

NOTICE OF CLASS ACTION SETTLEMENT

Herman v. Missouri Fiesta, Inc. et al., Case No. 2024CH000020
(Circuit Court of Sangamon County, Illinois)

1. Introduction

A state court in Sangamon County preliminarily approved a class action settlement (“Settlement”)¹ in the lawsuit captioned *Herman v. Missouri Fiesta, Inc. et al.*, Case No. 2024CH000020 (Circuit Court of Sangamon County) (the “Lawsuit”).

The Court has approved this Notice to inform individuals who are included in the Settlement of their rights. As described in more detail below, individuals who are included in the Settlement may:

- (1) submit a valid claim form in order to accept and receive a Settlement Payment, in exchange for giving up certain legal claims they have;
- (2) exclude themselves from the Settlement, not receive a Settlement Payment, and not give up any legal claims;
- (3) object to the Settlement Agreement; and
- (4) not submit a Claim Form, but receive no benefits, and give up certain legal claims they have.

Before any money is paid, the Court will decide whether to grant final approval of the Settlement as fair, reasonable and adequate.

2. What Is this Lawsuit About?

This Lawsuit alleges that Missouri Fiesta, Inc. and W&M Restaurants, Inc. (collectively, “MFI”) violated the Illinois Biometric Information Privacy Act (“BIPA”). Among other things, BIPA prohibits private companies from capturing, collecting, or otherwise obtaining an individual’s biometric identifier or biometric information, including a fingerprint or identifying information based on a fingerprint or handprint, without first providing an individual with certain written disclosures and obtaining written consent, and requires companies to issue a written biometric policy governing when they will delete any biometric identifiers collected, among other things. The Lawsuit alleges that MFI violated BIPA by collecting finger scan data from their employees who may have used the Par Tech Inc.’s Point-of-Sale System (“POS System”) in Illinois without first providing written notice and obtaining written consent, or issuing a written biometric policy.

MFI denies and continues to deny each and every allegation and all charges of wrongdoing or liability of any kind whatsoever. Despite MFI’s belief that it is not liable for and has good defenses to the claims alleged in the Lawsuit, MFI nonetheless desires to settle the Lawsuit and thus avoid the burden, expense, risk, exposure, inconvenience, uncertainty, and distraction of continued litigation of any action or proceeding relating to the matters being fully settled and finally put to rest herein. The Parties agreed to the Settlement to resolve the Lawsuit. The Court did not decide whether MFI violated the law.

You can learn more about the Lawsuit by contacting the Claims Administrator, at (833)-350-9904, and at the following website: www.MoFiestaBIPASettlement.com.

3. Who Is Included in the Settlement?

The Settlement Class is comprised of all individuals within the State of Illinois, who are current or former employees of MFI, who may have used the Par Tech Inc. Point-of Sale System with a finger scanner, between the period of March 21, 2019 to August 31, 2022, inclusive. Excluded from the Settlement are: anyone who timely opts-out of the Settlement and elects to exclude themselves, the Defendants, the Court and staff to whom this case is assigned, and any member of the Court’s or its staff’s immediate families.

4. What does the Settlement Provide?

The Settlement provides for a total payment up to \$526,500 that MFI has agreed to pay to settle the claims of Settlement Class Members. Subject to Court approval, the gross Settlement Fund shall be reduced by the following: (1) an award of up to 40% of the total Settlement Fund for Class Counsel’s attorneys’ fees and litigation costs of up to \$210,600; (2) a Service Award of \$2,500 to Class Representative Matthew Herman; and (3) the Settlement Administrator’s costs estimated to be no more than \$10,000. Following these reductions, the remaining amount shall be the Net Settlement Amount, which shall

¹ All capitalized terms are defined in the Class Action Settlement Agreement (the “Settlement Agreement”).

be distributed equally to Settlement Class Members who return a valid Claim Form, and who otherwise do not return a completed Opt Out Form ("Settlement Class Participants").

The amount of money each Settlement Class Participant will receive will depend on the number of Settlement Class Members who timely return valid claim forms. Settlement Class Counsel estimate that Settlement Class Participants will receive approximately a gross amount of \$808.75.

Unless Settlement Class Members exclude themselves from the Settlement as explained below, they will give up all claims (the "Released Claims") against the Released Parties arising out of or relating to the alleged collection, storage, possession, disclosure or use of biometric identifiers or biometric information including fingerprints or finger scanning at the POS Systems of MFI in Illinois, between March 21, 2019 and August 31, 2022, including but not limited to claims under BIPA, or any other federal, state, or local statute, regulation or common law.

The "Released Parties" or Releasees include MFI, their present or former predecessors, successors, assigns, parents, subsidiaries, holding companies, employers, employees, and biometric vendors. The full description of the Releasees and the Released Claims are set forth in the Settlement Agreement.

5. What Are a Settlement Class Member's Options?

- (1) **Submit a claim form.** If you are a Settlement Class Member and want to receive a Settlement Payment, you must return a valid claim form by **October 4, 2025** and a check will be mailed to you at the address provided if the Court grants final approval of the Settlement. Alternatively, you can receive your Settlement Payment through Zelle or Venmo as explained in the Claim Form. If required by law, you may also be sent a 1099 tax reporting form. This is the only way to receive payment.
- (2) **Exclude yourself from the Settlement and receive no money.** If you are a Settlement Class Member and do not want to be legally bound by the Settlement, you must exclude yourself from the Settlement in writing by a request to the Claims Administrator at the below address so that it is postmarked on or before **October 4, 2025**. If you do this, you will NOT get a Settlement Payment. To do so, you must mail your written request for exclusion, which must include: (1) your full name, address, and telephone number (2) the name and number of this case; (3) a statement that you wish to be excluded from the Settlement Class, and (4) it must be signed by you (an electronic signature qualifies). A request to be excluded that is sent to an address other than that designated in this Notice, or that is not postmarked on or before the Objection/Exclusion Deadline, shall be invalid and the person serving such a request shall be considered a member of the Settlement Class and shall be bound as Settlement Class Members by the Settlement Agreement, if approved. If you exclude yourself, you will not receive money from this Settlement, but you will keep your legal rights regarding any claims that you may have against Defendants, and the other Released Parties.
- (3) **Object to the Settlement, the Fee Petition or the Incentive Award.** If you are a Settlement Class Member, you may object to the Settlement, the Fee Petition or the Incentive Award on or before **October 4, 2025**. If you want to object to the Settlement, Fee Petition or the Incentive Award, you must file with the Court on or before October 4, 2025, your Notice of Objection and any papers submitted in support of that objection, and at the same time: (a) file copies of such Notice of Objection papers with the Clerk of the Court; and (b) send copies of such papers by United States mail, hand delivery, or overnight delivery to both Class Counsel and Defendants' Counsel at the following addresses:

Class Counsel:

Lynda J. Grant
The Grant Law Firm, PLLC
521 Fifth Avenue, 17th Floor
New York, NY 10175

Gary Graifman
Kantrowitz, Goldhamer & Graifman, PC
135 Chestnut Road, Suite 200
Montvale, NJ 07645

Defendants' Counsel:

Eric Samore
Michael Chang
Amundsen Davis
150 North Michigan Ave., Suite 3300
Chicago, IL 60601

A copy of the Notice of Objection must also be mailed to the Claims Administrator at the address set forth at the end of this Notice.

Any Settlement Class Member who intends to object to this Settlement Agreement, Fee Petition and/or Incentive Award, must include in any such Notice of Objection: (a) his/her full name, address, and current telephone number; (b) the case name and number of this Lawsuit; (c) the date range during which he/she was employed by Defendants; (d) all grounds for the objection, with factual and legal support for the stated objection, including any supporting materials; (e) the identification of any other objections he/she has filed, or has had filed on his/her behalf, in any other class action cases in the last five years; (f) the objector's signature (electronic signatures are acceptable). If such objecting Settlement Class Member intends to appear, either in person or through counsel, at the Final Approval Hearing, they must file a Notice of Intent to Appear and indicate if any witnesses presented by them will be appearing as well. If represented by counsel, the objecting Settlement Class Member must also provide the name and telephone number of his/her counsel.

- (4) **Do nothing.** If you choose to do nothing, you will still be included in the Settlement Class, but you will not receive any benefits or payments. You will be bound by the Court's judgment of dismissal, and you will release claims against MFI and the Releasees relating to the Released Claims.

6. How do I update my Contact Information?

You must notify the Claims Administrator of any changes in your mailing address so that your Settlement Payment, should you be eligible to receive one, will be sent to the correct address. To update your address, contact the Claims Administrator, listed below.

7. Who Are the Attorneys Representing the Class and How Will They Be Paid?

The Court has appointed Settlement Class Counsel, identified above, to represent Settlement Class Members in this settlement.

Settlement Class Counsel will request up to forty percent (40%) of the total Settlement Fund as attorney's fees plus reimbursement of their out of pocket costs. You may review Settlement Class Counsel's Fee Petition at the Sangamon County Clerk's Office, by requesting the Claims Administrator send a copy of the same to you, or by going to the following website: www.MoFiestaBIPASettlement.com. You may object to the Settlement Class Counsels' Fee Petition as not being fair or reasonable by October 4, 2025.

You also have the right to hire your own attorney at your own expense.

8. When is the Final Approval Hearing?

The Court will hold a hearing in this case on **October 23, 2025 at 10:00 a.m.** to consider, among other things, (1) whether to finally approve the Settlement as fair, reasonable and adequate; (2) whether to approve the Fee Petition as fair and reasonable; and (3) whether to approve an Incentive Fee to the Class Representative of \$2,500 as reasonable; and (4) a request for Settlement Administrator's Costs.

You may appear at the Final Approval Hearing, but you are not required to do so.

9. What If You Have Questions or Want More Information?

If you have any questions or want more information, you may contact the Claims Administrator using the contact information below, and/or review the Settlement Agreement, other relevant documents, and obtain a downloadable copy of the Claim Form, from the website below maintained by the Claims Administrator, or contact Settlement Class Counsel, as indicated above. at:

Claims Administrator

Herman v. Missouri Fiesta, Inc.
c/o Analytics Consulting LLC
P.O. Box 2002

Chanhassen MN, 55317-2002

Phone: 833-350-9904

Email: MoFiestaBIPA@noticeadministrator.com

PLEASE DO NOT CONTACT THE COURT ABOUT THIS SETTLEMENT.