

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

ANTHONY ADAMS,
on behalf of himself and all other
persons similarly situated,
known and unknown

Plaintiff,

v.

HC AURORA, LLC,

Defendant.

No. _____

NOTICE OF REMOVAL

Defendant, HC Aurora, LLC (“HC Aurora”), through its undersigned attorneys, hereby removes to the United States District Court for the Northern District of Illinois, Eastern Division, the action captioned *Anthony Adams v. HC Aurora, LLC*, currently pending in the Circuit Court for the Sixteenth Judicial Circuit in Kane County, Illinois, Civil Division, Case No. 19 L 000505.

In support of removal, HC Aurora states as follows:

1. On October 15, 2019, Plaintiff Anthony Adams (“Plaintiff”) filed this action on behalf of himself and all other similarly situated individuals in the Circuit Court of Kane County, Illinois. Plaintiff asserts a class action claim for alleged violations of the Illinois Biometric Information Privacy Act (“740 ILCS 14/1 *et seq.*”) (“BIPA”). A true and accurate copy of the complaint filed in the state court action, along with all other process, pleadings, and orders with which HC Aurora has been served are attached hereto as Exhibit A.

2. HC Aurora currently is the only defendant in the state court litigation, and was served on October 25, 2019. Removal is timely because this notice is filed within 30 days of service of the Complaint and Summons. *See* 28 U.S.C. § 1446(b)(1).

REMOVAL IS PROPER

3. Removal to this Court is proper because the United States District Court for the Northern District of Illinois, Eastern Division is the District Court of the United States for the district and division embracing the state court action filed by Plaintiff in Kane County, Illinois. *See* 28 U.S.C. § 93(a)(1).

4. This putative class action is subject to this Court’s jurisdiction: (1) under 28 U.S.C. 1332(a), because complete diversity exists and the amount in controversy for the name plaintiff’s claims exceeds \$75,000; and (2) under the Class Action Fairness Act of 2005, 28 U.S.C. § 1332(d) (“CAFA”), because minimal diversity exists and the amount in controversy exceeds \$5,000,000.

I. Removal is Proper Under Section 1332 Diversity Jurisdiction

5. This Court has complete diversity jurisdiction under 28 U.S.C. § 1332(a), which provides that “district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between- (1) citizens of different States. . . .”

6. Complete diversity exists between Plaintiff and HC Aurora. Plaintiff is a citizen of Illinois. (Compl. ¶ 17.) HC Aurora is an Illinois limited liability company. For purposes of diversity jurisdiction, a limited liability company is a citizen of any state of which a member of the company is a citizen. *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195–96 (1990). HC Aurora’s sole member is Hollywood Casinos, LLC. Hollywood Casinos’ sole member is CRC Holdings, Inc. For purposes of diversity jurisdiction, a corporation is “a citizen of any State by which it has

been incorporated and of the state where it has its principal place of business.” 28 U.S.C. § 1332(c)(1). CRC Holdings is a Florida corporation with its principal place of business in Pennsylvania.

7. Based on the Complaint’s allegations, the amount in controversy exceeds \$75,000. When analyzing the amount in controversy in a class action under 28 U.S.C. § 1332(a), at least one named plaintiff must satisfy the jurisdictional amount. *See, e.g., Richardson v. DSW, Inc.*, No. 05 C 4599, 2005 WL 2978755, at *1 (N.D. Ill. Nov. 3, 2005).

8. To be clear, HC Aurora denies Plaintiff’s claims of wrongdoing and maintains that neither Plaintiff nor any of the proposed class members has a viable claim or is entitled to any damages in this case. However, for purposes of diversity jurisdiction regarding a BIPA lawsuit, the recent decision in *Peatry v. Bimbo Bakeries USA, Inc.*, 393 F. Supp. 3d 766 (N.D. Ill. Aug. 7, 2019) illustrates that the defendant is entitled to accept the complaint’s allegations solely for the purpose of assessing the alleged amount in controversy. Diversity jurisdiction exists where the “complaint and BIPA together can plausibly be read to suggest that a violation of at least some of the BIPA provisions at issue allegedly occurred every time [plaintiff] and the putative class members” were the subject of biometric technology. *See id.* at 769.

9. In the complaint, Plaintiff alleges that he has been to HC Aurora’s casino “approximately ten to twenty times” during the class period, and that HC Aurora’s facial recognition technology has scanned his facial geometry on each of these visits. Compl. ¶¶ 24, 27. Plaintiff seeks damages for “each violation of [BIPA] as provided by 740 ILCS 14/20(1)-(2).” Compl. ¶¶ 50(a), 57(a). Given that Plaintiff is claiming he was submitted to HC Aurora’s technology up to “twenty times,” and given that Plaintiff claims that HC Aurora *recklessly*

violated BIPA each time HC Aurora's facial recognition technology allegedly scanned his facial geometry on each visit to HC Aurora's casino, the amount in controversy is potentially \$100,000, which is in excess of the diversity threshold (*i.e.*, 20 visits X \$5,000 in recklessness-related statutory damages under BIPA). *See* 740 ILCS 14/20(1)-(2). Thus, removal is proper under 28 U.S.C. § 1332(a).

II. Removal is Proper Under CAFA

10. Alternatively, this Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332(d). CAFA grants district courts original jurisdiction over civil actions filed under federal or state law in which any member of a class of plaintiffs is a citizen of a state different from any defendant (referred to as minimal diversity), the putative class has more than 100 members, and the amount in controversy for the putative class members exceeds \$5,000,000, exclusive of interest and costs. CAFA authorizes removal of such actions under 28 U.S.C. § 1446. The putative class action described in the Complaint satisfies the requirements of CAFA.

11. Minimal diversity is met for the reasons stated above. Plaintiff is a Citizen of Illinois, and HC Aurora (tracking down through its LLC members) is a Citizen of Florida and Pennsylvania. Upon information and belief, there are non-named absent members of the proposed class that are not citizens of Florida and Pennsylvania.

12. As to CAFA's numerical requirement, Plaintiff's complaint purports to bring this case on behalf of the following proposed class:

All individuals who are members of Defendant's rewards program and who had their facial geometry scans collected or possessed by Defendant in Illinois between October 15, 2014 and the present.

Compl. ¶ 30. Plaintiff alleges that the proposed class "includes hundreds and likely thousands of members." Compl. ¶ 32. Thus, CAFA's class member numerical requirement is met.

13. Finally, the CAFA amount in controversy is met. A notice of removal “need include only a plausible allegation” that CAFA’s \$5 million amount in controversy threshold is satisfied. *Dart Cherokee Basin Operating Co., LLC v. Owens*, 574 U.S. 81, 89 (2014). It “need not contain evidentiary submissions.” *Id.* at 84. HC Aurora denies Plaintiff’s claims of wrongdoing and maintains that neither Plaintiff nor any of the proposed class members has a viable claim or is entitled to any damages in this case. However, Plaintiff’s allegations (discussed above) allows this Court to infer that many class members visited HC Aurora more than one time. This inference, coupled by Plaintiff’s allegations that the class “includes hundreds and likely thousands of members,” and that HC Aurora engaged in reckless conduct under BIPA (thereby allowing for potentially \$5,000 per violation), allows this Court to determine that the CAFA amount in controversy is met. Accordingly, accepting Plaintiff’s allegations as true solely for purposes of determining removal under Section 1332, Plaintiff’s complaint seeks more than \$5 million in compensatory damages in the aggregate.¹

14. Finally, Plaintiff also requests injunctive relief. Compl. ¶¶ 50(b), 57(b). This request further increases the amount in controversy, which provides a further basis for removal. *See Keeling v. Esurance Ins. Co.*, 660 F.3d 273, 274 (7th Cir. 2011).

15. Promptly after filing this Notice of Removal, HC Aurora will give written notice of the removal to all parties and will file a notice in the Kane County Circuit Court.

¹HC Aurora denies Plaintiff’s claims of wrongdoing, denies that class certification is proper, and denies that Plaintiff or any of the class members are entitled to any damages. HC Aurora disputes Plaintiff’s interpretation of the remedies under BIPA, including Plaintiff’s position that it is entitled to a separate statutory damages amount for each time that Plaintiff visited HC Aurora. The above simply assumes *for CAFA removal purposes only* that if Plaintiff is able to establish a class and prove the allegations in the complaint, the total amount of monetary relief sought by Plaintiff and the proposed class would exceed \$5 million, exclusive of interests and costs.

WHEREFORE, HC Aurora respectfully requests that the action pending against it in the Circuit Court for the Sixteenth Judicial Circuit in Kane County, Illinois, Civil Division, be removed to this Court.

Dated: November 14, 2019

Respectfully submitted,

HC AURORA, LLC

/s/ Daniel R. Saeedi

Daniel R. Saeedi (#6296493)

dsaeedi@taftlaw.com

Allison E. Czerniak (#6319273)

aczerniak@taftlaw.com

TAFT STETTINIUS & HOLLISTER LLP

111 East Wacker Drive, Suite 2800

Chicago, IL 60601

Telephone: 312-527-4000

Facsimile: 312-966-8584

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2019, the foregoing was served by electronic mail upon the following:

Douglas M. Werman (dwerman@flsalaw.com)
Maureen A. Salas (msalas@flsalaw.com)
Zachary C. Flowerree (zflowerree@flsalaw.com)
Sarah J. Arendt (sarendt@flsalaw.com)
WERMAN SALAS P.C.
77 West Washington, Suite 1402
Chicago, Illinois 60602
(312) 419-1008

Joseph A. Fitapelli (jfitapelli@fslawfirm.com)
Dana Cimera (dcimera@fslawfirm.com)
FITAPELLI & SCHAFFER, LLP
28 Liberty Street, 30th Floor
New York, New York 10005

Attorneys for Plaintiff

/s/ Daniel R. Saeedi

Daniel R. Saeedi (#6296493)
dsaeedi@taftlaw.com
Allison E. Czerniak (#6319273)
aczerniak@taftlaw.com
TAFT STETTINIUS & HOLLISTER LLP
111 East Wacker Drive, Suite 2800
Chicago, IL 60601
Telephone: 312-527-4000
Facsimile: 312-966-8584

26177494

EXHIBIT A

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS
CIVIL DIVISION

ANTHONY ADAMS, on behalf of himself)
and all other persons similarly situated,)
known and unknown,)
Plaintiff,)
v.)
HC AURORA, LLC,)
Defendant.)

19-L-000505

Case No.

Judge

Thomas M. Hartwell
Clerk of the Circuit Court
Kane County, Illinois
10/15/2019 1:14 PM
FILED/IMAGED

CLASS ACTION COMPLAINT

Anthony Adams (“Plaintiff”) files this Class Action Complaint (“Complaint”) against HC Aurora, LLC (“Defendant”) for violations of the Illinois Biometric Information Privacy Act.

SUMMARY OF CLAIMS

1. Penn National Gaming, Inc. is one of the leading casino and gaming companies in the United States.
2. Defendant is an operating subsidiary or affiliate of Penn National Gaming, Inc.
3. Defendant operates Hollywood Casino in Aurora, Illinois (“Hollywood Aurora”).
4. Hollywood Aurora had gross receipts of \$116,716,842 and admitted 938,382 patrons in 2018, with an average daily admission of 2,571 patrons, according to the 2018 Annual Report by the Illinois Gaming Board.
5. Defendant uses facial recognition technology with its video security cameras at its Hollywood Aurora casino.

**NOTICE
BY ORDER OF THE COURT THIS CASE IS HEREBY SET FOR
CASE MANAGEMENT CONFERENCE ON THE DATE BELOW.
FAILURE TO APPEAR MAY RESULT IN THE CASE BEING
DISMISSED OR AN ORDER OF DEFAULT BEING ENTERED.
Judge: Murphy, James R
1/2/2020 9:00 AM**

6. Defendant's facial recognition technology identifies a person by scanning the geometry of a person's facial features and comparing that scan against databases of stored facial geometry templates.

7. Plaintiff is a member of Defendant's rewards program who gambled at Defendant's Hollywood Aurora casino during the limitations period.

8. Defendant's facial recognition technology scanned Plaintiff's and other rewards program members' facial geometry and stored templates of their facial geometry in Defendant's databases.

9. Each time Plaintiff and other rewards program members gambled at Defendant's casino Defendant's facial recognition technology scanned the geometry of their faces to identify them against stored facial geometry templates in Defendant's databases.

10. Facial geometry is a *unique* and *permanent* identifier.

11. In enacting the Biometric Information Privacy Act, the Illinois legislature recognized that biologically unique identifiers, like facial geometry, and information based on those identifiers, cannot be changed when compromised, and thus subject a victim of identity theft to heightened risk of loss.

12. As a result, Illinois restricted private entities, like Defendant, from collecting, storing, using, or transferring a person's biometric identifiers and information without adhering to strict informed-consent procedures and data retention/destruction policies.

13. Defendant collected, stored, and used the unique biometric facial geometry identifiers, or identifying information derived from facial geometry, of Plaintiff and others similarly situated without following the detailed requirements of the Biometric Information Privacy Act.

14. As a result, Plaintiff and others similarly situated lost the right to control their biometric identifiers and information.

JURISDICTION AND VENUE

15. This Court has personal jurisdiction over Defendant because, during the relevant time period, Defendant did business in Illinois, was registered to do business in Illinois, and committed the statutory violations alleged in this Complaint in Illinois.

16. Kane County is an appropriate venue for this litigation because Defendant has offices in Kane County, does business there, and committed the statutory violations alleged in this Complaint in Kane County.

THE PARTIES

17. Plaintiff is an individual who is a citizen of Illinois.

18. Defendant is an Illinois limited liability company.

19. Defendant is owned by Penn National Gaming, Inc.

REQUIREMENTS OF THE BIOMETRIC INFORMATION PRIVACY ACT

20. In enacting the Biometric Information Privacy Act, the Illinois legislature recognized that the full ramifications of biometric technology are not yet fully known and so the public will benefit from “regulations on the collection, use, safeguarding, handling, storage retention, and description of biometric identifiers and information.” 740 ILCS 14/5(f)-(g).

21. The Biometric Information Privacy Act prohibits a “private entity” from capturing or collecting biometric identifiers or information from an individual unless that private entity first obtains the individual’s written release authorizing the private entity to capture or collect an individual’s biometric identifiers and/or biometric information. 740 ILCS 14/15(b)(3).

22. Relatedly, the Biometric Information Privacy Act prohibits a private entity from capturing or collecting biometric identifiers or information from an individual unless that private entity first informs the individual, in writing, of the following: (a) that the private entity is collecting biometric identifiers or information, (b) the purpose of such collection, and (c) the length of time the private entity will retain the biometric identifiers or information. 740 ILCS 14/15(b)(1)-(2).

23. In addition, the Biometric Information Privacy Act prohibits a private entity from possessing biometric identifiers or information unless it creates and follows a written policy, made available to the public, establishing a retention schedule and destruction guidelines for its possession of biometric identifiers and information. 740 ILCS 14/15(a).¹

BACKGROUND FACTS

24. Plaintiff gambled at Defendant's Hollywood Aurora casino approximately ten to twenty times since 2014, including three times within the last year and most recently within the last two months.

25. Plaintiff has been a member of Defendant's rewards program since approximately 2014.

26. Defendant's facial recognition technology scanned Plaintiff's facial geometry from security camera footage and stored a facial geometry template for Plaintiff.

27. Each time Plaintiff gambled at Defendant's Hollywood Aurora casino, Defendant's facial recognition technology scanned Plaintiff's facial geometry and compared those scans against stored facial geometry templates in Defendant's databases.

¹ The Biometric Information Privacy Act has other requirements not yet relevant to this lawsuit.

28. Defendant failed to inform Plaintiff and other rewards program members in writing that it was collecting their biometric identifiers or information, the purpose and length of term for such collection, and failed to obtain their written consent *before* Defendant collected their facial geometry scans.

29. Defendant never established and followed a publicly available written policy establishing a retention schedule and guidelines for permanently destroying scans of Plaintiff's and other rewards program members' facial geometry.

CLASS ACTION ALLEGATIONS

30. Plaintiff seeks to represent the following class:

All individuals who are members of Defendant's rewards program and who had their facial geometry scans collected or possessed by Defendant in Illinois between October 15, 2014 and the present ("the Class").

31. Plaintiff and the Class are similar to one another because they were all subject to the same allegedly illegal practice: Defendant's collection and possession of their facial geometry scans despite Defendant failing to adhere to the requirements of the Biometric Information Privacy Act.

32. The Class includes hundreds and likely thousands of members.

33. As a result, the Class is so numerous that joining of all class members in one lawsuit is not practical.

34. The issues involved in this lawsuit present common questions of law and fact, including: whether Defendant used facial recognition technology at its Illinois casino; whether Defendant collected and/or possessed the Class's "biometric identifiers" or "biometric information" through the use of facial recognition technology at its Illinois casino; and whether Defendant complied with the procedures in 740 ILCS 14/15(a) and (b) of the Biometric

Information Privacy Act.

35. These common questions of law and fact predominate over variations that may exist between members of the Class, if any.

36. Plaintiff, the members of the Class, and Defendant have a commonality of interest in the subject matter of the lawsuit and the remedies sought.

37. If individual actions were required to be brought by each member of the Class injured or affected, the result would be a multiplicity of actions, creating a hardship to the Class, to the Court, and to Defendant.

38. Accordingly, a class action is an appropriate method for the fair and efficient adjudication of this lawsuit and distribution of the common fund to which the Class is entitled.

39. Defendant's books and records are material to Plaintiff's case as they disclose when Defendant scanned the facial geometry of Plaintiff and the Class and what information Defendant provided Plaintiff and the Class about the collection, retention, and use of their biometric identifiers and information.

40. Plaintiff and his counsel will fairly and adequately protect the interests of the Class.

41. Plaintiff retained counsel experienced in complex class action litigation.

COUNT I

Violation of the Biometric Information Privacy Act (740 ILCS 14/15(b)) (Class Action)

42. Plaintiff realleges and incorporates the previous allegations of this Complaint.

43. Defendant is a "private entity" under the Biometric Information Privacy Act. 740 ILCS 14/10.

44. Plaintiff's and the Class's facial geometry scans qualify as "biometric identifier[s]" as defined by the Biometric Information Privacy Act. 740 ILCS 14/10.

45. Defendant has “biometric information” from Plaintiff and the Class through its acquisition and retention of identifying information based on Plaintiff’s and the Class’s facial geometry scans.

46. Defendant violated the Biometric Information Privacy Act by capturing or collecting Plaintiff’s and the Class’s facial geometry scans and identifying information based on those scans without *first* informing them in writing that Defendant was doing so.

47. Defendant violated the Biometric Information Privacy Act by capturing or collecting Plaintiff’s and the Class’s facial geometry scans and identifying information based on those scans without *first* informing them in writing of the purpose of Defendant doing so and the length of time Defendant would store and use Plaintiff’s and the Class’s biometric identifiers and/or biometric information.

48. Defendant violated the Biometric Information Privacy Act by capturing or collecting Plaintiff’s and the Class’s facial geometry scans and identifying information based on those scans without *first* obtaining their informed written consent authorizing Defendant to capture or collect Plaintiff’s and the Class’s biometric identifiers and/or biometric information.

49. Unlike other companies in Illinois, Defendant failed to take notice and follow the requirements of the Biometric Information Privacy Act, even though the law was enacted in 2008 and numerous articles and court filings were published about the law’s requirements before Defendant committed the violations alleged in this Complaint.

50. As a result, Defendant’s violations of the Biometric Information Privacy Act were reckless or, in the alternative, negligent.

WHEREFORE, Plaintiff and the Class pray for a judgment against Defendant as follows:

A. Awarding liquidated or actual monetary damages, whichever is higher, to Plaintiff and the Class for each violation of the Biometric Information Privacy Act as

provided by 740 ILCS 14/20(1)-(2);

- B. Enjoining Defendant from committing further violations of the Biometric Information Privacy Act as authorized by 740 ILCS 14/20(4);
- C. Awarding Plaintiff's reasonable attorneys' fees and costs incurred in filing and prosecuting this action as provided by 740 ILCS 14/20(3); and
- D. Awarding such other and further relief as this Court deems appropriate and just as provided by 740 ILCS 14/20(4).

COUNT II

Violation of the Biometric Information Privacy Act (740 ILCS 14/15(a)) (Class Action)

51. Plaintiff realleges and incorporates the previous allegations of this Complaint.

52. Defendant is a "private entity" under the Biometric Information Privacy Act. 740 ILCS 14/10.

53. Plaintiff's and the Class's facial geometry scans qualify as "biometric identifier[s]" as defined by the Biometric Information Privacy Act. 740 ILCS 14/10.

54. Defendant has "biometric information" from Plaintiff and the Class through its acquisition and retention of identifying information based on Plaintiff's and the Class's facial geometry scans.

55. Defendant violated the Biometric Information Privacy Act by possessing Plaintiff's and the Class's facial geometry scans and identifying information based on those scans without creating and following a written policy, made available to the public, establishing and following a retention schedule and destruction guidelines for their possession of biometric identifiers and information.

56. Unlike other companies in Illinois, Defendant failed to take notice and follow the requirements of the Biometric Information Privacy Act, even though the law was enacted in 2008 and numerous articles and court filings were published about the law's requirements before

Defendant committed the violations alleged in this Complaint.

57. As a result, Defendant's violations of the Biometric Information Privacy Act were reckless or, in the alternative, negligent.

WHEREFORE, Plaintiff and the Class pray for a judgment against Defendant as follows:

- A. Awarding liquidated or monetary damages, whichever is higher, to Plaintiff and the Class for each violation of the Biometric Information Privacy Act as provided by 740 ILCS 14/20(1)-(2);
- B. Enjoining Defendant from committing further violations of the Biometric Information Privacy Act as authorized by 740 ILCS 14/20(4);
- C. Awarding Plaintiff's reasonable attorneys' fees and costs incurred in filing and prosecuting this action as provided by 740 ILCS 14/20(3); and
- D. Awarding such other and further relief as this Court deems appropriate and just as provided by 740 ILCS 14/20(4).

Dated: October 15, 2019

Respectfully submitted,

/s/Douglas. M. Werman
One of Plaintiff's Attorneys

Douglas M. Werman (dwerman@flsalaw.com)
Maureen A. Salas (msalas@flsalaw.com)
Zachary C. Flowerree (zflowerree@flsalaw.com)
Sarah J. Arendt (sarendt@flsalaw.com)
WERMAN SALAS P.C.
77 West Washington, Suite 1402
Chicago, Illinois 60602
(312) 419-1008

Joseph A. Fitapelli (jfitapelli@fslawfirm.com)
Dana Cimera (dcimera@fslawfirm.com)
FITAPELLI & SCHAFFER, LLP
28 Liberty Street, 30th Floor
New York, NY 10005
(212) 300-0375

Attorneys for Plaintiff

**IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS 19-L-000505**

Case No. _____

<p align="center">ANTHONY ADAMS, on behalf of himself and all other persons similarly situated, known and unknown</p>	<p align="center">HC AURORA, LLC</p>	<div style="border: 1px solid black; padding: 5px;"> <p align="center"><i>Thomas M. Hartwell</i> Clerk of the Circuit Court Kane County, Illinois</p> <p align="center">10/15/2019 1:14 PM</p> <p align="center">FILED/IMAGED</p> </div>
Plaintiff/Petitioner	Defendant/Respondent	File Stamp

APPEARANCE

<p>APPEARANCE TYPE</p> <p><input checked="" type="checkbox"/> Full</p> <p><input type="checkbox"/> Limited</p> <p><input type="checkbox"/> Special</p> <p><input type="checkbox"/> Court Appointed</p> <p><input type="checkbox"/> Other _____</p>
<p>Party for whom appearance is being entered:</p> <p>Name: <u>Anthony Adams c/o Werman Salas P.C.</u></p> <p>Address: <u>77 W. Washington Street, Suite 1402</u></p> <p>City, State, Zip: <u>Chicago, IL 60602</u></p> <p><input type="checkbox"/> THIS IS A NEW ADDRESS</p>
<p>Additional party for whom appearance is being entered:</p> <p>Name: _____</p> <p>Address: _____</p> <p>City, State, Zip: _____</p>
<p>Attorney:</p> <p>Name: <u>Douglas M. Werman</u></p> <p>Address: <u>77 W. Washington Street, Suite 1402</u></p> <p>City, State, Zip: <u>Chicago, IL 60602</u></p> <p>Phone: <u>(312) 419-1008</u></p> <p>E-mail: <u>dverman@lsalaw.com</u></p>

As Attorney for the within named party or parties, I hereby enter my Appearance and the Appearance of the within named.

Douglas M. Werman

Attorney As Aforesaid

Date 10/15/19

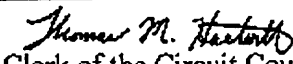
<p>Firm Name Werman Salas P.C.</p>
<p>Attorney Registration Number 6204740</p>

NOTICE TO ATTORNEY

You must enter your individual Attorney Registration number above.

**IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS 19-L-000505**

Case No. _____

ANTHONY ADAMS, on behalf of himself and all other persons similarly situated, known and unknown Plaintiff(s)	HC AURORA, LLC Defendant(s)	 Clerk of the Circuit Court Kane County, Illinois 10/16/2019 FILED/IMAGED
SERVE: Name: HC AURORA, LLC c/o Reg. Agent: The Corporation Co. Address: 600 S. 2nd Street, Suite 103 City, State & Zip: Springfield, IL 62704		

File Stamp

Amount Claimed \$50,000.00 + (to be determined)

Pltf. Atty Douglas M. Werman
 Atty. Registration No. 6204740
 Address 77 W. Washington Street, Suite 1402
 City, State and Zip Chicago, IL 60602
 Attorney E-mail: dwerman@fslaw.com

Add. Pltf. Atty _____
 Atty. Registration No. _____
 Address _____
 City, State and Zip _____
 Attorney E-mail: _____

SUMMONS

To the above named defendant(s):

- A. You are hereby summoned and required to appear before this court in room _____ of the _____ at _____ m. on _____ to answer the complaint in this case, a copy of which is hereto attached. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint.
- B. You are hereby summoned and required to file an answer in this case or otherwise file your appearance, in the Office of the Clerk of this Court, within 30 days after service of this summons, exclusive of the day of service. If you fail to do so, judgment or decree by default may be taken against you for the relief prayed in the complaint.
- C. You are further Notified that a dissolution action stay is in full force and effect upon service of this summons. The Conditions of stay are set forth on page two (2) of this summons, and are applicable to the parties as set forth in the statute.
- D. E-filing is now mandatory for documents in civil cases with limited exemptions. To efile, you must first create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/FAQ/gethelp.asp> or talk with your local circuit clerk's office.

TO THE SHERIFF OR OTHER PROCESS SERVER:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. In the event that paragraph A of this summons is applicable, this summons may not be served less than three days before the day for appearance. If service cannot be made, this summons shall be returned so endorsed.

This summons may not be served later than 30 days after its date if paragraph B is applicable.

DATE OF SERVICE _____
 (To be inserted by process server on copy left with the defendant or other person)

10/16/2019

WITNESS, Thomas M. Hartnett

Clerk of Court



Case No. _____

SUMMONS (CONT.)

I certify that I served this summons on defendants as follows:

(a) - (Individual defendants - personal)

By leaving a copy and a copy of the complaint with each individual defendant personally, as follows:

Name of Defendant	Place of Service	Date of service
_____	_____	_____
_____	_____	_____
_____	_____	_____

(b) - (Individual defendants - abode):

By leaving a copy and a copy of the complaint at the usual place of abode of each individual defendant with a person of his/her family, of the age of 13 years or upwards, informing that person of the contents of the summons, and also by sending a copy of the summons and of the complaint in a sealed envelope with postage fully prepaid, addressed to each individual defendant at his/her usual place of abode, as follows:

Name of Defendant	Person with whom left	Date of service	Date of mailing
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(c) - (Corporation defendants):

By leaving a copy and a copy of the complaint with the registered agent officer, or agent of each defendant corporation, as follows:

Defendant corporation	Registered agent officer or agent	Date of service
_____	_____	_____
_____	_____	_____
_____	_____	_____

(d) - (Other service):

Signature

SERVICE FEES

Service and return _____ \$ _____

Miles _____

Total _____ \$ _____

Sheriff of _____ County

Special Process Server

Sheriff of _____ County

By _____, Deputy

Special Process Server
(See Order of Appointment in file)

NOTICE TO DEFENDANTS - Pursuant to Supreme Court Rule

In a civil action for money (excess of \$15,000) in which the summons requires your appearance on a specified day, you may enter your appearance as follows:

1. You may enter your appearance prior to the time specified in the summons by filing a written appearance, answer or motion in person or by attorney to the Office of the Kane County Circuit Clerk, 540 S. Randall Rd., St. Charles, IL 60174.
2. You may enter your appearance at the time and place specified in the summons by making your presence known to the Judge when your case is called.

In either event YOU MUST APPEAR IN PERSON OR BY ATTORNEY at the time and place specified in the summons or a default Judgment will be entered against you.

When you appear in Court, the Judge will require you to enter your appearance in writing, if you have not already done so. Your written appearance, answer, or motion shall state with particularity the address where service of notice or papers may be made upon you or an attorney representing you.

Your case will be heard on the date set forth in the summons unless otherwise ordered by the Court. Only the Court can make this exception. Do not call upon the Circuit Court Clerk or the Sheriff's Office if you feel you will be unable to be present at the time and place specified. Continuances can be granted only on the day set forth in the summons, and then only for good cause shown. You, or someone representing you, MUST APPEAR IN PERSON at the specified time and place and make such a request.

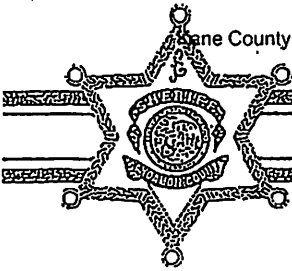
If you owe and desire to pay the claim of the plaintiff before the return date on the summons, notify the plaintiff or his/her attorney if you desire to do so. Request that he/she appear at the time specified and ask for the dismissal of the suit against you. Do not make such a request of the Circuit Court Clerk or the Sheriff, as only the Judge can dismiss a case, and then only with a proper court order which must be entered in open Court.

CONDITIONS OF DISSOLUTION ACTION STAY

750 ILCS 5/501.1

Chapter 40, paragraph 501.1, Illinois Revised Statutes

- (a) Upon service of a summons and petition or praecipe filed under the Illinois Marriage and Dissolution of Marriage Act or upon the filing of the respondent's appearance in the proceeding, whichever first occurs, a dissolution action stay shall be in effect against both parties and their agents and employees, without bond or further notice, until a final judgment is entered, the proceeding is dismissed, or until further order of the court:
 - (1) restraining both parties from physically abusing, harassing, intimidating, striking, or interfering with the personal liberty of the other party or the minor children of either party; and
 - (2) restraining both parties from concealing a minor child of either party from the child's other parent. The restraint provided in this subsection (e) does not operate to make unavailable any of the remedies provided in the Illinois Domestic Violence Act of 1986.



Sangamon County Circuit Court THOMAS M. HARTWELL ACCEPTED: 10/31/2019 9:46 AM By: CS Env #7176687

SANGAMON COUNTY SHERIFFS OFFICE

"Keeping the Peace Since 1821"

Administration - (217) 753-6855
Records - (217) 753-6846

JACK CAMPBELL
#1 Sheriffs Plaza
Springfield, IL 62701

Investigations - (217) 753-6840
Corrections - (217) 753-6886

SG TRACKING #19- 7254

I, [Signature] certify that I served this summons as follows:

- Personal service on an individual, by leaving a copy of the summons and complaint with the defendant personally
- Abode service on an individual, by leaving a copy of the summons and complaint with a member of the household thirteen (13) years or older, in possession of the contents thereof, and also by sending a copy of the summons, in a sealed envelope, postage paid, to the individual listed in the summons.
- Corporation service, by leaving a copy of the summons and complaint with an agent or officer of the corporation listed in the summons.
- Other service, as described below.

Thomas M. Hartwell
Clerk of the Circuit Court
Sangamon County, Illinois
10/30/2019 5:52 PM
FILED/IMAGED

Case Number 19 L 505
 Name of defendant HC AURORA
 Name of other person Summons left with Ms. POWERS
 Sex: (M) (F) Race: B Approx. Age: _____
 Date of Service 10/25 2019 Time 1035
 Date of Mailing _____
 Address at which paper was served:
118 W EDWARDS
SPRNG IL

Service fees (Circle One) \$50.00 or \$100.00

Circle One: PAID PAUPER NO CHARGE

Jack Campbell, Sheriff of Sangamon County Sheriff's Office

By [Signature], Deputy # 4973

IN PARTNERSHIP WITH THE COMMUNITY

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Aurora, IL's Hollywood Casino Hit with BIPA Class Action Over Alleged Use of Facial Recognition Technology](#)
