

Hearing Date: No hearing scheduled
Location: <<CourtRoomNumber>>
Judge: Calendar, 2

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Mariyana T. Spyropoulos
CIRCUIT CLERK
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Exhibit 3

judgment. Judge Tharp granted that request and the parties began prework towards a mediation. The prework was extensive and included preliminary meetings with the mediator and intensive evaluation of class size, damages, and insurance.

4. On March 11, 2024, the Parties conducted a formal mediation with Judge Sidney I. Schenkier (Ret.) of JAMS. The mediation, attended by authorized representatives and insurance carriers, lasted almost twelve hours and long into the night. As with all phases of the cases, the negotiation was hard fought by both sides. As a result of Judge Schenkier's efforts guiding the arm's length negotiation, the Parties were able to reach an agreement in principle on the terms of a class action settlement.
5. Even after the agreement in principle was reached, there was much work to be done in hammering out the details and language, eventually requiring an additional round of mediation with Judge Schenkier. Additional steps that needed to be taken were to interview, hire, and work with a claims administrator to understand the dynamics of providing notice for the proposed settlement class.
6. I, along with the other attorneys at Loevy & Loevy, have extensive experience litigating complex BIPA cases such as this one. In particular, I (along with other Loevy & Loevy attorneys and co-counsel) tried the only BIPA class action to have gone to trial in any jurisdiction, *Rogers v. BNSF Railway Company*, N.D. Ill. No. 19-cv-3083, which settled for \$75 million following a jury verdict in plaintiffs' favor.

Examples of Loevy & Loevy's successful results in other class actions include:

- a. *Young v. City of Chicago*, Case No. 06-cv-552 (N.D. Ill.) (\$55 million settlement in a class action concerning the unconstitutional strip searching of inmates at the Cook County Jail, following the entry of partial summary judgment on liability for the class members and successful liability and damages trials);
- b. *Dunn v. City of Chicago*, Case No. 04-cv-6804 (N.D. Ill.) (\$16.5 million settlement in class action concerning the unconstitutional treatment of inmates

held in lockup by the Chicago Police Department);

- c. *Flood v. Dominguez*, Case No. 08-cv-153 (N.D. Ind.) (\$7.2 million settlement in class action concerning the unconstitutional treatment of inmates held in lockup at the Lake County Indiana Jail);
 - d. *Birchmeier v. Caribbean Cruise Line, Inc.*, Case No. 12-cv-4069 (N.D. Ill.) (\$76 million settlement in TCPA class action);
 - e. *Solis v. Hilco Redevelopment LLC*, Case No. 20-cv-2348 (N.D. Ill.) (\$12.25 million settlement in case arising from demolition of smokestack causing pollution and damage to the Little Village neighborhood and its residents);
 - f. *In re Clearview AI, Inc. Consumer Privacy Litig.*, Case No. 21-cv-135 (N.D. Ill.), 2025 WL 1371330 (May 12, 2025) (granting final approval on settlement of BIPA MDL establishing settlement fund equal to 23% stake in defendant startup).
7. Based on my experience and reasoned judgment, I believe that the settlement agreement in this case is an excellent result for the Class Members. It is fair, reasonable, adequate, and deserving of final approval. In particular, had the case not settled, the Settlement Class Members ran a real risk of receiving nothing in light of the Defendants' defenses, both legal and factual, to Plaintiffs' claims. These risks are discussed at pages 4-5 and 14-15 of the Preliminary Approval Motion. And even if Plaintiffs had prevailed on Defendants' pending motion for summary judgment, obtained class certification, and won a judgment at trial, Defendants would have likely appealed, and with a not insubstantial risk of prevailing on their legal defenses. Thus, recovery for the Settlement Class via continued litigation, if any, would be years away if the case was not settled.

I declare under penalty of perjury that the foregoing is true and correct.

Executed August 12, 2025 in Chicago, Illinois.

/s/ Michael I. Kanovitz