

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

*In re Morgan Stanley Data Security Litigation, 1:20-cv-05914-AT (S.D.N.Y.)*

**If you are a former or current Morgan Stanley client who was sent a data breach notice letter in July 2020 and/or June 2021 notifying you that your Personal Information may have been compromised in Data Security Incidents, you are eligible for benefits from a class action settlement.**

*A federal court has authorized this Notice. This is not a solicitation from a lawyer.  
Please read this Notice carefully and completely.*

A class action Settlement has been proposed in a case against Morgan Stanley Smith Barney LLC (“Morgan Stanley”) regarding its decommissioning of information technology (“IT”) equipment containing customer data (“the Data Security Incidents”). Plaintiffs allege that in 2016 and 2019, Morgan Stanley failed to properly dispose of certain IT assets and, as a result, may have exposed its clients’ private information, including, but not limited to, names, addresses, Social Security numbers, driver’s license numbers, income, asset value, asset holding information, dates of birth and other personal information (collectively, “PII”). Morgan Stanley first disclosed the Data Security Incidents in July 2020 and June 2021.

**AM I INCLUDED?**

You are a Settlement Class Member if you have an existing or closed Morgan Stanley account established in the United States and were sent a notice letter by Morgan Stanley in July 2020 and/or June 2021 (the “Settlement Class”). If you received a notice from the Settlement Administrator about this class action Settlement addressed to you, then the Settlement Administrator has already determined that you are a Settlement Class Member. If you did not receive a notice but believe you may be a Class Member, please contact the Settlement Administrator at (855) 604-1744 to verify your identity and receive further information.

**WHAT DOES THE SETTLEMENT PROVIDE?**

The Settlement, if approved by the Court, would establish a Settlement Fund of \$60 million, which will be used to provide at least 24-months of fraud insurance coverage for all Settlement Class Members, reimburse Class Members for out-of-pocket losses and lost time researching and remediating the effects of the Data Security Incidents, as well as to pay Plaintiffs’ attorneys’ fees, costs, and expenses, and a service award for each of the named Plaintiffs. As part of the Settlement, Morgan Stanley will also hire and pay for a third party for a period of 12 months to attempt to locate and retrieve additional missing IT devices potentially containing customer PII. Morgan Stanley will also pay reasonable costs of notice and administration separately from the Settlement Fund.

**DO I HAVE A LAWYER IN THE CASE?**

The Court appointed Jean S. Martin of Morgan & Morgan and Linda P. Nussbaum of Nussbaum Law Group, P.C. as “Class Counsel” to represent all members of the Settlement Class. You will not be individually charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense. Class Counsel intends to request up to 33 1/3% of the Settlement Fund for attorneys’ fees, costs, and expenses. The Court will decide the amount of fees and expenses to award. Class Counsel will also request that a Service Award of \$5,000 be paid to each of the Class Representatives for their services in the litigation as representatives of the Settlement Class.

**THE COURT’S FINAL APPROVAL HEARING**

The Court will hold a hearing to decide whether to grant final approval of the Settlement and any requests for attorneys’ fees, costs, and expenses. The Court has scheduled a Final Approval Hearing at **9:30 am ET on Friday, August 5, 2022**, via teleconference. The details for attending the teleconference can be found on the Settlement Website. You do not need to attend this hearing to receive benefits from the Settlement, but if you wish to speak at the Final Approval Hearing, you must make a request to do so in

your written objection or comment. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check [www.MorganStanleyDataSecuritySettlement.com](http://www.MorganStanleyDataSecuritySettlement.com) or call (855) 604-1744.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are timely objections, the Court will consider them at this hearing. The Court will also rule on the request for attorneys’ fees and reasonable costs and expenses, as well as the request for service awards for the Class Representatives. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long the Court will take to make these decisions.

**WHAT ARE MY OPTIONS?**

**Submit a Claim Form**

**Deadline: Postmarked by August 11, 2022**

This is the only way to receive a monetary payment for losses suffered as a result of the Data Security Incidents. You can file a claim online on [www.MorganStanleyDataSecuritySettlement.com](http://www.MorganStanleyDataSecuritySettlement.com), download a Claim Form from the Settlement Website and mail it, or you may call (855) 604-1744 and ask that a Claim Form be mailed to you. If your Claim Form is determined to be complete and valid, you will receive an email (at the email address provided in the Claim Form) after the Court grants Final Approval prompting you to select how you would like to be paid. You can receive your payment via a variety of digital options such as digital debit card or PayPal, or you can elect to receive a check.

**Ask to be Excluded from the Settlement**

**Deadline: Postmarked by July 12, 2022**

You will not receive a payment, but you will retain the right to bring your own action against Morgan Stanley related to the Data Security Incidents. This is the only option that allows you to bring a separate action against Morgan Stanley related to the Data Security Incidents. For detailed information on how to exclude yourself from the Settlement, please visit [www.MorganStanleyDataSecuritySettlement.com](http://www.MorganStanleyDataSecuritySettlement.com).

**Object to the Settlement**

**Deadline: Postmarked by July 12, 2022**

You may write to the Court about why you do not like the Settlement. You may also write to the Court about why you support the Settlement. For detailed information on how to object to or comment on the Settlement, please visit [www.MorganStanleyDataSecuritySettlement.com](http://www.MorganStanleyDataSecuritySettlement.com).

**Appear at the Final Approval Hearing on August 5, 2022**

You may ask to speak in Court about the fairness of the Settlement. If you wish to speak at the Final Approval Hearing, you must make a request to do so in your written objection or comment and notify the court by sending an email to [EngelmayerNYSDCChambers@nysd.uscourts.gov](mailto:EngelmayerNYSDCChambers@nysd.uscourts.gov) by **July 22, 2022**.

**Do Nothing**

If you do nothing, you will not get a monetary payment from this Settlement. If the Court grants final approval, you will be entitled to enroll in Aura’s Financial Shield Services for a period of at least 24 months from the Effective Date of the Settlement, which will provide broad fraud insurance coverage. You will give up rights to submit a claim in this Settlement or to bring a different action against Morgan Stanley related to the Data Security Incidents.