

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Please read this notice carefully.

You may be entitled to cash payments from a class action settlement if you visited Six Flags Great America in Gurnee, Illinois between October 1, 2013 and December 31, 2018, and scanned your finger or fingers on a finger scanner at the park entry gates.

More information is available at themeparksettlement.com<hyperlink>.

A state court authorized this notice.

This is not a solicitation from a lawyer and is not notice of a lawsuit against you.

A. WHY HAVE YOU RECEIVED THIS NOTICE?

A proposed settlement has been reached in a class action lawsuit about finger scan entry gates used at Six Flags Great America in Gurnee, Illinois. The Court ordered us to send you the notice because your name and other contact information appear in records indicating you visited Six Flags Great America between October 1, 2013, and December 31, 2018, and may have scanned your finger or fingers on a finger scanner at the park entry gates. If you did scan your finger or fingers, that would make you a member of the Settlement Class and a person with a right to submit a claim for payment, to request exclusion from the case, to object to part or all of the settlement, or to do nothing.

Your rights and options, including how to submit a claim for settlement money, are explained in Section E below.

B. WHAT IS THIS LAWSUIT ABOUT?

This is a notice in the lawsuit titled, *Rosenbach v. Six Flags Entertainment Corp., et al.*, Case No. 16-CH-13, Circuit Court for the Nineteenth Judicial Circuit, Lake County, Illinois. Beginning in October 1, 2013, certain guests of Six Flags Great America in Gurnee, Illinois used finger scanners as part of the park entry process for members and season pass holders. In 2016, Stacy and Alexander Rosenbach (“Plaintiff”) filed this class action alleging that Six Flags Entertainment Corporation and Great America LLC (collectively, “Six Flags/Great America”) were collecting finger-scan data without complying with the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, *et seq.* (“BIPA”), which prohibits private entities from collecting, capturing, purchasing, receiving through trade or otherwise obtaining a person’s biometric identifiers or information without first providing that person with written notice of particular information and obtaining his/her written release. Six Flags/Great America have denied that they violated BIPA in any way, denied that the finger scanners collected biometric identifiers or information, and asserted that, in any event, members and season pass holders were provided with written notice and consented to the use of the finger scanners. Notwithstanding their disagreements about the merits of the case,

the parties have proposed a settlement that, if approved by the Court, will resolve all claims about these finger scans.

C. WHY IS THIS A CLASS ACTION?

In a class action lawsuit, one or more people called “Class Representatives” (in this case, Alexander Rosenbach) sue as a lead plaintiff on behalf of people who have similar alleged claims. These people together are called the “Class” or “Class Members.” The companies they sued (in this case, Six Flags/Great America) are called Defendants. The Settlement will be binding on all Class Members except those who exclude themselves, if the Court gives final approval to this settlement and upon favorable resolution following any appeal to a higher Court.

D. WHAT IS THE PROPOSED SETTLEMENT?

Without admitting any fault or liability, and in exchange for a release of the right to sue for any and all claims about alleged biometric data relating to the Great America theme park in Gurnee, Illinois arising from or relating to the finger-scan entry gates used between October 1, 2013 and December 31, 2018, Six Flags/Great America have agreed to make a total of up to \$36,000,000 (the “Settlement Fund”) available to pay class members who submit approved claims, to pay the costs of administering the settlement, to pay a service award to Plaintiff for serving as the “class representative,” and to pay attorney’s fees and expenses to Plaintiff’s attorneys. Defendants have also agreed to place a biometric data retention and destruction policy on the Great America website and to comply with it.

Due to the Covid-19 pandemic, Six Flags Great America has been closed and out of operation. As a result of this disruption to Six Flags Great America’s operations, and continuing uncertainty about future operations, the Settlement Fund is being funded in five annual installments: 2021 (up to \$3.5 million payable 14 business days after the settlement Effective Date); 2022 (up to \$5 million payable on 1-year anniversary of the Effective Date); 2023 (up to \$7.5 million payable on 2-year anniversary of the Effective Date); 2024 (up to \$8.5 million payable on 3-year anniversary of the Effective Date); and 2025 (up to \$11.5 million payable on 4-year anniversary of the Effective Date), for a total of up to \$36 million. Settlement Class Members who submit approved claims will be paid from the Settlement Fund until all eligible claimants have been fully paid or until the Settlement Fund is exhausted.

You must submit a Claim Form to receive money in this settlement. People who first had their finger scanned when entering Six Flags Great America between October 1, 2013, and April 30, 2016 can receive up to \$200, payable in 5 installments. People who first had their finger scanned when entering the park between May 1, 2016, and December 31, 2018 can receive up to \$60, payable in five installments. Your \$200 or \$60 maximum potential award may be reduced *pro rata* if the total dollar value of claims, settlement administration costs, the service award, and attorneys’ fees and expenses together exceed the amount of the Settlement Fund. Payments are per-person, without regard to the number of times the person visited the park or had scanned their finger. Your Claim Form tells you if you are eligible to recover up to \$200 or up to \$60. The Settlement Administrator will compare your information to the information on the Class List to confirm your

eligibility for payment and will determine whether your claim falls within the first group or the second group.

If you submit a Claim Form, the Settlement Administrator might contact you if additional information is required for some reason.

The Court has preliminarily approved this settlement, subject to a fairness hearing that will occur on October 29, 2021 at 9:15 a.m. in Room C-301 in the Circuit Court of Lake County, 18 N. County St., Waukegan, Illinois 60085.

E. WHAT ARE YOUR OPTIONS?

1. Request settlement money by submitting a completed Claim Form.

To claim your share of the settlement funds, click the button below to complete and submit your Claim Form online by October 12, 2021.

You can also complete and postmark, e-mail, send by text, or upload your Claim Form on the settlement website, www.themeparksettlement.com, no later than October 12, 2021. Print or download your Claim Form by clicking the button below, or by contacting the Settlement Administrator at www.themeparksettlement.com or 1-800-391-9724.

You will find submission instructions in the Claim Form. If your claim is approved, you will receive your settlement payments by mailed check if the settlement is given final court approval.

**Click to submit your claim for
settlement money**

2. Do nothing.

If you do nothing, you will stay in the Settlement Class, be bound by any judgment entered by the Court, and you will not be able to sue Six Flags/Great America about the collection, use, or storage of your finger-scan data, but you will receive no payment unless you submit a completed Claim Form by October 12, 2021.

3. Exclude yourself from the Settlement Class and the case.

You can exclude yourself from the class action and the case by sending your written request to the Settlement Administrator. Your request must be in writing, list your full name and current address, contain a statement to the effect that “I hereby request to be excluded from the Settlement Class in Rosenbach v. Six Flags, 16-CH-13 (Cir. Ct. Lake Cty.),” and it must be signed by the person requesting exclusion. The request must be postmarked and mailed to Theme Park Settlement, c/o A.B. Data, Ltd., P.O. Box 173136, Milwaukee WI, 53217 or e-mailed to exclusions@themeparksettlement.com no later than October 12, 2021. Each person who wants to

be excluded must submit their own request for exclusion and the Court will not accept any mass exclusion requests. This is the only option that allows you to keep any rights you currently may have to sue Six Flags/Great America on your own for the claims released by the Settlement.

4. Object to the settlement in writing.

Objecting is informing the Court you disapprove of the settlement for some reason. If you object to the settlement, and wish to file an objection rather than excluding yourself from the case, you must submit your objection in writing to the Clerk of the Circuit Court of Lake County, 18 N. County St., Waukegan, Illinois 60085. Your objection must be postmarked by July 30, 2021. By the same date, you must send a copy of your objection and all supporting memoranda and materials to the following attorneys by mail or e-mail addressed as follows:

Mark Bulgarelli
Progressive Law Group, LLC
1570 Oak Ave., Ste. 103
Evanston, IL 60201
E-mail:
markb@progressivelaw.com

Phillip A. Bock
Bock Hatch & Oppenheim, LLC
134 N. La Salle St., Ste. 1000
Chicago, IL 60602
E-mail:
service@classlawyers.com

David C. Layden
Jenner & Block LLP
353 N. Clark Street
Chicago, IL 60654
E-mail:
dlayden@jenner.com

You must sign your objection under penalties of perjury and you must identify (1) your full name, current mailing address, telephone number, and e-mail address, (2) an attestation that you scanned your finger at the gates to Six Flags Great America in Gurnee, Illinois; (3) all attorneys who assisted you in the preparation and filing of your objection, (4) a list of all other class action settlements to which you or your attorneys have submitted an objection, and (5) a statement of the specific reasons why you believe the Court should find that this proposed settlement is not fair, reasonable, adequate, and in the best interests of the Settlement Class. 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 all or any part of the settlement. If you hire an attorney in connection with making an objection, that attorney must also file with the court a notice of appearance by the objection deadline of July 30, 2021. You will be solely responsible for payment of fees and expenses your attorney incurs on your behalf. If you exclude yourself, you cannot file an objection. If you file an objection, then you must appear at the final approval hearing before Judge Stacey Seneczko in Courtroom C-301 of the Circuit Court of Lake County, 18 N. County St., Waukegan, Illinois 60085 on October 29, 2021 at 9:15 a.m. You are required to attend this hearing only if you object to the settlement.

F. WHO REPRESENTS THE CLASS?

The Court appointed Plaintiff to be the “Class Representative” and appointed the following law firms as “Class Counsel” to represent the Settlement Class:

Mark A. Bulgarelli
Ilan Chorowsky
Progressive Law Group, LLC
1570 Oak Ave., Ste. 103
Evanston, IL 60201

Phillip A. Bock
David M. Oppenheim
Bock Hatch & Oppenheim, LLC
134 N. La Salle St., Ste. 1000
Chicago, IL 60602

E-mail: markb@progressivelaw.com

E-mail: service@classlawyers.com

You don't need to hire your own lawyer because Class Counsel are working on your behalf. You may hire your own lawyer, but you will have to pay that lawyer yourself. At the fairness hearing, Class Counsel will request that the Court approve an award of \$10,000 from the Settlement Fund for Alexander Rosenbach as a service award for serving as the Class Representative. Class Counsel will also request that the Court award their law firms one third of the Settlement Fund (\$12,000,000) as attorney's fees, plus reimbursement of their documented out-of-pocket litigation expenses not to exceed \$32,500, also to be paid from the Settlement Fund. Because the Settlement Fund is to be made available in five annual installments, Class Counsel will request that the Class Representative award and attorney's fees and expenses be paid in installments. The Court will determine the proper amounts of attorney's 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.

G. WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

The Court will hold a final approval hearing to decide whether the proposed settlement is fair and reasonable and should be approved. At that hearing, the Court will hear any objections and arguments about the proposed settlement, including about the attorney's fees and expenses requested by Class Counsel and the award requested for the Class Representative. The fairness hearing will take place on October 29, 2021, at 9:15 a.m., in Courtroom C-301 of the Circuit Court of Lake County, 18 N. County St., Waukegan, Illinois 60085. Due to the pandemic, the hearing may be by remote means with log-in provided the week prior to hearing at: <https://19thcircuitcourt.state.il.us/2186/Daily-Remote-Court-Session-Schedule-C301>. **You do not need to attend this hearing unless you object.** The final approval hearing may be continued to a future date without further notice, and the hearing may be conducted remotely. Any changes will be posted at the settlement website, www.themeparksettlement.com. 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. If the settlement is approved, payments will be made only after the settlement becomes final. For a status update after October 29, 2021, check the settlement website.

H. HOW DO I OBTAIN MORE INFORMATION?

This description of the litigation is general and does not cover all of the issues and proceedings. The Settlement, including processing claims for settlement awards, is being administered by Theme Park Settlement, c/o A.B. Data, Ltd., P.O. Box 173136, Milwaukee WI, 53217 or e-mailed to info@themeparksettlement.com. You may contact the Settlement Administrator by calling 1-800-391-9724. If you have specific questions, you may also write to Class Counsel at the address above. Include the case number, your name, your email address, and your telephone number. Or, you may call Class Counsel at (312) 787-2717 (Mark Bulgarelli) or 312-658-5501 (Phillip A. Bock). You may find answers to frequently asked questions, a copy of the settlement agreement, and further notices regarding the settlement, on the settlement website,

www.themeparksettlement.com. To review the Class Action Complaint and other documents in this case, you may visit the office of the Clerk of the Circuit Court of Lake County, 18 N. County St., Waukegan, Illinois 60085, where files relating to this lawsuit will be available for inspection and copying at your own expense.

Please do not contact 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
HONORABLE JUDGE STACEY L. SENECKO**