

Circuit Court of Cook County, Illinois

NOTICE OF CLASS ACTION SETTLEMENT REGARDING  
THE POKÉMON GO FEST IN CHICAGO, ILLINOIS ON JULY 22, 2017

*The Court authorized this notice. This is not a solicitation from a lawyer.*

**IF YOU ATTENDED THE POKÉMON GO FEST IN CHICAGO, ILLINOIS ON JULY 22, 2017, THIS NOTICE CONTAINS IMPORTANT INFORMATION THAT PERTAINS TO YOU. PLEASE READ IT CAREFULLY. YOU MAY GET A PAYMENT FROM A CLASS ACTION SETTLEMENT, BUT YOU NEED TO SUBMIT A FORM TO DO SO.**

<b>YOUR LEGAL RIGHTS AND OPTIONS WITH THIS SETTLEMENT:</b>	
<b>RECEIVE YOUR SHARE OF THE SETTLEMENT</b>	If you are a member of the Settlement Class, you may be eligible for a payment and you must submit a properly completed Claim Form and provide supporting documentation by <b>July 24, 2018</b> . Unless you take affirmative steps to exclude yourself from this Settlement, you will be bound by the Release described in Question 12.
<b>EXCLUDE YOURSELF</b>	You have the option to exclude yourself, or “Opt-Out” of this Settlement. If you do so, you will get no payment. This is the only option that allows you to be part of any other lawsuit against Niantic, Inc. based on the allegations made in this case. The deadline for excluding yourself from the Settlement is <b>July 9, 2018</b> .
<b>OBJECT</b>	Write to the Court about why you don’t like the Settlement. The deadline for submitting a written objection to the Settlement is <b>July 9, 2018</b> .
<b>DO NOTHING</b>	If you do nothing, then, if you are eligible and not excluded you’ll automatically be part of the Settlement Class. If you do not submit the Claim Form, you will receive no monetary benefits from this Settlement but you will be bound by the Final Approval Order approving the Settlement.
<b>GO TO THE FINAL APPROVAL HEARING</b>	You are not required to attend or speak at the Final Approval Hearing. If you submit a timely and valid written objection to the Settlement, the Court will consider your objection without any further action on your part. But, if you wish, you may request permission to speak at the Final Approval Hearing by following the directions in Question 22. The Final Approval Hearing is presently scheduled for <b>September 6, 2018</b> .

- Defendant Niantic, Inc. (“Niantic”) has agreed to pay a total of \$1,575,000 to settle all claims alleged against it in the class action lawsuit, *Norton, et al. v. Niantic, Inc.*, Case No. 2017 CH 10281, filed in the Circuit Court of Cook County, Illinois (the “Class Action Lawsuit”), any fact and/or circumstance related to issues that prevented Pokémon GO Fest attendees from being able to play Pokémon GO during the Pokémon GO Fest, or any fact and/or circumstance which has been alleged, or which could have been alleged, in the Class Action Lawsuit. The proposed settlement (“the Settlement”) is a compromise of all claims by Plaintiffs including allegations of violations of Illinois, Washington, and California consumer protection statutes, misrepresentation, and unjust enrichment in connection with technical issues that prevented attendees from playing Pokémon GO during the Pokémon GO Fest in Chicago, Illinois on July 22, 2017. Settlement Class Members are those individuals who had a valid ticket for and attended the Pokémon GO Fest.
- The Settlement avoids the costs and risks from continuing the Class Action Lawsuit, pays money to the individuals who are part of the Settlement Class, and releases Niantic from further liability as to them.
- **Your legal rights are affected whether you act or don’t act.** Please read this notice carefully.
- Your rights and options – **and the procedures and your deadlines to exercise them** – are explained in more detail below. Please note, however, that this Notice is only a summary of the proposed Settlement. For the complete terms and conditions of the proposed Settlement, you should read the document called

the Settlement Agreement, which was filed with the Court and is available from the Settlement Administrator at 1-866-666-6803 or the official Settlement website [www.GOFestSettlement.com](http://www.GOFestSettlement.com).

- The Court in charge of this case still must decide whether to approve the proposed Settlement. Payments will not be made until the Court approves the Settlement and any appeals are resolved. Please be patient.

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### BASIC INFORMATION

#### **1. Why did I get this notice?**

You received this notice because Niantic's records show that you attended the Pokémon GO Fest. As such, you are a Class Member and are eligible to receive monetary compensation from the Settlement Fund.

The Court required that this notice be sent to you because you have a right to know about a proposed Settlement of a class action lawsuit, and about all your legal options, before the Court decides whether to approve the Settlement. The Court has preliminarily approved the Settlement. If the Court gives the Settlement its final approval, and after any objections and appeals are resolved, the Settlement Administrator

appointed by the Court will make the payments that the Settlement allows. Please check the Settlement Website for updates on the status of the Settlement. This package explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of the settlement approval process is the Circuit Court of Cook County, Illinois, Hon. Anna H. Demacopoulos (the court in which the Class Action Lawsuit is pending). Jonathan Norton and Kenneth J. Fleischer, who sued Defendant Niantic, Inc. in the Class Action Lawsuit, are called the Plaintiffs.

## **2. What is the lawsuit about?**

Plaintiffs brought the Class Action Lawsuit on behalf of everyone with a valid ticket who attended the Pokémon GO Fest in Chicago, Illinois on July 22, 2017. Plaintiffs maintain that they incurred expenses as a result of the technical and other issues that prevented them from being able to play Pokémon GO during the Pokémon GO Fest.

## **3. Why is this a class action?**

In a class action, one or more people called Plaintiffs sue on behalf of people who have similar claims. The Plaintiffs seek to have a single court resolve the issues for all members of the class, except for those who wish to exclude themselves from the class, and Plaintiff Kenneth J. Fleischer seeks appointment as the Class Representative to represent the interests of class members.

## **4. Why is there a Settlement?**

The Court did not decide in favor of either Plaintiffs or Niantic. Rather than continue with the court proceedings, the Parties agreed to the Settlement. Before entering into the Settlement, the lawyers for the Plaintiffs in the Class Action Lawsuit (“Class Counsel”) conducted an extensive investigation of the facts, and after conducting their extensive investigation, Class Counsel analyzed the significant risks associated with the continued litigation of this Class Action Lawsuit, including risks relating to: (a) prevailing on class certification; (b) overcoming Niantic’s defenses; and (c) calculating class-wide damages. Based on all these considerations and others, Class Counsel and the Class Representative think the Settlement is best for all Settlement Class Members.

### **WHO IS IN THE SETTLEMENT**

To see if you will get money from this Settlement, you first must determine if you are a Settlement Class Member.

## **5. How do I know if I am part of the Settlement?**

The Settlement Class is comprised of all individuals who had a valid ticket for and attended the Pokémon GO Fest in Chicago, Illinois on July 22, 2017.

The Settlement Class does not include those who purchased a ticket to the Pokémon GO Fest but did not attend the event. These individuals are not part of the Settlement Class, and any rights they may have are not affected or released by this Settlement.

If you received an Electronic-Mail Notice from the Settlement Administrator or Push Notification of this Settlement in the Pokémon GO game, then Niantic’s records indicate that you attended the Pokémon GO Fest. Therefore, if you received Electronic-Mail Notice or a Push Notification of this Settlement, then Niantic’s records indicate that you are a Settlement Class Member.

## **6. Are there exceptions to being included?**

Yes. Even if you fall within the Settlement Class as described in Question 5, you are not a Settlement Class Member if you are: (1) a current and former employee, officer and director of Niantic and their agents, subsidiaries, parents, successors, predecessors, or any entity in which they or their parents have a controlling interest; (2) Class Counsel or their immediate family members; (3) the judge to whom this case is assigned or part of the judge’s immediate family; (4) any person who executes and files a timely request for exclusion

from the Class; (5) any person who has had their claims in this matter finally adjudicated and/or otherwise released; and (6) the legal representative, successor or assign of any such excluded person.

#### **7. What if I am still not sure if I am included?**

If you are still not sure whether you are included, you can ask for free help. You can call the Settlement Administrator at 1-866-666-6803 or visit [www.GOFestSettlement.com](http://www.GOFestSettlement.com) for more information.

### **THE SETTLEMENT BENEFITS—WHAT YOU GET**

#### **8. What does the settlement provide?**

Niantic has agreed to pay a total of \$1,575,000 (the “Settlement Amount” or “Settlement Fund”) into a settlement fund for the benefit of Settlement Class Members. After deducting attorneys’ fees, costs, and expenses, the service award for Plaintiff Kenneth J. Fleischer, and class notice and settlement administration costs, the “Net Settlement Fund” will be allocated and distributed to Settlement Class Members.

**YOU MUST SUBMIT A CLAIM FORM TO PARTICIPATE IN THE SETTLEMENT.** The Claim Form is included with the Email Notice. An electronic version of the Claim Form that you can fill out and submit online is also included on the Settlement Website.

As stated in the Claim Form, if Settlement Class Members claim damages that fit within the Airfare Expenses, Hotel/Lodging Expenses, or Car Rental Expenses categories, then they must submit supporting documentation along with their Claim Form that shows they paid the amount they claim.

For the the remaining expense categories, if Settlement Class Members incurred expenses in an amount *less* than the Unverified Expenses Cap set forth for each of those categories of expenses set forth for the Parking Expenses, Third-Party Transportation Expenses, Mileage/Gas Expenses, or Toll Expenses categories, as stated in the Claim Form, they do not have to submit any documents to support their claimed expenses for that category. However, if Settlement Class Members believe they incurred expenses *greater* than the Unverified Expenses Cap (as set forth for each category), then they must submit supporting documentation along with the Claim Form to the Settlement Administrator. Missing documentation or insufficient support may affect the amount that a Settlement Class Member may be able to recover.

The Settlement authorizes Class Counsel to seek an award of attorneys’ fees of up to a maximum amount of one-third (33 1/3%) of the Settlement Amount and to request reimbursement of the out-of-pocket litigation expenses they have already paid in connection with the Class Action Lawsuit.

In addition, Class Counsel will ask the Court to approve payment out of the Settlement Fund to the Settlement Administrator for class notice and settlement administration costs. Furthermore, subject to the Court’s approval, Plaintiff Kenneth J. Fleischer will receive a payment from the Settlement Fund of up to \$5,000 for his efforts in undertaking the litigation, assisting Class Counsel with the prosecution of the Class Action Lawsuit and serving as the Class Representative, and Plaintiff Jonathan Norton will receive a payment of up to \$5,000 out of the award of attorneys’ fees for his efforts in undertaking the litigation and assisting Class Counsel with the prosecution of the Class Action Lawsuit.

If approved by the Court, these attorneys’ fees, expenses, costs (including class notice and settlement administration costs) and service awards will be paid from the Settlement Amount. After payment of the fees, expenses, costs and service awards that are awarded by the Court, the Net Settlement Fund will be divided among Settlement Class Members who submit Claim Forms and provide supporting documentation, if necessary. (See Answer to No. 10).

#### **9. How much will my payment be?**

The Net Settlement Amount will be distributed pursuant to a Plan of Allocation to be approved by the Court. Each Settlement Class Member who submits a valid Claim Form will receive a share of the Net Settlement. For the categories of expenses that require documentation (*i.e.*, Airfare Expenses, Hotel/Lodging Expenses,

and Car Rental Expenses), the amount of an individual's settlement payment will be subject to review of the supporting documentation. For the categories of expenses that have an Unverified Expenses Cap (*i.e.*, Parking Expenses, Third-Party Transportation Expenses, Mileage/Gas Expenses, and Toll Expenses) and a Claim Form is submitted without documentation supporting the claimant's expenses for a particular category of expenses, the amount of the individual's settlement payment for that category of expenses will be subject to Unverified Expenses Cap amounts per category of expenses as shown on the Claim Form. Settlement Class Members who believe they incurred expenses *greater* than the Unverified Expenses Cap (as set forth for each category of Parking Expenses, Third-Party Transportation Expenses, Mileage/Gas Expenses, and Toll Expenses) must submit supporting documentation along with their Claim Form to the Settlement Administrator. Missing documentation or insufficient support may affect the amount that a Settlement Class Member may be able to recover. **Please Note** that if the Net Settlement Fund is insufficient to pay all of the valid claims, then the payment amounts may be adjusted downward depending on the number of Claim Forms received and documentation and substantiation provided, so as to fully and fairly allocate and pay out the entire Net Settlement Fund to Class Members who submit Claim Forms. However, if the amount of all valid claims is less than the Net Settlement Fund, then the amount remaining in the Net Settlement Fund will be divided and distributed evenly among the following charities: Illinois Bar Foundation, and Chicago Run. None of the money in the Settlement Fund will revert back to Niantic.

### **HOW YOU GET A PAYMENT—PARTICIPATING IN THE SETTLEMENT**

#### **10. How can I get a payment?**

To qualify for a payment, if you are a member of the Settlement Class, you do not need to do anything other than submit a Claim Form and any necessary documentation supporting your expenses or harm suffered, either by mail or online by **July 24, 2018**. If the Court approves the Settlement, you will be sent money by check from the Settlement Administrator to the address specified in your Claim Form.

If you are a member of the Settlement Class and do not submit a Request for Exclusion, but you fail to submit a timely and valid Claim Form, you will not receive any money from the Settlement, but you will still be bound by all of the terms of the Settlement Agreement, including the Final Approval Order and the release of Plaintiffs' Released Claims.

#### **11. When will I get my payment?**

The Court will hold a hearing on **September 6, 2018** to decide whether to approve the Settlement. If the Court approves the Settlement, there may be one or more appeals. It's always uncertain whether these appeals can be resolved, and resolving them may take time, often more than a year. Once any and all appeals are resolved, the Settlement Administrator can distribute the Net Settlement Amount.

#### **12. What am I giving up to get a payment or stay in the Settlement Class?**

Unless you exclude yourself, you will stay in the Settlement Class, and all of the Court's orders will apply to you and legally bind you. That means that you cannot sue, continue to sue, or be part of any other lawsuit against Niantic, Inc. about the technical and other issues that prevented you from playing Pokémon GO during the Pokémon GO Fest in Chicago, Illinois on July 22, 2017. If you stay in the Settlement Class, you on behalf of yourself, and your agents, representatives, attorneys, family members, heirs, representatives, executors, administrators, assignees, predecessors, and/or successors in interest, will fully, finally, and forever release and forever discharge Niantic, Inc., and its present or former agents, employees, owners, shareholders, principals, officers, directors, attorneys, heirs, representatives, executors, administrators, assignees, predecessors in interest, parent companies, subsidiaries, affiliates, related companies, and insurers, of and from any and all direct, individual, or class claims, rights or causes of action or liabilities whatsoever, whether known or unknown, whether accrued or unaccrued, and whether arising under federal, state, local, statutory, common or any other law, rule, or regulation that arise out of and are based on the factual predicate underlying the claims in the Class Action Lawsuit.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

### 13. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send the Settlement Administrator a letter by mail saying that you want to be excluded from the Settlement. Your request for exclusion must include all of the following:

- (a) Your name and address;
- (b) Your physical signature;
- (c) The name and number of the Class Action Lawsuit (that is, “*Norton, et al. v. Niantic, Inc.*, Case No. 2017 CH 10281”); and
- (d) A statement that you wish to be excluded from the Settlement Class.

You must mail your request for exclusion postmarked no later than **July 9, 2018** to:

Pokemon Go Fest Settlement  
P.O. Box 404041  
Louisville, KY 40233-4041

If you ask to be excluded, you will not get any Settlement payment, you cannot object to the Settlement, and you cannot ask to speak at the Final Approval Hearing. You will not be legally bound by anything that happens in the Class Action Lawsuit. Depending upon the applicable statute of limitations, you may be able to pursue a claim (or continue to pursue a claim) against Niantic on your own regarding the issues raised in the Class Action Lawsuit.

### 14. If I don’t exclude myself, can I sue Niantic for the same thing later?

No. Unless you exclude yourself, you give up any right to sue Niantic for the claims that this Settlement resolves. If you have a pending lawsuit against Niantic (or any of its related parties as described in answer to Question No. 12 above), speak to your lawyer in that case immediately. You may have to exclude yourself from the Settlement Class to continue your own lawsuit against Niantic or any of its related parties. Remember, the exclusion deadline is **July 9, 2018**.

### 15. If I exclude myself, can I get money from this Settlement?

No. If you exclude yourself, you will not receive any money from the Settlement. But, you are free to sue, continue to sue, or be part of a different lawsuit against Niantic.

## THE LAWYERS REPRESENTING YOU

### 16. Do I have a lawyer in this case?

The Court has appointed Thomas A. Zimmerman, Jr., Sharon A. Harris, Matthew C. De Re, Nickolas J. Hagman and Maebetty Kirby of the Zimmerman Law Offices, P.C. as Class Counsel for the Settlement Class (“Class Counsel”). You will not be separately charged for their services. If you want to be represented by your own lawyer, you may hire one at your own expense.

### 17. How will the lawyers be paid?

Class Counsel will ask the Court to approve payment of attorneys’ fees in an amount not to exceed one-third (33 1/3%) of the Settlement Amount, plus reimbursement of their litigation expenses, and payment of up to a maximum amount of \$5,000 each to Plaintiffs Jonathan Norton and Kenneth J. Fleischer for their efforts in undertaking the litigation and assisting Class Counsel with the prosecution of the Class Action Lawsuit. The attorneys’ fees would pay Class Counsel for investigating the facts, litigating the case and negotiating the Settlement. The Court may award less than the amounts requested. The amounts paid for attorneys’ fees, litigation expenses and the service award for Plaintiff Fleischer will be paid out of the Settlement Amount and will reduce the amount available for Settlement Class Members. In addition, the costs for providing notice to the Settlement Class Members and the costs to administer the Settlement will also reduce the fund available

for Settlement Class Members. The service award for Plaintiff Norton will be paid out of Class Counsel's attorneys' fees, and will reduce the amount of fees paid to Class Counsel.

### OBJECTING TO THE SETTLEMENT

You can tell the Court that you don't agree with the Settlement or some part of it.

#### 18. How do I tell the Court that I don't like the Settlement?

If you are a Settlement Class Member, you can object to the Settlement if you don't like any part of it and tell the Court why you feel the Settlement should not be approved. The Court will consider your views. To object, you must mail or your lawyer must file a document with the Court stating that you object to the Settlement. Your objection must include:

- Case name ("*Norton, et al. v. Niantic, Inc.*");
- Case number (Case No. 2017 CH 10281);
- Your name and address;
- Your physical signature;
- A statement that you are a Settlement Class Member;
- The email address associated with your Pokémon Go account;
- The reasons that you object to the proposed Settlement, along with any supporting documents; and
- A statement indicating whether you intend to appear at the Fairness Hearing with or without counsel.

In addition to you filing your objection with the Court at the address below no later than **July 9, 2018**, the objection must also be mailed to Class Counsel and Niantic's Counsel at the following addresses, postmarked no later than **July 9, 2018**:

COURT	CLASS COUNSEL	NIANTIC'S COUNSEL
Clerk of the Court Circuit Court of Cook County, Illinois Richard J. Daley Center, Room 1001 50 West Washington Street Chicago, IL 60602	Thomas A. Zimmerman, Jr. Zimmerman Law Offices, P.C. 77 W. Washington St., Suite 1220 Chicago, IL 60602	Michael Rhodes Cooley, LLP 101 California Street, 5th Floor San Francisco, CA 94111

#### 19. What's the difference between objecting and excluding?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself 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 FINAL APPROVAL HEARING

The Court has preliminarily approved the Settlement. The Court will hold a Final Approval Hearing to decide whether to give final approval to the Settlement. Although you don't have to, you may attend and, if you filed a timely, written objection, you can ask to speak at the hearing.

#### 20. When and where will the Court decide whether to approve the Settlement?

The Court will hold the Final Approval Hearing at 1:00 p.m. on September 6, 2018 at the Circuit Court of Cook County, Illinois, Richard J. Daley Center, 50 West Washington Street, Chicago, Illinois 60602. At this hearing, the Court will consider whether the Settlement with Niantic is fair, reasonable, adequate and in the best interests of the Settlement Class. The Court will also consider whether to approve the proposed Plan of

Allocation of the Settlement proceeds to the Settlement Class. The Court will also consider (a) the application by Class Counsel for payment of attorneys' fees and reimbursement of expenses out of the Settlement Fund created through their efforts, and (b) the application for the payment of Service Awards to the Plaintiffs.

If there are any timely objections to the Settlement, the Court will consider them. The Court may listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether to approve the Settlement and how much to pay Class Counsel and the Plaintiffs. We do not know how long these decisions will take.

The Final Approval Hearing may be continued or adjourned by the Court without further notice to the Settlement Class. Settlement Class Members who may attend the Final Approval Hearing can check the Settlement Website for updates.

**21. Do I have to come to the hearing?**

No. Class Counsel will answer questions the Court may have. But you are welcome to attend at your own expense. If you send an objection, you don't have to come to the hearing to talk about it. As long as you mailed your written objection on time, the Court will consider it. If you hired your own lawyer, you may have to pay your own lawyer to attend, but it's not necessary that he or she do so.

**22. Can I speak at the hearing?**

You cannot speak at the hearing if you excluded yourself from the Settlement. If you filed a timely, written objection, you (or your own lawyer) may appear and speak at the Final Approval Hearing, if the Court permits it, but, to do so, a notice of your intention to appear must be filed with the Court.

**IF YOU DO NOTHING**

**23. What happens if I do nothing at all?**

If you do nothing, then, if you are eligible and not excluded (as described in Questions 5 and 6 above), you'll automatically be part of the Settlement Class. If you submit the Claim Form, and any necessary supporting documentation if you are seeking more than the Unverified Expenses Cap for any category as set forth in the Claim Form, you may be sent money from this Settlement based on the Plan of Allocation if the Settlement is approved by the Court. You will also be bound by the Final Approval Order approving the Settlement and cannot start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Niantic about the issues in the Class Action Lawsuit.

**GETTING MORE INFORMATION**

**24. Are there more details about the Settlement?**

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement. If you wish to review the Settlement Agreement, you may do so by visiting [www.GOFestSettlement.com](http://www.GOFestSettlement.com).

**25. How do I get more information?**

You can call the Settlement Administrator at 1-866-666-6803, write to the Settlement Administrator at Pokemon Go Fest Administrator, P.O. Box 404041, Louisville, KY 40233-4041 or visit the Settlement Website at [www.GOFestSettlement.com](http://www.GOFestSettlement.com), where you will find answers to common questions about the Settlement, plus other information to help you determine whether you are member of the Settlement Class and whether you are eligible for payment. The most important documents in this case can be viewed, free of charge, on the Settlement website. You can also call Class Counsel at (312) 440-0020 for Thomas A. Zimmerman, Jr., and email Class Counsel at [tom@attorneyzim.com](mailto:tom@attorneyzim.com), or write to Class Counsel at 77 W. Washington St., Suite 1220, Chicago, IL 60602, [www.attorneyzim.com](http://www.attorneyzim.com).

**PLEASE DO NOT CONTACT THE COURT, THE JUDGE, OR THE DEFENDANT WITH QUESTIONS ABOUT THE SETTLEMENT.**