

If you used your Credit or Debit Card in the United States between December 26, 2007 and December 31, 2008, you could get benefits from a class action settlement involving Heartland Payment Systems.

Para una notificación en Español, llamar o visitar nuestro website.

A settlement has been reached with Heartland Payment Systems, Inc. in a class action lawsuit about a 2008 intrusion into credit and debit card information processed by Heartland. The settlement provides benefits to those consumers who file valid claims for losses from the intrusion.

The United States District Court for the Southern District of Texas will hold a hearing to decide whether to give final approval to the settlement, so that the benefits can be issued to those with valid claims. Those included have legal rights and options, such as excluding themselves from or objecting to the settlement. Eligible Class Members can submit a claim for benefits from the settlement. Get a detailed notice at www.HPScardholdersettlement.com.

Heartland denies any claims of wrongdoing in this case, and the settlement does not mean that Heartland violated any laws or did anything wrong.

WHO'S INCLUDED?

The Class includes everyone in the United States who had or has a payment card (credit or debit) that was used in the United States from December 26, 2007 to December 31, 2008 (the "Settlement Class Period"), and who claims or may claim "Losses," which are certain unreimbursed out-of-pocket expenses (including identity-theft-related charges) or lost time. To have a valid claim, it must be determined that your card was processed by Heartland during the Settlement Class Period. For more information, read the detailed notice referred to below.

WHAT DOES THE SETTLEMENT PROVIDE?

To make a valid claim for reimbursement of "Losses" under the settlement, you must submit documentation showing that you had unreimbursed, out-of-pocket expenses or lost time because your credit or debit card account information was stolen or placed at risk of being stolen as a result of the Heartland intrusion.

- a) Qualifying losses are telephone or postage costs, other third-party charges resulting from card cancellations or replacements, unauthorized and unreimbursed account charges, identity-theft-related charges, or time spent to address those matters. Valid claimants can receive reimbursements up to \$175 per Settlement Class Member, with no more than two valid claims allowed per household.
- b) In the event the losses in a valid claim include identity-theft-related charges, claimants can receive reimbursements of up to \$10,000. To qualify as

"identity-theft-related," the charges must result from someone's assuming the claimant's identity as a result of the Heartland intrusion and taking out and using credit or otherwise obtaining monies or other things of value fraudulently in the name of the claimant. The identity-theft-related charges must be separate and apart from any charges on the affected credit or debit card account itself.

- c) All claims must include the number and expiration date of the payment card account for determination whether the card was processed by Heartland during the Settlement Class Period and evaluation of the claim. The Claims Administrator will determine, on a "more likely than not" basis, whether the documentation submitted by the claimant supports the claim, including whether the loss resulted from the Heartland intrusion. Reimbursements will be reduced proportionally if the amount payable on all valid and final claims exceeds \$2.4 million.

For more information, including limitations and conditions on these benefits, read the detailed notice referred to below.

HOW DO YOU ASK FOR BENEFITS?

Eligible Class Members can call 1-877-271-1547 or go to the website for a claim form, then fill it out, sign it, include the documentation it requires, and mail it to the address on the form. The deadline to make a claim for benefits is **August 1, 2011**.

YOUR OTHER OPTIONS.

If you do not want to be legally bound by the settlement, you must exclude yourself by **November 19, 2010**, or you will not be able to sue, or continue to sue, Heartland about the legal claims this settlement resolves, ever again. If you exclude yourself, you cannot get any benefits from the settlement. If you stay in the Settlement Class, you may object to it by **November 19, 2010**. The detailed notice explains how to exclude yourself or object.

The Court will hold a hearing in this case, known as *In re: Heartland Payment Systems, Inc. Customer Data Security Breach Litigation*, No. 4:09-MD-2046, on **December 10, 2010**, to consider whether to approve the settlement, and a request by Class Counsel for fees of up to \$725,000, costs and expenses of up to \$35,000, and incentive awards of \$100 to \$200 for each named plaintiff who filed a lawsuit in the case. You or your own lawyer may ask to appear and speak at the hearing at your own cost, but you do not have to do so. For more information, go to the website shown below, which has a copy of the detailed notice.