

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

Marenya Montgomery, individually and on behalf of all others similarly situated,	)	
	)	
	)	
Plaintiff,	)	Case No. 1:26-cv-01154-MMM-RLH
	)	
v.	)	
	)	
Vayan Group, LLC,	)	
	)	
Defendant.	)	
	)	

**ORDER CERTIFYING SETTLEMENT CLASS, PRELIMINARILY APPROVING
CLASS ACTION SETTLEMENT, AND APPROVING NOTICE PLAN**

This matter came before the Court on Plaintiff's Second Amended Motion for Preliminary Approval of the proposed class action settlement (the "Settlement"). This case was brought by Marenya Montgomery ("Plaintiff"), individually and on behalf of all others similarly situated, against Defendant Vayan Group, LLC ("Vayan"). Based on this Court's review of the Settlement Agreement ("Agreement"), Plaintiff's Second Amended Motion for Preliminary Approval of Class Action Settlement, and the arguments of counsel,

THE COURT HEREBY FINDS AND ORDERS AS FOLLOWS:

1. Settlement Terms. Unless otherwise defined herein, all terms in this Order shall have the meanings ascribed to them in the Agreement.
2. Preliminary Approval of Proposed Agreement. The Court has conducted a preliminary evaluation of the Settlement as set forth in the Agreement. Based on this preliminary evaluation, the Court finds that: (a) the Agreement is fair, reasonable and adequate, and within the range of possible approval; (b) the Agreement has been negotiated in good faith at arm's length between experienced attorneys familiar with the legal and factual issues of this case; and (c) the

proposed forms and method of distributing notice of the Settlement to the Settlement Class are appropriate and warranted. Therefore, the Court grants preliminary approval of the Settlement.

3. Class Certification for Settlement Purposes Only. The Court, pursuant to Federal Rule of Civil Procedure 23, and for purposes of this Settlement only, certifies the following Settlement Class:

The approximately 272 individuals identified whose biometric identifiers or information were allegedly captured, obtained, used, or disclosed in Illinois by Defendant between March 1, 2021 and [the date of this order]. (the "Settlement Class").

4. In connection with granting class certification, the Court makes the following preliminary findings:

(a) The Settlement Class includes approximately 272 members, and thus the class is so numerous that joinder of all members is impracticable;

(b) There appear to be questions of law or fact common to the Settlement Class for purposes of determining (1) Whether Vayan collected, captured, purchased, received through trade, or otherwise obtained the biometric identifiers and/or biometric information of Settlement Class Members within the meaning of the Illinois Biometric Information Privacy Act, 740 ILCS 14/1 et seq. ("BIPA"); (2) Whether Vayan collected, captured, purchased, received through trade, or otherwise obtained biometric identifiers and/or biometric information from Settlement Class Members without first providing the disclosures required by BIPA; (3) Whether Vayan failed to obtain a written release or other informed written consent from Settlement Class Members before collecting, capturing, purchasing, receiving through trade, or otherwise obtaining their biometric identifiers and/or biometric information, as required by BIPA; and (4) Whether Vayan developed, publicly disclosed, and complied with a written policy establishing a retention schedule

and guidelines for permanently destroying biometric identifiers and biometric information, as required by BIPA.

(c) Plaintiff and her counsel are adequate to represent the Class. Plaintiff appears to have the same interests as the Settlement Class, she does not have any apparent conflict of interest with the Settlement Class, and her attorney has extensive experience litigating class action cases; and

(d) Certification of the Settlement Class is an appropriate method for fairly and efficiently resolving the claims of the Settlement Class.

5. Class Representative. The Court appoints Plaintiff Marenia Montgomery as the representative of the Settlement Class.

6. Class Counsel. The Court appoints Matthew T. Peterson of Consumer Law Advocate, PLLC as Class Counsel.

7. Settlement Administrator. American Legal Claims is hereby appointed as the Settlement Administrator. The Settlement Administrator shall be responsible for providing notice of the Settlement (“Notice”) to the Settlement Class as provided in the Agreement and this Order, as well as services related to administration of the Settlement.

8. Class Notice. The Class Administrator shall provide Notice via First Class Mail in accordance with the Agreement.

9. Opt-Outs and Objections. Persons in the Settlement Class who wish to object to the Settlement or request exclusion from the Settlement Class must do so in accordance with the Notice. A class member who opts out may not also submit an objection, unless the class member confirms their intent to withdraw their opt-out in writing by no later than the opt-out deadline.

10. Settlement Administrator to Maintain Records. The Settlement Administrator shall

maintain copies of all objections and opt-outs received. The Settlement Administrator shall provide copies of all objections and opt-outs to the parties upon request.

11. Objections to the Settlement. Any Settlement Class Member who wishes to be heard orally at the Final Approval Hearing, or who wishes for any objection to be considered, must file a written notice of objection in accordance with the Notice, Agreement, and this Order. To be considered, the objection: must include (1) the full name, current address and telephone number of the Settlement Class Member; (2) their Vayan ID number; (3) a detailed statement of each objection asserted; (4) the grounds for each objection; (5) all supporting papers, including, without limitation, all briefs, written evidence, and declarations; (6) a statement of whether the Settlement Class Member intends to appear at the Final Approval Hearing; (7) a list of witnesses the Settlement Class Member intends to call; and (8) the Settlement Class Member's signature and the signature of any attorney representing the Settlement Class Member. The objection must be filed with the Court and sent to Plaintiff's and Defendant's counsel as stated in the Notice, by no later than the Opt-Out and Objection deadline stated below. Objections that are untimely or do not include the required information above shall be deemed waived.

12. Appearing at Final Approval Hearing. An objecting Settlement Class Member does not need to appear at the Final Approval Hearing, but may do so by filing a notice of intention to appear in accordance with the Notice, Agreement, and this Order no later than the Opt-Out and Objection deadline below.

13. Reasonable Procedures to Effectuate the Settlement. Unless otherwise ordered by the Court, the parties are authorized to use all reasonable procedures in connection with approval and administration of the Settlement that are not materially inconsistent with this Order or the Agreement, including making minor changes to the form or content of the Notice or exhibits to the Agreement they agree are reasonable and necessary.

14. Final Approval Hearing. At the date and time provided below, or at such other date and time the Court sets, this Court will hold a Final Approval Hearing on the fairness, adequacy and reasonableness of the Agreement and determine whether (a) final approval of the Settlement embodied by the Agreement should be granted, and (b) Class Counsel's application for an award of attorneys' fees and expenses, and any service award to Plaintiff, should be granted, and in what amounts. The hearing shall be held at 112 US Courthouse, 100 NE Monroe Street, Peoria, IL 61602, Courtroom 204, or such other location as the Court may order. The Court may also order the hearing to take place remotely via Zoom or such other remote communication system as the Court may direct.

15. Release of Claims. Final approval of the Agreement will settle and resolve with finality, on behalf of the Plaintiff and the Settlement Class, the Action and the Released Claims against the Released Parties in the Action. As of the Effective Date, the Agreement and the above-described release of the Released Claims will be binding on, and have res judicata preclusive effect in, all pending and future lawsuits or other proceedings maintained by or on behalf of Plaintiff and all other Settlement Class Members who do not validly and timely exclude themselves from the Settlement, and their respective predecessors, successors, spouses, heirs, executors, administrators, agents and assigns of each of the foregoing, as set forth in the Agreement, and the Released Parties may file the Agreement and/or the Final Approval Order in any action or proceeding that may be brought against them in order to support a defense or counterclaim based on principles of res judicata, collateral estoppel, release, good faith settlement, judgment bar or reduction, or any other theory of claim preclusion or issue preclusion or similar defense or counterclaim.

16. Stay of All Related Litigation. All Settlement Class Members are hereby enjoined from commencing, pursuing, maintaining, enforcing, or prosecuting, either directly or

indirectly, any released claims in any judicial, administrative, arbitral, or other forum, against any of the released parties. Such injunction will remain in force until the final approval order is entered or until such time as the parties provide notice that the settlement has been terminated. This injunction is necessary to protect and effectuate the agreement, this preliminary approval order, and the court's flexibility and authority to effectuate the agreement and to enter judgment when appropriate and is ordered in aid of this court's jurisdiction and to protect its judgments. This stay and injunction does not apply to any person who opts out of the settlement.

17. Schedule of Events. Based on the foregoing, the Court hereby orders the resolution of this matter shall proceed on the following schedule:

Event	Date
Settlement Notice Date	30 days after issuance of Preliminary Approval
Last day for Plaintiff and Class Counsel to file motion for attorneys' fees, expenses, and service awards	14 days before the Opt-Out/Objection Deadline
Opt-Out Deadline/Objection Deadline	60 days after Settlement Notice Date
Last day for Parties to file any motions for final approval, including any responses to objections	14 days before Final Approval Hearing
Final Approval Hearing	December 21, 2026 at 10:00 a.m. The hearing will be conducted via Zoom if no objections are filed. If any objections are filed, the hearing will be conducted in person.

IT IS SO ORDERED.

Dated: September 8, 2026

s/ Michael M. Mihm

Hon. Michael M. Mihm