

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

*Great Northern Resources, Inc., et al. v. Coba., et al., Case No. 3:20-cv-01866-IM (L) (D. Or.)
For more information, www.oregoncaresfundsettlement.com.*

PLEASE READ THIS NOTICE CAREFULLY. OUR RECORDS INDICATE THAT YOU APPLIED TO RECEIVE FUNDS FROM THE OREGON CARES FUND FOR BLACK RELIEF AND RESILIENCY (the “FUND”), AND THAT YOU DID NOT INDICATE ON YOUR APPLICATION THAT YOU IDENTIFY AS BLACK, ARE A BLACK-OWNED BUSINESS, OR ARE A BLACK-FOCUSED ORGANIZATION.

THE APPLICATION YOU SUBMITTED TO THE FUND WILL BE PROCESSED UNLESS YOU RESPOND TO THIS NOTICE THAT YOU WOULD LIKE TO EXCLUDE YOURSELF FROM THE SETTLEMENT REACHED BETWEEN THE PARTIES TO A CLASS-ACTION LAWSUIT CONCERNING THE FUND. IF YOUR APPLICATION IS PROCESSED, THEN IT WILL BE EVALUATED ACCORDING TO THE FUND’S CRITERIA OTHER THAN RACE. IF THOSE CRITERIA ENTITLE YOU TO AN AWARD OF FUNDS, THEN YOU WILL RECEIVE THE FULL AMOUNT YOU WOULD HAVE RECEIVED WITHOUT CONSIDERATION OF RACE.

*This is a court-authorized notice of a proposed class action settlement. This is **not** a solicitation from a lawyer and is **not** notice of a lawsuit against you.*

- A Settlement has been reached between the defendants Oregon Department of Administrative Services, and Katy Coba, in her Official Capacity as State Chief Operating Officer and Director of the Oregon Department of Administrative Services (the “State Defendants”), the defendant The Contingent, and defendant Black United Fund, Inc., (collectively, the “Settling Defendants”), in a class action lawsuit. The proposed settlement class is defined as “All individuals, businesses, and nonprofits that submitted applications for funding to the Fund and/or The Contingent prior to December 9, 2020, and that have not indicated on their applications that they identify as Black, are a Black-owned business, or are a Black-focused organization” (the “Settlement Class”).
- If the Settlement is approved, then a member of the Settlement Class is eligible to receive a settlement payment (“Settlement Payment”) if that member submitted a qualifying Fund application, which must meet the race-neutral criteria of the Fund by adequately demonstrating losses related to COVID-19.
- The Settlement does not mean that Defendants did anything wrong. The parties have agreed to resolve this case by a Settlement to avoid the costs and risks of litigation.
- Your legal rights are affected whether you act or don't act in response to this notice. **Read this notice carefully.**

Your Legal Rights And Options In This Settlement	
Do Nothing	If the Court approves the settlement and you do nothing, then you will automatically become a member of the Settlement Class (“Settlement Class Member”). As a Settlement Class Member, your application to the Fund will be processed. If the information you provided in your application would have entitled you to receive moneys from the Fund on a race-neutral basis, then you will be sent payment in the full amount you would have been entitled to receive. By doing nothing and accepting the opportunity to have your application processed on a race-neutral basis, you will release all known or unknown claims relating to the Fund that you may have against the Settling Defendants.
Ask to Be Excluded	You may ask to be excluded from the settlement. If you ask to be excluded, your application to the Fund will not be processed and you will receive no benefits from the Settlement. If you are excluded from the settlement, you will not release your claims against the Settling Defendants. This is the only option that allows you to ever be a part of any other legal proceedings against Settling Defendants relating to the Fund.
Object	You may write to the Court about why you object to the Settlement. This will not exclude you from the Settlement Class, but the Court will consider your objections when deciding whether to approve the settlement.
Go to a Hearing	You may ask to speak in Court about the fairness of the Settlement.

- These rights and options—**and the deadlines to exercise them**—are explained in this notice.
- The Court still has to decide whether to approve this Settlement, which may take some time. Please be patient.

WHY DID I GET THIS NOTICE?

This is a court-authorized notice of a proposed settlement in a class action lawsuit, *Great Northern Resources, Inc., et al. v. Coba., et al.*, Case No. 3:20-cv-01866-IM (L) (D. Or.), pending in the United States District Court for the District of Oregon. The Settlement would resolve a lawsuit brought on behalf of a proposed Settlement Class, defined on page 1 of this notice. If you received this notice, you have been identified as someone who may meet this definition. The Court has granted preliminary approval of the Settlement and has conditionally certified the Settlement Class for purposes of settlement only. This notice explains the nature of the class action lawsuit, the terms of the Settlement, and the legal rights and obligations of the Settlement Class Members. Please read the instructions and explanations below so that you can better understand your legal rights.

WHAT IS THIS LAWSUIT ABOUT?

A Settlement has been reached in a class action lawsuit challenging the race-conscious approach of the Fund. The Oregon Emergency Board created the Fund using a small percentage of federal COVID-19 relief funds received by the State of Oregon.

WHY IS THIS A CLASS ACTION?

A class action is a lawsuit in which a plaintiff called a “class representative” brings a single lawsuit on behalf of other people who have similar claims. All of these people together are a “class” or “class Members.” In this action, the Class Representative is plaintiff Great Northern Resources, Inc. Once a class is certified, a class action Settlement finally approved by the Court resolves the issues for all settlement class members, except for those who choose to exclude themselves from the settlement class.

WHY IS THERE A SETTLEMENT?

To resolve this matter without the expense, delay, and uncertainties of litigation, the Parties have reached a Settlement, which resolves all claims against Defendants and their affiliated entities. The Settlement requires Defendants to pay money to the Settlement Class Members, as well as pay settlement administration expenses, attorneys' fees and costs to Class Counsel, and an incentive award to the Class Representative, if approved by the Court. The Settlement is not an admission of wrongdoing by Defendants and does not imply that there has been, or would be, any finding that Defendants violated the law.

The Court has already preliminarily approved the Settlement. Nevertheless, because the settlement of a class action determines the rights of all members of the class, the Court overseeing this lawsuit must give final approval to the Settlement before it can be effective. The Court has conditionally certified the Settlement Class for settlement purposes only, so that Settlement Class Members can be given this notice and the opportunity to exclude themselves from the Settlement Class, to voice their support or opposition to final approval of the Settlement, or to receive the relief offered by the Settlement. If the Court does not give final approval to the Settlement, or if it is terminated by the Parties, then the Settlement will be void, and the lawsuit will proceed as if there had been no settlement and no certification of the Settlement Class.

WHO IS IN THE SETTLEMENT CLASS?

You are Settlement Class Member if you submitted an application for funding to the Fund and/or the Contingent prior to December 9, 2020, and you did not indicate on your application (1) that you identify as Black, (2) are a Black-owned business, or (3) are a Black-focused organization. Excluded from the Settlement Class are all persons who timely elect to exclude themselves from the Settlement Class, the Court and staff to whom this case is assigned, and any member of the Court's or staff's immediate family.

WHAT ARE MY OPTIONS?

You may choose among four options with respect to the Settlement: (1) Do Nothing, (2) Exclude Yourself, (3) Object to the Settlement, or (4) Go to a Hearing.

(1) Do Nothing.

If the Court approves the settlement and you do not exclude yourself, then your application to the Fund will be processed. If the information you provided in your application would have entitled you to receive moneys from the Fund on a race-neutral basis, then you will be sent payment in the full amount you would have been entitled to receive. You can submit your “bank account information” for an electronic payment via www.oregoncaresfundsettlement.com. If the Settlement Administrator does not receive the information necessary to make an electronic payment, then a check will be issued to the last address in our records. If your

address has changed or is changing, then you may contact the Settlement Administrator by calling the Settlement Administrator at (844) 989-1576 or mailing a Change of address request to GNR v. Cobra Settlement Administrator, Post Office Box 10269, Tallahassee, FL 32302-2269. By not excluding yourself, and allowing your application to be processed, you will release all known or unknown claims relating to the Fund that you may have against the Settling Defendants.

(2) Exclude Yourself.

You may exclude yourself from the Settlement. If you do so, your application will not be processed and you will not receive any payment, and you will not release any claims you may have against Settling Defendants and the Released Defendants (as that term is defined in the Settlement Agreement) and are free to pursue whatever legal rights you may have by pursuing your own lawsuit against the Released Defendants at your own risk and expense. To exclude yourself from the Settlement, you must mail a signed letter to the Settlement Administrator at GNR v. Cobra Settlement Administrator, Post Office Box 10269, Tallahassee, FL 32302-2269, postmarked by **May 28, 2021**. The exclusion letter must state that you exclude yourself from this Settlement and must include the name and case number of this litigation, as well as a statement that you wish to be excluded from the Settlement, and your signature.

(3) Object to the Settlement.

If you wish to object to the Settlement, you must submit your objection in writing to GNR v. Cobra Settlement Administrator, Post Office Box 10269, Tallahassee, FL 32302-2269. The objection must be received by the Settlement Administrator no later than **May 28, 2021**. You can also mail your objection to the Clerk of the Court, with a copy to Class Counsel and the Settling Defendants' counsel using the information listed below, postmarked no later than **May 28, 2021**. Any objection to the proposed Settlement must include (i) the name of the Action; (ii) your full name, address, email address, and telephone number; (iii) an explanation of the basis upon which you claim to be a Settlement Class Member; (iv) all grounds for the objection, with factual and legal support for the stated objection; (v) the identity of all counsel who represent you, including any former or current counsel who may be entitled to compensation for any reason related to the objection to the Settlement, the fee application, or the application for Service Awards; (vi) the identity of all counsel representing you who will appear at the Final Approval Hearing; (vii) a list of any persons who will be called to testify at the Final Approval Hearing in support of the objection; (viii) a statement confirming whether you intend to personally appear and/or testify at the Final Approval Hearing; and (ix) your signature. If you exclude yourself from the Settlement, you cannot file an objection.

You cannot both object to and exclude yourself from the Settlement Agreement. Any Settlement Class Member who attempts to both object to and exclude themselves from the settlement will be deemed to have excluded themselves and will forfeit the right to object to the Settlement Agreement or any of its terms.

(4) Attend a Hearing.

You may appear at the Final Approval Hearing, which will be held on June 21, 2021 at 2:00 p.m. in Courtroom 13A, Hatfield Courthouse, 1000 SW 3rd Ave, Portland, Oregon 97204. Information related to the Final Approval Hearing will be provided via the Settlement Website as it becomes available. You may appear at the Final Approval Hearing in person or through counsel to show cause why the proposed Settlement should not be approved as fair, reasonable, and adequate. You may also attend to express support for the Settlement. Attendance at the hearing is not necessary. However, persons wishing to be heard orally

in opposition to the approval of the Settlement, the request for attorneys' fees and expenses, and/or the request for a service award to the Class Representative are required to indicate in their written objection their intention to appear at the hearing on their own behalf or through counsel and to identify the names of any witnesses they intend to call to testify at the Final Approval Hearing, as well as any exhibits they intend to introduce at the Final Approval Hearing.

WHAT DOES THE SETTLEMENT PROVIDE?

Processing of applications on a race-neutral basis. If the Settlement is approved, then each Settlement Class Member who submitted a Fund application prior to December 9, 2020 will have that application processed. Applications will be processed in the order received by The Contingent prior to December 9, 2020. The Settlement Administrator will process the applications instead of The Contingent. The Settlement Administrator will use the same criteria that The Contingent would have applied but for the Fund's race-conscious approach.

Payments to eligible class members. State Defendants have agreed to create a Settlement Fund for the Settlement Class Members. Settlement Class Members are entitled to have their application reviewed in the order received, and if they qualify, to receive a payment out of the Settlement Fund. Settlement Class Members will receive the full amount that they would have been entitled to under the Fund based on race-neutral criteria. In some cases, that amount may be zero. Each payment determination by the Settlement Administrator is final. If your application is processed and you are eligible to receive a distribution, the Settlement Administrator will issue an electronic payment to each Settlement Class Member who submits their bank account information via www.oregoncaresfundsettlement.com. If a Settlement Class Member does not provide bank account information, then the Settlement Administrator will issue a check to that Settlement Class Member. All checks issued to Settlement Class Members will expire and become void 180 days after they are issued. Defendants project that the total Settlement Fund amount will be approximately \$3.5 million.

Attorney Fees. Additionally, the attorneys who brought this lawsuit (listed below) will ask the Court to award them attorneys' fees and expenses related to litigating this lawsuit, as well as negotiating and administering this settlement. Settling Defendants have agreed not to object to fees and expenses in the amount of up to \$185,945.00. Attorney fees and expenses will not be paid out of the Settlement Fund.

Service Award. The Class Representative will also apply to the Court for a payment of \$20,000 for the time, effort, and service involved in litigating this matter.

WHAT RIGHTS AM I GIVING UP IN THIS SETTLEMENT?

Unless you exclude yourself from this Settlement, you will be considered a Settlement Class Member and your Fund application will be processed. That means you will give up your right to file or continue a lawsuit against the Defendants and their related entities, and agents (as defined in the Settlement Agreement). Giving up your legal claims is called a release. The precise terms of the release are in the Settlement Agreement, which is available on the settlement website www.oregoncaresfundsettlement.com. Unless you formally exclude yourself from this Settlement, you will release your claims. If you have any questions, you can talk for free to the attorneys identified below who have been appointed by the Court to represent the Settlement Class, or you are welcome to talk to any other lawyer of your choosing at your own expense.

WHEN WILL I BE PAID?

The Parties cannot predict exactly when (or whether) the Court will give final approval to the Settlement, so please be patient. However, if the Court grants final approval of the Settlement, and if the Settlement Administrator determined you were eligible for a distribution, then you will be paid as soon as possible after the court order becomes final. Such payment should occur within approximately 90 days after the Settlement has been finally approved. If there is an appeal of the Settlement, payment may be delayed. Updated information about the case is available at www.oregoncaresfundsettlement.com, or you can call the Settlement Administrator at (844) 989-1576, or contact Class Counsel at the information provided below.

WHEN WILL THE COURT RULE ON THE SETTLEMENT?

The Court has already given preliminary approval to the Settlement. A final hearing on the Settlement, called a Final Approval Hearing, will be held to determine the fairness of the Settlement. At the Final Approval Hearing, the Court will also consider whether to make final the certification of the Settlement Class, hear any proper objections and arguments to the Settlement, as well as any requests for an award of attorneys' fees and expenses and a service award of \$20,000 to the Class Representative that may be sought by Class Counsel. The Court will hold the Final Approval Hearing on June 21, 2021 at 2:00 p.m. in Courtroom 13A, Hatfield Courthouse, 1000 SW 3rd Ave, Portland, Oregon 97204. Information related to the Final Approval Hearing will be provided via the Settlement Website as it becomes available.

If the Settlement is given final approval, then the Court will not make any determination as to the merits of the claims against Defendants or their defenses to those claims. Instead, the Settlement's terms will take effect and the lawsuit will be dismissed on the merits with prejudice. Both sides have agreed to the Settlement in order to achieve an early and certain resolution to the lawsuit, in a manner that provides specific and valuable benefits to Settlement Class Members.

If the Court does not approve the Settlement, if it approves the Settlement and the approval is reversed on appeal, or if the Settlement does not become final for some other reason, then you will not be paid at this time and Settlement Class Members will receive no benefits from the Settlement. Plaintiff, Defendants, and all of the Settlement Class Members will be in the same position as they were prior to the execution of the Settlement, and the Settlement will have no legal effect, no class will remain certified (conditionally or otherwise), and the Plaintiff and Defendants will continue to litigate the lawsuit. There can be no assurance that if the Settlement is not approved, the Settlement Class will recover more than is provided in the Settlement, or indeed, anything at all.

WHO REPRESENTS THE CLASS?

The Court has approved the following attorneys to represent the Settlement Class. They are called "Class Counsel." You will not be charged for these lawyers. If you want to be represented by your own lawyer instead, you may hire one at your own expense.

For Class Counsel:

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WHERE CAN I GET ADDITIONAL INFORMATION?

This Notice is only a summary of the proposed Settlement of this lawsuit. More details are in the Settlement Agreement which, along with other documents, can be obtained at www.oregoncaresfundsettlement.com. If you have any questions, you can also call the Settlement Administrator at (844) 989-1576 or Class Counsel at the numbers or email addresses set forth above. In addition to the documents available on the case website, all pleadings and documents filed in court may be reviewed or copied in the Office of the Clerk.

PLEASE DO NOT CALL THE JUDGE OR THE CLERK OF THE COURT ABOUT THIS CASE.