

NOTICE OF CLASS ACTION SETTLEMENT

You may benefit from this. Please read it carefully. You are not being sued.

IN THE CIRCUIT COURT OF COOK COUNTY ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

JOSEFINA NERY, individually and on
behalf of other persons similarly situated,

Plaintiff,

v.

MIGHTY CAKE COMPANY LLC,

Defendant.

Case No.: 2022CH01867

NOTICE OF CLASS ACTION SETTLEMENT

TO: All individuals who scanned their finger in Mighty Cake Company LLC’s timekeeping system in Illinois between January 9, 2019 to March 4, 2022 without first executing a written consent.

These persons are the “Settlement Class” discussed below.

Excluded from the Settlement Class are (1) any Judge or Magistrate presiding over this Action and members of their families; and (2) the following Persons: Evelyn Llano, Maria D. Martinez, David Corona, Athanasia C. Bastounes Wierzba, Elliot Bastounes, Nick Bastounes, Thomas N. Bastounes, Anthony Campanale, Dawn M. Graunke, Mario Moreno, Panagiotis Prokopis, James W. Stratton, Steve W. Stratton, William J. Stratton, and Claudia Velazquez.

A. WHY HAVE YOU RECEIVED THIS NOTICE? The Court authorized notice of a proposed settlement in a class action lawsuit entitled *Nery v. Mighty Cake Company LLC* Case Number 2022CH01867, that is pending in Cook County, Illinois (“Lawsuit”). The settlement would resolve the Lawsuit brought on behalf of the Settlement Class. You are receiving this notice because you have been identified through Defendant’s records as a Settlement Class Member.

B. WHAT IS THIS LAWSUIT ABOUT? The named plaintiff, Josefin Nery (“Plaintiff”), filed a class action lawsuit alleging that Mighty Cake Company LLC (“Defendant”) collected its employees’ fingerprints without making the disclosures and receiving the written consent required by the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, et seq. (“BIPA”). Defendant denied and continues to deny Plaintiff’s allegations. Notwithstanding their disagreements, the parties have proposed a settlement that, if approved by the Court, will resolve the Settlement Class’ claims relating to the collection of biometric information.

C. WHAT IS THE PROPOSED SETTLEMENT? Without admitting any fault or liability,

and in exchange for a release of all claims relating to the collection of biometric information, Defendant has agreed to make up to \$100,000.00 (the “Settlement Fund”) available to pay Settlement Class Members, to pay a service award to Plaintiff for serving as the “Class Representative,” to pay attorneys’ fees and expenses to Class Counsel, and to pay settlement administration costs. Each person who is successfully delivered notice and who does not timely exclude themselves from the settlement will be entitled to a pro rata share of the Net Settlement Fund, which shall be calculated as follows: the Settlement Fund minus (i) the Incentive Award, (ii) Class Counsel’s requested fees and costs (iii) settlement administration expenses and costs of issuing settlement notice and administration, which amount is then divided by the number of persons successfully delivered notice on the Settlement Class List and who do not elect to be excluded from the settlement.

The Court has preliminarily approved this settlement, subject to a fairness hearing that will occur on **July 10, 2026 at 9:30 a.m.** at the courthouse located at the Cook County Courthouse, 50 West Washington Street, Chicago, IL 60602 via Zoom [Meeting ID: 956 5899 1093 Passcode: 129359].

D. WHAT CAN YOU DO NOW? YOU HAVE THREE OPTIONS.

1. Do nothing. 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. If you do nothing, you will stay in the Settlement Class, be bound by any judgment entered by the Court, and you will release your claims against Defendant about collection of your biometric information.

2. Exclude yourself from the Settlement Class and the settlement. You can exclude yourself from the class action and the settlement by mailing a written request that states you would like to be excluded from the settlement. This request must be postmarked on or before **June 25, 2026**, and it must list your name, fax number(s) (if any), telephone number, street address, the case name and case number (listed at the top of this document), and a statement that you would like to be excluded. You must mail your request for exclusion to:

Mighty Cake Company Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799
(833) 386-6540

3. Object to the settlement in writing. If you object to the settlement, and wish to file an objection rather than excluding yourself, you must submit your objection in writing to the Clerk of the Circuit Court for Cook County, Illinois. Your objection must be postmarked by **June 25, 2026**. You must also serve copies of your objection and any supporting memoranda or materials on the attorneys for the Settlement Class, Roberto Luis Costales, Beaumont Costales LLC, 107 W. Van Buren Street, Suite 209, Chicago, IL 60605 and the attorneys for Defendant, James Wideikis, Costello, Ginex, & Wideikis P.C., 150 N. Wacker Drive, Suite 1400, Chicago, IL 60606, postmarked by the same date. Your objection must be signed under penalties of perjury and must identify (1) your name and address, (2) all attorneys who assisted you in the preparation and filing of your objection, (3) a list of all other class action cases in which you or your attorneys have submitted an

objection to a settlement, (4) a statement of the reasons why you believe the Court should find that the proposed settlement is not fair, reasonable, adequate, and in the best interests of the Settlement Class, and (5) a statement indicating whether you intend to appear at the Final Approval Hearing (either personally or through counsel. If your objection does not comply with these requirements, the Court will strike and disregard your objection. It is not enough to say that you object. You must state the reasons why you believe the Court should reject the settlement.

E. WHO REPRESENTS THE SETTLEMENT CLASS? The Court appointed Plaintiff to be the “Class Representative” and appointed Roberto Luis Costales and William H. Beaumont of Beaumont Costales LLC, located at 107 W. Van Buren Street, Suite 209, Chicago, IL 60605, as “Class Counsel.” At the fairness hearing, Class Counsel will request that the Court approve a service award of \$5,000.00 from the Settlement Fund for the Class Representative’s service on behalf of the Settlement Class. And, Class Counsel will request that the Court award 40% of the Settlement Fund (\$40,000.00) for attorneys’ fees and for out-of-pocket litigation expenses—to be paid from the Settlement Fund.

F. WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT? The Court will hold a hearing to decide whether the proposed settlement is fair and reasonable and should be approved. At that fairness hearing, the Court will hear any objections and arguments about the proposed settlement, including about the attorneys’ fees and expenses requested by Class Counsel and the incentive award requested for the Class Representative. The fairness hearing will take place **July 10, 2026 at 9:30 a.m.** at the courthouse located at the Cook County Courthouse, 50 West Washington Street, Chicago, IL 60602 via Zoom [Meeting ID: 956 5899 1093 Passcode: 129359]. **You do not need to attend this hearing unless you object.** The fairness hearing may be continued to a future date without further notice. If the Court does not approve the settlement, the litigation will proceed as if no settlement has been attempted. If the settlement is not approved, there is no assurance that the Settlement Class will recover more than is provided in the settlement, or anything at all.

G. HOW DO I OBTAIN MORE INFORMATION? This description of the litigation is general and does not cover all of the issues and proceedings. If you have specific questions, you may contact Class Counsel, Roberto Luis Costales and William H. Beaumont of Beaumont Costales LLC by phone at 773-831-8000, by email at rlc@beaumontcostales.com. Include the case number, your name, your fax number, and your telephone number. Or, you may contact the Settlement Administrator, by calling (833) 386-6540. To obtain a copy of the settlement agreement, the Plaintiff’s motion for approval of the settlement, and other court documents you may visit the settlement website at www.mightycakefingerprintsettlement.com. You may also view documents related to the case by visiting the office of the Clerk of the Circuit Court for Cook County, Illinois where files relating to this Lawsuit will be available for inspection and copying at your own expense.

Please do not contact the Clerk of the Court, the Judge, or the Judge’s staff, because they cannot answer your questions or give you advice about this settlement.

BY ORDER OF THE COURT