

# BakerHostetler

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CONSUMER PROTECTION

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April 17, 2019

### VIA OVERNIGHT MAIL

Attorney General Gordon MacDonald  
New Hampshire Office of the Attorney General  
33 Capitol Street  
Concord, NH 03301

*Re: Supplemental Incident Notification*

Dear Sir or Madam:

We are writing on behalf of our client, flexPATH Strategies, LLC (“flexPATH”), to supplement the security incident notification we submitted to your office on March 15, 2019.

Following our initial submission, additional clients accepted flexPATH’s offer to provide notification to the employees and retirement plan participants whose information was contained in the flexPATH employee email account at issue. Accordingly, flexPATH provided notice to additional New Hampshire residents on March 19, March 22, April 1, and April 5, 2019. flexPATH has now completed notice to all individuals. To date, flexPATH has provided notice to a total of 97 New Hampshire residents.<sup>1</sup>

The New Hampshire residents were notified in accordance with N.H. Rev. Stat. § 359-C:20,<sup>2</sup> in substantially the same form as the letter provided to your office with our initial submission. flexPATH has offered the individuals a complimentary, one-year membership to credit monitoring and identity theft protection services. flexPATH has also established a dedicated call center where all individuals may obtain more information regarding the incident.

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<sup>1</sup> flexPATH notified New Hampshire residents on behalf of its clients, including, Americold (1), Banfield Pet Hospital (50), Benjamin Moore & Co. (3), California Pizza Kitchen (39), Legend Pictures, LLC (1), MAG Aerospace Industries, LLC (1), Multnomah County, Oregon (1), and Orange County Sanitary District (1). We note that this incident occurred solely on the systems of flexPATH, and no systems under the control of its clients were involved.

<sup>2</sup> This notice does not waive flexPATH’s objection that New Hampshire lacks personal jurisdiction over flexPATH regarding any claims related to this incident.

Atlanta Chicago Cincinnati Cleveland Columbus Costa Mesa Denver  
Houston Los Angeles New York Orlando Philadelphia Seattle Washington, DC

Attorney General MacDonald  
April 17, 2019  
Page 2

Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in blue ink that reads "David E. Kitchen". The signature is written in a cursive style and is underlined with a single horizontal line.

David E. Kitchen  
Partner