



MULLEN
COUGHLIN^{LLC}
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March 31, 2023

VIA E-MAIL

Office of the Attorney General
Attn: Security Breach Notification
200 St. Paul Place
Baltimore, MD 21202
E-mail: idtheft@oag.state.md.us

Re: Killer Instinct, Inc. - Notice of Data Event

To Whom It May Concern:

We represent Killer Instinct, Inc. (“Killer Instinct”) with a mailing address at P.O. Box 382, Windom, Minnesota 56101 and are writing to notify your office of an incident that may affect the security of certain personal information relating to eight (8) Maryland residents. This notice will be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, Killer Instinct does not waive any rights or defenses regarding the applicability of Maryland law, the applicability of the Maryland data event notification statute, or personal jurisdiction.

Nature of the Data Event

On or about October 28, 2022, Killer Instinct detected suspicious activity pertaining to an employee’s email account. Upon learning of this activity, Killer Instinct took prompt steps to confirm the security of the email account and launched an investigation to determine the nature and scope of the incident. On or about November 29, 2022, the investigation determined that certain email accounts used by the employee were accessible to an unauthorized individual between October 12, 2022, and October 28, 2022. While the investigation was able to determine the email accounts were accessed, it was unable to determine whether any specific email or attachment within the accounts were actually accessed or acquired by an unknown actor.

Killer Instinct then conducted a thorough and time intensive review of relevant emails and attachments to determine the information that may have been impacted. On or about February 8,

2023, this review was completed. Killer Instinct then began a review of the results and its internal files to ascertain address information for individuals.

The information that could have been subject to unauthorized access includes name, Social Security number, and credit or debit card number.

Notice to Maryland Residents

On March 31, 2023, Killer Instinct provided written notice of this incident to eight (8) Maryland residents. Written notice is being provided in substantially the same form as the letter attached here as *Exhibit A*.

Other Steps Taken and To Be Taken

Upon discovering the event, Killer Instinct moved quickly to investigate and respond to the incident, assess the security of Killer Instinct email accounts, and identify potentially affected individuals. Killer Instinct is also working to implement additional security measures to further protect against similar incidents in the future. Killer Instinct is providing access to credit monitoring services for twelve (12) months, through Experian, to individuals whose personal information was potentially affected by this incident, at no cost to these individuals.

Additionally, Killer Instinct is providing impacted individuals with guidance on how to better protect against identity theft and fraud. Killer Instinct is providing individuals with information on how to place a fraud alert and security freeze on one's credit file, the contact details for the national consumer reporting agencies, information on how to obtain a free credit report, a reminder to remain vigilant for incidents of fraud and identity theft by reviewing account statements and monitoring free credit reports, and encouragement to contact the Federal Trade Commission, their state Attorney General, and law enforcement to report attempted or actual identity theft and fraud.

Contact Information

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at (267) 930-2297.

Very truly yours,



Michele Veltri of
MULLEN COUGHLIN LLC

EXHIBIT A



Return Mail Processing
PO Box 589
Claysburg, PA 16625-0589

March 31, 2023

J2515-L01-0000001 T00001 P001 *****SCH 5-DIGIT 12345



SAMPLE A SAMPLE - L01 INDIVIDUAL
APT ABC
123 ANY STREET
ANYTOWN, ST 12345-6789



NOTICE OF [SECURITY INCIDENT] / [DATA BREACH]

Dear Sample A. Sample:

Killer Instinct, Inc. (“Killer Instinct”) writes to inform you of a recent cyber incident that may impact the privacy of some of your information. While we do not have any indication that any identity theft or fraud related to your information has occurred as a result of this incident, this notice provides you with additional information about the incident, our response, and steps you may take to further protect your information against identity theft and fraud, should you determine it is appropriate to do so.

What Happened? On or about October 28, 2022, Killer Instinct detected suspicious activity pertaining to an employee’s email account. Upon learning of this activity, Killer Instinct took prompt steps to confirm the security of the email account and launched an investigation to determine the nature and scope of the incident. On or about November 29, 2022, the investigation determined that certain email accounts used by the employee were accessible to an unauthorized individual between October 12, 2022 and October 28, 2022. While the investigation was able to determine the email accounts were accessed, it was unable to determine whether any specific email or attachment within the accounts were actually accessed or acquired by an unknown actor.

What Information Was Involved? Killer Instinct quickly began a thorough investigation of the relevant emails and files to identify individuals with personal information that was potentially impacted. Once the review was complete, we worked to find addresses for impacted individuals. On February 8, 2023, we determined that your name, [Data Elements] were potentially impacted by this incident.

What We Are Doing. Killer Instinct takes this incident and the security of information within our care very seriously. Upon discovery of this incident, we immediately launched an in-depth investigation to determine the full nature and scope of this incident and moved quickly to assess the security of our email accounts and notify potentially affected individuals. As part of our ongoing commitment to the privacy of information within our care, we are working to implement additional security measures to further protect against similar incidents in the future. We will also be notifying state regulators, as required.

As an added precaution, we would like to offer you [twelve/twenty-four] months of complimentary access to credit monitoring services through Experian. If you wish to receive these services, you must enroll by following the below enrollment instructions as we are unable to activate these services on your behalf.

What You Can Do. We encourage you to remain vigilant against incidents of identity theft and fraud and to review your accounts statements and credit reports to detect errors or suspicious activity. You can find more information about obtaining a free copy of your credit report, protecting against potential identity theft and fraud, and other resources available to you in the enclosed *Steps You Can Take to Help Protect Your Information*. You may also enroll in the complimentary credit monitoring services available to you; detailed instructions for enrolling in these services are enclosed.

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For More Information. We understand that you may have questions about this incident that are not addressed in this letter. If you have additional questions, or need assistance, please contact us at 855-387-4540 Monday through Friday from 8 am – 10 pm Central, or Saturday and Sunday from 10 am – 7 pm Central (excluding major U.S. holidays).

Sincerely,

Luke Lundt
Chief Financial Officer
Killer Instinct Inc.

STEPS YOU CAN TAKE TO HELP PROTECT YOUR INFORMATION

Enroll in Credit Monitoring

To help protect your identity, we are offering complimentary access to Experian IdentityWorksSM for ## months.

If you believe there was fraudulent use of your information as a result of this incident and would like to discuss how you may be able to resolve those issues, please reach out to an Experian agent. If, after discussing your situation with an agent, it is determined that identity restoration support is needed then an Experian Identity Restoration agent is available to work with you to investigate and resolve each incident of fraud that occurred from the date of the incident (including, as appropriate, helping you with contacting credit grantors to dispute charges and close accounts; assisting you in placing a freeze on your credit file with the three major credit bureaus; and assisting you with contacting government agencies to help restore your identity to its proper condition).

Please note that Identity Restoration is available to you for ## months from the date of this letter and does not require any action on your part at this time. The Terms and Conditions for this offer are located at www.ExperianIDWorks.com/restoration.

While identity restoration assistance is immediately available to you, we also encourage you to activate the fraud detection tools available through Experian IdentityWorks as a complimentary ##-month membership. This product provides you with superior identity detection and resolution of identity theft. To start monitoring your personal information, please follow the steps below:

- Ensure that you **enroll by June 30, 2023** (Your code will not work after this date.)
- **Visit** the Experian IdentityWorks website to enroll: www.experianidworks.com/credit
- Provide your **activation code: ABCDEFGHI**

If you have questions about the product, need assistance with Identity Restoration that arose as a result of this incident, or would like an alternative to enrolling in Experian IdentityWorks online, please contact Experian's customer care team at 855-387-4540 by June 30, 2023. Be prepared to provide engagement number ENGAGE# as proof of eligibility for the Identity Restoration services by Experian.

ADDITIONAL DETAILS REGARDING YOUR ##-MONTH EXPERIAN IDENTITYWORKS MEMBERSHIP

A credit card is not required for enrollment in Experian IdentityWorks. You can contact Experian immediately regarding any fraud issues, and have access to the following features once you enroll in Experian IdentityWorks:

- **Experian credit report at signup:** See what information is associated with your credit file. Daily credit reports are available for online members only.*
- **Credit Monitoring:** Actively monitors Experian file for indicators of fraud.
- **Identity Restoration:** Identity Restoration specialists are immediately available to help you address credit and non-credit related fraud.
- **Experian IdentityWorks ExtendCARE™:** You receive the same high-level of Identity Restoration support even after your Experian IdentityWorks membership has expired.
- **\$1 Million Identity Theft Insurance**:** Provides coverage for certain costs and unauthorized electronic fund transfers.

* Offline members will be eligible to call for additional reports quarterly after enrolling.

** The Identity Theft Insurance is underwritten and administered by American Bankers Insurance Company of Florida, an Assurant company. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions.



Monitor Your Accounts

Under U.S. law, a consumer is entitled to one free credit report annually from each of the three major credit reporting bureaus, Equifax, Experian, and TransUnion. To order your free credit report, visit www.annualcreditreport.com or call, toll-free, 1-877-322-8228. You may also directly contact the three major credit reporting bureaus listed below to request a free copy of your credit report.

Consumers have the right to place an initial or extended “fraud alert” on a credit file at no cost. An initial fraud alert is a one-year alert that is placed on a consumer’s credit file. Upon seeing a fraud alert display on a consumer’s credit file, a business is required to take steps to verify the consumer’s identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting seven years. Should you wish to place a fraud alert, please contact any one of the three major credit reporting bureaus listed below.

As an alternative to a fraud alert, consumers have the right to place a “credit freeze” on a credit report, which will prohibit a credit bureau from releasing information in the credit report without the consumer’s express authorization. The credit freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a credit freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit. Pursuant to federal law, you cannot be charged to place or lift a credit freeze on your credit report. To request a security freeze, you will need to provide the following information:

1. Full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security number;
3. Date of birth;
4. Addresses for the prior two to five years;
5. Proof of current address, such as a current utility bill or telephone bill;
6. A legible photocopy of a government-issued identification card (state driver’s license or ID card, etc.); and
7. A copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft if you are a victim of identity theft.

Should you wish to place a credit freeze, please contact the three major credit reporting bureaus listed below:

Equifax	Experian	TransUnion
https://www.equifax.com/personal/credit-report-services/	https://www.experian.com/help/	https://www.transunion.com/credit-help
1-888-298-0045	1-888-397-3742	1-800-916-8800
Equifax Fraud Alert, P.O. Box 105069 Atlanta, GA 30348-5069	Experian Fraud Alert, P.O. Box 9554, Allen, TX 75013	TransUnion Fraud Alert, P.O. Box 2000, Chester, PA 19016
Equifax Credit Freeze, P.O. Box 105788 Atlanta, GA 30348-5788	Experian Credit Freeze, P.O. Box 9554, Allen, TX 75013	TransUnion Credit Freeze, P.O. Box 160, Woodlyn, PA 19094

Additional Information

You may further educate yourself regarding identity theft, fraud alerts, credit freezes, and the steps you can take to protect your personal information by contacting the consumer reporting bureaus, the Federal Trade Commission, or your state Attorney General. The Federal Trade Commission may be reached at: 600 Pennsylvania Avenue NW, Washington, D.C. 20580; www.identitytheft.gov; 1-877-ID-THEFT (1-877-438-4338); and TTY: 1-866-653-4261. The Federal Trade Commission also encourages those who discover that their information has been misused to file a complaint with them. You can obtain further information on how to file such a complaint by way of the contact information listed above. You have the right to file a police report if you ever experience identity theft or fraud. Please note that in order to file a report with law enforcement for identity theft, you will likely need to provide some proof that you have been a victim. Instances of known or suspected identity theft

should also be reported to law enforcement and your state Attorney General. This notice has not been delayed by law enforcement.

For District of Columbia residents, the District of Columbia Attorney General may be contacted at: 400 6th Street, NW, Washington, D.C. 20001; 202-727-3400; and oag.dc.gov.

For Maryland residents, the Maryland Attorney General may be contacted at: 200 St. Paul Place, 16th Floor, Baltimore, MD 21202; 1-410-528-8662 or 1-888-743-0023; and www.oag.state.md.us. Killer Instinct is located at P.O. Box 382 Windom, Minnesota 56101.

For New Mexico residents, you have rights pursuant to the Fair Credit Reporting Act, such as the right to be told if information in your credit file has been used against you, the right to know what is in your credit file, the right to ask for your credit score, and the right to dispute incomplete or inaccurate information. Further, pursuant to the Fair Credit Reporting Act, the consumer reporting bureaus must correct or delete inaccurate, incomplete, or unverifiable information; consumer reporting agencies may not report outdated negative information; access to your file is limited; you must give your consent for credit reports to be provided to employers; you may limit “prescreened” offers of credit and insurance you get based on information in your credit report; and you may seek damages from violator. You may have additional rights under the Fair Credit Reporting Act not summarized here. Identity theft victims and active-duty military personnel have specific additional rights pursuant to the Fair Credit Reporting Act. We encourage you to review your rights pursuant to the Fair Credit Reporting Act by visiting www.consumerfinance.gov/f/201504_cfpb_summary_your-rights-under-fcra.pdf, or by writing Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.

For New York residents, the New York Attorney General may be contacted at: Office of the Attorney General, The Capitol, Albany, NY 12224-0341; 1-800-771-7755; or <https://ag.ny.gov/>.

For North Carolina residents, the North Carolina Attorney General may be contacted at: 9001 Mail Service Center, Raleigh, NC 27699-9001; 1-877-566-7226 or 1-919-716-6000; and www.ncdoj.gov.

For Rhode Island residents, the Rhode Island Attorney General may be reached at: 150 South Main Street, Providence, RI 02903; www.riag.ri.gov; and 1-401-274-4400. Under Rhode Island law, you have the right to obtain any police report filed in regard to this incident. There are 0 Rhode Island residents impacted by this incident.

