

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Aguilar v. El Popocatepetl Industries Inc. and EMA Group, Inc.,

Case No. 2023CH09384 (Ill. Cir. Ct. Cook Cnty.)

For more information, visit www.bipasettlementpopocatepetl.com

Para una notificación en Español, visitar www.bipasettlementpopocatepetl.com

PLEASE READ THIS NOTICE CAREFULLY. YOU MAY BE ENTITLED TO A CASH PAYMENT FROM EL POPOCATEPETL RELATING TO THE COLLECTION OF YOUR BIOMETRIC DATA. THIS NOTICE EXPLAINS YOUR RIGHTS AND OPTIONS AND THE DEADLINES TO EXERCISE THEM.

This is a court-authorized notice of a proposed class action settlement.

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

WHY DID I GET THIS NOTICE?

This is a court-authorized notice of a proposed settlement of a class action lawsuit in the Circuit Court of the Circuit Court of Cook County, Illinois, captioned *Aguilar v. El Popocatepetl Industries Inc. and EMA Group, Inc.*, Case No. 2023CH09384 before the Honorable William Sullivan. The settlement would resolve a lawsuit brought on behalf of persons who allege that El Popocatepetl Industries Inc. and EMA Group, Inc. (cumulatively “Defendant”) violated the Illinois Biometric Information Act (“BIPA”), 740 ILCS 14/1, *et seq.*, by allegedly possessing, capturing, collecting, storing, using, transmitting, or disseminating “biometric identifiers” and “biometric information,” as those terms are defined in 740 ILCS 14/10. If you received this notice, you have been identified as someone who may have had your biometric identifiers or biometric information collected. The court has granted preliminary approval of the settlement and has conditionally certified the Settlement Class for purposes of settlement only. This notice explains the nature of the class action lawsuit, the terms of the Settlement, and the legal rights and obligations of the Settlement Class Members. Please read the instructions and explanations below so that you can better understand your legal rights.

WHAT IS THIS LAWSUIT ABOUT?

The Illinois Biometric Information Act (“BIPA”), 740 ILCS 14/1, *et seq.*, prohibits private entities from collecting, capturing, purchasing, or receiving biometric information and biometric identifiers (“Biometric Data”) without first obtaining a release from the person from whom the Biometric Data is collected. BIPA also requires private entities to have a publicly available written policy for the retention, storage, and deletion of such Biometric Data. This lawsuit alleges that the Defendant violated BIPA by collecting such data without a release or a compliant, publicly available written policy. The Defendant contests these claims and denies that it violated BIPA.

WHY IS THIS A CLASS ACTION?

A class action is a lawsuit in which an individual called a “Class Representative” brings a single lawsuit on behalf of other people who have similar claims. All of these people together are a “Class” or “Class Members.” Once a Class is certified, a class action Settlement finally approved by the Court resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement Class.

WHY IS THERE A SETTLEMENT?

To resolve this matter without the expense, delay, and uncertainties of litigation, the Parties have reached a Settlement that resolves all claims against the Defendant, its affiliated entities, and the companies that could be deemed to have violated BIPA on behalf of the Defendant. The Settlement requires the Defendant to pay money to the Settlement Class, as well as pay settlement administration expenses, attorneys’ fees and costs to class counsel, and an incentive payment to the class representative, if approved by the court. The Settlement is not an admission of wrongdoing by the Defendant and does not imply that there has been, or would be, any finding that the Defendant violated the law.

The court has already preliminarily approved the Settlement. Nevertheless, because the settlement of a class action determines the rights of all members of the settlement class, the court overseeing this lawsuit must give final approval to the Settlement

Questions? Call the Settlement Administrator toll-free at 888-461-4547.

before it can be effective. The court has conditionally certified the Settlement Class for settlement purposes only, so that members of the Settlement Class can be given this notice and the opportunity to exclude themselves from the Settlement Class or to voice their support or opposition to final approval of the Settlement. If the court does not give final approval to the Settlement, or if it is terminated by the Parties, the Settlement will be void, and the lawsuit will proceed as if there had been no settlement and no certification of the Settlement Class.

WHO IS IN THE SETTLEMENT CLASS?

You are a member of the Settlement Class if your Biometric Data was possessed, captured, collected, stored, used, transmitted, or disseminated by or on behalf of El Popocatepetl or its biometric technology between November 14, 2018, and July 31, 2026.

WHAT ARE MY OPTIONS?

(1) Accept the Settlement and File a Claim.

To accept the Settlement, you must submit a Claim Form by the Claims Deadline, which is **September 30, 2026**. You may obtain a Claim Form at www.bipasettlementpopocatepetl.com and you must submit your completed Claim Form by U.S. mail or via email to the Settlement Administrator at Aguilar v. El Popocatepetl Industries Inc. and EMA Group, Inc. c/o Analytics Consulting LLC, PO Box 2002, Chanhassen, MN 55317-2002, Email: BIPASettlementPopocatepetl@noticeadministrator.com. If the Settlement is approved and your claim is deemed valid, a check will be mailed to you. ***Timely submitting a valid Claim Form is the only way to receive a payment from this Settlement, and it is the only thing you need to do to receive a payment.***

(2) Exclude yourself.

You may exclude yourself from the Settlement. If you do so, you will not receive any cash payment, but you will not release any claims you may have against the Defendant and the Released Parties (as that term is defined in the Settlement Agreement) and are free to pursue whatever legal rights you may have by pursuing your own lawsuit against the Released Parties at your own risk and expense. To exclude yourself from the Settlement, you must mail a signed letter to the Settlement Administrator at Aguilar v. El Popocatepetl Industries Inc. and EMA Group, Inc. c/o Analytics Consulting LLC, PO Box 2002, Chanhassen, MN 55317-2002, Email: BIPASettlementPopocatepetl@noticeadministrator.com, postmarked by **September 30, 2026**. The exclusion letter must state that you exclude yourself from this Settlement and must include the name and case number of this litigation, as well as your full name and address, a signature, the name and number of this Lawsuit, and a statement that you wish to be excluded from the Settlement Class and do not want to become a Settlement Class Member. The request for exclusion must be personally signed by you, as the individual requesting exclusion.

(3) Object to the Settlement.

If you wish to object to the Settlement, you must submit your objection in writing to the Clerk of the Court of the Circuit Court of Cook County, Illinois, Richard J. Daley Center, 50 W. Washington, Chicago, IL 60602. The objection must be received by the Court no later than **September 30, 2026**. You must also send a copy of your objection to the attorneys for all Parties to the lawsuit, including the attorneys representing the Class Representative and the Settlement Class (James M. Dore and Daniel I. Schlade, Justicia Laboral LLC, 6232 N. Pulaski Road, Suite 300, Chicago, IL 60646), as well as the attorneys representing the Defendant (Carmen Gaspero, Gaspero & Gaspero Attorneys at Law, P.C., 2001 Butterfield Rd., Ste. 1022, Downers Grove, IL 60515, P: 630-687-9700; E: carmen@gasperolaw.com, postmarked no later than **September 30, 2026**. Any objection to the proposed Settlement must include your full name, address, and telephone number and all grounds for the objection, along with factual and legal support for the stated objection. 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 **September 30, 2026**. If you do hire your own attorney, you will be solely responsible for payment of any fees and expenses the attorney incurs on your behalf. If you exclude yourself from the Settlement, you cannot file an objection.

You may appear at the Final Approval Hearing, which to be held on **November 20, 2026, at 10:30 a.m.** in Courtroom 2410 of the Circuit Court of Cook County, Richard J. Daley Center, 50 W. Washington, Chicago, IL 60602 (Zoom information: Meeting ID: 955 3557 3920; Password: No Password Required; Call-In Number: 312-626-6799), in person or through counsel to show cause of why the proposed Settlement should not be approved as fair, reasonable, and adequate. Attendance at the hearing is not necessary; however, persons wishing to be heard orally in opposition to the approval of the Settlement, the request for attorneys' fees and expenses, and/or the request for an incentive award to the Class Representative are required to indicate in their written objection their intention to appear at the hearing on their own behalf or through counsel and to identify the names of any witnesses they intend to call to testify at the Final Approval Hearing, as well as any exhibits they intend to introduce at the Final Approval Hearing.

(4) Do Nothing.

If you do nothing and the Settlement is approved, you will receive no money from the Settlement Fund, but you will still be bound by all orders and judgments of the court. Unless you exclude yourself from the Settlement, you will not be able to file or continue a lawsuit against any of the Released Parties regarding any of the Released Claims. ***Timely submitting a valid Claim Form is the only way to receive a payment from this Settlement, and it is the only thing you need to do to receive a payment.***

For information on how to request exclusion from the class or file an objection, please visit the Settlement Website www.bipasettlementpopocatepetl.com

WHAT DOES THE SETTLEMENT PROVIDE?

Cash Payments. Defendant has agreed to create a \$285,000 Gross Settlement Fund for the Class Members. The costs of the settlement, such as the Settlement Administrator's fees and costs, Class Counsel's attorneys' fees and expenses, and an Incentive Fee for the Class Representative may be taken out of this amount. The remainder (the "Distributable Settlement Fund") will be distributed to class members who return a claim form to the Settlement Administrator. If the Settlement is approved, each Settlement Class Member who timely submits a valid Claim Form and does not exclude himself or herself from the Settlement Class will receive a settlement check for an equal portion of assigned group's tranche. The exact amount of each Class Member's payment is unknown at this time; it may be as much as \$614.44. All checks issued to Settlement Class Members will expire and become void 90 days after they are issued. Additionally, the attorneys who brought this lawsuit (listed below) will ask the court to award them attorneys' fees of up to one-third of the Gross Settlement Fund as reimbursement for the substantial time, expense, and effort expended in investigating the facts, litigating the case, and negotiating the Settlement, plus they will ask for the costs they have expended. The Class Representative also will apply to the court for a payment of up to \$5,000 for his time, effort, and service in this matter.

WHAT RIGHTS AM I GIVING UP IN THIS SETTLEMENT?

Unless you exclude yourself from this Settlement, you will be considered a Settlement Class Member, which means you give up your right to file or continue a lawsuit against Defendant and its related entities relating to the Defendant's alleged collection, capture, purchase, or receipt of your Biometric Data between November 14, 2018, and July 31, 2026, without first obtaining a release from you and/or for allegedly doing so without a compliant publicly available, written policy. Giving up your legal claims is called a release. The precise terms of the release are in the Settlement Agreement, which is available on the Settlement Website. Unless you formally exclude yourself from this Settlement, you will release your claims. If you have any questions, you can talk for free to the attorneys identified below who have been appointed by the court to represent the Settlement Class, or you are welcome to talk to any other lawyer of your choosing at your own expense.

WHEN WILL I BE PAID?

The parties cannot predict exactly when (or whether) the court will give final approval to the Settlement, so please be patient. However, if the court finally approves the Settlement, settlement checks will be issued and mailed soon after the court order becomes final, which should occur within approximately 45 days after the Settlement has been finally approved. If there is an appeal of the Settlement, payment may be delayed. Updated information about the case is available at www.bipasettlementpopocatepetl.com or contact Class Counsel at the information provided below.

Questions? Call the Settlement Administrator toll-free at 888-461-4547.

WHEN WILL THE COURT RULE ON THE SETTLEMENT?

The court has already given preliminary approval to the Settlement. A final hearing on the Settlement, called a final approval or fairness hearing, will be held to determine the fairness of the Settlement. At the fairness hearing, the court will also consider whether to make final the certification of the Settlement Class for Settlement purposes, hear any proper objections and arguments to the Settlement, as well as any requests for an award of attorneys' fees and expenses and class representative incentive awards that may be sought by class counsel. The court will hold the fairness hearing on **November 20, 2026, at 10:30 a.m.** in Courtroom 2410 of the Circuit Court of Cook County, Richard J. Daley Center, 50 W. Washington, Chicago, IL 60602 (Zoom information: Meeting ID: 955 3557 3920; Password: No Password Required; Call-In Number: 312-626-6799).

If the Settlement is given final approval, the court will not make any determination as to the merits of the claims against the Defendant or its defenses to those claims. Instead, the Settlement's terms will take effect and the lawsuit will be dismissed on the merits with prejudice. Both sides have agreed to the Settlement in order to achieve an early and certain resolution to the lawsuit, in a manner that provides specific and valuable benefits to the Settlement Class Members.

If the Court does not approve the Settlement, if it approves the Settlement and the approval is reversed on appeal, or if the Settlement does not become final for some other reason, you will not be paid at this time and Settlement Class Members will receive no benefits from the Settlement. Plaintiff, the Defendant, and all of the Class Members will be in the same position as they were prior to the execution of the Settlement, and the Settlement will have no legal effect, no class will remain certified (conditionally or otherwise), and the Plaintiff and the Defendant will continue to litigate the lawsuit. There can be no assurance that if the Settlement is not approved, the Settlement Class will recover more than is provided in the Settlement, or indeed, anything at all.

WHO REPRESENTS THE CLASS?

The Court has approved the following attorneys to represent the Settlement Class. They are called "Class Counsel." You will not be charged for these lawyers. They are:

James M. Dore and Daniel I. Schlade
JUSTICIA LABORAL LLC
6232 N. Pulaski Road, Suite 300
Chicago, IL 60646
jdore@justicialaboral.com
dschlade@justicialaboral.com
Phone: 773.415.4898

If you want to be represented by your own lawyer instead, you may hire one at your own expense.

WHERE CAN I GET ADDITIONAL INFORMATION?

This Notice is only a summary of the proposed Settlement. More details are in the Settlement Agreement which, along with other documents, can be obtained at www.bipasettlementpopocatepetl.com. If you have any questions, you can also contact Class Counsel at the number or email addresses set forth above. In addition to the documents available on the website, all pleadings and documents filed in court may be reviewed or copied in the Office of the Clerk. Please do not call the Judge or the Clerk of the Court about this case. They will not be able to give you advice on your options.