

**CIRCUIT COURT OF DUPAGE COUNTY, EIGHTEENTH JUDICIAL CIRCUIT**  
*Jackson v. Fandango Media, LLC, Case No. 2023LA000631*

**Our Records Indicate You Have a *Fandango* User Account and May Be 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.*

- A settlement has been reached in a class action lawsuit against Fandango Media, LLC (“Fandango” or “Defendant”). The class action lawsuit alleges that Fandango disclosed information that identifies an account holder as having requested or obtained specific video materials or services, such as watching a movie trailer, to Facebook via the Facebook Tracking Pixel in violation of the Video Privacy Protection Act (the “VPPA”). Fandango denies that it violated any law, but has agreed to the Settlement to avoid the expenses associated with continuing the case.
- You are included if you are a person in the United States with a Fandango user account who (1) watched any video content on Fandango’s website between April 1, 2020 to June 1, 2022; (2) was a member of Facebook at the time you watched video content on Fandango’s website; and (3) used the same browser to access Facebook and watch video content on Fandango’s website.
- If approved by the Court, Defendant will establish a Settlement Benefit Cap of \$6,000,000.00 to pay all valid claims submitted by the Settlement Class, together with notice and administration expenses, attorneys’ fees and costs, and incentive awards. Under the terms of the Settlement, you may elect to receive either a \$5 Cash Payment or a \$15 Movie Ticket Voucher for use on Fandango’s website. The Settlement also requires Defendant to suspend operation of the Facebook Tracking Pixel on any pages on its website that both include video content and have a URL that substantially identifies the video content viewed, unless and until the VPPA is amended, repealed, or otherwise invalidated (including by judicial decision on the use of website pixel technology by the United States Supreme Court, any federal court of appeals, or any state appellate court of general jurisdiction), or until Defendant obtains VPPA-compliant consent for the disclosure of the video content viewed to Facebook.
- 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 BY OCTOBER 30, 2023</b>	This is the only way to receive a Cash Payment or Movie Ticket Voucher.
<b>EXCLUDE YOURSELF BY OCTOBER 30, 2023</b>	You will receive no benefits, but you will retain any rights you currently have to sue the Defendant about the claims in this case.
<b>OBJECT BY OCTOBER 30, 2023</b>	Write to the Court explaining why you don’t like the Settlement.
<b>GO TO THE HEARING BY NOVEMBER 13, 2023</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 the Defendant about the claims in this case.

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

**QUESTIONS? VISIT [WWW.FANDANGOVPPASETTLEMENT.COM](http://WWW.FANDANGOVPPASETTLEMENT.COM) OR CALL 1-877-780-4416 TOLL-FREE.**

## BASIC INFORMATION

### 1. Why was this Notice issued?

A Court authorized this Notice because you have a right to know about a 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 Honorable Timothy J. McJoynt, of the Circuit Court of DuPage County, Illinois, Eighteenth Judicial Circuit, is overseeing this case. The case is called *Jackson v. Fandango Media, LLC*, Case No. 2023LA000631. The people who have sued are called the Plaintiffs. The Defendant is Fandango Media, LLC.

### 2. What is a class action?

In a class action, one or more people called the class representatives (in this case, Sonya Jackson, Jason Goldstein, and Tammy Huttemeyer) 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?

The class action lawsuit alleges that Fandango disclosed information that identifies an account holder as having requested or obtained specific video materials or services, such as watching a movie trailer, to Facebook via the Facebook Tracking Pixel in violation of the Video Privacy Protection Act. Fandango denies that it violated any law but has agreed to the Settlement to avoid the expense associated with continuing the case.

### 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 expenses 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 **Settlement Class** is defined as:

Fandango account holders in the United States who (1) watched any video content on Fandango’s website between April 1, 2020 to June 1, 2022; (2) were members of Facebook at the time they watched video content on Fandango’s website; and (3) used the same browser to access Facebook and watch video content on Fandango’s website.

Excluded from the Settlement Class are (1) any Judge or Magistrate presiding over this Action and members of their families; (2) the Defendant, its subsidiaries, parent companies, successors, predecessors, any entity in which the Defendant or its parents have a controlling interest, and current or former officers, directors, agents, attorneys, and employees thereof; (3) persons who properly execute and file a timely request for exclusion from the class; and (4) the legal representatives, successors or assigns of any such excluded persons.

## THE SETTLEMENT BENEFITS

### 6. What does the Settlement provide?

**Monetary Relief:** Defendant has created a Settlement Benefit Cap totaling \$6,000,000.00. All payments to Settlement Class Members, 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 FAQ 13).

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**Prospective Changes:** In addition to this monetary relief, the Settlement also requires Defendant to suspend operation of the Facebook Tracking Pixel on any pages on its website that both include video content and have a URL that substantially identifies the video content viewed, unless and until the VPPA is amended, repealed, or otherwise invalidated (including by judicial decision on the use of website pixel technology by the United States Supreme Court, any federal court of appeals, or any state appellate court of general jurisdiction), or until Defendant obtains VPPA-compliant consent for the disclosure of the video content viewed to Facebook.

A detailed description of the Settlement benefits can be found in the Settlement Agreement, available at [www.FandangoVPPASettlement.com](http://www.FandangoVPPASettlement.com).

## 7. How much will my payment be?

If you are member of the Settlement Class, you may submit a Claim Form to receive either a Cash Payment of \$5 or a Movie Ticket Voucher of \$15 for use on Fandango’s website. You may choose either the Cash Payment or Movie Ticket Voucher, but **not both**. **You must submit a valid Claim Form** in order to receive any compensation under the Settlement.

## 8. When will I get my payment?

The hearing to consider the fairness of the Settlement is scheduled for November 13, 2023. If the Court approves the Settlement, eligible Class Members whose claims were approved by the Settlement Administrator and selected the Cash Payment option will receive their Cash Payment approximately 30 days after the Settlement has been finally approved and/or any appeals process is complete. The Cash Payment will be made in the form of a check, and all checks will expire and become void 180 days after they are issued.

Eligible Class Members whose claims were approved by the Settlement Administrator and selected the Movie Ticket Voucher option will receive their Movie Ticket Voucher on or about January 15, 2024. The Movie Ticket Voucher will expire on October 15, 2024.

## HOW TO GET BENEFITS

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

If you are a Class Member and you want to get a Cash Payment or Movie Ticket Voucher, you **must** complete and submit a valid Claim Form by **October 30, 2023**. Claim Forms can be found and submitted at [www.FandangoVPPASettlement.com](http://www.FandangoVPPASettlement.com), or by printing and mailing a paper Claim Form, copies of which are available at [www.FandangoVPPASettlement.com](http://www.FandangoVPPASettlement.com).

## 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 Defendant for the claims this Settlement resolves. The Settlement Agreement describes the specific claims you are giving up against the Defendant. You will be “releasing” the Defendant and certain of its affiliates described in Section 1.28 of the Settlement Agreement. Unless you exclude yourself (*see* FAQ 14), you are “releasing” the claims, regardless of whether you submit a claim or not. The Settlement Agreement is available through the “Documents” tab on the website, [www.FandangoVPPASettlement.com](http://www.FandangoVPPASettlement.com).

The Settlement Agreement describes the released claims with specific descriptions (*see* Sections 1.27–1.29 and 3.1–3.2 of the Settlement Agreement), so read it carefully. If you have any questions you can talk to the lawyers listed in FAQ 12 for free or you can, of course, talk to your own lawyer if you have questions about what this means.

**QUESTIONS? VISIT [WWW.FANDANGOVPASSETTLEMENT.COM](http://WWW.FANDANGOVPASSETTLEMENT.COM) OR CALL 1-877-780-4416 TOLL-FREE.**

## 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 the Defendant 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 Bursor & Fisher, P.A. 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 these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

## 13. How will the lawyers be paid?

Class Counsel's attorneys' fees, costs, and expenses will be paid from the Settlement Benefit Cap in an amount determined and awarded by the Court. Class Counsel is entitled to seek no more than 31.67% of the \$6 million Settlement Benefit Cap, but the Court may award less than this amount.

As approved by the Court, the Class Representatives will be paid incentive awards from the Settlement Benefit Cap for helping to bring and settle the case. The Class Representatives will seek no more than \$2,500.00 each as incentive awards, but the Court may award less than this amount.

## 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 *Jackson v. Fandango Media, LLC*, Case No. 2023LA000631 Settlement. Your letter or request for exclusion must also include your name, your address, 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 no later than **October 30, 2023** to:

Fandango Privacy Settlement  
Settlement Administrator  
P.O. Box 2319  
Portland, OR 97208-2319

## 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 the Defendant 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.

**QUESTIONS? VISIT [WWW.FANDANGOVPPASETTLEMENT.COM](http://WWW.FANDANGOVPPASETTLEMENT.COM) OR CALL 1-877-780-4416 TOLL-FREE.**

## OBJECTING TO THE SETTLEMENT

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

If you're a Class Member, you can 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 a letter or brief with the Court stating that you object to the Settlement in *Jackson v. Fandango Media, LLC*, Case No. 2023LA000631 and identify all your reasons for your objections (including citations and supporting evidence) and attach any materials you rely on for your objections. Your letter or brief must also include your name, an explanation of the basis upon which you claim to be a Settlement Class Member, including information sufficient to identify your current Facebook page or a screenshot showing that you were a Facebook member during the Class Period, 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. If you, or an attorney assisting you with your objection, have ever objected to any class action settlement where you or the objecting attorney has asked for or received payment in exchange for dismissal of the objection (or any related appeal) without modification to the settlement, you must include a statement in your objection identifying each such case by full case caption. You must also mail or deliver a copy of your letter or brief to Class Counsel and Defendant's Counsel listed below.

Class Counsel	Defendant's Counsel
Yitzchak Kopel Bursor & Fisher PA 1330 Avenue of the Americas, 32 <sup>nd</sup> Floor New York, NY 10019	Marc J. Zwillinger ZwillGen PLLC 1900 M St NW Suite 250 Washington, DC 20036

Class Counsel will file with the Court and post on the website, [www.FandangoVPPASettlement.com](http://www.FandangoVPPASettlement.com), its request for attorneys' fees by October 13, 2023.

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 FAQ 21), you must say so in your letter or brief. You must file the objection with the Court no later than **October 30, 2023**. The Court's address is:

The Honorable Timothy J. McJoynt  
Circuit Court of DuPage County, Illinois, Eighteenth Judicial Circuit  
Courtroom 2008  
505 North County Farm Road  
Wheaton, Illinois 60187

### 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 virtually by Zoom (<https://18thjudicial.org/18thJudicial/Remote-Court-Hearings>) at **9:30a.m. CT on November 13, 2023** in Courtroom 2008 at the Circuit Court of DuPage County, Illinois, Eighteenth Judicial Circuit. 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 incentive awards to the Class Representatives. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement.

**QUESTIONS? VISIT [WWW.FANDANGOVPPASETTLEMENT.COM](http://WWW.FANDANGOVPPASETTLEMENT.COM) OR CALL 1-877-780-4416 TOLL-FREE.**

The hearing may be postponed to a different date or time without notice, so it is a good idea to check [www.FandangoVPPASettlement.com](http://www.FandangoVPPASettlement.com) or call Class Counsel at 1-646-837-7150. 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 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 *Jackson v. Fandango Media, LLC*, Case No. 2023LA000631." It must include your name, address, telephone 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 **October 30, 2023**.

### **GETTING MORE INFORMATION**

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

This Notice summarizes the Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at [www.FandangoVPPASettlement.com](http://www.FandangoVPPASettlement.com). You may also write with questions to Fandango Privacy Settlement, P.O. Box 2319, Portland, OR 97208-2319. You can call the Settlement Administrator at 1-877-780-4416 or Class Counsel at 1-646-837-7150, 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.

**QUESTIONS? VISIT [WWW.FANDANGOVPPASETTLEMENT.COM](http://WWW.FANDANGOVPPASETTLEMENT.COM) OR CALL 1-877-780-4416 TOLL-FREE.**