

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA

**If You Used a Credit or Debit Card at an InterContinental Hotels Group (IHG) Branded Hotel Location Between August 1, 2016 and December 29, 2016, You Could Get Money from a Class Action Settlement.**

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

*Si desea recibir esta notificación en español, llámenos o visite nuestra página web.*

- A Settlement has been reached in a class action lawsuit involving malware intrusions that affected certain Inter-Continental Hotels Corporation and InterContinental Hotels Group Resources, Inc. (“IHG”)-branded hotel, restaurant and bar locations at varying times between August 1, 2016 through December 29, 2016 (the “Data Security Incidents”).
- The affected hotel brands include InterContinental, Holiday Inn, Holiday Inn Express & Suites, Candlewood Suites, Crowne Plaza, Staybridge Suites, and Hotel Indigo. The specific hotel locations and time frames during which the IHG-branded hotel, restaurant, and bar locations were affected by the Data Security Incidents are available at [www.IHGdatasecuritysettlement.com](http://www.IHGdatasecuritysettlement.com).
- The Settlement includes all persons who reside in the United States and used a payment card at the front desk of an affected hotel location or to make or attempt to make a purchase at an affected restaurant or bar location identified at the website [www.IHGdatasecuritysettlement.com](http://www.IHGdatasecuritysettlement.com) during the period in which that hotel, restaurant, or bar was affected by the Data Security Incidents.
- The Settlement provides for payments to people who submit valid claims for documented out-of-pocket expenses of up to \$250 that either of the Data Security Incidents was a contributing factor to the expense being incurred, and for reimbursement of documented fraudulent and unauthorized losses of up to \$3,500 that were more likely than not caused by the Data Security Incidents. The total payments to the class are capped at \$1,550,000.

**Your legal rights are affected even if you do nothing.  
Read this Notice carefully.**

<b>Your Legal Rights &amp; Options in this Settlement</b>		
<b>Submit a Claim</b>	You must submit a claim to get a payment.	Deadline <b>September 12, 2020.</b>
<b>Ask to be Excluded</b>	This allows you to sue IHG over the claims resolved by this Settlement. You will not get anything from this Settlement.	Deadline <b>August 12, 2020.</b>
<b>Object</b>	Write to the Court about why you do not like the Settlement. You can still get a payment.	Deadline <b>August 12, 2020.</b>
<b>Do Nothing</b>	You get no payment and you give up rights.	

- 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 grant final approval of the Settlement. Payments will only be made after the Court grants final approval of the Settlement and after any appeals are resolved in favor of the Settlement.

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## BASIC INFORMATION

### 1. Why was this Notice issued?

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The Court authorized this notice because you have a right to know about the proposed Settlement in this class action lawsuit and about all of your options before the Court decides whether to give “final approval” to the Settlement. This notice explains the legal rights and options that you may exercise before the Court decides whether to approve the Settlement.

Judge Michael L. Brown of the United States District Court for the Northern District of Georgia is overseeing this case. The case is known as *Orr, et al. v. InterContinental Hotels Group, PLC, et al.*, No. 17-cv-01622-MLB. The persons who sued are called the Plaintiffs. IHG are called the Defendants.

### 2. What is this lawsuit about?

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The lawsuit claims that IHG was responsible for the Data Security Incidents that occurred, and asserts claims such as: negligence, negligence per se, breach of implied contract, and unjust enrichment. The lawsuit seeks compensation for people who had losses as a result of the Data Security Incidents.

IHG denies all of the Plaintiffs’ claims and says it did not do anything wrong, but was the victim of a sophisticated malware intrusion.

### 3. Why is this lawsuit a class action?

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In a class action, one or more people called “Representative Plaintiffs” sue on behalf of all people who have similar claims. All of these people together are the “Settlement Class” or “Settlement Class Members.” In this case, the Representative Plaintiffs means David Orr, Henry Chamberlain, Angela Mickel, and Jennifer Grady. One court resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement Class.

### 4. Why is there a Settlement?

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By agreeing to settle, both sides avoid the cost and risk of a trial, and people who submit valid claims will get compensation. The Representative Plaintiffs and their attorneys believe the Settlement is fair, reasonable, and adequate and, thus, best for the Settlement Class and its members. The Settlement does not mean that IHG did anything wrong.

## WHO IS IN THE SETTLEMENT?

### 5. How do I know if I am included in the Settlement?

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You are included in the Settlement if you reside in the United States and used a credit or debit card at the front desk of an affected hotel location or to make or attempt to make a purchase at an affected restaurant or bar location identified at the website [www.IHGdatasecuritysettlement.com](http://www.IHGdatasecuritysettlement.com) during the period in which that hotel, restaurant, or bar was affected by the Data Security Incidents.

Specifically excluded from the Settlement Class are: (a) individuals who are or were during the Data Security Incidents officers or directors of IHG; and (b) any justice, judge, magistrate judge, or law clerk of the Court, the United States Court of Appeals for the Eleventh Circuit, and the U.S. Supreme Court.

## **6. What if I am not sure whether I am included in the Settlement?**

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If you are not sure whether you are included in the Settlement, you may:

1. Call 1-833-913-4210 with questions, or
2. visit [www.IHGdatasecuritysettlement.com](http://www.IHGdatasecuritysettlement.com).
3. You may also write with questions to:

IHG Data Security Settlement  
c/o Settlement Administrator  
P.O. Box 8247  
Philadelphia, PA 19101-8247.

Please do not contact the Court with questions.

## **THE SETTLEMENT BENEFITS**

### **7. What does the Settlement provide?**

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The Settlement will provide payments to people who submit valid claims for (1) Expense Reimbursement, and/or (2) Fraudulent and Unauthorized Charges Reimbursement. The total payments to the class are capped at \$1,550,000.

### **8. What payments are available for Expense Reimbursement?**

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Settlement Class Members are eligible to receive expense reimbursement of up to \$250 (in total) for the following categories of out-pocket expenses:

- Unreimbursed bank fees;
- Unreimbursed card reissuance fees;
- Unreimbursed overdraft fees;
- Unreimbursed charges related to unavailability of funds;
- Unreimbursed late fees;
- Unreimbursed over-limit fees;
- Long distance telephone charges;
- Cell minutes (if charged by the minute);
- Internet usage charges (if charged by the minute or the amount of data usage);
- Text messages (if charged by the message);
- Unreimbursed charges from banks or credit card companies;
- Postage and shipping charges;
- Interest on payday loans due to card cancelation or due to over-limit situation;
- Cost for obtaining credit reports, and payments for obtaining or removing credit freezes and financial account freezes;
- Costs of credit monitoring and identity theft protection (up to \$75) purchased and paid for any time from August 1, 2016, through and including **September 12, 2020**; and

- Reimbursement of up to four hours of documented lost time (at \$20 per hour) spent dealing with replacement card issues, updating automatic payments associations, contesting fraudulent charges, and otherwise dealing with the Data Security Incidents.

Reasonable documentation must be submitted with your Claim Form showing that either of the Data Security Incidents was a contributing factor to the expense being incurred. More details are provided in the Settlement Agreement, which is available at [www.IHGdatasecuritysettlement.com](http://www.IHGdatasecuritysettlement.com).

## **9. What payments are available for Fraudulent and Unauthorized Charges Reimbursement?**

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Settlement Class Members are eligible to receive reimbursement of actual unreimbursed losses due to fraudulent activity or unauthorized charges of up to \$3,500 per Settlement Class Member.

Reasonable documentation must be submitted with your Claim Form showing that the charge was more likely than not caused by the Data Security Incidents. More details are provided in the Settlement Agreement, which is available at [www.IHGdatasecuritysettlement.com](http://www.IHGdatasecuritysettlement.com).

## **10. Can I submit claims for both types of Expenses?**

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Yes, you can submit claims for both Expense Reimbursement and Fraudulent and Unauthorized Charges Reimbursement.

# **HOW TO GET BENEFITS**

## **11. How do I get benefits?**

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To get payment from the Settlement, you must complete a Claim Form. Please read the instructions carefully, fill out the Claim Form, provide reasonable documentation, and mail it postmarked no later than **September 12, 2020** to:

IHG Data Security Settlement  
c/o Settlement Administrator  
P.O. Box 8247  
Philadelphia, PA 19101-8247

Claim Forms are available at [www.IHGdatasecuritysettlement.com](http://www.IHGdatasecuritysettlement.com) or you may request one by mail by calling 1-833-913-4210.

## **12. How will claims be decided?**

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The Settlement Administrator will initially decide whether the information provided on a Claim Form is complete and valid. The Settlement Administrator may require additional information from any claimant. If the required information is not provided timely, the claim will be considered invalid and will not be paid.

If the claim is complete and the Settlement Administrator denies the claim entirely or partially, the claimant will be provided an opportunity to correct deficiencies identified by the Settlement Administrator.

## REMAINING IN THE SETTLEMENT

### 13. Do I need to do anything to remain in the Settlement?

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You do not have to do anything to remain in the Settlement, but if you want a payment, you must submit a Claim Form postmarked by **September 12, 2020**.

### 14. What am I giving up as part of the Settlement?

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If the Settlement becomes final, you will give up your right to sue IHG for the claims being resolved by this Settlement. The specific claims you are giving up against IHG are described in Section 1.15, 1.16, 1.23 of the Settlement Agreement. You will be releasing IHG and all related people or entities as described in Section 6 of the Settlement Agreement. The Settlement Agreement is available at **[www.IHGdatasecuritysettlement.com](http://www.IHGdatasecuritysettlement.com)**.

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the law firms listed in Question 18 for free or you can, of course, talk to your own lawyer at your own expense.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment from this Settlement, but you want to keep the right to sue IHG about issues in this case, 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.

### 15. If I exclude myself, can I get a payment from this Settlement?

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No. If you exclude yourself, you will not be entitled to any benefits of the Settlement. You will also not be bound by any judgment in this case.

### 16. If I do not exclude myself, can I sue IHG for the same thing later?

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No. Unless you exclude yourself, you give up any right to sue IHG for the claims that this Settlement resolves. You must exclude yourself from the Settlement Class to start your own lawsuit or to be part of any different lawsuit relating to the claims in this case. If you exclude yourself, do not submit a Claim Form to ask for a payment.

### 17. How do I exclude myself from the Settlement?

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To exclude yourself, send a letter that says you want to be excluded from the Settlement in *Orr, et al. v. InterContinental Hotels Group, PLC, et al.*, Case No. 17-cv-01622-MLB. Include your name, address, and signature. You must mail your Exclusion Request postmarked by **August 12, 2020** to:

IHG Settlement Exclusions  
c/o Settlement Administrator  
P.O. Box 8247  
Philadelphia, PA 19101-8247

## THE LAWYERS REPRESENTING YOU

### **18. Do I have a lawyer in this case?**

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Yes. The Court appointed the following lawyers as Lead Class Counsel: Ben Barnow and Erich P. Schork, Barnow and Associates, P.C., and David J. Worley, Evangelista Worley LLC.

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.

### **19. How will the lawyers be paid?**

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Lead Class Counsel will request the Court's approval of an award for attorneys' fees and reasonable costs and expenses of \$550,000. Lead Class Counsel will also request approval of incentive awards of \$1,500 for each of the Representative Plaintiffs. Any amount that the Court awards for attorneys' fees, costs, expenses, and incentive awards will be paid separately by IHG and will not reduce the amount of payments to Settlement Class Members who submit valid claims.

## OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the Settlement or some part of it.

### **20. How do I tell the Court that I do not like the Settlement?**

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You can object to the Settlement if you do not like it or some part of it. The Court will consider your views. To do so, you must file a written objection in this case, *Orr, et al. v. InterContinental Hotels Group, PLC, et al.*, No 17-cv-01622-MLB, with the Clerk of the Court at the address below.

Your objection must include all of the following information:

- (1) The objector's full name, address, and email address (if any);
- (2) Information identifying the objector as a Settlement Class Member, including proof that they are a member of the Settlement Class;
- (3) A written statement of all grounds for the objection, accompanied by any legal support for the objection;
- (4) The identity of all counsel representing the objector;
- (5) The identity of all counsel representing the objector who may appear at the Final Fairness Hearing;
- (6) All other cases in which the objector (directly or through counsel) has filed an objection to any proposed class action settlement, has been a named plaintiff in any class action, or has served as proposed or class counsel, including the case name, court, and docket number for each;
- (7) A list of all persons who will be called to testify at the Final Fairness Hearing in support of the objection;
- (8) A list of all persons who will be called to testify at the Final Fairness Hearing in support of the objection;

- (9) A statement confirming whether the objector intends to personally appear or testify at the Final Fairness Hearing; and
- (10) The objector's signature or the signature of the objector's duly authorized attorney or other duly authorized representative (along with documentation setting forth such representation).

Your objection must be filed no later than **August 12, 2020** to:

Clerk of the Court  
 United States District Court, Northern District of Georgia  
 Richard B. Russell Federal Building  
 2211 United States Courthouse  
 75 Ted Turner Drive, SW  
 Atlanta, GA 30303-3309

In addition, you must **mail** a copy of your objection to Lead Class Counsel and Defense Counsel, postmarked no later than **August 12, 2020**:

LEAD CLASS COUNSEL	Lead Class COUNSEL	Defense Counsel
Erich P. Schork Barnow and Associates, P.C. 205 West Randolph Street Suite 1630 Chicago, IL 60606	David J. Worley Evangelista Worley, LLC 500 Sugar Mill Road Building A, Suite 245 Atlanta, GA 30350	David A. Carney Baker & Hostetler, LLP 127 Public Square Suite 2000 Cleveland, OH 44114

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

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Objecting is telling the Court that you do not like the Settlement and why you do not think it should be approved. You can object only if you do not exclude yourself from the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

**THE COURT'S FINAL FAIRNESS HEARING**

The Court will hold a hearing to decide whether to grant final approval of the Settlement.

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

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The Court will hold a Final Fairness Hearing at 10:00 a.m. on **September 2, 2020**, in Courtroom 1906 at the Richard B. Russell Federal Building, United States District Court, 75 Ted Turner Drive, SW, Atlanta, GA. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check **www.IHGdatasecuritysettlement.com** or call 1-833-913-4210.

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 and will listen to people who have asked to speak at the hearing if such a request has been properly made. The Court will also rule on the request for an award of attorneys' fees, costs, and expenses, as well as the request for incentive awards for the Representative Plaintiffs. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

**23. Do I have to attend the hearing?**

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No. Lead Class Counsel will present the Settlement Agreement to the Court. You or your own lawyer are welcome to attend at your expense, but you are not required to do so. If you send an objection, you do not have to come to the Court to talk about it. As long as you filed your written objection on time with the Court and mailed it according to the instructions provided in Question 20, the Court will consider it.

**24. May I speak at the hearing?**

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You may ask the Court for permission to speak at the Final Fairness Hearing. To do so, you must file an objection according to the instructions in Question 20, including all the information required.

Your Objection must be **filed** with the Clerk of the Court for United States District Court for the Northern District of Georgia no later than **August 12, 2020**. In addition, you must **mail** a copy of your objection to both Lead Class Counsel and Defense Counsel listed in Question 20, postmarked no later than **August 12, 2020**.

## IF YOU DO NOTHING

**25. What happens if I do nothing?**

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If you do nothing, you will get no benefits from this Settlement. Once the Settlement is granted final approval 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 IHG about the legal issues in this case, ever again.

You must exclude yourself from the Settlement if you want to retain the right to sue IHG for the claims resolved by this Settlement.

## GETTING MORE INFORMATION

**26. How do I get more information?**

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This Notice only provides a summary the proposed Settlement. Complete details about the Settlement can be found in the Settlement Agreement available at **[www.IHGdatasecuritysettlement.com](http://www.IHGdatasecuritysettlement.com)**.

You may also:

1. Write to:

IHG Data Security Settlement  
c/o Settlement Administrator  
P.O. Box 8247  
Philadelphia, PA 19101-8247

2. Visit the Settlement website at **[www.IHGdatasecuritysettlement.com](http://www.IHGdatasecuritysettlement.com)**
3. Call the toll-free number 1-833-913-4210.