settlement Administration LLC, PO Box 225391, New York, NY 10150-5391**.

Do I Have a Lawyer in the Case?

The Court has appointed Julian Hammond and Christina Tusan of HammondLaw, P.C. and Warren D. Postman of Keller Postman LLC to represent the Settlement Class as Class Counsel.

Your Other Options

If you are a Settlement Class Member and you do nothing, your rights will be affected, and you will not receive a Settlement payment or Xpert Assist from this Settlement. If you do not want to be legally bound by the Settlement, you must exclude yourself from it by opting out. The deadline to exclude yourself is **September 11, 2024**.

Unless you exclude yourself, you will give up any right to sue TaxAct based on the legal and factual issues that this Settlement resolves. If you exclude yourself, you cannot get a payment or Xpert Assist from this Settlement. Settlement Class Members agree to release all claims based on, relating to, or arising out of the identical factual predicate in the Operative Complaint.

If you stay in the Settlement (i.e., do not exclude yourself), you can ask the Court to deny approval by filing an objection to the Settlement or Class Counsel's fees by **August 12, 2024**. You can give reasons why you think the Court should not approve it. The Court will consider your views. You can't ask the Court to order a different Settlement; the Court can only approve or reject the Settlement. If the Court denies approval, no Settlement payments will be sent out, and the lawsuit will continue. If that is what you want to happen, you should object.

Any objection to the proposed Settlement must be in writing. Please check the Settlement Website for all requirements associated with filing a written objection. If you file a timely written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney. All written objections and supporting papers must (a) clearly identify the case and number

(*Smith-Washington et al. v. TaxAct, Inc.*, Case No. 3:23-cv-00830-VC), (b) be submitted to the Court either by filing them electronically or in person at any location of the United States District Court for the Northern District of California, or by mailing them to the Class Action Clerk, United States District Court for the Northern District of California, San Francisco Division, and (c) be filed or postmarked on or before **August 12, 2024**.

More information can be found in the Frequently Asked Questions and Class Action Settlement Agreement and Release, which are available at www.TaxActClassSettlement.com. If you have additional questions, you may contact the Settlement Administrator or Class Counsel.

The Court's Final Approval Hearing

The Court has scheduled a Final Approval Hearing at **2:00 p.m. PT** on **November 21, 2024**. The hearing may proceed by video conference. If so, a link to the video conference will appear at the following address: <https://www.cand.uscourts.gov/judges/chhabria-vince-vc/>. Please check the Settlement Website often to confirm the date, time, and location. At the Final Approval Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and whether to approve it. The Court will also consider whether to approve Class Counsel's request for an Attorneys' Fees and Expenses Award, as well as the Settlement Class Representatives' Service Awards. If there are objections, the Court will consider them.

This Notice is only a summary of the proposed Settlement. For the precise terms of the Settlement, please see the Settlement Agreement by visiting www.TaxActClassSettlement.com, by calling the Settlement Administrator at (833) 425-9910, by accessing 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 Avenue, San Francisco, CA 94102-3489, 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.