

## 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, Innovative Heights Fairview Heights, LLC (“Innovative Heights”), in the above-referenced lawsuit (the “Lawsuit”). The Court approved this Notice to inform individuals included in the Settlement of their rights. As described in more detail below, you may do one of the following:

<b>PARTICIPATE (NO ACTION REQUIRED)</b>	You will receive a Settlement Payment. You will remain in the Class and be subject to the Settlement Agreement.
<b>EXCLUDE YOURSELF</b>	You will not receive a Settlement Payment. You will not remain in the Class and will not be subject to the Settlement Agreement.
<b>OBJECT</b>	You will remain a part of the Class and will receive any Settlement Payment that is approved by the Court if your objection is overruled.

Before any money is paid, the Court will decide whether to grant final approval of the Settlement. *Note: You may receive notice about a related Settlement in this lawsuit involving different parties: Pathfinder Software, LLC and Sky Zone Franchise Group, LLC. This Notice and Settlement is different from and in addition to any Settlement Funds available from these other parties.*

### 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 Innovative Heights. Innovative Heights is a recreational facility/trampoline park in Fairview Heights, Illinois. Plaintiff alleges that Innovative Heights violated BIPA in connection with the use of fingerprint scanners to collect fingerprints of its employees in conjunction with tasks such as clocking in and out of work or accessing the computer system. Innovative Heights denies any violation of the law. The Court did not decide whether Innovative Heights violated the law.

### 3. Who Is In The Settlement Class?

The Settlement Class consists of individuals who have been identified as employees of Innovative Heights who scanned one or more fingers into a computer system at Innovative Heights at any time between April 29, 2014 and April 23, 2024. Our records indicate you were an employee of Innovative Heights and a member of the Settlement Class entitled to the Settlement Payment. You do not need to file a claim or take any action to receive a Settlement Payment.

### 4. What Does The Settlement Provide?

The Settlement provides, among other things, for a total payment of \$285,000 that Innovative Heights 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 Members. No money from the Settlement will be returned to Innovative Heights.

The exact amount of money each Settlement Class Member will receive will not be known until a later date. Settlement Class Counsel estimates that Settlement Class Members will receive approximately \$650 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 (by **doing nothing**), **excluding yourself** from the Settlement, or **objecting** to the Settlement. Please review a list of your options below.

- a. **Participate (no action required).** To participate in the Settlement, you do not need to take any action. If you have received this Notice and do nothing, you will automatically receive money from the Settlement if it is approved by the Court and be bound by all orders and judgments of the Court.
- b. **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 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.
- c. **Object to the Settlement.** 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, and the grounds for the objection. 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 Innovative Heights 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 Innovative Heights 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 (the "Fee Petition") will be added to the Settlement Website after it is filed and is subject 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.InnovativeHeightsBIPAsettlement.com](http://www.InnovativeHeightsBIPAsettlement.com). If you have questions about this Notice that are not answered by the Settlement Website, you may also contact the Settlement Administrator at:

**Innovative Heights BIPA Settlement**  
**c/o Atticus Administration, LLC,**  
**PO Box 64053**  
**St. Paul, MN 55164**  
**1-888-205-6166**  
[InnovativeHeightsBIPAsettlement@atticusadmin.com](mailto:InnovativeHeightsBIPAsettlement@atticusadmin.com)

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