

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOE TANG RINCON,
individually and on behalf of a class, Plaintiff,

v.

TAQUERIA LOS COMALES #1, INC., Defendant.

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13 C 2712

Magistrate Judge Schenkier

TO: All persons who used either a credit card or debit card at Taqueria Los Comales located at 3141 W. 26th Street, Chicago, Illinois, from May 30, 2011, to April 19, 2013.

A Federal court authorized this notice. This is not a solicitation from a lawyer.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

SUBMIT THE ATTACHED CLAIM FORM BELOW

Submit the claim form below with required documentation and you will be entitled to a share of the class settlement fund up to a \$50 Gift Certificate (which is transferable, and expires in one year) or up to \$35 in cash (issued in the form of a check). If the amount of claims is a total greater than the class settlement fund of \$50,000 then you are entitled to *pro rata* share of the class settlement fund which will cause the amounts to vary depending on how many claims are received. In determining the amount of the *pro rata* share of each claiming class member, costs will first be deducted. If for example the administration costs are \$2,000 and the claims against the settlement fund are \$96,000, then the *pro rata* share would be half the amount of each claiming class member's share, \$25 Gift Certificate or \$17.50 in cash. It is possible that the total dollar value of the claims will not exceed the amount of the settlement fund and no *pro rata* distribution will need to be applied.

DO NOTHING BUT STAY IN THE SETTLEMENT

By doing nothing, you will remain in the settlement class and you will not be entitled to receive anything.

EXCLUDE YOURSELF

You will receive no benefits, but you will not be giving up your legal claims against the defendant.

OBJECT

Write to the Court about why you don't like the settlement. **To object you must file a claim.** You may also appear at the fairness hearing. The Court will consider your objections whether or not you appear at the fairness hearing.

GO TO A HEARING

Ask to speak in Court about the fairness of the settlement.

These rights and options and the deadlines to exercise them are explained below.

1. Why is this notice being made?

Defendant has agreed to settle this lawsuit on a class basis. Pursuant to the Court's order preliminarily approving the parties' class settlement agreement you are receiving notice of the settlement, which contains an explanation of your rights under the terms of the settlement, and information on how to submit a claim for a share of the settlement.

2. What is this lawsuit about?

Plaintiff filed the above Lawsuit, as amended, on behalf of himself and a Class in the United States District Court for the Northern District of Illinois, Eastern Division (the "Lawsuit"), against Defendant alleging willful violations of the Fair and Accurate Credit Transactions Act ("FACTA") amendment to the Fair Credit Reporting Act ("FCRA"). Specifically, Plaintiff claims that Defendant willfully violated 15 U.S.C. §1681c(g) in that Plaintiff received from Defendant a printed electronically-generated receipt at the point of sales or transaction which displayed Plaintiff's credit card's expiration date. Plaintiff sought to recover for himself and for each person who was provided a printed non-FACTA compliant receipt from Defendant's place of business located at 3141 W. 26th Street, Chicago, Illinois, statutory damages in an amount of \$100 to \$1,000 per willful violation. Plaintiff did not seek any actual damages for himself or for the Class. Defendant denies that it willfully violated the FACTA, and it denies that Plaintiff and the Class Members are entitled to any damages. Defendant denies that a class should be certified under the Federal Rules of Civil Procedure.

3. Why is this a class action?

In a class action a person called the Class Representative (in this case, Joe Tang Rincon) sued on behalf of a group (or a "Class") of people who have similar claims.

4. Why is there a settlement?

In order to avoid the cost, risk, delay of litigation, and uncertainty of trial, the parties agreed to a settlement.

5. How do I know if I am a part of the settlement?

The Court decided that everyone falling under the following definition was a Class Member. You have been identified as a member of the following Class:

All persons who used either a credit card or debit card at Taqueria Los Comales located at 3141 W.26th Street, Chicago, Illinois, from May 30, 2011, to April 19, 2013, where Defendant provided that person an electronically printed receipt at the point of sale or transaction that displayed the expiration date of that person's credit card or debit card.

6. What can I get from the settlement?

Under the settlement agreement, class members may make a claim from the cash settlement fund for either a \$50 gift certificate or \$35 in cash. The settlement amount of \$50,000 will be subject to a *pro-rata* distribution. In determining the amount of the *pro rata* share of each claiming class member, costs will first be deducted. If for example the administration costs are \$2,000 and the claims against the settlement fund are \$96,000, then the *pro rata* share would be half the amount of each claiming class member's share, \$25 Gift Certificate or \$17.50 in cash.. The \$50 gift certificate is transferable and expires in one year from the date of issuance.

7. When will I receive these benefits?

You will receive these benefits approximately 60 days after the settlement has been finally approved by the Court. This 60 day estimation is based on the premise that no appeals to the approval of the settlement are made.

8. I want to be a part of the settlement and receive these benefits. What do I do?

To receive the benefits of the class settlement you need to complete a claim form and return it to the Claims Administrator. If you do nothing you will remain a member of the Class but you will not get any of the benefits of the settlement fund.

9. What am I giving up to receive these benefits?

By staying in the class, all of the Court's orders will apply to you, and you give Defendant, its associated businesses, its insurance company and its owners a "release." A release means you can't sue or be part of any other lawsuit against Defendant about the Fair Credit Reporting Act claims raised in these lawsuits. This includes suing the Defendant for any actual damages that you believe you incurred that arise out of the claims raised in the lawsuit.

10. How much will the Class Representative receive?

Defendant has agreed to pay \$2,500.00 (two thousand five hundred) to Plaintiff for Plaintiff's statutory damages and as an incentive for being the class representative and for the time representing the interests of the Class in this lawsuit. This amount is subject to the Court's Approval.

11. Reversion of Unclaimed Funds?

As apart of this agreement any unclaimed settlement funds will be returned to Defendant.

11. How do I exclude myself from the settlement?

If you don't want to receive the benefits of the settlement, but you want to keep your legal claims against the defendant, then you must take steps to exclude yourself from the settlement. To exclude yourself from the settlement, you must send a letter by mail stating that you want to be excluded from ***Tang Ricon v. Taqueria Los Comales # 1, Inc. 13 C 2712 (N.D. Ill.)*** Be sure to include your name, address, telephone number, and your signature. You must mail your exclusion request so that it is received **no later than April 3, 2014**, and must be sent to the following address:

Clerk of the Court
Everett McKinley Dirksen
United States Courthouse
219 South Dearborn St., 20th Floor
Chicago, Illinois 60604

12. If I exclude myself, do I still receive benefits from this settlement?

No, you will not receive anything resulting from the settlement of this case, but you may have the right to sue the defendant over the claims raised in this case, on your own.

13. Do I have a lawyer in this case?

The Court has named Warner Law Firm, LLC as Class Counsel. You will not be charged by the firm. The firm will petition the Court for attorneys' fees from the settlement fund in the amounts and manner listed below. If you want to be represented by your own lawyer, you may hire one at your own expense. If you choose to hire your own lawyer, he or she must file an appearance by **April 10, 2014**.

14. How will the lawyers be paid?

Class Counsel will ask the Court as attorney's fees and expenses in the amount of 1/3 of the settlement fund, \$16,666 or Class Counsel's lodestar amount, which ever is greater. The amount of attorney's fees and costs are subject to court approval and are subject to a *pro rata* reduction if after the deduction of costs of administration, the claims submitted by the class members exceeds the the amount of the settlement fund.

15. Is this a fair settlement?

This settlement amount and structure was reached after negotiations between the parties. Class Counsel believes that this settlement is fair and reasonable. Based on other FACTA settlements, Plaintiff's counsel does not anticipate a pro rata distribution to claiming class members. Plaintiff's counsel and the Court have been able to review Defendant's financials for 2012 and the first and second quarters of 2013. Defendant is not admitting that it has done anything wrong. Defendant expressly denies the claims asserted by the Plaintiff and denies all allegations of wrongdoing, liability, and class certification. Given Defendant's representations as to the cause of the receipts allegedly becoming non-FACTA compliant and the risks of litigation moving forward, Class Counsel believes that the structure of the settlement is fair and reasonable to end this litigation at this juncture before the expenditure of additional attorneys fees and costs.

17. How do I tell the Court that I don't like the Settlement?

If you are a Class Member, you can object to the settlement. In order to object to the settlement or any part of the settlement, you must send a letter (or legal brief) stating that you object and the reasons why you think the Court should not approve the settlement. You must include the name and number of the case: ***Tang Ricon v. Taqueria Los Comales # 1, Inc. 13 C 2712 (N.D. Ill.)*** your name, address, telephone number and your signature. If you are objecting to the settlement, you may also appear at the fairness hearing (explained below in answer to question no. 18). **You must also file a claim in order to have the Court consider your objection.** If your objection is overruled you will receive the same amount as each claiming class member.

You must mail your objection so that it is received no later than **April 3, 2014** to:

Clerk of the Court
United States District Court for the Northern District of Illinois
Everett McKinley Dirksen
United States Courthouse
219 South Dearborn St., 20th Floor
Chicago, Illinois 60604

18. Where and when is the fairness hearing?

The Court will hold a hearing to decide whether to approve the settlement. You may attend if you wish, but you are not required to do so. The Court will hold a fairness hearing on **April 30, 2014 at 10:00 a.m.** in the courtroom of the Honorable Sidney I. Schenkier, Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Court Room 1843, Chicago, IL 60604. The purpose of the hearing will be for the Court to determine whether the proposed settlement is fair, reasonable and adequate and in the best interests of the class and to determine the appropriate amount of compensation for the Class Counsel. At that hearing the Court will be available to hear any objections and arguments concerning the fairness of the proposed settlement.

The hearing may be postponed to a later date without notice.

YOU ARE NOT REQUIRED TO ATTEND THIS HEARING. THE COURT WILL CONSIDER YOUR OBJECTIONS WITHOUT YOU OR AN ATTORNEY ON YOUR BEHALF APPEARING AT THIS HEARING SO LONG AS YOU SUBMITTED A CLAIM.

19. How do I get more information?

You can call Curtis C. Warner, Warner Law Firm, LLC, the attorney and law firm representing the class, at (847) 701-5290, if you have any questions. You can also send an email to: cwarner@warnerlawllc.com.

DO NOT CONTACT THE COURT REGARDING THIS NOTICE.