



MULLEN  
COUGHLIN<sub>LLC</sub>  
ATTORNEYS AT LAW

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1452 Hughes Road, Suite 200  
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November 5, 2021

**VIA E-MAIL**

Office of the Attorney General  
Consumer Protection and Antitrust  
Gateway Professional Center  
1050 E. Interstate Avenue, Suite 200  
Bismarck, ND 58503-5574  
E-mail: [ndag@nd.gov](mailto:ndag@nd.gov)

**Re: Notice of Data Event**

Dear Sir or Madam:

We represent Postlethwaite & Netterville, A Professional Accounting Corporation (“Postlethwaite & Netterville”) located at 8550 United Plaza Boulevard, Suite 1001, Baton Rouge, Louisiana 70809, and are writing to notify your office of an incident that may affect the security of some personal information relating to six (6) North Dakota residents. The investigation into this matter is ongoing, and this notice will be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, Postlethwaite & Netterville does not waive any rights or defenses regarding the applicability of North Dakota law, the applicability of the North Dakota data event notification statute, or personal jurisdiction.

**Nature of the Data Event**

On or about March 23, 2021, Postlethwaite & Netterville detected suspicious activity on the dark web related to data stored on an Accellion File Transfer Appliance. Upon discovery, Postlethwaite & Netterville immediately launched an investigation to determine the nature and scope of the incident. During the investigation, Postlethwaite & Netterville determined that the Accellion File Transfer Appliance was accessible on or about January 21, 2021, and that limited data, which included personally identifiable information, was taken by an unknown actor.

The information that could have been subject to unauthorized access is date of birth, medical diagnosis or medical treatment information, and digitized, automated, or other electronic signature.

### **Notice to North Dakota Residents**

On November 4, 2021, Postlethwaite & Netterville provided written notice of this incident to affected individuals, which includes six (6) North Dakota 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**

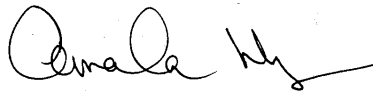
Upon discovering the event, Postlethwaite & Netterville moved quickly to investigate and respond to the incident. Postlethwaite & Netterville migrated all data off of the Accellion File Transfer Appliance and assessed the security of Postlethwaite & Netterville systems to confirm that its own computer systems and other technologies utilized by Postlethwaite & Netterville were not impacted. Postlethwaite & Netterville is also working to notify all affected individuals and provide access to credit monitoring services for one year, through IDX, to individuals whose personal information was potentially affected by this incident, at no cost to these individuals.

Additionally, Postlethwaite & Netterville is providing impacted individuals with guidance on how to better protect against identity theft and fraud, including advising individuals to report any suspected incidents of identity theft or fraud to their credit card company and/or bank. Postlethwaite & Netterville is providing individuals with information on how to place a fraud alert and security freeze on one's credit file, information on protecting against tax fraud, 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) 930-1697.

Very truly yours,

A handwritten signature in black ink, appearing to read "Amanda Harvey".

Amanda Harvey of  
MULLEN COUGHLIN LLC

# EXHIBIT A

Postlethwaite & Netterville

10300 SW Greenburg Rd. Suite 570  
Portland, OR 97223



Postlethwaite & Netterville

To Enroll, Please Call:

1-833-903-3648

Or Visit:

<https://app.idx.us/account-creation/protect>

Enrollment Code: <<XXXXXXXXXX>>

<<First Name>> <<Last Name>>

<<Address1>> <<Address2>>

<<City>>, <<State>> <<Zip>>

November 4, 2021

<<Variable Text 3 (Re: Line)>>

Dear <<First Name>> <<Last Name>>,

Postlethwaite & Netterville APAC (“P&N”), an accounting firm that performed claims administration services related to *In Re: Testosterone Replacement Therapy Products Liability Litigation* (“TRT”) settlement program, at the direction of the Settlement Master received your personal and claim information provided to <<Variable Data 2 (Full Name)>> as required under the TRT settlement agreement, is writing to inform you of a recent incident that may impact the privacy of some of your information. We wanted to provide you with information about the incident, our response, and steps you may take to better protect against the possibility of identity theft and fraud, should you feel it appropriate to do so.

**What Happened?** In late March, P&N detected suspicious activity on the dark web related to data provided to P&N. P&N immediately commenced an investigation to determine the nature and scope of the incident. P&N confirmed that it was impacted by the data security incident affecting Accellion, Inc. (“Accellion”). Accellion’s application was used by P&N for third-party secure file transfers. While the investigation is ongoing, P&N has determined that a file containing information of individuals associated with the TRT settlement program was potentially taken and accessed by an unauthorized third party on January 21, 2021.

**What Information Was Involved?** The following types of information were potentially accessed and taken: your name, <<Variable Data 1 (PII)>>. To date, we have no indication that anyone’s information has been subject to actual or attempted misuse in relation to this incident.

**What We Are Doing.** We take 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 whether it related to any earlier vulnerabilities related to an Accellion file transfer appliance. As part of our ongoing commitment to the privacy of information in our care, we migrated all data off of the vulnerable Accellion file transfer appliance and contacted law enforcement.

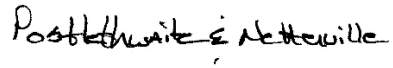
In addition, we are offering identity theft protection services through IDX, the data breach and recovery services expert. IDX identity protection services include: <<12 months/24 months>> of credit and CyberScan monitoring, a \$1,000,000 insurance reimbursement policy, and fully managed identity theft recovery services. With this protection, IDX will help you resolve issues if your identity is compromised. Individuals who wish to receive these services must enroll by following the attached enrollment instructions.

**What You Can Do.** You can find out more about how to protect against potential identity theft and fraud in the enclosed *Steps You Can Take to Protect Personal Information*. There, you will also find detailed instructions for enrollment. Please note, you will need to reference the enrollment code at the top of this letter when calling or enrolling online, so please do not discard this letter.

**For More Information.** We understand that you may have questions about this incident that are not addressed in this letter. Please call 1-833-903-3648 or go to <https://app.idx.us/account-creation/protect> for assistance or for any additional questions you may have.

P&N sincerely regrets any inconvenience or concern this incident may have caused you.

Sincerely,

A handwritten signature in black ink that reads "Postlethwaite & Netterville". The script is cursive and somewhat stylized, with the ampersand being particularly prominent.

Postlethwaite & Netterville APAC

(Enclosure)

## Steps You Can Take to Protect Personal Information

### **Enroll in Credit Monitoring**

We encourage you to contact IDX with any questions and to enroll in free identity protection services by calling 1-833-903-3648 or going to <https://app.idx.us/account-creation/protect> and using the Enrollment Code provided at the top of this letter. IDX representatives are available Monday through Friday from 6 am - 6 pm Pacific Time. Please note the deadline to enroll is February 4, 2022.

1. **Website and Enrollment.** Go to <https://app.idx.us/account-creation/protect> and follow the instructions for enrollment using your Enrollment Code provided at the top of the letter.
2. **Activate the credit monitoring** provided as part of your IDX identity protection membership. The monitoring included in the membership must be activated to be effective. Note: You must have established credit and access to a computer and the internet to use this service. If you need assistance, IDX will be able to assist you.
3. **Telephone.** Contact IDX at 1-833-903-3648 to gain additional information about this event and speak with knowledgeable representatives about the appropriate steps to take to protect your credit identity.

If you discover any suspicious items and have enrolled in IDX identity protection, notify them immediately by calling or by logging into the IDX website and filing a request for help.

If you file a request for help or report suspicious activity, you will be contacted by a member of our ID Care team who will help you determine the cause of the suspicious items. In the unlikely event that you fall victim to identity theft as a consequence of this incident, you will be assigned an ID Care Specialist who will work on your behalf to identify, stop and reverse the damage quickly.

### **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](http://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, military identification, 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 fraud alert or credit freeze, please contact the three major credit reporting bureaus listed below:

<b>Equifax</b>	<b>Experian</b>	<b>TransUnion</b>
<a href="https://www.equifax.com/personal/credit-report-services">https://www.equifax.com/personal/credit-report-services</a>	<a href="https://www.experian.com/help">https://www.experian.com/help</a>	<a href="https://www.transunion.com/credit-help">https://www.transunion.com/credit-help</a>
888-298-0045	1-888-397-3742	833-395-6938
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](http://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: 441 4th St. NW #1100 Washington, D.C. 20001; 202-727-3400; and [oag@dc.gov](mailto: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](http://www.oag.state.md.us). Postlethwaite & Netterville, A Professional Accounting Corporation is located at 8550 United Plaza Boulevard, Suite 1001, Baton Rouge, Louisiana 70809.

*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](http://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](http://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](http://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 ten (10) Rhode Island residents impacted by this incident.