

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS, LAW DIVISION**

ANGELA KARIKARI, individually and on)
behalf of all others similarly situated,)
)
Plaintiff,)
)
v.)
)
CARNAGIO ENTERPRISES, INC.,)
)
Defendant.)

No. 2019 L 000168

FILED
JUL 13, 2022 02:38 PM
Candice Adams
CLERK OF THE
18TH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS

ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT

This matter coming before the Court on Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement and Notice to the Class" (the "Motion"), after review and consideration of the Settlement Agreement, and after hearing statements of the parties' attorneys in open court on July 13, 2022, and having been fully advised in the premises, IT IS HEREBY ORDERED and adjudged as follows:

1. Pursuant to 735 ILCS 5/2-801 and 735 ILCS 5/2-802, the settlement of this action, as embodied in the terms of the Settlement Agreement attached to the Motion, is preliminarily approved as a fair, reasonable, and adequate settlement in the best interests of the Settlement Class, in light of the factual, legal, practical, and procedural considerations raised. The Settlement Agreement is incorporated by reference into this Order (with capitalized terms as set forth in the Settlement Agreement) and is hereby preliminarily adopted as an Order of this Court.

2. Pursuant to 735 ILCS 5/2-801 and 735 ILCS 5/2-802, by stipulation of the parties, and for the purpose of settlement, the Court certifies the following class:

All persons employed by Carnagio Enterprises, Inc. who logged onto, interfaced with, or used any software, systems, or devices that used the individual's finger, hand, face, retina, or any biometric identifier of any type in any restaurant owned by Carnagio Enterprises, Inc. and did not sign a written consent before use of the biometric systems, between February 11, 2014 and the date of preliminary approval. ("Class Members").

Excluded from the Settlement Class are (1) Defendant, any parent, subsidiary, affiliate, or controlled person of Defendant, as well as its attorneys, officers, directors, or agents, and the immediate family members of such persons; (2) the named counsel in the Action and any employee of their office or firm; and (3) the judge(s) assigned to the Action and his or her staff.

3. Certification for purposes of settlement is appropriate because (a) the Settlement Class is so numerous that joinder of all members is impractical; (b) there are questions of law and fact common to the class and they predominate over any questions affecting only individual class members; (c) Plaintiff's claims are typical of the claims of the class; (d) Plaintiff and her attorneys will fairly and adequately protect the interests of the class; and (e) a class action is the superior means of resolving this controversy.

4. The Court appoints Angela Karikari, as the "Class Representative" and appoints Plaintiff's attorney (David J. Fish and Mara A. Baltabols of Fish Potter Bolaños, P.C. and David M. Oppenheim of Bock, Hatch & Oppenheim, LLC) as Class Counsel.

5. The Court finds that the Settlement Agreement's plan for class notice is the best notice practicable under the circumstances and satisfies the requirements of due process and 735 ILCS 5/2-801 and 735 ILCS 5/2-802. That plan is approved and adopted. This Court further finds that the Class Notice (attached to the Settlement Agreement as Exhibit 2), and the Claim Form (attached to the Settlement Agreement as Exhibit 3), comply with 735 ILCS 5/2-801 and 735 ILCS 5/2-802, are appropriate as part of the notice plan, and are approved and adopted. The Court orders that the parties provide the notice to the Class as proposed.

6. By this Order, the Court hereby orders that the Class Notice and Claim Form shall be sent by U.S. Mail to the addresses associated with each class member as reflected in Defendant's records. The Settlement Administrator shall use reverse lookup to ascertain mailing addresses for any persons on the Class List for whom that information is incomplete or incorrect and shall verify information from Defendant's records using the National Change of Address Database. The Class Notice and Claim Form shall also be sent via e-mail to class members to whom the mail notice is returned as undeliverable and for whom an e-mail address is available in Defendant's records. The Class Notice and Claim Form shall also be made available on the Settlement Administrator's website, along with a copy of the Settlement Agreement. The Court finds and orders that no other notice is necessary.

7. The Class Notice informs members of the Settlement Class of their right to object to the proposed settlement. An objection must be signed under penalties of perjury and identify the following information or else the Court will disregard and

strike the submitted objection as invalid: (1) the objector's name, address, fax number(s), and telephone number, (2) the specific date(s) when the objector worked for Carnagio, (3) all attorneys who assisted the objector in preparing or filing the objection, (4) a list of all other class action cases in which the objector or their attorneys have submitted an objection to a settlement, and (5) a statement of the reasons why the objector contends the Court should find that the proposed settlement is not fair, reasonable, adequate, and in the best interests of the Settlement Class.

8. The Court hereby sets deadlines and dates for the acts and events set forth in the Settlement Agreement and directs the Parties to incorporate the deadlines and dates in the Class Notice:

- (a) Notice shall be sent no later than **July 27, 2022**;
- (b) Claim Forms must be submitted to the Settlement Administrator by **September 26, 2022** or be forever barred;
- (c) Objections and motions to intervene shall be filed in this Court and postmarked and served on Class Counsel and Defendant's counsel on or before **September 26, 2022**;
- (d) Memoranda regarding objections or motions to intervene must be filed in this Court, and postmarked and served on the Settlement Administrator, Class Counsel and Defendant's counsel on or before **October 12, 2022**, or be forever barred;
- (e) Requests by any Class member to opt out of the settlement must be submitted to the Settlement Administrator on or before **September 26, 2022**

or be forever barred. The Court shall rule on all requests for exclusion or opt outs on **October 19, 2022 at 9:00 a.m.**; and

(f) The Fairness Hearing, set forth in the Class Notice, is hereby scheduled for **October 19, 2022, at 9:00 a.m.** in Room 2016.

BY ORDER OF THE COURT



Honorable Judge

Dated: 7-13-22