

NOTICE OF CLASS ACTION SETTLEMENT

Stauffer v. Innovative Heights Fairview Heights, LLC, et al., Case No. 3:20-cv-00046-MAB (S.D. Ill.)

1. Introduction

A federal court preliminarily approved a class action settlement between plaintiff and one defendant, Sky Zone Franchise Group, LLC (“Sky Zone”), in the above-referenced lawsuit (the “Lawsuit”). The Court approved this Notice to inform individuals included in the Settlement of their rights.

As described below, **YOU MUST FILE A CLAIM BY JULY 29, 2024 TO RECEIVE A SETTLEMENT PAYMENT.** Before any money is paid, the Court will decide whether to grant final approval of the Settlement.

Note: You may receive a similar notice about a related Settlement in the same Lawsuit involving a different party: Pathfinder Software, LLC. This Notice and Settlement is different from and in addition to any Settlement Funds available from Pathfinder.

2. What Is The Lawsuit About?

The Lawsuit is against multiple defendants asserting violations of the Illinois Biometric Information Privacy Act (“BIPA”). One of the defendants is Sky Zone, a franchisor of recreational facility/trampoline parks throughout the country, including in Illinois. Plaintiff alleges that Sky Zone required its Illinois franchisees to utilize hardware and software that included fingerprint matching and identification technology. The Lawsuit alleges Sky Zone violated BIPA in connection with the scanning of fingerprints by Sky Zone’s franchisees’ employees to, among other things, clock in and out of work. Sky Zone denies any wrongdoing or any violation of the law. The Court did not decide whether Sky Zone violated the law.

3. Who Is In The Settlement Class?

The Settlement Class consists of two groups of people. The first group consists of specific individuals who have been identified from information obtained in the Lawsuit as having scanned one or more fingers into a Sky Zone franchisee’s computer system in Illinois between April 29, 2014, and April 23, 2024. People in the first group do not need to file a claim or take any action to receive their Settlement Payment.

The second group consists of all persons who, at any time from April 29, 2014, through April 23, 2024, scanned one or more fingers into a Sky Zone franchisee’s computer system at any Sky Zone Trampoline Park locations in Elmhurst, Aurora, or Joliet, Illinois. People in the second group will need to file a claim to receive their Settlement Payment.

Settlement Class members in the first group who do not opt out and Settlement Class Members in the second group who timely return a valid Claim Form are collectively referred to as “Settlement Class Participants.”

Our records indicate you may be in the second group and, if so, you will **NEED TO FILE A CLAIM TO RECEIVE A SETTLEMENT PAYMENT ON OR BEFORE JULY 29, 2024.**

4. What Does The Settlement Provide?

The Settlement provides, among other things, for a total payment of \$1,050,000 that Sky Zone has agreed to pay to settle the claims in the Lawsuit. Subject to Court approval, the Gross Settlement Fund shall be reduced to cover litigation costs, Settlement Administrator’s costs, and a Service Award to Class Representative Madisyn Stauffer, and by an award of up to one third of the total Settlement for Settlement Class Counsel’s attorney fees. Following these reductions, the remaining amount shall be the Net Settlement Fund, which shall be distributed equally to the Settlement Class Participants. No money from the Settlement will be returned to Sky Zone. The exact number of Settlement Class Participants, and the amount of money each Settlement Class Participant will receive will not be known until a later date. Settlement Class Counsel estimate that Settlement Class Participants will receive at least \$350 and could receive approximately \$650 or more each. Please consult your tax advisor regarding the tax consequences and obligations related to the payment.

5. What Are My Options?

You have the choice of **participating** in the Settlement, **excluding yourself** from the Settlement, or **objecting** to the Settlement. Please review a list of your options below.

- a. **File Claim to receive Settlement Payment.** To receive a Settlement Payment, *you must complete and submit online, or postmark and mail for return, a Claim Form on or before **July 29, 2024***. You may return the paper Claim Form accompanying this Notice. Or you may complete and submit a Claim Form online by scanning the QR code at the top of page 1 of this Notice, or by visiting the Settlement Website: www.skyBIPAsettlement.com. If you are a Settlement Class Member and timely return a completed Claim Form, and if the Court grants final approval of the Settlement, you will receive money from the Settlement and be bound by all orders and judgments of the Court.
- b. **Do Nothing.** You may choose to do nothing. If you do nothing, you will receive no money from the Settlement, but you will still be bound by all orders and judgments of the Court. You will not be able to file or continue a Lawsuit against Sky Zone regarding any legal claims released in this Settlement.
- c. **Exclude yourself from the Settlement.** You may exclude yourself from the Settlement by mailing or emailing the Settlement Administrator (contact information below) on or before **July 15, 2024**. If you do this, you will NOT receive a Settlement Payment and will not be bound by the Settlement. You must include your name, address, telephone number, email, a clear and unequivocal statement that you wish to be excluded, and your (or your authorized representative's) actual or digital signature. A request to exclude cannot be made on behalf of a group of persons.
- d. **Object to the Settlement.** If you are a Settlement Class Member, you may object to the Settlement on or before **July 15, 2024**. If you want to object to the Settlement, you must mail or email a written objection to the Settlement Administrator (contact information below), which includes your full name, address, telephone number, email, proof of membership in the Settlement Class, a statement of each objection, and a statement of the specific basis for each objection including any legal and factual support the objector wishes to bring to the Court's attention, and your (or your authorized representative's) handwritten signature. An objection cannot be made on behalf of a group of persons. If you exclude yourself from the Settlement, you cannot file an objection.

Each choice has risks and consequences. Unless you exclude yourself, you are staying in the Settlement Class and agreeing to release Sky Zone as set forth in the Settlement Agreement if the Court approves the Settlement. This means that you can't sue, continue to sue, or be part of any other lawsuit against Sky Zone about the legal issues related to this case. It also means that all of the Court's orders will apply to you and legally bind you.

6. Who Are The Attorneys For The Class And How Will They Be Paid?

The Court has appointed the following Settlement Class Counsel to represent the Settlement Class in this Settlement:

GOLDENBERG HELLER & ANTOGNOLI, P.C.
Kevin P. Green; Richard S. Cornfeld; Thomas C. Horscroft; Daniel S. Levy
2227 South State Route 157, Edwardsville, Illinois 62025

Settlement Class Counsel will request up to one-third of the total Settlement amount as attorney fees, plus reimbursement of litigation costs and payment of a Service Award to Plaintiff and the Settlement Administrator's costs. The request for such amounts ("Fee Petition") will be added to the Settlement Website after it is filed and is to Court approval.

7. When Is The Final Approval Hearing?

The Court will hold a hearing in this case on **August 21, 2024 at 10:00 a.m.**, to consider whether to finally approve (1) the Settlement; and (2) the Fee Petition. You may appear at the final approval hearing, but you are not required to do so.

8. Who Is The Settlement Administrator And Are There More Details About The Settlement?

This Notice summarizes the proposed settlement. More details can be found in the Settlement Agreement and other documents that can be found on the Settlement Website: www.skyBIPAsettlement.com. If you have questions concerning this notice that are not answered by the Settlement Website you may also contact the Settlement Administrator at:

**Sky Zone BIPA Settlement
c/o Atticus Administration, LLC
PO Box 64053
St. Paul, MN 55164
1-888-205-6166**

skyBIPAsettlement@atticusadmin.com

******NO INQUIRIES SHOULD BE DIRECTED TO THE CLERK OF THE COURT OR TO THE JUDGE******