

**CIRCUIT COURT OF COOK COUNTY, ILLINOIS**

*Mocek v. AllSaints USA Limited*, Case No. 2016-CH-10056

**IF YOU RECEIVED A RECEIPT FROM AN ALLSAINTS PURCHASE EXPOSING MORE THAN 5 DIGITS AND/OR EXPIRATION DATE OF YOUR CREDIT OR DEBIT CARD NUMBER, YOU ARE ENTITLED TO A PAYMENT FROM A CLASS ACTION SETTLEMENT.**

*A court authorized this Notice. You are not being sued. This is not a solicitation from a lawyer.*

- Settlement has been reached in a class action lawsuit claiming that Defendant AllSaints USA Limited, a fashion retailer, printed out receipts at its retail store locations that included more than five digits and/or expiration date of consumers' card numbers in violation of the Fair and Accurate Credit Transactions Act ("FACTA"). AllSaints has denied any liability.
- You are included if you are one of the customers who made a credit or debit card purchase between July 29, 2014 and July 17, 2018 at an AllSaints retail location and were given a receipt at the point of sale that displayed more than five digits of your card numbers and/or the expiration date.
- Persons included in the Settlement will be eligible to receive a *pro rata* (meaning equal) share of the Settlement Fund based on the number of Settlement Class Members who submit valid claims.
- Read this Notice carefully. Your legal rights are affected whether you act or don't act.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A CLAIM FORM</b>	This is the only way to receive a payment.
<b>EXCLUDE YOURSELF</b>	You will receive no benefits, but you will retain any rights you currently have to sue AllSaints about the claims in this case.
<b>OBJECT</b>	Write to the Court explaining why you don't like the Settlement.
<b>GO TO THE HEARING</b>	Ask to speak in Court about your opinion of the Settlement.
<b>DO NOTHING</b>	You won't get a share of the Settlement benefits and will give up your rights to sue AllSaints about the claims in this case.

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

## BASIC INFORMATION

### 1. Why was this Notice issued?

A Court authorized this Notice because you have a right to know about the proposed Settlement of this class action lawsuit and about all of your options before the Court decides whether to give final approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

The Circuit Court of Cook County, Illinois, is overseeing this case. The case is called *Mocek v. AllSaints USA Limited*, Case No. 2016-CH-10056. The people who have filed suit, Barbara Mocek and Miranda Varoz, are called the Plaintiffs. The Defendant is AllSaints USA Limited.

### 2. What is a class action?

In a class action, one or more people called class representatives (in this case, Barbara Mocek and Miranda Varoz) sue on behalf of a group or a “class” of people who have similar claims. In a class action, the court resolves the issues for all class members, except for those who exclude themselves from the class.

### 3. What is this lawsuit about?

This lawsuit claims that AllSaints violated the federal Fair and Accurate Credit Transactions Act (“FACTA”) by printing receipts at its retail locations that contained more than five digits of consumers’ card numbers and/or the expiration date. AllSaints denies it violated any law. The Court has not determined who is right. Rather, the Parties have agreed to settle the lawsuit to avoid the risk and expense associated with ongoing litigation.

### 4. Why is there a Settlement?

The Court has not decided whether the Plaintiffs or the Defendant should win this case. Instead, both sides agreed to a Settlement. That way, they avoid the risk and expense associated with ongoing litigation, and Class Members will get compensation sooner rather than, if at all, after the completion of a trial.

## WHO’S INCLUDED IN THE SETTLEMENT?

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

The Court decided that everyone who fits the following description are members of the **Settlement Class**:

The customers who made a credit or debit card purchase between July 29, 2014 and July 17, 2018 at an AllSaints retail location and were given a receipt at the point of sale that displayed more than five digits of their card numbers and/or the expiration date.

## THE SETTLEMENT BENEFITS

### 6. What does the Settlement provide?

**Monetary Relief:** Defendants have created a Settlement Fund of \$8,000,000. Class Member payments, as well as the cost to administer the Settlement, the cost to inform people about the Settlement, attorneys’ fees and an award to the Class Representatives will also come out of this fund (*see* Question 13).

**Ongoing Protections:** In addition to this monetary relief, AllSaints has agreed to implement certain annual reviews regarding its compliance with the FACTA’s requirements.

A detailed description of the Settlement benefits can be found in the Settlement Agreement.

#### **7. How much will my payment be?**

If you are a member of the Settlement Class, you may submit a Claim Form to receive a portion of the Settlement Fund. Each Class Member who files a valid claim will receive an equal share of the Settlement Fund, after deduction of attorneys' fees and other expenses, based on the number of Class Members who submit valid claims.

#### **8. When will I get my payment?**

The hearing to consider the fairness of the Settlement is scheduled for April 5, 2019. If the Court approves the Settlement, eligible Class Members whose claims were approved by the Settlement Administrator will receive their payment within 90 days of the Final Approval Hearing (*see* Question 19) in the form of a check, and all checks will expire and become void 90 days after they are issued.

### **HOW TO GET BENEFITS**

#### **9. How do I get a payment?**

If you are a Class Member and you want to get a payment, you must complete and submit a Claim Form by **April 1, 2019**. Claim Forms can be found and submitted online or you may have received a Claim Form in the mail as a postcard attached to a summary of this Notice. To submit a Claim Form online or to request a paper copy, go to [www.factacompliancesettlement.com](http://www.factacompliancesettlement.com) or call toll-free, 1-866-554-5818.

We encourage you to submit your claim online. Not only is it easier and more secure, but it is completely free and takes only minutes!

### **REMAINING IN THE SETTLEMENT**

#### **10. What am I giving up if I stay in the Class?**

If the Settlement becomes final, you will give up your right to sue AllSaints for the claims being resolved by this Settlement related to its printing of receipts with more than five digits of consumers' card numbers and/or expiration dates between July 29, 2014 and July 17, 2018. The specific claims you are giving up against AllSaints are described in the Settlement Agreement. You will be "releasing" AllSaints as described in Section 3 of the Settlement Agreement. Unless you exclude yourself (*see* Question 14), you are "releasing" the claims, regardless of whether you submit a claim or not. The Settlement Agreement is available through the "Court Documents" link on the website.

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions, you can talk to the lawyers listed in Question 12 for free or you can, of course, talk to your own lawyer if you have questions about what this means.

#### **11. What happens if I do nothing at all?**

If you do nothing, you won't get any benefits from this Settlement. But, unless you exclude yourself, you won't be able to start a lawsuit or be part of any other lawsuit against AllSaints for the claims being resolved by this Settlement.

## THE LAWYERS REPRESENTING YOU

### 12. Do I have a lawyer in the case?

The Court has appointed Rafey S. Balabanian and Benjamin H. Richman of Edelson PC and Edwin J. Kilpela and Todd D. Carpenter of Carlson Lynch Sweet Kilpela & Carpenter, LLP to be the attorneys representing the Settlement Class. They are called “Class Counsel.” They believe, after conducting an extensive investigation, that the Settlement Agreement is fair, reasonable, and in the best interests of the Settlement Class. You will not be charged for any time you spend talking with these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your own expense.

### 13. How will the lawyers be paid?

AllSaints has agreed to pay Class Counsel attorneys’ fees and costs in an amount to be determined by the Court. The fee petition will seek no more than forty percent (40%) of the Settlement Fund, plus reimbursement of their costs and expenses; the Court may award less than this amount. Under the Settlement Agreement, any amount awarded to Class Counsel will be paid out of the Settlement Fund.

Class Counsel will file their motion for attorneys’ fees no later than March 4, 2019, and a copy of the motion will be available at [www.factacompliancesettlement.com](http://www.factacompliancesettlement.com).

Subject to approval by the Court, AllSaints has agreed to pay the Class Representatives \$5,000 each. This will be paid from the Settlement Fund for their services in helping to bring and settle this case.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

### 14. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must mail or otherwise deliver a letter (or request for exclusion) stating that you want to be excluded from the Settlement in *Mocek v. AllSaints USA Limited*, Case No. 2016-CH-10056. Your letter or request for exclusion must also include your name, your address, a statement that you made a purchase at an AllSaints location and were given a printed receipt with more than five digits of your card’s number and/or the expiration date, your signature, the name and number of this case, and a statement that you wish to be excluded. You must mail or deliver your exclusion request postmarked no later than **March 18, 2019** to:

AllSaints FACTA Settlement Administrator  
P.O. Box 404096  
Louisville, KY 40233-4096

### 15. If I don’t exclude myself, can I sue the Defendant for the same thing later?

No. Unless you exclude yourself, you give up any right to sue AllSaints for the claims being resolved by this Settlement.

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

No. If you exclude yourself, do not submit a Claim Form to ask for benefits.

## OBJECTING TO THE SETTLEMENT

### 17. How do I object to the Settlement?

If you’re a Class Member, you can intervene and object to the Settlement if you don’t like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your

views. To object, you must file with the Court a letter or brief stating that you object to the Settlement in *Mocek v. AllSaints USA Limited*, Case No. 2016-CH-10056 and identify all your reasons for your objections (including citations and supporting evidence) and attach any materials you rely on for your objections. If you have a lawyer, they must file an appearance. Your letter or brief must also include your name, your address, the basis upon which you claim to be a Class Member (you made a purchase at an AllSaints location during the Settlement Class Period and were given a printed receipt with more than five digits of your card's number and/or the expiration date), the name and contact information of any and all attorneys representing, advising, or in any way assisting you in connection with your objection, and your signature. You must also mail or deliver a copy of your letter or brief to Class Counsel and AllSaints Counsel listed below.

If you want to appear and speak at the Final Approval Hearing to object to the Settlement, with or without a lawyer (explained below in answer to Question Number 21), you must say so in your letter or brief. File the objection with the Court and mail a copy to these three different places postmarked no later than **March 18, 2019**.

<b>Court</b>	<b>Class Counsel</b>	<b>AllSaints' Counsel</b>
Clerk of the Circuit Court - Calendar 7 Daley Center 50 West Washington - Suite 1001 Chicago, IL 60602	Benjamin H. Richman Edelson PC 350 North LaSalle Street, 14th Floor Chicago, Illinois 60654	Marc Rosenthal Proskauer Rose LLP Three First National Plaza 70 West Madison, Suite 3800 Chicago, Illinois 60602

**18. 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 Class. Excluding yourself from the Class is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

**THE COURT'S FINAL APPROVAL HEARING**

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

The Court will hold the Final Approval Hearing at 9:30 a.m. on April 5, 2019 in Courtroom 2405, Daley Center, 50 West Washington Street, Chicago, Illinois. The purpose of the hearing will be for the Court to determine whether to approve the Settlement as fair, reasonable, adequate, and in the best interests of the Class; to consider the Class Counsel's request for attorneys' fees and expenses; and to consider the request for an incentive award to the Class Representatives. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement.

The hearing may be postponed to a different date or time without notice, so it is a good idea to check [www.factacompliancesettlement.com](http://www.factacompliancesettlement.com) or call 1-866-554-5818. If, however, you timely objected to the Settlement and advised the Court that you intend to appear and speak at the Final Approval Hearing, you will receive notice of any change in the date of such Final Approval Hearing.

**20. Do I have to come to the hearing?**

No. Class Counsel will answer any questions the Court may have. But, you are welcome to come at your own expense. If you send an objection or comment, you don't have to come to Court to talk about it. As long as you filed and mailed your written objection on time, the Court will consider it. You may also pay another lawyer to attend, but it's not required.

**21. May I speak at the hearing?**

Yes. You may ask the Court for permission to speak at the Final Approval Hearing to determine the Settlement's fairness. To do so, you must include in your letter or brief objecting to the Settlement a statement saying that it is your "Notice of Intent to Appear in Circuit Court of Cook County, 50 West Washington Street, Chicago, Illinois." It must include your name, address, telephone number, case name and number, and signature as well as the name and address of your lawyer, if one is appearing for you. Your objection and notice of intent to appear must be filed with the Court and postmarked no later than **March 18, 2019**, and be sent to the addresses listed in Question 17.

**GETTING MORE INFORMATION**

**22. Where do I get more information?**

This Notice summarizes the Settlement. More details are in the Settlement Agreement and [www.factacompliancesettlement.com](http://www.factacompliancesettlement.com). You can get a copy of the Settlement Agreement at [www.factacompliancesettlement.com](http://www.factacompliancesettlement.com). You may also write with questions to AllSaints FACTA Settlement Administrator, P.O. Box 404096, Louisville, KY 40233-4096. You can call the Settlement Administrator at 1-866-554-5818 or Class Counsel at 1-866-354-3015, if you have any questions. Before doing so, however, please read this full Notice carefully. You may also find additional information elsewhere on the case website.