

## NOTICE OF CLASS ACTION SETTLEMENT

*Martinez, et al. v. Nando's Restaurant Group, Inc.*  
Case No. 1:19-cv-07012

ABC1234567890

Claim Number: 1111111



JOHN Q CLASSMEMBER  
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ANYTOWN, ST 12345

The United States District Court for the Northern District of Illinois preliminarily approved a class action settlement in the case *Martinez v. Nando's Restaurant Group, Inc.*, Case No. 1:19-cv-07012 (the "Lawsuit"). You are receiving this notice because records show that you worked at Nando's Restaurant Group, Inc. ("Nando's") during the time period covered by the lawsuit and are a class member. While Nando's does not admit liability or fault, Nando's has agreed to settle the Lawsuit. This notice explains your options. You may: (1) do nothing and get a settlement payment; (2) exclude yourself from the settlement and not receive a settlement payment; or (3) object to the settlement. Before any money is paid, the Court will decide whether to grant final approval of the settlement.

### What Is this Lawsuit About?

The Lawsuit alleges that Nando's violated the Illinois Biometric Information Privacy Act ("BIPA") by requiring employees to use a fingertip scanning feature of the Point of Sale device at any Nando's location in the state of Illinois that allegedly collected, stored, and transferred their biometric data without following the notice and consent requirements of BIPA. Nando's has denied all liability and wrongdoing. Both sides agreed to the settlement to resolve the case. The Court did not decide whether Nando's 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).

### Who Is Included in the Settlement?

The settlement includes all individuals who worked at a Nando's restaurant in Illinois and who enrolled in the fingertip scanning feature of a Point of Sale device at any Nando's location in the state of Illinois from May 20, 2015 to October 1, 2019 ("Settlement Class").

### What does the Settlement Provide?

The parties estimate that about \$917,380.90 ("Net Settlement Amount") will be available for distribution to Settlement Class Members. The Net Settlement Amount is the Settlement Fund, estimated to be \$1,427,000, minus the following deductions, which are subject to Court approval: up to \$25,000 for the Settlement Administrator's costs; up to \$7,500 for the incentive award for the Class Representative, and up to one-third (33 1/3%) of the Settlement Fund as Class Counsel's attorneys' fees, and \$1,500 in litigation costs. **Your estimated recovery in this settlement is \$642.87.** Your recovery was calculated by dividing the Net Settlement Amount equally among the Settlement Class. The Net Settlement Amount will be paid to you over two distributions made eighteen (18) months apart.

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

Unless you exclude yourself from the settlement as explained below, you will release Nando's and any of its predecessors and successors and, in their capacities as such, all of its present, past, and future directors, officers, employees, representatives, attorneys, insurers, reinsurers, agents, vendors, and assigns, as well as all of these entities' affiliates, parent or controlling corporations, partners, divisions and subsidiaries ("Released Parties") from all Released Claims. "Released Claims" means any and all causes of actions or claims against the Released Parties whatsoever arising out of, relating to, or connected with the alleged capture, collection, storage, possession, transmission, disclosure, re-disclosure, dissemination, protection, conversion and/or use of data collected in connection with the finger-scan Point of Sale system at Nando's locations, including but not limited to causes of action or claims under the Illinois Biometric Information Privacy Act, 740 ILCS 14/1 *et seq.* ("BIPA") or any related or similar statutes or common law. Released Claims also include without limitation all causes of action or claims that arise from, are connected or associated with, or are related to the claims (whether common law and/or statutory) that were or could have been asserted in the Action, regardless of whether such claims are known or unknown, filed or unfiled, asserted or as of yet unasserted, existing or contingent, whether in contract, tort, or otherwise, including statutory, common law, property, employment related, and any additional constitutional, common law, and/or statutory claims. For the avoidance of doubt, "Released Claims" includes any current or future claim that is based on the same or a series of related or repeated acts, errors or omissions, or from any continuing acts, errors or omissions, that were alleged in the Action.

### What Are Your Options?

- (1) If you want to participate in the settlement and receive a settlement payment, do nothing. A check will be mailed to you if the Court grants final approval of the settlement.
- (2) If you do not want to be legally bound by the settlement, you must exclude yourself by **August 31, 2020 (Objection/Opt-Out Deadline)**. To be valid, any request for exclusion must: (a) be in writing; (b) identify the case name and number *Martinez v. Nando's Restaurant Group, Inc.*, No. 1:19-cv-07012, (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/Opt-Out 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 *Martinez v. Nando's Restaurant Group, Inc.*, Case No. 1:19-cv-07012." If you exclude yourself, you will not receive money from this settlement, but you will retain your legal rights regarding any claims that you may have against Nando's. Requests for exclusion must be mailed to the Settlement Administrator at the address below:

Martinez v Nando's Restaurant Group, Inc.  
c/o Analytics Consulting LLC  
P.O. Box 2002  
Chanhassen, MN 55317-2002  
Email: NandosBIPA@noticeadministrator.com  
Phone: 855-913-0120

- (3) You may object to the settlement by **August 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/Opt-Out 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

### **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 will be sent to the correct address.

Martinez v Nando's Restaurant Group, Inc.  
c/o Analytics Consulting LLC  
P.O. Box 2002  
Chanhassen, MN 55317-2002  
Email: [NandosBIPA@noticeadministrator.com](mailto:NandosBIPA@noticeadministrator.com)  
Phone: 855-913-0120

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

The Court will hold a hearing in this case on October 28, 2020, in Courtroom 1403 of the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, Illinois 60604 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 \$1,427,000 Settlement Fund as attorneys' fees and up to \$1,500 in litigation costs; (3) a request for incentive award of \$7,500 for the Class Representative from the Settlement Fund in recognition of her work in recovering money for the Settlement Class; and (4) a request for up to \$25,000 in 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.