

If you are a current or former employee, beneficiary or dependent of an employee or former employee, or IRS form 1099 vendor of RailWorks Corporation and/or its subsidiaries and affiliates, you may be entitled to benefits from a Class Action Settlement.

A court authorized this notice. This is not a solicitation from a lawyer. You are not being sued.

A settlement has been proposed in a class action lawsuit pending in the United States District Court for the Southern District of New York. The lawsuit alleges that RailWorks Corporation (“RailWorks,” including for purposes of this notice all of its subsidiaries and affiliates) failed to safeguard personal information (“PI”) of certain current and former RailWorks employees, beneficiaries and dependents of current and former employees, and vendors who received an IRS form 1099, and that the PI was potentially compromised in a cyberattack that took place against RailWorks on or about January 14, 2020 (the “Security Incident”). RailWorks denies that it did anything wrong.

The proposed Settlement will provide benefits to Class Members whose PI may have been affected by the Security Incident. You are receiving this notice because RailWorks’ records show that you may be a Class Member because your PI was potentially compromised in the Security Incident (see Question 3 below).

YOUR LEGAL RIGHTS AND OPTIONS IN THIS PROPOSED SETTLEMENT

If you are a Class Member who **previously signed up for identity theft protection** when offered by RailWorks, you have **four options**. You can:

Do Nothing	By doing nothing when you have previously signed up for identity theft protection when offered by RailWorks, you will receive extended protection paid for by RailWorks through April 1, 2023 if the Settlement is approved. You will give up any rights you may have to sue RailWorks regarding the Security Incident.
Submit a Claim Form for Reimbursement for Time Spent	If you spent time remedying issues related to identity theft directly caused by the Security Incident, you may submit a Claim Form for reimbursement. The deadline is 60 days after the date you last expended time or May 18, 2021, and cannot be later than April 1, 2023. Click HERE to file a Claim Form online.
Opt-out of the Settlement	Submit an Opt-Out Statement. By submitting a timely and valid Opt-Out Statement by May 3, 2021 , you are forfeiting any right under the Settlement Agreement, including any right to Settlement benefits. You will retain any right you may have to sue RailWorks regarding the Security Incident.
Object to the Settlement	Submit an Objection. By submitting a timely and valid Objection by May 3, 2021 , you are letting the Court know you disagree with some or all of the terms of the Settlement. You can still submit a Claim Form. If the Court approves the Settlement, you will be bound by the Court’s decision and the Settlement Agreement.

If you are Class Member who has **NOT** previously signed up for identity theft protections when offered by RailWorks, you have **four options**. You can:

Submit a Claim Form and Receive Identity Theft Protection and/or Reimbursement.	To be eligible to receive benefits from the Settlement, including identity theft protection and/or reimbursement for time spent remedying issues related to identity theft directly caused by the Security Incident, you must submit a timely and valid Claim Form(s) by the applicable deadline for the type of claim(s) you are submitting. Click HERE to file a Claim(s) Form online.
Opt-out of the Settlement	Submit an Opt-Out Statement. By submitting a timely and valid Opt-Out Statement by May 3, 2020 , you are forfeiting any right under the Settlement Agreement, including any right to Settlement benefits. You will retain any right you may have to sue RailWorks regarding the Security Incident.

Object to the Settlement	Submit an Objection. By submitting a timely and valid Objection by May 3, 2021 , you are letting the Court know you disagree with some or all of the terms of the Settlement. You can still submit a Claim Form. If the Court approves the Settlement, you will be bound by the Court’s decision and the Settlement Agreement.
Do Nothing.	By doing nothing, you will still be bound by the terms of the Settlement, but you will NOT receive Settlement benefits. You will give up any rights you may have to sue RailWorks regarding the Security Incident.

These rights and options, and the deadlines to exercise them, are explained in this notice. The Court in charge of this case still has to decide whether to approve this Settlement. Benefits for valid claims will be provided if the Court approves the Settlement and after any appeals are resolved. Please be patient.

BASIC INFORMATION

1. What is this lawsuit about?

In a class action lawsuit, one or more people called “Class Representatives” (in this case, Cornelius Coleman and Linda Horan), sue on behalf of people who have similar claims. Together, they are a “Class.”

This lawsuit alleges that RailWorks failed to safeguard PI of certain current and former RailWorks employees, beneficiaries and dependents of current and former employees, and vendors who received an IRS form 1099, and that the PI was potentially compromised in the Security Incident. RailWorks denies all allegations of wrongdoing.

2. Why is there a proposed settlement?

The Court did not reach a final decision in favor of the Class Representatives or RailWorks. Instead, both sides agreed to a proposed settlement. Settlements avoid the costs and uncertainty of a trial and related appeals, while providing benefits to members of the Settlement Class. The Settlement Class Representatives and the attorneys for the proposed Class believe the proposed Settlement is best for all members of the Class. The Court in charge of the lawsuit has granted preliminary approval of this proposed Settlement and has ordered that this notice be made available to explain it.

3. Who is affected by the proposed Settlement?

You are a member of the Class and are affected by the proposed Settlement, as explained further in this notice, if you are a citizen and/or resident of the United States of America and satisfy the following requirements: (1) you are an employee, former employee, beneficiary or dependent of an employee or former employee, or a vendor of RailWorks who received IRS Form 1099; and (2) your personal information may have been affected by the Security Incident (as reflected by RailWorks’ records pertaining to the Security Incident).

If you have questions about whether you are a Class Member, you may contact the Settlement Administrator at 1-855-940-5294. You may also contact Class Counsel (see Question 9 below).

If you are a Class Member, you have a right to submit a Claim Form to receive benefits under the proposed Settlement. The process for submitting a Claim Form is described in Question 6 below.

4. What benefits are provided?

The Settlement provides the following benefits:

(A) Identity Theft Protection. RailWorks will offer and pay for credit monitoring and identity theft protection coverage through Identity Guard (or an equivalent provider in the event Identity Guard ceases to operate in its current form), through April 1, 2023, for: (a) all Settlement Class Members who previously signed up for one year of credit monitoring and identity theft protection coverage when offered by RailWorks in connection with the Security Incident before the lawsuit was filed, without the need for filing a Claim Form; and (b) all Settlement Class Members who submit a Claim Form seeking identity theft protection within thirty (30) days after the date of the Order and Final Judgment in this lawsuit.

(B) Reimbursement for Lost Time. Settlement Class Members who have expended time remedying issues related to identity theft directly caused by the Security Incident are eligible for reimbursement as follows: Settlement Class Members may submit a Claim Form, including supporting documentation of their lost time, for up to five (5) hours at a rate of ten dollars (\$10.00) per hour if the Settlement Class Member has first enrolled in the services provided by RailWorks through Identity Guard (or another substitute provider) prior to incurring the lost time. The Claim Form must be submitted within 60 days of the last date on which the Settlement Class Member expended time or May 18, 2021 whichever is later, but in no event later than April 1, 2023. In order to obtain reimbursement, a Settlement Class Member must certify under penalty of perjury that (i) he/she enrolled in the identity theft protection services provided by RailWorks (either prior to this litigation or as part of this Settlement) prior to incurring the lost time; and (ii) he/she has not been previously reimbursed by any other source (such as insurance) for the lost time.

(C) Security Measures. RailWorks has agreed to implement the following security measures:

(i) RailWorks will provide annual security training (through internal resources) to personnel it determines appropriate to receive such training, in its reasonable discretion, in each of 2021 and 2022.

(ii) RailWorks will expand its internal cyber awareness communications, as it determines appropriate, in its reasonable discretion.

(iii) RailWorks will conduct a penetration test within twelve (12) months following the date of the Order and Final Judgment in this lawsuit.

5. How will my legal rights be limited by the proposed Settlement?

If the proposed Settlement is approved, you will lose the right to bring a legal claim against RailWorks for certain claims relating to the Security Incident.

If you do not timely opt out (see Question 7 below) and the proposed Settlement is approved, you will be in the “Settlement Class.” That means that you will not be able to sue or be part of any other lawsuit involving “Released Claims” against “Releasees” or “Released Entities”, which includes (a) RailWorks, Kevin Riddett, and Bob Cummings; (b) all of the past and present divisions, parent entities, entities sharing the same parent company(ies) as RailWorks, and subsidiaries and affiliates of RailWorks; (c) all past and present officers, directors, agents, attorneys, employees, stockholders, successors, assigns, reinsurers, and legal representatives of the entities and/or persons listed in (a)-(b); and (d) all of the heirs, estates, successors, assigns, and legal representatives of any of the entities or persons listed herein.

The Released Claims mean any and all known and unknown claims, rights, demands, actions, causes of action, private or other rights of action, allegations, or suits of whatever kind or nature, whether *ex contractu* or *ex delicto*, tort, statutory, common law or equitable, including but not limited to negligence, breach of express or implied contract, breach of the implied covenant of good faith and fair dealing, bad faith, violation of any federal or state statute or regulation in any jurisdiction, any claims for punitive or exemplary damages, restitution, disgorgement, attorneys’ fees, costs of suit, injunctive relief, specific performance, or prejudgment or post-judgment interest arising from or relating in any way to the Security Incident. Released Claims include but are not limited to any and all claims that were alleged or could have been alleged in the Civil Action.

A complete copy of the Settlement Agreement can be obtained from the Settlement website at www.RWColemanSettlement.com or from the Settlement Administrator at 1-855-940-5294. Talk to Class Counsel (see Question 9 in the section on “The Lawyers Representing You” below) or your own lawyer if you have questions about the Released Claims or what they mean.

SUBMITTING A CLAIM FORM TO PARTICIPATE IN THE SETTLEMENT

6. How do I submit a Claim Form to participate in the proposed Settlement?

In order to receive certain of the Settlement benefits if you are eligible for them, you must submit a Claim Form. The Claim Form informs RailWorks and Class Counsel that you wish to participate in the proposed Settlement. There are two separate Claim Forms: a Claim Form for identity theft protection (if you did not previously sign up for identity theft protection when it was previously offered by RailWorks) and a separate Claim Form to submit a claim for reimbursement for time spent remedying issues related to identity theft directly caused by the Security Incident. If you wish to claim both types of benefits, you must submit two Claim Forms (one for each type of benefit).

CLAIM FORMS FOR IDENTITY THEFT PROTECTION THAT ARE NOT SUBMITTED ONLINE OR POSTMARKED ON OR BEFORE JUNE 12, 2021 WILL NOT BE HONORED.

CLAIM FORMS FOR REIMBURSEMENT FOR LOST TIME THAT ARE NOT SUBMITTED ONLINE OR POSTMARKED ON OR BEFORE THE LATER OF 60 DAYS AFTER THE LAST DATE YOU EXPENDED TIME OR MAY 18, 2021 WILL NOT BE HONORED. IN NO EVENT CAN SUCH CLAIM FORMS BE SUBMITTED AFTER APRIL 1, 2023.

You must submit your Claim Form(s) at www.RWColemanSettlement.com or by mail. You can access and submit the online Claim Forms by going to www.RWColemanSettlement.com and entering the alphanumeric code found on the notice you received by electronic mail or postcard. Alternatively, a Claim Form may be submitted by printing the Claim Form from the Settlement website or requesting a paper Claim Form by mail, email or telephone from the Settlement Administrator, and mailing the completed Claim Form to the Settlement Administrator at RW Coleman Settlement, Settlement Administrator, P.O. Box 2530, Portland, OR 97208-2530.

The Claim Form must be signed by you (if you submit an online Claim Form, typing your name in the signature box will constitute your legal signature).

If you move after submitting a Claim Form, it is your responsibility to provide your new address to the Settlement Administrator. Checks will initially be mailed to the most recent address on file with the Settlement Administrator.

EXCLUDING YOURSELF FROM THE PROPOSED SETTLEMENT

If you are a Class Member and you want to keep the right you may have, if any, to sue RailWorks based on the Security Incident, you must exclude yourself from the Settlement Class, as described below.

7. How do I opt out of the proposed Settlement?

To opt out and not be part of the Settlement Class, you must send a letter by mail saying that you wish to do so. Your letter should state: "I request that I be excluded from the Settlement Class in *Coleman v. RailWorks Corporation*, and do not wish to participate in the Settlement." Be sure to include: (1) your full name(s) and current address(es); and (2) your signature(s). Your request for exclusion must be postmarked no later than May 3, 2021 and must be mailed to:

RW Coleman Settlement
Settlement Administrator
P.O. Box 2530
Portland, OR 97208-2530

REQUESTS TO OPT OUT THAT ARE NOT POSTMARKED ON OR BEFORE MAY 3, 2021 WILL NOT BE HONORED.

8. If I don't exclude myself, can I sue RailWorks for the same thing later?

No. If the proposed Settlement is approved, you give up the right you may have, if any, to sue RailWorks and the Released Entities for relief arising from the claims that this proposed Settlement resolves. See the answer to Question 5 above.

THE LAWYERS REPRESENTING YOU

9. Do I have a lawyer in the case?

The Court has appointed the following lawyers to represent you and the other Settlement Class Members:

Jeremiah Frei-Pearson Finkelstein, Blankinship, Frei-Pearson & Garber, LLP One North Broadway Suite 900 White Plains, NY 10601	J. Nelson Thomas Jessica L. Lukasiewicz Thomas & Solomon, LLP 693 East Avenue Rochester, NY 14607
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These lawyers are called Class Counsel. You will not be charged by these lawyers for their work on the case. If you want to be represented by your own lawyer, you may hire one at your own expense.

You can contact Class Counsel at 585-272-0540 or at ContactUs@theemploymentattorneys.com.

10. How will the lawyers be paid?

Any attorneys' fees and expenses approved by the Court will be paid by RailWorks, and the amount of any such award will not affect the benefits to be provided to eligible Settlement Class Members as described above. Class Counsel will ask the Court to award up to \$503,000 for (1) attorneys' fees and costs to Class Counsel and (2) service awards to Settlement Class Representatives. The motion seeking attorneys' fees, costs and service awards will be available on the Court's docket on PACER (ecf.nysd.uscourts.gov) by May 3, 2021. RailWorks has agreed not to oppose the request for the award up to this amount. The Court may award less than this amount. The costs of notifying Class Members and of administering the proposed Settlement will also be borne by RailWorks and will not reduce the benefits provided to Settlement Class Members.

OBJECTING TO THE PROPOSED SETTLEMENT

11. How can I object?

If you are a Class Member and you do not opt out (see Question 7 above), you can object to the proposed Settlement if you do not think the proposed Settlement is fair, reasonable or adequate. This means if you opt out of the Settlement, you cannot also object.

You can ask the Court to deny approval of the proposed Settlement by filing an objection. You cannot ask the Court to order a larger settlement; the Court can only approve or deny the Settlement. If the Court denies approval, the benefits for Settlement Class Members described herein will not be provided, and the lawsuit will continue. If that is what you want to happen, you must object.

You may object to the proposed Settlement in writing. You may also appear at the Final Approval Hearing, either in person or through your own attorney, at your own expense, if the Court allows. If you appear through your own attorney, you are responsible for paying that attorney. All written objections and supporting papers must:

- a) Contain a heading which includes the name of the case and case number (*Coleman v. RailWorks Corporation, et al.*, Case No. 1:20-cv-02428-GBD (OTW));
- b) Provide your name, address, telephone number, and signature;
- c) Indicate the specific reasons why you object to the proposed Settlement;
- d) Contain the name, address, bar number, and telephone number of your counsel, if you are represented by an attorney. Any attorney representing you must comply with all applicable rules of the Court;
- e) State whether you intend to appear at the Final Approval Hearing, either in person or through counsel

In addition, your objection must contain the following information, if you or your attorney requests permission to speak at the Final Approval Hearing:

- a) A detailed statement of the legal and factual basis for each and every objection;
- b) A list of any and all witnesses whom you may seek to call at the Final Approval Hearing, with the address of each witness and a summary of his or her proposed testimony (whether any such testimony is allowed will be in the discretion of the Court, in accordance with the rules of the Court);
- c) A detailed description of any and all evidence you may offer at the Final Approval Hearing, including photocopies of any and all exhibits which you may seek to introduce at the Final Approval Hearing (whether any such evidence is admitted or otherwise considered will be determined by the Court, in accordance with the rules of the Court);
- d) A list of any legal authority you will present at the Final Approval Hearing; and
- e) Documentary proof of membership in the Class.

Objections must be submitted to the Court either by mailing them to the Clerk of Court, United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007, or by filing them in person at any location of the United States District Court for the Southern District of New York. Objections must be filed or postmarked by **May 3, 2021**.

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must send a letter to the Clerk of Court, United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007 saying that it is your “Notice of Intention to Appear in *Coleman v. RailWorks Corporation*, Case No. 1:20-cv-02428-GBD (OTW).” You must include your name, address, telephone number and your signature, and your letter must identify the points you wish to speak about at the hearing, enclose copies of any documents you intend to rely on at the hearing, and state whether you intend to have a lawyer speak on your behalf.

If you object and the Settlement is approved, you will still be entitled to receive benefits under the Settlement if you qualify, but you must submit a timely Claim Form to do so (see Question 6 above). Submitting a timely Claim Form does not waive an objection to the Settlement.

THE COURT’S FINAL APPROVAL HEARING

The Court will hold a Final Approval Hearing on May 13, 2021 in Courtroom 11A of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007, or the hearing may be conducted virtually by online or telephonic means. The date of the hearing may change. If you plan to attend, please check the Settlement website at www.RWColemanSettlement.com or the Court’s docket on PACER at <https://ecf.nysd.uscourts.gov/> or visit the Court Clerk’s Office to confirm the date of the hearing. If the hearing is conducted virtually, instructions for how Class Members may attend the hearing will be posted at www.RWColemanSettlement.com. At this hearing, the Court will consider whether the proposed Settlement is fair, reasonable and adequate. If there are objections, the Court will consider them. The Court may listen to people who have submitted timely requests to speak at the hearing. The Court may also decide how much Class Counsel will receive as attorneys’ fees and expenses, and the amount of an award, if any, the Class Representatives will receive. At or after the hearing, the Court will decide whether to approve the proposed Settlement. We do not know how long these decisions will take.

YOU ARE NOT OBLIGATED TO ATTEND THIS HEARING.

IF YOU DO NOTHING

12. What happens if I do nothing?

If you are a Class Member and you do nothing, you will be included in the Settlement Class, and will not be able to pursue any other lawsuit against RailWorks and the Released Entities concerning or relating to the Security Incident. If you previously signed up for identity theft protection when offered by RailWorks, you will automatically receive extended identity theft protection paid for by RailWorks through April 1, 2023 if the Settlement is approved. If you did not previously sign up for identity theft protection and you do nothing, you will not receive any benefits from the Settlement.

GETTING MORE INFORMATION

13. Are there more details about the proposed Settlement?

This notice summarizes the proposed Settlement. For precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.RWColemanSettlement.com by contacting Class Counsel (see Question 9 above), by accessing the Court docket in this case through the Court’s Public Access to Court Electronic Records (PACER) system at <https://ecf.nysd.uscourts.gov/>, or by visiting the Clerk of Court for the United States District Court for the Southern District of New York at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007 between 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding Court holidays. In-person access to the courthouse may be subject to certain restrictions during the COVID-19 pandemic, which are posted on the Court’s website at www.nysd.uscourts.gov.

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