

**STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG**

**IN THE COURT OF COMMON PLEAS  
SEVENTH JUDICIAL CIRCUIT**

Daniel Lee Davis, individually and on  
behalf of all others similarly-situated,

**C.A. No. 2017-CP-42-03283**

Plaintiff,

v.

**AMENDED ORDER  
ESTABLISHING NOTICE  
PROCEDURES**

ISCO Industries, Inc.,

Defendant.

This matter came before the Court on the Motion of the Plaintiff Daniel Lee Davis, individually and on behalf of all others similarly-situated, for an order establishing procedures to notify class members of the pendency of this action, appointing The Notice Company, Inc. to provide notice to class members, and directing Defendant ISCO Industries, Inc. (“ISCO”) to release the names and contact information for the class members so that Class Counsel and The Notice Company can proceed with providing actual notice of the pendency of this litigation to the class members. On April 19, 2024, the Court granted Plaintiff’s Motion and entered an Order Establishing Notice Procedures, which appointed The Notice Company, Inc. to administer the notice process to class members in this case and which approved “a multi-pronged notice approach that includes both actual notice to class members and notice by publication.” (Order Establishing Notice Procedures 2, Apr. 19, 2024.) The Court’s Notice Order also established deadlines for various steps in the notice program, along with a deadline for class members to opt-out of this action. *See generally Salmonsens v. CGD, Inc.*, 377 S.C 442, 459, 661 S.E.2d 81, 91 (2008) (“[A]n ‘opt-out’ notification procedure is the proper method to be offered to putative class members . . .”).

On April 29, 2024, ISCO produced the information required by the Court's Notice Order to The Notice Company and Class Counsel. This included an Excel spreadsheet containing information from ISCO's records related to class members, an Excel spreadsheet of ISCO locations since 2016, and the affidavit of ISCO's Vice President of Human Resources attesting to the veracity of the information provided in ISCO's class member spreadsheet. After receiving this information, The Notice Company advised Class Counsel of certain issues related to the implementation of the notice program. The parties advised the Court that they have conferred regarding these issues and reached agreement on an amended Notice Order that addresses these issues and extends the deadlines in the Notice Order by 30 days.

The Court finds that the notice program, as amended by the parties' agreement, is consistent with Rule 23, SCRCP, and therefore amends the Order Establishing Notice Procedures as follows:

1. ISCO complied with Paragraph 1 of the Court's Notice Order by providing the required information on April 29, 2024. Pursuant to Paragraph 1(a) of the Notice Order, in addition to providing class members' mailing addresses, ISCO provided the last known email addresses of the class members.
2. Within 30 days of the entry of this amended Notice Order, TNC will cause the "Notice of Pendency of Class Action" or "Notice of Pendency," substantially in the form of **Attachment A** to the Notice Order, to be mailed to the Class List via First Class Mail using a mailing envelope substantially in the form of **Attachment B** to the Notice Order. The mailing shall be subject to the following additional conditions:
  - a. Prior to mailing, TNC will update the mailing addresses utilizing the National Change of Address (NCOA) service as licensed by the U.S. Postal Service (USPS).

- b. If a Notice of Pendency is returned by the USPS to TNC with a forwarding address, TNC shall re-mail the Notice of Pendency to the forwarding address within five (5) business days.
  - c. If a Notice of Pendency sent to a former employee is returned by the USPS to TNC without a forwarding address, the TNC may utilize class members' email addresses to electronically transmit the Notice of Pendency to those class members.
  - d. If a Notice of Pendency sent to a current employee is returned by the USPS to TNC without a forwarding address, ISCO may communicate with that class member to request that the employee provide an updated address, and ISCO will provide that address to the TNC and Class Counsel within three business days.
3. The deadline for members of the Class to mail their written request for exclusion (opt out) from the Class shall be 80 days from the date of the entry of this amended Notice Order. To be valid, the mailed opt-out requests must be postmarked no later than this deadline.
4. Prior to mailing the Notice of Pendency, TNC will prepare a dedicated website for this case and set up a dedicated email account as follows:
  - a. A dedicated website for the case will be created at: [www.ISCODataBreach.com](http://www.ISCODataBreach.com)
  - b. The website will include the Notice of Pendency of Class Action, as referenced in the Court's Notice Order, substantially in the form of **Attachment A** to the Court Notice Order, a "Summary Notice" substantially in the form of **Attachment C** to the Notice Order, a "Poster Notice" substantially in the form of **Attachment D** to the Notice Order, along with copies of the Amended Complaint, Answer to the Amended Complaint, and Order Denying Defendant's Motion to Amend and Certifying the Class.
  - c. A dedicated email address will be established and monitored by TNC to receive inquiries from potential class members.
5. Prior to mailing the Notice of Pendency, TNC will establish a toll-free telephone line to allow callers to learn about the case and to request additional information.

6. Commencing 10 days of the mailing of the Notice of Pendency, TNC will cause either: (1) the Summary Notice to be published in the printed version of a local newspaper; or (2) an online banner ad (the “Click Notice”) to be published on the online format or website of the local newspaper. This publication, whether in print or online, will occur in the cities or towns of ISCO’s current locations that have been operated since 2016 and that were acquired before the Data Breach. This will include ISCO’s locations in the following cities and states: Geismar, LA; Byesville, OH; Denver, CO; Fitchburg, MA; Hibbing, MN; Houston, TX; Howell, MI; Huntsville, AL; Joliet, IL; Kingman, AZ; Lincoln, NE; Mansfield, TX; Martinsburg, WV; Midland, TX; Mulberry, FL; Pryor, OK; Louisville, KY; West Jordan, UT; San Bernardino, CA; South Roxana, IL; Welford, SC; and Tucson, AZ. The publication, whether online or in print, will continue for a total of three times over three weeks in each publication. The Click Notice will be substantially in the following form:

**LEGAL NOTICE**

**IF YOU ARE A CURRENT OR FORMER EMPLOYEE  
OF ISCO INDUSTRIES, INC. WHOSE PERSONAL  
IDENTIFICATION INFORMATION (“PII”) WAS  
RELEASED AS A RESULT OF THE MARCH 2016  
DATA BREACH, A CLASS ACTION LAWSUIT MAY  
AFFECT YOUR RIGHTS.**

**CLICK HERE FOR MORE INFORMATION**

7. Commencing within 10 days of the mailing of the Notice of Pendency, TNC will request that the Summary Notice, the Click Notice, or a link to the case website, be posted online at the website maintained at *www.courier-journal.com*. Such posting should continue for at least four (4) weeks.
8. Commencing within 10 days of the mailing of the Notice of Pendency, TNC will issue a press release substantially in the form of the Summary Notice utilizing PR Newswire's US1 National Newswire.
9. Commencing as of the date of the mailing of the Notice of Pendency, Defendant shall post copies substantially in the form of the Poster Notice, no smaller than 8 ½" x 11," in break-rooms or other areas where employees generally gather at its locations, to include its corporate headquarters in Louisville, KY and at its other plant/office locations as identified by the company on April 29, 2024. Such postings shall be maintained in good condition and remain posted and clearly visible while this case remains pending.

**AND IT IS SO ORDERED.**

*s/ R. Keith Kelly*

R. Keith Kelly  
Circuit Court Judge  
7<sup>th</sup> Judicial Circuit

Signed this 5 day of ~~June~~May, 2024

At: Gaffney, SC