

# NOTICE OF CLASS ACTION SETTLEMENT

*Jones, et al. v. Rosebud Restaurants, Inc.*

Case No. 2019 CH 10620

ABC1234567890

Claim Number: 1111111



JOHN Q CLASSMEMBER  
123 MAIN ST  
APT 1  
ANYTOWN, ST 12345

The Circuit Court of Cook County preliminarily approved a class action settlement in the case *Andrea Jones v. Rosebud Restaurants, Inc.*, Case No. 2019 CH 10620 (Cir. Ct. Cook Cty.) (the “lawsuit”). You are receiving this notice because records show that you worked at Rosebud Restaurants, Inc. (“Rosebud”) during the time period covered by the lawsuit and are a class member. While Rosebud does not admit liability or fault, Rosebud has agreed to settle the lawsuit. This notice explains your options. You may: (1) do nothing and get a settlement cash payment; (2) you may submit a claim form to receive gift cards, which are in addition to the settlement cash payment, redeemable at Rosebud restaurants (excluding Friday and Saturday nights and holidays); (3) exclude yourself from the settlement and not receive a settlement payment or gift cards; or (4) object to the settlement. If you do not exclude yourself from the settlement you will receive a settlement cash payment, but you must submit a timely and valid claim form to receive the additional gift cards. Before any money is paid or gift cards sent, the Court will decide whether to grant final approval of the settlement.

## **What Is this Lawsuit About?**

The lawsuit alleges that Rosebud violated the Illinois Biometric Information Privacy Act (“BIPA”) by requiring employees to use a finger scan to access its point of sale (“POS”) system that allegedly collected, stored, and transferred their biometric data without following the notice and consent requirements of BIPA. Rosebud has denied all liability and wrongdoing. Both sides agreed to the settlement to resolve the case. The Court did not decide whether Rosebud violated the law.

You can learn more about the lawsuit or review the Settlement Agreement by contacting Class Counsel, The Fish Law Firm P.C. at (630) 355-7590 or [admin@fishlawfirm.com](mailto:admin@fishlawfirm.com) or Lewis Brisbois at (312) 345-1718 or [josh.kantrow@lewisbrisbois.com](mailto:josh.kantrow@lewisbrisbois.com), or visiting the settlement website at <https://fishlawfirm.com/rosebud>.

## **Who Is Included in the Settlement?**

The settlement includes Illinois employees of Rosebud who used a finger-scan point of sale system between September 13, 2014 and May 4, 2020, who do not timely exclude themselves from the settlement and who did not consent in writing to the finger-scan prior to their first scan (“Settlement Class Members”).

## **What does the Settlement Provide?**

Rosebud is creating a Settlement Fund of \$2,125,000.00. The Settlement Fund is comprised of \$1,875,000.00 in cash and \$250,000.00 in gift cards. The Settlement Fund shall be subject to deductions if approved by the Court. These deductions include up to \$10,000 for an incentive award for the Class Representative, up to one-third of the

Settlement Fund's value as Class Counsel's attorneys' fees plus costs, costs to administer the settlement, and any other costs approved by the Court. **Your estimated total recovery in this settlement after these expenses is \$595.00 which is composed of \$487.00 in cash plus \$108.00 in gift cards.** The cash portion of the settlement will automatically be mailed to you; no claim is necessary. However, to receive the gift card you must send in a claim form or you will not receive the gift cards. The gift cards may be used at any Rosebud restaurant location but are non-transferrable and not valid on Friday or Saturday nights or holidays. A claim form for the gift cards will be mailed to you when you receive the check if the settlement is approved.

### **What Will You Give Up If You Participate in the Settlement?**

Unless you exclude yourself from the settlement as explained below, you will release Rosebud and its related entities, employees, customers, insurers, and vendors, among other related entities, from all claims or causes of action between September 13, 2014 and May 4, 2020 reasonably arising out of the allegations in the lawsuit, including but not limited to all claims under BIPA, and all other federal, state, and local statutory or common law claims relating to allegations that Rosebud improperly collected, stored, used, or transferred employees' biometric identifiers and information and fingerprint data, as well as any related claims for liquidated damages, penalties, attorneys' fees and costs, expenses, and interest. The release is more fully explained in the Settlement Agreement.

### **What Are Your Options?**

- (1) **If you want to participate in the settlement you do not have to do anything to receive a cash payment. A check will be mailed to you if the Court grants final approval of the settlement.** If you would like to receive the gift cards you must send a claim **for** the Administrator when you receive a check in the mail. If the settlement is approved, you will receive the check and a claim form for the gift card in approximately 4 months.
- (2) If you do not want to be legally bound by the settlement, you must exclude yourself by **July 31, 2020 (Objection/Exclusion Deadline)**. To be valid, any request for exclusion must (a) be in writing; (b) identify the case name *Andrea Jones v. Rosebud Restaurants, Inc.*, Case No. 2019 CH 10620 (Cir. Ct. Cook Cty.) (c) state your full name and current address; (d) be physically signed by you; and (e) be postmarked or received by the Settlement Administrator on or before the Objection/Exclusion Deadline. Each request for exclusion must also contain a statement to the effect that "I hereby request to be excluded from the proposed Settlement Class in *Andrea Jones v. Rosebud Restaurants, Inc.*, Case No. 2019 CH 10620 (Cir. Ct. Cook Cty.)." If you exclude yourself, you will not receive money from this settlement or any gift cards, but you will retain your legal rights regarding any claims that you may have against Rosebud.
- (3) You may object to the settlement by **July 31, 2020** if you have not already excluded yourself from the settlement. To do so, you must present the following information in a statement signed by you: (a) your full name and current address, (b) a statement that you believe yourself to be a member of the Settlement Class, (c) the specific grounds for the objection, (d) all documents or writings that you desire the Court to consider, (e) the name and contact information of any and all attorneys representing, advising, or in any way assisting you in connection with the preparation or submission of the objection or who may profit from the pursuit of the objection; and (f) a statement indicating whether you intend to appear at the Final Approval Hearing (either personally or through counsel, who must file an appearance or seek *pro hac vice* admission). All written objections must be filed with the Court and be postmarked, e-mailed or delivered to Class Counsel and Defendant's Counsel no later than the Objection/Exclusion Deadline.

### **Who Are My Lawyers?**

The Court has appointed the following attorneys to represent the Settlement Class. You will not be charged for these lawyers because they will be paid from the Settlement Fund. If you want to be represented by your own lawyer instead, you may hire one at your own expense.

David Fish  
John Kunze  
Mara Baltabols  
The Fish Law Firm, P.C.  
200 East Fifth Ave., Suite 123  
Naperville, IL 60563  
(630) 355-7590  
[www.fishlawfirm.com](http://www.fishlawfirm.com)

### **Who is the Settlement Administrator and How Do I Update My Contact Information?**

The Settlement Administrator is identified below. You must notify the Settlement Administrator (contact information below) of any changes in your mailing address so that your settlement payment or gift cards will be sent to the correct address.

Jones, et al. v. Rosebud Restaurants, Inc.  
c/o Analytics Consulting LLC  
P.O. Box 2002  
Chanhassen, MN 55317-2002  
RosebudBIPA@noticeadministrator.com  
(833) 756-1005

### **When is the Final Approval Hearing?**

The Court will hold a hearing in this case on August 17, 2020, in Courtroom 2302 of the Richard J. Daley Center, 50 West Washington, Chicago, Illinois at 10:00 a.m., to consider, among other things, (1) whether to grant final approval of the settlement; (2) a request by the lawyers representing class members for an award of one-third of the Settlement Fund as attorneys' fees and litigation costs; (3) a request for incentive awards of \$10,000 for the Class Representative from the Settlement Fund in recognition of their work in recovering money for the Settlement Class; and (4) a request for up to costs to the Settlement Administrator from the Settlement Fund for its work administering the settlement. You may appear at the hearing, but you are not required to do so.