

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

**UNION PACIFIC DATA BREACH SETTLEMENT
IDENTITY THEFT CLAIM FORM AND INSTRUCTIONS**

The “Notice of Your Rights in the Data Breach Class Action Settlement” (the “Notice”) describes a claims arbitration procedure if you wish to seek a monetary payment under the Settlement. These are the instructions and Claim Form. Once you have completed the Claim Form and the Claim Explanation Letter (described below), mail this Claim Form and the Claim Explanation Letter to the addresses provided below. You must mail your Claim Form and Claim Explanation Letter January 8, 2011. Further information is available by visiting www.up.com/settlement or by calling 1-800-760-4821. You will receive further information after you submit your form.

Before completing this form, please refer to the information in Section 4.B of the Notice for information on the types of damages and limitations on your recovery, as well as for more details including an explanation of the arbitration process provided for under the Settlement. The Notice was already provided to you, but you can get another copy by visiting the website listed below or by calling the phone number listed below.

A. Name and Address:

First Name: _____ Middle Initial: _____ Last Name: _____

Mailing Address: _____

City, State, Zip Code: _____

Telephone: (____) _____

B. Claim Explanation Letter:

In order to initiate an arbitration as explained in Section 4.B of the Notice (*available at www.up.com/settlement/attachments/notice.pdf*), you are required to submit along with this Claim Form a letter, not exceeding ten (10) double spaced pages in length (the “Claim Explanation Letter”), which you must submit under penalty of perjury. The Claim Form and the Claim Explanation Letter will be provided to an independent arbitrator, who will decide whether or not your claim should be approved. In your letter, you should explain to the arbitrator the basis for your claim that you have been the victim of identity theft and the amount of out-of-pocket damages you believe you have incurred. Include as many details as you can to support your claim. In addition to whatever other information you want the arbitrator to consider, you should include the following information in your Claim Explanation Letter:

- (1) The basis of your claim that you are or were the victim of identity theft, including:
 - (a) How you believe your identity has been stolen or misused.
 - (b) When you believe it happened.
 - (c) When you became aware of the identity theft.
 - (d) How you became aware of your identity theft.

- (2) What steps you took in response to the identity theft, including:
 - (a) Who you reported it to, if anyone.

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- (b) Anything you did to try to put a stop to the identity theft.
- (3) If you did submit a police report, include the results of the report. (Note: You are strongly encouraged to file a police report. If you have a copy of the police report or the result of the police investigation, you are encouraged to provide copies along with your Claim Explanation Letter, although you are not required to do so in order to seek a payment in an arbitration.)
- (4) If credit was obtained in your name by an identity thief without your permission:
- (a) Describe your attempts to dispute your responsibility for those charges with the creditor or the three national credit bureaus. (An explanation on how to dispute charges is provided below).
 - (b) Who was the merchant or creditor?
 - (c) How was it resolved (for example, did you have to pay any of the disputed charges)?
- (5) For your loss (the damages you are claiming):
- (a) Describe the nature of your loss from this identity theft. In other words, describe how you have been harmed by the identity theft.
 - (b) Indicate the dollar amount you are claiming.
 - (c) Provide an explanation how you arrived at that dollar amount.
- (6) Other
- (a) Provide any other information you may want to submit that you believe supports your claim and the damages you seek.

C. Documentation:

You should provide all documentation you have available to substantiate your claim that you were the victim of identity theft as well as all documentation establishing the losses you are claiming. Examples of documentation you may wish to submit include copies of bills, invoices, debt collection letters, correspondence disputing charges, and other communications to/from merchants, credit bureaus, and/or collection agencies, as well as any police reports. You should also enclose documentation showing that you disputed responsibility for any improper charges you claim were the result of identity theft, along with the response to any such disputes. Further, if you are seeking reimbursement for attorney or legal expenses you reasonably incurred in connection with actual or suspected identity theft (which are capped under the Settlement at \$500), you must provide an itemized invoice from your attorney.

D. Where to Send this Form:

The Identity Theft Claim Form, Claim Explanation Letter, and any accompanying documents must be mailed to both of the following no later than the three years from the Effective Date of the Settlement:

Werner Institute for Negotiation
and Dispute Resolution
Creighton University School of Law
2500 California Plaza
Omaha, Nebraska 68178

Union Pacific Data Breach Settlement
c/o Rust Consulting, Inc.
P.O. Box 1900
Faribault, Minnesota 55021-7155

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E. Declaration (Required):

I Declare Under Penalties Of Perjury As Follows: (1) The Information Provided In The Claim Explanation Letter Is True And Correct; And (2) Any Documents That I Have Included Along With My Claim Explanation Letter Are Authentic, True And Correct Copies (Or Originals) Of The Documents That They Purport To Be.

Signature: _____

Date: _____

ADDITIONAL INFORMATION ON RESPONDING TO IDENTIFY THEFT, INCLUDING HOW TO DISPUTE CHARGES WITH A CREDITOR AND THE CREDIT BUREAUS

KEEP THIS INFORMATION FOR YOUR FILES. YOU DO NOT NEED TO SUBMIT THIS IN ORDER TO INITIATE AN ARBITRATION.

1. Review Your Account Statements and Credit Report:

As a general matter, if you believe you are the victim of identity theft, you should review your financial account statements promptly and carefully, review your credit reports, and monitor your credit reports once a year thereafter. For more information on getting your credit reports free once a year or buying additional reports, read Your Access to Free Credit Reports at www.ftc.gov/bcp/online/pubs/credit/freereports.shtm.

You may also chose to place a “fraud alert” on your credit file. A fraud alert advises potential creditors that you may have been a potential victim of fraud and provides telephone contact information for the creditor to contact you. The alert lasts for 90 days. There is no charge for this service.

To place a fraud alert, call any of the three credit reporting agencies listed below:

EXPERIAN
(888) 397-3742
www.experian.com

EQUIFAX
(877) 478-7625
www.equifax.com

TRANSUNION
(800) 680-7289
www.transunion.com

If your confidential information has been misused, be sure to file a report about your identity theft with the police, and file a complaint with the Federal Trade Commission at www.consumer.gov/idtheft.

Further information on how you can protect yourself can be found at the website of the Federal Trade Commission, at <http://www.ftc.gov/bcp/edu/microsites/idtheft/>.

2. How to Dispute Fraudulent Charges on an Existing Account with the_Credit Bureaus:

Before contacting the credit bureaus, make sure you have:

- Reviewed and clearly circled, marked, or highlighted all incorrect information on your credit reports.
- Located the reference, report, file, or confirmation number on each credit report.
- Located the toll-free telephone contact number on each credit report.

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- Obtained copies of any complaint you filed with a law enforcement agency.

For more information, visit the credit bureau websites at the phone numbers and websites provided above.

Next, telephone the credit bureau. Be sure to write down the instructions you receive from the representative. Follow-up with a letter. You may need to provide copies of identification documents, account statements, and the complaint you filed with a law enforcement agency. Attach a copy of the page of your credit report with the compromised account clearly marked.

Here is a sample credit bureau dispute letter:

Date

Name of Credit Bureau

Mailing Address Provided on Credit Bureau Report

Re: Reference, Confirmation, File, or Report Number

Your Full Name

Your Complete Address

To Whom It May Concern:

Per our telephone conversation on _____, I am a victim of identity theft. Charges were made on my account(s) that I did not authorize. Please block the fraudulent information below from appearing on my credit file.

List the compromised account(s) appearing on your credit report(s). For each account, include the:

- *Name of company*
- *Your account number*
- *Date of each fraudulent charge on the account*
- *Amount of each fraudulent charge on the account*

I have clearly marked the fraudulent charge(s) on my credit bureau report and enclosed a copy of the page(s). Also enclosed is a copy of:

List the supporting documentation enclosed with this letter:

- *If you received an account statement or debt collection notice showing the fraudulent charges, state it here and attach a copy to this letter.*
- *If the credit bureau requests copies of identity documents, list the documents here and attach a copy to this letter. You may be requested to provide a copy of your telephone or utility bill, driver's license, and your Social Security card. Never send original documents.*
- *If you filed a complaint with a law enforcement agency, state it here and attach a copy to this letter.*

Sincerely,

3. How to Dispute Fraudulent Charges on an Existing Account with the Creditors:

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Contact the companies and financial institutions where your imposter made fraudulent charges on your accounts.

Notify each that you are a victim of identity theft.

Telephone each creditor. Write down the instructions you are given. Ask where to send your dispute letter. *The mailing address may be different from the address for remitting account payments.* Enclose all supporting documentation requested by the creditor with your letter.

Here is a sample dispute letter for an existing creditor:

Date

Name of Company or Financial Institution

Attention: Fraud Department

Mailing Address of Company or Financial Institution

Re: Account Number

Your Full Name

Your Complete Address

Your Telephone Number

To Whom It May Concern:

I am a victim of identity theft. Charges were made on my account that I did not authorize.

List all unauthorized charges to your account here. Include the date and amount of each charge.

Per our telephone conversation on _____, I have enclosed copies of:

List the supporting documentation enclosed with this letter:

- *If the unauthorized charges appear on your account statement or you received a collection notice, state it here and attach a copy to this letter.*
- *If the creditor requests copies of identity documents, list the documents you enclosed. Never send the originals.*
- *If you filed a complaint with a law enforcement agency, state it here and attach a copy to this letter.*

I request the fraudulent charges be removed from my account. Send me a letter confirming that the account has been corrected. Please notify the three major credit bureaus to remove this information from my credit files.

Sincerely,