

LEGAL NOTICE BY ORDER OF COURT

Farag et al. v. Kiip, Inc., Case No. 2019-CH-01695 (Ill. Cir. Ct. Cook Cnty.)

If you used a software application integrated with Kiip, Inc.'s advertising platform, you may be entitled to a cash payment from a class action settlement.

The Circuit Court of Cook County, Illinois authorized this Notice to inform you about your rights. This is not a solicitation from a lawyer.

This Notice provides important information about a proposed Settlement in a class action lawsuit against Kiip, Inc. ("Kiip"). The lawsuit involves claims that certain software integrated with Kiip's advertising platform resulted in the unauthorized collection, interception, or transmission of consumers' personal information. **Please read this Notice carefully. It summarizes your rights and options under the Settlement. You can access and read the full Settlement Agreement at www.KiipSettlement.com.**

If, since **January 1, 2010**, you used a software application integrated with Kiip's advertising platform, and if you fit the description of the Settlement Class (as defined below), then you have the following options under the Settlement:

- You can file a claim to receive a payment from the Settlement Fund. Under the Settlement, you may be eligible for a cash payment.
- You can exclude yourself from the Settlement. If you pursue this option, you will not receive any of the Settlement benefits described above, but you retain the right to bring your own lawsuit. Your request to exclude yourself must be submitted no later than **September 11, 2019**. You must follow the process described in part 8 below. If the Settlement is approved and you do not exclude yourself, you will be bound by the Settlement and will release certain claims described below.
- You can object to the Settlement. The deadline for objecting to the Settlement is **September 18, 2019**. All objections must be mailed to the Settlement Administrator at **P.O. Box 2876, Portland, OR 97208-2876**. See part 7 below for details.

NOTE: PLEASE DO NOT CALL OR WRITE THE COURT, THE COURT CLERK'S OFFICE, KIIP, OR KIIP'S COUNSEL. THEY WILL NOT BE ABLE TO ASSIST YOU. If you have questions, or you'd like more information, visit www.KiipSettlement.com or write to:

Farag v. Kiip Settlement Administrator
P.O. Box 2876
Portland, OR
97208-2876

BASIC INFORMATION

In a putative class action lawsuit known as *Farag et al. v. Kiip, Inc.*, Case No. 2019-CH-01695 (Ill. Cir. Ct. Cook Cnty.), the Plaintiffs allege that Kiip violated the law by using its advertising platform to collect, intercept, or transmit consumers' personal information through a software application without first getting permission from those consumers. Kiip denies that it did anything wrong, and the Court has not decided who is right. Rather, the parties have reached a compromise to end the lawsuit and avoid the uncertainties and costs associated with further litigation.

A settlement of the lawsuit ("Settlement") has been negotiated which, if approved by the Court, provides the Settlement Class Members with benefits from the Settlement, including the ability to receive a cash payment.

By entering into the Settlement, Kiip has not admitted the truth or validity of any of the claims against it. Your rights and options under the Settlement—and the deadlines to exercise them—are explained below.

YOUR LEGAL RIGHTS AND OPTIONS

SUBMIT A CLAIM FORM	This is the only way to receive a payment from the Settlement. Settlement Class Members who submit a valid Claim Form by the deadline of September 11, 2019 will be eligible to receive a payment as described below.
DO NOTHING	If you do nothing, you will not receive any payment from the Settlement, but <i>you will still give up your rights to sue Kiip</i> as described below.
EXCLUDE YOURSELF FROM THE SETTLEMENT	If you exclude yourself, you will not receive anything from the Settlement, but you can still sue Kiip on your own and at your own expense. The deadline for excluding yourself is September 11, 2019 .
OBJECT	You may file an objection if you wish to object to the Settlement. The deadline to object to the Settlement is September 18, 2019 .
GO TO A HEARING	You may ask to speak in Court about the fairness of the Settlement. The Court has set a hearing for October 18, 2019 at 10:00 AM , subject to change.

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. If approved, benefits will be distributed to those who qualify. Please be patient.

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1. Who is part of the Settlement?

If you received notice of the Settlement by email, then you may be a member of the Settlement Class. However, even if you did not receive a notice, you may still be a member of the Settlement Class if you fall within the Settlement Class definition. The “Settlement Class” is defined as:

All individuals who used a software app integrated with the Kiip advertising platform between **January 1, 2010** and **June 13, 2019**.

Excluded from the Settlement Class are Kiip; any entity that is a subsidiary of or is controlled by Kiip; anyone employed by Class Counsel; any judge to whom the case is assigned, his or her spouse, and members of the judge’s staff.

The Circuit Court of Cook County, Illinois (Honorable Celia G. Gamrath) has conditionally certified, for settlement purposes only, the Settlement Class.

If you are not sure whether you are in the Settlement Class, or have any other questions about the Settlement, visit **www.KiipSettlement.com** or write to:

Farag v. Kiip Settlement Administrator
P.O. Box 2876
Portland, OR
97208-2876

2. What is this litigation about?

Defendant Kiip is a mobile marketing company that displays advertisements on mobile devices through mobile applications, or “apps,” installed on individuals’ smartphones, including iPhones and Android devices. Plaintiffs brought a class action lawsuit against Kiip alleging that Kiip violated the law by secretly obtaining mobile users’ personal information without their permission and at times when they weren’t using their mobile devices. Plaintiffs have alleged that Kiip’s advertising platform, together with a certain mobile app, illegally collected, intercepted, and/or transmitted consumers’ personal data without their knowledge or consent. This is just a summary of the allegations. The complaint in the lawsuit is posted at **www.KiipSettlement.com** and contains all of the allegations.

Kiip denies Plaintiffs’ allegations and denies that it has violated the law. However, in order to avoid the expense, inconvenience, and distraction of continued litigation, Kiip has agreed to the settlement described in this Notice.

3. Who represents me?

In a class action, one or more people called “class representatives” sue on behalf of other people who have similar claims. In this case, Christine Farag and Jessica Vasil sued Kiip and sought to represent other consumers who similarly had claims against Kiip. The Court has appointed them for settlement purposes to be Settlement Class Representatives for all Settlement Class Members in this case.

The Court also appointed the law firm McGuire Law, P.C. as Class Counsel to represent the Settlement Class Members. If you want to be represented by your own lawyer, you may hire one at your own expense.

4. What benefits can I receive from the Settlement?

The Settlement provides for the creation of a Settlement Fund totaling \$1,000,000, which will be used to make payments to the class members after first making deductions for notice and administration costs, incentive awards to the class representatives, and attorneys’ fees for class counsel. If the Court finally approves the settlement, each Settlement Class Member who timely submits a valid claim form will be eligible to receive an equal payment from the Settlement Fund. The exact amount of each Settlement Class Member’s payment is unknown at this time; the final amount of each payment will depend on the number of claims submitted and the amount available in the settlement fund after the deductions.

Kiip has also agreed to implement business practices to ensure that mobile users’ personal information isn’t collected or transmitted without their permission.

5. Do I have to pay the lawyers representing me?

No. Class Counsel will ask the Court for an award of attorneys' fees and expenses for investigating the facts, litigating the case, and negotiating the settlement. This award is subject to court approval and can be up to 40% of the Settlement Fund, or \$400,000. To date, Class Counsel have not received any payment for their services in litigating the case on behalf of the Class Representatives and the Settlement Class, nor have Class Counsel been reimbursed for their costs and expenses directly relating to their representation of the Settlement Class. Class Counsel's contact information is as follows:

Myles McGuire
Paul T. Geske
Timothy P. Kingsbury
MCGUIRE LAW, P.C.
55 West Wacker Drive, Suite 900
Chicago, Illinois 60601
mmcguire@mcgpc.com
pgeske@mcgpc.com
tkingsbury@mcgpc.com
Tel: (312) 893-7002

Class Counsel will also request that an Incentive Award of \$5,000 be awarded to each of the Class Representatives in recognition of their service to the Settlement Class. The amount of any fee or service award will be determined by the Court.

6. What am I agreeing to by remaining in the Settlement Class?

Unless you exclude yourself, you will be part of the Settlement Class, and you will be bound by the release of claims in the Settlement. This means that if the Settlement is approved, you cannot sue, continue to sue, or be part of any lawsuit against Kiip arising out of, related to, or connected with interception, collection, or receipt of personal data that occurred in connection with software apps integrated with Kiip's advertising platform during the Class Period. The released claims include all claims that were or could have been asserted in the Litigation, regardless of whether those claims are known or unknown, filed or unfiled, asserted or as yet un-asserted, existing or contingent.

7. What if I don't agree with the Settlement?

If you are a member of the Settlement Class, you may object to the Settlement or any part of the Settlement that you think the Court should reject; if so, the Court will consider your views. To object, you must send your objection in writing to the Settlement Administrator, Class Counsel, and Kiip's Counsel providing:

- (a) The case name and case number of this Litigation (*Farag et al. v. Kiip, Inc.*, Case No. 2019-CH-01695 (Ill. Cir. Ct. Cook Cnty));
- (b) Your full name, current address, email address, and phone number;
- (c) The name of the software applications you used that you believe integrated Kiip's advertising platform;
- (d) The reasons why you object to the Settlement along with any supporting materials;
- (e) Information about other objections you or your lawyer(s) have made in other class action cases in the last four (4) years; and
- (f) Your signature.

Your objection must be postmarked no later than September 18, 2019. Objections must be mailed to:

Farag v. Kiip Settlement Administrator
P.O. Box 2876
Portland, OR
97208-2876

Plaintiff's Counsel
Myles McGuire
McGuire Law, P.C.
55 W. Wacker Drive, Suite 900
Chicago, IL 60601

Kiip's Counsel
Joseph C. Gratz
Durie Tangri LLP
217 Leidesdorff Street
San Francisco, CA 94111

8. How do I exclude myself from the Settlement Class?

If you want to exclude yourself from the Settlement Class, sometimes referred to as “opting-out,” you will not be eligible to receive any benefits as a result of this Settlement. However, you will keep the right to sue or continue to sue Kiip on your own and at your own expense concerning any of the claims that will be released as part of this Settlement.

To exclude yourself from the Settlement Class, you must send a letter to the Settlement Administrator providing:

- (a) The case name and case number of this Litigation (*Farag et al. v. Kiip, Inc.*, Case No. 2019-CH-01695 (Ill. Cir. Ct. Cook Cnty.));
- (b) Your full name, current address, email address, and phone number;
- (c) The name of the software applications you used that you believe integrated Kiip’s advertising platform;
- (d) A statement that you wish to exclude yourself from the Settlement Class; and
- (e) Your signature.

If you wish to exclude yourself, you must submit the above information to the following address so that it is postmarked no later than **September 11, 2019**.

Farag v. Kiip Settlement Administrator
P.O. Box 2876, Portland, OR 97208-2876

REQUESTS FOR EXCLUSION FROM THE CLASS THAT ARE NOT POSTMARKED ON OR BEFORE SEPTEMBER 11, 2019 WILL NOT BE HONORED.

You cannot exclude yourself from the Settlement Class by telephone, email, or on the Settlement Website. You cannot exclude yourself by mailing a request to any other location or after the deadline above. Your exclusion notice must be signed by you.

9. What is the difference between objecting and asking to be excluded?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object to the Settlement only if you do not exclude yourself. Excluding yourself is telling the Court that you do not want to be part of the Settlement. If you exclude yourself, you have no basis to object to the Settlement because it no longer affects you.

10. What if I do nothing at all?

You will remain a member of the Settlement Class and release your claims against Kiip. However, you **must file a Claim Form to receive a benefit in this Settlement**. See Part 4 above.

11. When will the Court finally rule on the Settlement?

The Court will hold a Final Approval Hearing to decide whether to approve the Settlement and any requests for fees, expenses, and incentive awards. The Final Approval Hearing is currently set for **October 18, 2019 at 10:00 AM** in the Chancery Division of the Circuit Court of Cook County, Illinois, Courtroom 2508 of the Richard J. Daley Center, 50 West Washington Street, Chicago, Illinois 60602. The hearing may be moved to a different date or time without additional notice, so you should check **www.KiipSettlement.com** and the Court’s docket for updates.

At the Final Approval Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider the request by Class Counsel for attorneys’ fees and expenses and for the Class Representatives’ incentive awards. If there are any objections, the Court will consider them at the Final Approval Hearing. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long that decision may take.

You may attend the hearing, at your own expense, but you do not have to do so.

You may ask the Court for permission to speak at the hearing. To do so, you must send a letter saying that you intend to appear and wish to be heard. Your notice of intention to appear must include the following:

- (a) The case name and case number of this Litigation (*Farag et al. v. Kiip, Inc.*, Case No. 2019-CH-01695 (Ill. Cir. Ct. Cook Cnty.));
- (b) Your full name, current address, email address, and phone number;
- (c) The name of the software applications you used that you believe integrated Kiip's advertising platform;
- (d) A statement that this is your "Notice of Intention to Appear" at the Final Approval Hearing in this case;
- (e) Copies of any papers, exhibits, or other evidence or information that you will present to the Court;
- (f) The reasons you want to be heard; and
- (g) Your signature.

You must send copies of your notice of intent to appear, postmarked by **September 18, 2019**, to:

Clerk of the Circuit Court of Cook County
Chancery Division
50 W. Washington Street, #802
Chicago, IL 60602

Plaintiff's Counsel
Myles McGuire
McGuire Law, P.C.
55 W. Wacker Drive, Suite 900
Chicago, IL 60601

Kiip's Counsel
Joseph C. Gratz
Durie Tangri LLP
217 Leidesdorff Street
San Francisco, CA 94111

You cannot speak at the hearing if you exclude yourself from the Settlement.

12. Does this Notice contain the entire Settlement Agreement?

No. This is only a summary of the Settlement. If the Settlement is approved and you do not exclude yourself from the Settlement Class, you will be bound by the release contained in the Settlement Agreement, and not just by the terms of this Notice. Capitalized terms in this Notice are defined in the Settlement Agreement. You can view the full Settlement Agreement online at **www.KiipSettlement.com**, or you can write to the address below for more information.

Farag v. Kiip Settlement Administrator
P.O. Box 2876, Portland, OR 97208-2876

13. Where can I get more information?

For more information, visit **www.KiipSettlement.com** or write to:

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Portland, OR
97208-2876

NOTE: PLEASE DO NOT CALL OR WRITE THE COURT, THE COURT CLERK'S OFFICE, KIIP, OR KIIP'S COUNSEL. THEY WILL NOT BE ABLE TO ASSIST YOU.