

CIRCUIT COURT OF DUPAGE COUNTY, ILLINOIS

Young v. Military Advantage, Inc. d/b/a Military.com, Case No. 2023LA000535

Our Records Indicate You Have Subscribed to Military.com and May Be Entitled to a Payment From a Class Action Settlement.

NOTE: You will not qualify as a Class Member if you did not have an active Facebook account at the same time you subscribed to Military.com and accessed a video on Military.com

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 Military Advantage, Inc. d/b/a Military.com. The class action lawsuit accuses Military Advantage, Inc. d/b/a Military.com of disclosing its subscribers' personally identifiable information ("PII") to Facebook via the Facebook Tracking Pixel without consent in violation of the Video Privacy Protection Act (the "VPPA"). The VPPA defines PII to include information which identifies a person as having requested or obtained specific video materials or services from a video tape service provider. Defendant denies that it violated any law and denies that it disclosed any PII of its subscribers to Facebook but has agreed to the settlement to avoid the uncertainties and expenses associated with continuing the case.
- You are included if you are or were a digital subscriber to military.com who had a Facebook account, in the United States, and who accessed a video through the military.com website from the same browser where you accessed your Facebook account from June 8, 2020, through November 1, 2022.
- Persons included in the Settlement will be eligible to submit a Claim Form to receive a cash payment of up to \$30. The Settlement also requires Defendant to suspend operation of the Facebook Tracking Pixel on any pages on its website that include video content, within 45 days of the Preliminary Approval Order, for a period of at least two years from the date Military.com removes the Pixel.
- Read this notice carefully. Your legal rights are affected whether you act, or don't act.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

SUBMIT A CLAIM FORM BY OCTOBER 24, 2023	This is the only way to receive a payment.
EXCLUDE YOURSELF BY OCTOBER 9, 2023	You will receive no benefits, but you will retain any rights you currently have to sue the Defendant about the claims in this case.
OBJECT BY OCTOBER 9, 2023	Write to the Court explaining why you don't like the Settlement.
GO TO THE HEARING BY NOVEMBER 9, 2023	Ask to speak in Court about your opinion of the Settlement.
DO NOTHING	You will not 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.

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 Jennifer L. Barron of the Circuit Court of DuPage County, Illinois, 18th Judicial Circuit, is overseeing this case. The case is called *Young v. Military Advantage, Inc. d/b/a Military.com*, Case No. 2023LA000535. The people who sued are called the Plaintiffs. The Defendant is Military Advantage, Inc. d/b/a Military.com.

**QUESTIONS? CALL 1-877-352-0889 TOLL FREE, OR VISIT
WWW.MILITARYVPPASETTLEMENT.COM**

2. What is a class action?

In a class action, one or more people called the class representatives (in this case, Darrick Young, Jeremy Lam, and David Ramirez) 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?

This lawsuit claims that Defendant violated the Video Privacy Protection Act, 18 U.S.C. § 2710, *et seq.* (“VPPA”) by disclosing its subscribers’ personally identifiable information (“PII”) to Facebook via the Facebook Tracking Pixel without consent. The VPPA defines PII to include information which identifies a person as having requested or obtained specific video materials or services from a video tape service provider. The Defendant denies that it violated any law and denies that it disclosed any PII of its subscribers to Facebook. The Court has not determined who is right. Rather, the Parties have agreed to settle the lawsuit to avoid the uncertainties and expenses associated with ongoing litigation.

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 uncertainties and 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:

All digital subscribers to military.com who have a Facebook account, in the United States, and who accessed a video through the military.com website from the same browser where the individual accessed his or her Facebook account from June 8, 2020, through November 1, 2022.

If you did not have an active Facebook account at the time you subscribed to and watched a video on Military.com you are not a class member.

THE SETTLEMENT BENEFITS

6. What does the Settlement provide?

Monetary Relief: If approved, a Settlement Fund will be created totaling up to \$7,350,000.00. Settlement Class Member cash payments, and the cost to administer the settlement, the cost to inform people about the settlement, attorneys’ fees (inclusive of litigation costs), and awards to the Class Representatives will come out of this fund (*see* Question 13).

Prospective Relief: 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 include video content, within 45 days of the Preliminary Approval Order, for a period of at least two years from November 1, 2022, which is the date Military.com removed the Pixel.

A detailed description of the settlement benefits can be found in the Settlement Agreement available at www.MilitaryVPPASettlement.com.

7. How much will my payment be?

You **must** submit a Claim Form (see instructions below) to receive a share of the Settlement Fund. **If you submit a valid Claim Form, you will receive up to a \$30.00 cash payment.** This award may be subject to pro rata adjustment depending on the number of valid claims that are filed.

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8. When will I get my payment?

The hearing to consider the fairness of the settlement is scheduled for **November 9, 2023**. If the Court approves the settlement, eligible Class Members whose claims were approved by the Settlement Administrator will receive their payment 30 days after the Settlement has been finally approved and/or any appeals process is complete. The payment will be made in the form of a check, unless you elect to receive payment by PayPal or Venmo, and all checks will expire and become void 180 days after they are issued.

HOW TO GET BENEFITS

9. How do I get a payment?

You **must** complete and submit a Claim Form to receive a payment from the Settlement Fund. You may submit a Claim Form either electronically on the Settlement Website at www.MilitaryVPPASettlement.com, or by printing and mailing in a paper Claim Form, copies of which are available for download at www.MilitaryVPPASettlement.com. Claim Forms must be submitted online by 11:59 p.m. CT on **October 24, 2023**, or postmarked and mailed by **October 24, 2023**.

We also encourage you to submit your claim on-line. Not only is it easier and more secure, but it is completely free and takes only minutes!

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 1.25 of the Settlement Agreement. Unless you exclude yourself (*see* Question 14), you are “releasing” the claims, regardless of whether you submit a claim or not. The Settlement Agreement is available through the “court documents” link on the website.

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the lawyers listed in Question 12 for free or you can, of course, talk to your own lawyer if you have questions about what this means.

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 Philip L. Fraietta, Joshua D. Arisohn, and Christopher R. Reilly of Bursor & Fisher, P.A. and Gary M. Klinger, Alex Honeycutt, and Alexander Wolf of Milberg Coleman Bryson Phillips Grossman PLLC 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 Fund in an amount determined and awarded by the Court. Class Counsel is entitled to seek no more than one-third of the \$7.35 million Settlement Fund, but the Court may award less than this amount.

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As approved by the Court, the Class Representatives will be paid Service Awards from the Settlement Fund for helping to bring and settle the case. Class Representative David Ramirez is seeking \$5,000 and Class Representatives Darrick Young and Jeremy Lam are seeking \$2,500 each as service awards, but the Court may award less than these amounts.

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 *Young v. Military Advantage, Inc. d/b/a Military.com*, Case No. 2023LA000535 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 9, 2023**, to:

Military.com Privacy Settlement
Settlement Administrator
P.O. Box 2239
Portland, OR 97208-2239

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.

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 with the Court a letter or brief stating that you object to the Settlement in *Young v. Military Advantage, Inc. d/b/a Military.com*, Case No. 2023LA000535 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 Military.com account and Facebook page or a screenshot showing that you were a Military.com and 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 will file with the Court and post on the website its request for attorneys' fees by September 25, 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 Question 21), you must say so in your letter or brief. File the objection with the Court and mail a copy to these three different places postmarked no later than **October 9, 2023**.

Court	Class Counsel	Defendant's Counsel
The Honorable Jennifer L. Barron DuPage County Courthouse 505 North County Farm Road Wheaton, IL 60187	Philip L. Fraietta Bursor & Fisher PA 1330 Avenue of the Americas, 32nd Floor New York, NY 10019	Kristine R. Argentine Seyfarth Shaw LLP 233 South Wacker Drive, Suite 8000 Chicago, IL 60606

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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 at 9:00 a.m. on **November 9, 2023**, in Courtroom 2018 at the DuPage County Courthouse, 505 North County Farm Road, Wheaton, IL 60187. 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 service 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.

The hearing may be postponed to a different date or time without notice, so it is a good idea to check www.MilitaryVPPASettlement.com or call 1-646-837-7150 or 1-877-352-0889. 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 Fairness 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 *Young v. Military Advantage, Inc. d/b/a Military.com*, Case No. 2023LA000535." 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 9, 2023**, and be sent to the addresses listed in Question 17.

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.MilitaryVPPASettlement.com. You may also write with questions to Military.com Privacy Settlement, P.O. Box 2239, Portland, OR 97208-2239. You can call the Settlement Administrator at 1-877-352-0889 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.

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