

CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Sekura v. Krishna Schaumburg Tan, Inc., Case No. 2016-CH-04945

**IF YOU USED A FINGERPRINT SCANNER TO CHECK IN AT THE LA TAN
LOCATED AT 301 SOUTH ROSELLE ROAD, SCHAUMBURG, ILLINOIS 60193
BETWEEN JANUARY 1, 2012 AND DECEMBER 2, 2021,
A CLASS ACTION SETTLEMENT MAY AFFECT YOUR RIGHTS.**

This is an official court Notice. You are not being sued. This is not an ad for a lawyer.

- A Settlement has been reached in a class action lawsuit between Krishna Schaumburg Tan, Inc. (“Defendant” or “Krishna Schaumburg Tan”) and its customers who used a fingerprint scanner to check in before tanning at its LA Tan location—located at 301 South Roselle Road, Schaumburg, Illinois 60193. The suit claims that Krishna Schaumburg Tan violated an Illinois law called the Biometric Information Privacy Act (“BIPA”) by collecting customers’ fingerprint data through its finger-scanning customer identification system at its LA Tan location without obtaining their informed written consent. Krishna Schaumburg Tan denies any wrongdoing and says that it has not violated any laws. The Settlement does not establish who is right or wrong, but rather is a compromise to end the lawsuit and avoid the uncertainties and expenses that come with continuing on in court.
- You are included in the Settlement if you used a biometric finger-scanning device located at the LA Tan tanning salon located at 301 South Roselle Road, Schaumburg, Illinois 60193 between January 1, 2012 and December 2, 2021.
- If you’re eligible and the Court approves the Settlement, a Settlement payment will automatically be sent to you for approximately \$465, after deducting the payment of the costs, administration expenses, and legal fees. If you do nothing, a check will be mailed to you at your last known address. You can request to update your address on the “Contact” page of the Settlement Website, KrishnaTanBIPASettlement.com. If instead of a check you would prefer to receive your payment through Venmo, Zelle, Paypal, Prepaid Mastercard, or ACH Direct Deposit please visit the “Request Payment Method” page of the Settlement Website, where you may select your preferred payment method. In addition to the Settlement payments, under the Settlement, Krishna Schaumburg Tan has also agreed to comply with BIPA in the future.
- Please read this Notice carefully. Your legal rights are affected whether you act, or don’t act.

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YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING	You will receive a payment under the Settlement and give up your rights to sue Defendant about the issues in this case.
EXCLUDE YOURSELF	You will receive no payment, but you will retain any rights you currently have to sue Defendant about the issues in this case.
OBJECT	Write to the Court explaining why you don't like the Settlement.
ATTEND A HEARING	Ask to speak in Court about the fairness of the Settlement.

These rights and options—and the deadlines to exercise them—are explained in this Notice.

BASIC INFORMATION

1. What is this Notice and why should I read it?

A Court authorized this Notice to let you know about a proposed Settlement with the Defendant. You have legal rights and options that you may act on before the Court decides whether to approve the proposed Settlement. You may be eligible to receive a cash payment as part of the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

Judge David B. Atkins of the Circuit Court of Cook County, Illinois is overseeing this class action. The case is called *Sekura v. Krishna Schaumburg, Inc.*, Case No. 2016-CH-04945. The person who filed the lawsuit, Klaudia Sekura, is the Plaintiff. The company she sued, Krishna Schaumburg Tan, Inc., is the Defendant. Krishna Schaumburg Tan, Inc. operates an LA Tan tanning salon at 301 South Roselle Road, Schaumburg, Illinois 60193. This is a separate settlement from one involving L.A. Tan Enterprises, for which you may previously have received notice and a payment.

2. What is a class action lawsuit?

A class action is a lawsuit in which one or more plaintiffs—in this case, Klaudia Sekura—sue on behalf of a group of people who have similar claims. Together, this group is called a “Class” and consists of “Class Members.” In a class action, the court resolves the issues for all class members, except those who exclude themselves from the class. After the Plaintiff and the Defendant reached an agreement to settle this case, the Court granted preliminary approval of the Settlement and recognized it as a case that should be treated as a class action for settlement purposes.

THE CLAIMS IN THE LAWSUIT AND THE SETTLEMENT

3. What is this lawsuit about?

This lawsuit alleges that Defendant violated an Illinois law called the Biometric Information Privacy Act (“BIPA”) by using finger-scanning devices at its LA Tan tanning salon to identify its customers without complying with the law’s requirements. That law says companies can’t collect, store, or give out “biometric information,” which includes things like face, hand, or fingerprint scans, without first giving notice, getting consent, and posting a policy about what they will do with the data.

Defendant denies Plaintiff’s claims of wrongdoing and contends that it violated no laws. No court has decided who is right. The parties are instead entering into the Settlement to avoid the time and expense of continuing to fight in court. The Settlement is not an admission of wrongdoing by Defendant. More information about the complaint in the lawsuit and the Defendant’s position can be found in the Court Documents section of the Settlement Website, KrishnaTanBIPASettlement.com.

WHO’S INCLUDED IN THE SETTLEMENT?

4. Who is included in the Settlement Class?

The Court decided that this Settlement includes all individuals who, between January 1, 2012 and December 2, 2021, used a biometric finger-scanning device located at the LA Tan tanning salon located at 301 South Roselle Road, Schaumburg, Illinois 60193.

5. Who is not included in the Settlement Class?

Excluded from the Settlement Class are (1) any Judge or Magistrate presiding over this action and members of their families, (2) Defendant, Defendant’s subsidiaries, parent companies, successors, predecessors, and any entity in which Defendant or its parents have a controlling interest, (3) persons who properly execute and file a timely request for exclusion from the Settlement Class, and (4) the legal representatives, successors or assigns of any such excluded person.

6. How do I know if I am in the Settlement Class?

If you used a finger scanner to check in at the LA Tan tanning salon located at 301 South Roselle Road, Schaumburg, Illinois 60193 between January 1, 2012 and December 2, 2021, and are not subject to any of the exclusions above, then you are a member of the Settlement Class and are entitled to a cash payment. If you received a Notice of the Settlement in the mail, our records indicate that you are a Settlement Class member and are included in the Settlement. You may email the Settlement Administrator using the “Contact” section of the Settlement Website, KrishnaTanBIPASettlement.com, to ask whether you are a member of the Settlement Class.

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

Cash Payments to Class Members: If the Court approves the Settlement, Defendant has agreed to create a \$1,995,000 “Settlement Fund.” Class Counsel expect that each Class Member will receive a Settlement payment of approximately \$465 after all fees and costs are deducted.

Agreement on Future Conduct: As part of the Settlement, Krishna Schaumburg Tan has agreed to destroy all biometric data collected from individuals in Illinois in its possession. Krishna Schaumburg Tan stopped using finger-scanning devices in March of 2016, but further agrees under the Settlement that, if it ever goes back to using biometric technology, it will comply with BIPA going forward by obtaining written releases from all Illinois customers who use biometric devices, making BIPA-required disclosures, destroying biometric data that it no longer needs, and establishing a publicly-available retention policy.

HOW TO GET BENEFITS

8. How do I get a payment?

If you are a Class Member, you will receive a Settlement payment automatically. You have several options for your payment method. If you do nothing, a check will be mailed to you at your last known address. You can request to under the “Contact” section of the Settlement Website. Simply fill out a Contact Form with your request and updated address. If instead of a check you would prefer to receive your payment through Venmo, Zelle, Paypal, Prepaid Mastercard, or ACH Direct Deposit please visit the “Request Payment Method” section of the Settlement Website, KrishnaTanBIPASettlement.com and select your payment method.

9. When will I get my payment?

The hearing to consider the fairness of the Settlement is scheduled for **March 17, 2022** at 11:00 AM. If the Court approves the Settlement, and there are no objections to the Settlement, eligible Class Members will automatically be sent their payment within 60 days via check or the electronic payment method they chose (*see* Question 8 above). Please be patient. All checks will expire and become void 90 days after they are issued. Any electronic deposit unable to be processed within 90 days of the first attempt will expire and become void. Uncashed checks and electronic payments unable to be processed will be donated to the Illinois Bar Foundation, pending Court approval.

THE LAWYERS REPRESENTING YOU

10. Do I have a lawyer in the case?

Yes, the Court has appointed lawyers Jay Edelson, J. Eli Wade-Scott, and Schuyler Ufkes of Edelson PC as the attorneys to represent you and other Class Members. These attorneys are called “Class Counsel.” In addition, the Court appointed Plaintiff Klaudia Sekura to serve as the Class Representative. She is a Class Member like you. Class Counsel can be reached by calling 1-866-354-3015.

11. Should I get my own lawyer?

You don’t need to hire your own lawyer because Class Counsel is working on your behalf. You may hire your own lawyer, but if you want your own lawyer, you will have to pay that lawyer.

12. How will the lawyers be paid?

Class Counsel will ask the Court for attorneys’ fees and expenses of up to 35% of the Settlement Fund and will also request an incentive award of \$5,000 for the Class Representative. The Court will determine the proper amount of any attorneys’ fees and expenses to award Class Counsel and the proper amount of any award to the Class Representative. The Court may award less than the amounts requested.

YOUR RIGHTS AND OPTIONS

13. What happens if I do nothing at all?

If you do nothing, you will be a Settlement Class Member, and if the Court approves the Settlement, you will automatically receive a payment and you will also be bound by all orders and judgments of the Court. Unless you exclude yourself, you won't be able to start a lawsuit or be part of any other lawsuit against Krishna Schaumburg Tan or any other related entity for the claims or legal issues being resolved by this Settlement.

14. What happens if I ask to be excluded?

If you exclude yourself from the Settlement, you will receive no payment under the Settlement, and you will no longer be a Settlement Class Member. You will keep any right you may have to start your own lawsuit against Krishna Schaumburg Tan for the same legal claims at issue in this lawsuit. You will not be legally bound by the Court's judgments related to the Settlement Class and the Defendant in this class action.

15. How do I ask to be excluded?

You can mail or email a letter stating that you want to be excluded from the Settlement. Your letter must: (1) be in writing, (2) identify the case name, "*Sekura v. Krishna Schaumburg Tan*, Case No. 2016-CH-04945 (Cir. Ct. Cook Cty., Ill.)," (3) state your full name and current address, (4) be signed by you, and (5) be postmarked or received by the Settlement Administrator on or before **February 24, 2022**. Your request to be excluded must also include a statement to the effect that: "I hereby request to be excluded from the proposed Settlement Class in *Sekura v. Krishna Schaumburg Tan*, Case No. 2016-CH-04945 (Cir. Ct. Cook Cty., Ill.)." You must mail or email your exclusion request no later than **February 24, 2022** to:

Sekura v. Krishna Schaumburg Tan, Inc.
Settlement Administrator
PO Box 5324
New York, NY 10150-5324

or

info@KrishnaTanBIPASettlement.com

You can't exclude yourself over the phone.

16. If I don't exclude myself, can I sue Krishna Schaumburg Tan for the same thing later?

No. Unless you exclude yourself, you give up any right to sue Krishna Schaumburg Tan and any other released party for the claims being resolved by this Settlement.

17. If I exclude myself, can I get anything from this Settlement?

No. If you exclude yourself, you will not receive a payment.

18. How do I object to the Settlement?

If you do not exclude yourself from the Settlement Class, you can object to the Settlement if you don't like any part of it. You can give reasons why you think the Court should deny approval by filing an objection. To object, you must file a letter or brief with the Court stating that you object to the Settlement in *Sekura v. Krishna Schaumburg Tan*, Case No. 2016-CH-04945 (Cir. Ct. Cook Cty., Ill.), no later than **February 24, 2022**. Your objection must be e-filed or delivered to the Court at the following address:

Clerk of the Circuit Court of Cook County - Chancery Division
Richard J. Daley Center, 8th Floor
50 West Washington Street
Chicago, Illinois 60604

The objection must be in writing, must be signed, and must include the following information: (1) your full name and current address, (2) a statement that you believe yourself to be a member of the Settlement Class, (3) the specific grounds for your objection, (4) all documents or writings that you desire the Court to consider, (5) 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 your objection or who may profit from the pursuit of your objection, and (6) a statement indicating whether you (or your counsel) intend to appear at the Final Approval Hearing. If you are represented by a lawyer, he or she must file an appearance or seek *pro hac vice* admission to practice before the Court, and electronically file the objection.

In addition to filing your objection with the Court, you must send via mail, email, or delivery service, by no later than **February 24, 2022**, copies of your objection and any supporting documents to both Class Counsel and the Defendant's lawyers at the addresses listed below:

Class Counsel	Defense Counsel
Schuyler Ufkes <i>sufkes@edelson.com</i> EDELSON PC 350 North LaSalle Street, 14th Floor Chicago, IL 60654	Laura A. Elkayam <i>lelkayam@muchlaw.com</i> MUCH SHELIST, PC 350 North Wacker Drive, Suite 1800 Chicago, IL 60606

Class Counsel will file with the Court and post on the Settlement Website its request for attorneys' fees and incentive award on **February 10, 2022**.

19. What's the difference between objecting and excluding myself from the Settlement?

Objecting simply means telling the Court that you don't like something about the Settlement. You can object only if you stay in the Settlement Class as a Class Member. Excluding yourself from the Settlement Class is telling the Court that you don't want to be a Settlement Class Member. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

20. When and where will the Court decide whether to approve the Settlement?

The Court will hold the Final Approval Hearing at 11:00 AM on **March 17, 2022** before the Honorable David B. Atkins in Room 2102 at the Richard J. Daley Center, 50 West Washington Street, Chicago, Illinois 60602. The purpose of the hearing is for the Court to determine whether the Settlement is fair,

reasonable, adequate, and in the best interests of the Class. At the hearing, the Court will hear any objections and arguments concerning the fairness of the proposed Settlement, including those related to the amount requested by Class Counsel for attorneys' fees and expenses and the incentive award to the Class Representative.

Note: The date and time of the Final Approval Hearing are subject to change by Court Order. Any changes will be posted at the Settlement Website, www.KrishnaTanBIPASettlement.com.

21. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. You are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as your written objection was filed or mailed on time and meets the other criteria described in the Settlement, the Court will consider it. You may also pay a lawyer to attend, but you don't have to.

22. May I speak at the hearing?

Yes. If you do not exclude yourself from the Settlement Class, you may ask the Court for permission to speak at the hearing concerning any part of the proposed Settlement. If you filed an objection (*see* Question 18 above) and intend to appear at the hearing, you must state your intention to do so in your objection.

GETTING MORE INFORMATION

23. Where do I get more information?

This Notice summarizes the proposed Settlement. More details, including the Settlement Agreement and other documents are available at www.KrishnaTanBIPASettlement.com or at the Clerk's Office in the Richard J. Daley Center, 50 West Washington Street, Chicago, Illinois 60602, between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Court holidays and any closures as a result of the COVID-19 pandemic. You can also contact Class Counsel at 1-866-354-3015 with any questions.

PLEASE DO NOT CONTACT THE COURT, THE JUDGE, THE DEFENDANT OR THE DEFENDANT'S LAWYERS WITH QUESTIONS ABOUT THE SETTLEMENT OR DISTRIBUTION OF SETTLEMENT PAYMENTS.