

OFFICIAL COURT-APPROVED LEGAL NOTICE
Donahue, et al. v. Everi Holdings Inc., et al.
 Circuit Court of Cook County, Illinois, Case No. 2018CH15419

If you engaged in a quasi-cash, or manual cash disbursement debit card or credit card transaction processed by or Everi Payments Inc. between February 16, 2016 and December 31, 2019, you could receive a cash payment from a class action lawsuit.

A Court authorized this notice.
 You are not being sued. This is not a solicitation from a lawyer.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT THE CLAIM FORM BY FEBRUARY 1, 2021	The only way to receive a payment. By participating in the settlement, you will be bound by the terms of the Settlement Agreement and will give up certain rights.
EXCLUDE YOURSELF BY OCTOBER 19, 2020	You will receive no payment, but you will retain any rights you currently have to sue Everi or its gaming establishment customers about the issues in this case. Your request to exclude yourself must be postmarked by October 19, 2020.
OBJECT BY OCTOBER 19, 2020	Write to the Court and explain why you do not like the Settlement. Your objection must be postmarked by October 19, 2020.
ATTEND A HEARING ON NOVEMBER 30, 2020 AT 10:30 A.M. (CST)	Ask to speak in Court about the fairness of the Settlement.
DO NOTHING	You will not get a share of the Settlement benefits and will give up your rights to sue Everi or its gaming establishment customers about the issues in this case.

- A proposed settlement has been reached in a class action lawsuit called *Donahue, et al. v. Everi Holdings Inc., et al.* The lawsuit alleges that receipts generated by Defendants Everi Holdings Inc. and Everi Payments Inc. (“Everi Payments,” and collectively, “Everi”) violated the Fair and Accurate Credit Transactions Act (“FACTA”). Everi maintains that it did not violate FACTA and the lawsuit is without merit, and Everi was prepared to vigorously defend all aspects of it.
- The Settlement Class includes all persons within the United States who, between February 16, 2016 and December 31, 2019, (i) engaged in at least one quasi-cash or manual cash disbursement transaction using a debit card or credit card at a gaming establishment in the United States or on tribal lands, (ii) where such transaction was processed using Everi Payments’ CashClub® technology; and (iii) for which Everi Payments’ system was programmed to generate a printed customer receipt that displayed four digits in a field on said receipt labeled “BIN”. The transactions subject to this Settlement were exclusively in-person transactions performed or concluded at cash cages located in gaming establishments.

- If the Court approves the Settlement, you may be eligible to receive a payment by submitting a Claim Form. Your payment amount will depend on how many Settlement Class Members submit valid Claim Forms. The Settlement Fund will be divided and distributed equally—sometimes referred to as “pro rata”—to all Settlement Class Members who submit a valid Claim Form after attorneys’ fees, costs and expenses, any award for the Representative Plaintiffs, and notice and administration costs have been deducted.

Please read this notice carefully. Your legal rights are affected whether you act or don’t act. These rights and options—and **the deadlines to exercise them**—are explained in this Notice.

The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be provided only after any issues with the Settlement are resolved. Please be patient.

BASIC INFORMATION

1. What is this notice?

This notice summarizes the proposed settlement. For the precise terms and conditions of the settlement, please see the Settlement Agreement available at www.everifactasettlement.com, by contacting the Settlement Administrator at 1-833-969-1221, contacting class counsel at Frank S. Hedin, Hedin Hall LLP, 1395 Brickell Avenue, Suite 1140, Miami, FL 33131, fhedin@hedinhall.com, or by accessing the Court docket in this case in person at the Clerk’s office at the following address: Daley Center, 50 W. Washington St., Chicago, IL 60602.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

2. What is a class action lawsuit?

In a class action, one or more “Representative Plaintiffs” sue on behalf of a group of people who have similar claims. In this case and under this Settlement, these people are together called a “Settlement Class” or “Settlement Class Members.” In a class action, the court resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement Class. After the parties reached an agreement to settle this case, the Court recognized it as a case that may be treated as a class action for settlement purposes only.

THE CLAIMS IN THE LAWSUIT AND THE SETTLEMENT

3. What is this lawsuit about?

The lawsuit alleges that Everi violated the Fair and Accurate Credit Transactions Act (“FACTA”) by generating receipts during certain quasi-cash or manual cash disbursement transactions where the customer used a debit card or credit card, and the consumer receipts displayed four digits of the credit or debit card number in a field on the receipt labeled “BIN”. The transactions subject to this Settlement were exclusively in-person transactions performed or concluded at cash cages located in gaming establishments.

Everi denies the allegations and maintains that it has strong, meritorious defenses to the claims. The Settlement is not an admission of, and does not establish any, wrongdoing by Everi.

More information and the Complaint in the lawsuit can be found in the “Important Documents” section of the Settlement website at www.everifactasettlement.com.

4. Why is there a Settlement?

The Court has not decided whether the Representative Plaintiffs or Everi should win this case. Instead, both sides agreed to a Settlement. The Representative Plaintiffs and their attorneys (“Class Counsel”) believe that the Settlement is in the best interests of the Settlement Class Members.

WHO’S INCLUDED IN THE SETTLEMENT?

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

The Court decided that this Settlement includes a Class of all persons within the United States who, between February 16, 2016 and December 31, 2019, (i) engaged in at least one quasi-cash or manual cash disbursement transaction using a debit card or credit card at a gaming establishment in the United States or on tribal lands, (ii) where such transaction was processed using Everi Payments’ CashClub® technology; and (iii) for which Everi Payments’ system was programmed to generate a printed customer receipt that displayed four digits in a field on said receipt labeled “BIN”. The transactions subject to this Settlement were exclusively in-person transactions performed or concluded at cash cages located in gaming establishments.

The following are excluded from the Settlement Class: (1) any trial judge and other judicial officers that may preside over the Action; (2) the Mediator; (3) Everi, as well as any parent, subsidiary, affiliate or control person of Everi, and the officers, directors, agents, servants or employees of Everi; (4) any of the Released Parties; (5) any Settlement Class Member who has timely submitted a Request for Exclusion by the Opt-Out Deadline; (6) any person or entity who has previously given a valid release of the claims asserted in the Action; and (7) Plaintiff’s Counsel.

Everyone who fits this description, who is not excluded as per the above, is a member of the Settlement Class. If you received an email or a postcard about this class action, you may fit this description.

THE SETTLEMENT BENEFITS

6. What does the Settlement provide?

As part of the Settlement, Everi agreed to create a Settlement Fund of Fourteen Million Dollars (\$14,000,000.00). The Settlement Fund will be used to pay all valid claims (on a “pro rata” basis, so each Settlement Class Member who submits a valid claim will receive the same amount of money from the Settlement), costs of administering the Settlement, attorneys’ fees and costs, and any incentive payments to the Representative Plaintiffs. Everi has also already agreed and implemented changes to its customer receipt templates to address the issues raised in the litigation. Class Counsel estimates you will receive between \$40 to \$60 if you submit a Valid Claim, but the amount will depend on the number of Settlement Class Members who submit Valid Claims. Each Class Member who submits a Valid Claim will receive the same amount of money from the Settlement.

7. Can I make a claim?

Under the Settlement Agreement, Settlement Class Members must request a payment by submitting a valid Claim Form (including by providing all of the information requested in the Claim Form) either by mail or online by the deadline to file claims. Further details are below.

HOW TO GET BENEFITS

8. How do I make a claim?

The Settlement creates a claims process. You may file the Claim Form on the Settlement website at www.everifactasettlement.com, or by downloading a copy of the Claim Form on the website and mailing it to: Everi FACTA Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103. You may also obtain a Claim Form by calling 1-833-969-1221 to request that a Claim Form be mailed to you. If you submit a valid Claim Form and your claim is approved, you will receive a payment from the Settlement. Only one claim form may be submitted per person, and each person may receive only one payment.

The Claim Form requires you to provide your name, address, telephone number, and email address. You must sign the Claim Form to certify that you are a member of the Settlement Class.

All Claim Forms must be properly completed and submitted online (or postmarked if mailed) by February 1, 2021.

9. How much will payment be?

Your share of the settlement will depend on the number of Claim Forms that Class Members submit and other factors. Class Counsel estimate you will receive between approximately \$40.00 and \$60.00, but this is only an estimate. Your actual payment amount will depend on how many Settlement Class Members submit valid Claim Forms. The Settlement Fund will be divided and distributed equally—sometimes referred to as “pro rata”—to all Settlement Class Members who submit a valid Claim Form after attorneys’ fees, costs and expenses, any award for the Representative Plaintiffs, and notice and administration costs have been deducted from the Settlement Fund.

10. When will I get my payment?

The hearing to consider the final fairness of the Settlement is scheduled for November 30, 2020 at 10:30 a.m. (CST). If the Court approves the Settlement, and after any appeals process is completed, eligible Settlement Class Members whose claims were approved will be sent a check in the mail. If final approval of the Settlement is granted, payments will be issued no later than 90 days after any timely appeals have been resolved and the Settlement is final. Please be patient.

THE LAWYERS REPRESENTING YOU

11. Do I have a lawyer in this case?

Yes, the Court has appointed lawyers Frank Hedin and David Hall of Hedin Hall LLP and Scott Owens of Scott D. Owens, P.A. as the attorneys to represent you and other Settlement Class Members. These attorneys are called “Class Counsel.” Contact information for Class Counsel is as follows:

Frank S. Hedin
Hedin Hall LLP
1395 Brickell Ave., Ste 1140
Miami, Florida 33131
fhedin@hedinhall.com

Scott D. Owens
Scott D. Owens, P.A.
3800 S. Ocean Drive, Ste 235
Hollywood, Florida 33019
scott@scottdownens.com

In addition, the Court appointed plaintiffs Geraldine Donahue, Sadiki Lawrence, Oneeb Rehman, Mat Jessop, Aaron Huffman, Shannon Alatalo, and Ryan Artman to serve as the Representative Plaintiffs. They are Settlement Class Members like you.

12. Should I get my own lawyer?

You do not need to hire your own lawyer. Class Counsel is working on your behalf. However, if you want your own lawyer, you will have to pay that lawyer. For example, you can ask your lawyer to appear in Court for you, at your own expense, if you want someone other than Class Counsel to represent you.

13. How will the lawyers be paid?

Class Counsel will ask the Court for attorneys' fees, costs, and expenses, totaling up to 40% of the Settlement Fund, and will also request a service award of up to \$2,500.00 for each of the Representative Plaintiffs. The Court will determine the proper amount of any attorneys' fees, costs, and expenses to award Class Counsel and the proper amount of any award to the Representative Plaintiffs. The Court may award less than the amounts requested by Class Counsel and the Representative Plaintiffs. Everi has not made any agreement with Plaintiffs or Class Counsel as to the amounts that either will receive for attorneys' fees, costs, and expenses.

Class Counsel will file with the Court and post on the Settlement website its request for attorneys' fees, costs and expenses, and incentive awards by November 20, 2020.

YOUR RIGHTS AND OPTIONS

14. What happens if I do nothing?

If you do nothing, you will receive no payment under the Settlement, you will be in the Settlement Class, and if the Court approves the Settlement, you will also be bound by all orders and judgments of the Court. Also, unless you exclude yourself, you won't be able to start a lawsuit or be part of any other lawsuit against Everi or Everi's gaming establishment customers for the claims being resolved by this Settlement.

15. What happens if I ask to be excluded?

If you exclude yourself from the Settlement, you cannot claim any money or receive any benefits as a result of the Settlement. You will keep your right to bring your own separate lawsuit against the Everi or Everi's gaming establishment customers for the claims resolved in this Settlement. You will not be legally bound by the Court's judgments related to the Settlement Class in this class action.

16. How do I ask to be excluded?

You can ask to be excluded from the Settlement. To do so, you must send a letter clearly stating that you want to be excluded from the Settlement in *Donahue, et al. v. Everi Holdings Inc., et al.*, No. 2018CH15419. Your letter must also include your name, address, your current phone number, and your signature. You must mail your exclusion request postmarked no later than October 19, 2020 to:

Everi FACTA Settlement Administrator
Attn: Exclusions
P.O. Box 58220
Philadelphia, PA 19102

17. If I don't exclude myself, can I sue the Defendants for the same thing later?

No. Unless you exclude yourself, you give up any right to sue Everi or Everi's gaming establishment customers for the claims being resolved by this Settlement.

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

No. If you exclude yourself, you may not submit a Claim Form to ask for a payment.

19. How do I object to the Settlement?

If you are a Settlement Class Member and you do not exclude yourself from the Settlement Class, you can object to the Settlement if you do not like any part of it. You must give reasons why you think the Court should deny approval by filing an objection. You cannot ask the Court to order a larger or different settlement; the Court can only approve or deny the Settlement. If the Court denies approval, no settlement payments will be sent out, and the Lawsuit will continue. If that is what you want to happen, you must object in writing. The Court will consider your views. Your objection and supporting papers must include:

1. A caption or title that identifies it as "Objection to Class Settlement in *Donahue, et al. v. Everi Holdings Inc., et al.*, No. 2018CH15419";
2. Your full name, address, and telephone number;
3. The name, address, and telephone number of any attorney representing you with respect to the objection;
4. A statement of whether the objection applies only to the objector, to a specific subset of the class, or to the entire class;
5. The specific factual basis and legal grounds for the objection, including any documents sufficient to establish the basis for your standing as a Settlement Class Member, including the date(s) you engaged in a debit card or credit card transaction processed by Everi and covered by this Settlement; and
6. The case name, case number, and court for any prior class action lawsuit in which you and your attorney (if applicable) have objected to a proposed class action settlement.

Your written objection must be signed and dated and postmarked no later than October 19, 2020. You must mail your objection to the Court, Class Counsel, and Defense Counsel to the following addresses:

<u>The Court</u>	<u>Class Counsel</u>	<u>Defense Counsel</u>
Daley Center 50 W. Washington St., Rm. 2508 Chicago, IL 60602	Frank S. Hedin Hedin Hall LLP 1395 Brickell Ave., Ste 1140 Miami, Florida 33131	Sara F. Holladay-Tobias McGuireWoods LLP 50 N. Laura Street, Suite 3300 Jacksonville, FL 32202

If, in addition to submitting a written objection to the Settlement, you wish to appear and be heard at the Final Approval Hearing on the fairness of the Settlement, you must file by October 19, 2020 a notice of intention to appear with the Court and list the name, address, and telephone number of the attorney, if any, who will appear on your behalf.

20. What's the difference between objecting and excluding myself from the Settlement?

Objecting simply means telling the Court that you do not like something about the Settlement. You can object only if you stay in the Settlement Class (i.e., you do not exclude yourself from the Settlement). Excluding yourself from the Settlement Class is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FAIRNESS HEARING

21. When and where will the Court hold a hearing on the fairness of the Settlement?

A Final Approval Hearing has been set for November 30, 2020, at 10:30 a.m. (CST) before the Honorable David B. Atkins at the Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington St., Rm. 2508, Chicago, IL 60602. At the hearing, the Court will hear any objections, and arguments concerning the fairness of the proposed Settlement, including the amount requested by Class Counsel for attorneys' fees, costs and expenses and the incentive awards to the Representative Plaintiffs. **Note:** The date and time of the fairness hearing are subject to change by Court Order, but any changes will be posted at the website www.everifactasettlement.com.

22. 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, you do not have to come to Court to talk about it. As long as your written objection was filed or mailed on time and meets the other criteria described in the Settlement Agreement, the Court will consider it. You may also pay another lawyer to attend, but you do not have to. If you do not exclude yourself from the Settlement Class, you may ask the Court for permission to speak at the hearing concerning any part of the proposed Settlement by asking to speak about your objection, filed by following the instructions above in section 19.

GETTING MORE INFORMATION

23. Where can I get additional information?

This notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.everifactasettlement.com. Additional information may be requested by contacting the Settlement Administrator at 1-833-969-1221, by contacting Class Counsel at Frank S. Hedin, Hedin Hall LLP, 1395 Brickell Avenue, Suite 1140, Miami, FL 33131, fhedin@hedinhall.com, or by accessing the Court docket in this case in person at the Clerk's office at Daley Center, 50 W. Washington St., Chicago, IL 60602.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.