

IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT COURT
ST. CLAIR COUNTY, ILLINOIS

ALLISON ARTHUR, KYLE ARTHUR, MA-)
KYEIA DANIELS, TIFFANY GOMEZ,)
LaSHUNDA HICKS, KY'ARON MANNING,)
BRETT PRATHER, and DAVID TRUETNER,)
Individually and on behalf of all others)
similarly situated,)

Plaintiffs,)

v.)

MCDONALD'S USA, LLC; MCDONALD'S)
CORPORATION; 111TH PALOS HILLS)
COMPANY; 119TH STEVENS)
RESTAURANTS, INC.; 159TH ORLAND)
PARK II, LLC; 1876 CLARK LLC; 4AM)
ENTERPRISES, LLC; AEJ RESTAURANT,)
LLC; AMAPOLAS, LTD.; AMELIACO, INC.;)
ARC 00119 LIMITED; ARC 10547 LIMITED;)
ARC 17460 LIMITED; ARC 3304 LTD.; ARC)
5233 LTD.; B.K. DAVIS LLC; B.M. DAVIS)
LLC; B-CHU, INC.; BEAR & SON'S, INC.;)
BEAR ESTATES #1, LLC; BEAR-LARKIN,)
INC.; BEAR-MAR, INC.; BEN-STA)
ENTERPRISES, INC.; BRE BASH, INC.; BRE)
DOTA, INC.; BRE MEN, INC.; BRE PON,)
INC.; BRE SOGRAND, INC.; BREWASH,)
INC.; BURRIS ENTERPRISES, LLC AKO;)
C2 LLC; CALABAZAS, LTD.; CANADY)
ENTERPRISES CORP. V; CAREMEL, INC.;)
CARNAGIO ENTERPRISES, INC.; CICERO)
26 CORPORATION; CLARK 13876, LLC;)
CLARK 15807, LLC; CLARK 18914, LLC;)
CLJC, INC.; C-MAC, INC.; CRESTCO, A)
LIMITED PARTNERSHIP; CRYSTAL-ROSE)
CORP.; D.A.L.L. ANOINTED, INC.; DAK4,)
LLC; DARKOR LLC; DARREN A.)
FREIHAGE LLC; DDR WITZEL LLC; DE)
SOL, LLC; DEKALLLB EAST LLC;)
DEKALLLB WEST LLC; DIXON C&N, INC.;)
DND WITZEL MANAGEMENT COMPANY,)
INC.; DORMAX, LLC; EJS OFALL, LLC;)

Case No. 20-L-0891

ELSTON ARCHES CORPORATION; EPTA,)
 INC.; FOSTER 3164 CORPORATION; FRG,)
 LLC; GAILCO LIMITED PARTNERSHIP;)
 GENDCO., INC.; GFUNK KEDZIE)
 CORPORATION; GJFUNK WABASH)
 CORPORATION; GLUSKI, INC.; GRAND 73)
 CORPORATION; GRANTINE, LLC; HQ)
 39148, LLC; IESLEB, LLC; INFINITE)
 BUENA VIDA, LLC; J&G ON DEVON;)
 JACKPOT, INC.; JACKRABBIT)
 ENTERPRISES, L.L.C.; JAMES L JAMES K,)
 INC; JANALEX, LLC; JANARY, INC.;)
 JATAN, LLC; JCS-MAC CORP.; JDD)
 INVESTMENT CO.; JEFKOR LLC;)
 JESHORT, INC.; JJC RESTAURANT)
 GROUP, LLC; JJJ RESTAURANT, LLC;)
 JKLM, INC.; JOHANNACO, INC.; JOR EL)
 LTD.; JORGIE LTD.; JPD ENTERPRISES)
 SULLIVAN, LLC; KARAVITES REST.)
 26230, INC.; KARAVITES RESTAURANT)
 14806, LLC; KARAVITES RESTAURANT)
 1968, LLC; KARAVITES RESTAURANT)
 31663, LLC; KARAVITES RESTAURANT)
 6676, LLC; KARINCO, INC.; KARPINSKE)
 ENTERPRISES, LLC; KAZ ENTERPRISES,)
 INC.; KAZANOVA MANAGEMENT)
 GALENA, INC.; KDH OPERATING)
 COMPANY; KIPCO RESTAURANTS LLC)
 AJB SERIES; KIPCO RESTAURANTS LLC)
 MATTESON SERIES; KIPCO)
 RESTAURANTS LLC WOODRIDGE)
 SERIES; KIPCO RESTAURANTS LLC)
 YORK ROAD SERIES; KONNZ)
 CORPORATION; KORY MANAGEMENT,)
 INC.; KRAUS, INC.; LACO, INC.; LEXI)
 MANAGEMENT, LLC; LGS LINCOLN, LLC;)
 LINDERS LIMITED II, LLC; LINDERS)
 LIMITED, LLC; LOCKOR, LLC; LU-JAC,)
 INC.; LYONS 3, INC.; M&B INVESTMENTS)
 OF IL, INC.; MAC SPEEDY, INC.; MAE)
 BERRY, INC.; MAO ENTERPRISES, LLC;)
 MARWAY, INC.; MCCARTHY)
 MANAGEMENT CORPORATION;)
 MCFIELD CORPORATION; MCHAM)
 CORP.; MIA ENTERPRISES LLC; MIDAN,)
 INC.; MYD HOLDINGS, LLC; MYD)

HOLDINGS, LLC-A SERIES; MYD)
 HOLDINGS, LLC-B SERIES; MYD)
 HOLDINGS, LLC-C SERIES; MYD)
 HOLDINGS, LLC-D SERIES; N AND G)
 MANAGEMENT, LLC; NA MAC, LLC;)
 NEU-GREEN MANAGEMENT, INC.;)
 NICKOR ENTERPRISES, INC.; NIK INC;)
 NJK 10533 LLC; NJK 18237 LLC; NJK 4508)
 LLC; NJK MANAGEMENT, LLC; NNC)
 FACCI, LLC; NORNAT II, INC.; NORNAT)
 III, INC.; NORNAT IV, INC.; NORNAT IX,)
 INC.; NORNAT V, INC.; NORNAT XI, INC.;)
 NORNAT XII, INC.; NORNAT, INC.;)
 O'KEEFE ENTERPRISES, INC.; O'KEEFE)
 PARTNERS II, LLC; O'KEEFE)
 RESTAURANT SYSTEMS, INC.; OMAKIN)
 RESTAURANTS, LLC; OREGON PLOCK,)
 INC.; ORLAND PARK I - LAGRANGE, LLC;)
 OURFIVE, INC.; OVIEDO TOO, INC.;)
 PACK, INC.; PAY CO; PERU 1, LLC;)
 PLAKOR LLC; PMA MCD, INC.; R & G)
 MANAGEMENT, INC.; R.A. GRAY, INC.;)
 R.K. KENZIE CORPORATION; RANDALL)
 BEAR, INC.; RJS SHILO, LLC; RMS)
 MANAGEMENT, INC.; RODEBRAD)
 MANAGEMENT COMPANY, INC.;)
 RODEBRAD OF PANA, LTD.; ROSEMONT)
 NO. 1, INC.; RYWAY, LLC; SALASOL, LLC;)
 SCHMITT PLANO LLC; SCHMITT SOUTH)
 EOLA LLC; SCHMITT WARRENVILLE,)
 LLC; SCHMITT-EOLA COMMONS, LLC;)
 SCHMITT-FOX VALLEY COURT, LLC;)
 SCHMITT-FOX VALLEY, INC.; SCHMITT-)
 ORCHARD, LLC; SCHMITT-YORKVILLE,)
 LLC; SHORT TEAM, INC; SINGLETTA)
 CORP.; SINGLETTA II; SLEEPY BEAR,)
 INC.; SPENCE RESTAURANTS LLC 17618)
 SERIES; SPENCE RESTAURANTS LLC)
 19338 SERIES; SPENCE RESTAURANTS)
 LLC 19705 SERIES; SPENCE)
 RESTAURANTS LLC 32034 SERIES;)
 SPENCE RESTAURANTS LLC 37659)
 SERIES; SPENCE RESTAURANTS LLC)
 6561 SERIES; SRJC INC.; SUECO, LLC;)
 SUELOCK, LLC; SUSAN 3-55 LLC;)
 TAYLOR 2525MLK INC; TAYLOR)

ILLINOIS-CENTER INC; TAYLOR)
WABASH-ADAMS INC; TERDYNE, INC.;)
THE MAPI CORPORATION; TOLLLB LLC;)
TOUHY 3304 CORPORATION; TRIPPCO,)
LLC; UNO CHIP, INC.; UVA OPERATING)
CO.; V. OVIEDO, INC.; VECTOR BUSINESS)
GROUP CORP.; VRS FAIRVIEW, LLC;)
WASCO MAC, LLC; WAYMAR, LLC;)
WAYNECO, INC.; WC MAC, LLC;)
WESTERN 5233 CORPORATION;)
WESTFIELD ENTERPRISES, INC.;)
WESTKOR LLC; YOSHAMA, INC.; YUNES)
I, LLC; ZANDER 1, LLC; ZANE INC.; and)
ZOE & YUMMY ENTERPRISES INC.)
)
Domestic Corporations and)
Partnerships, all,)
)
Defendants.)
)
)
)

CLASS ACTION COMPLAINT

COME NOW Plaintiffs ALLISON ARTHUR, KYLE ARTHUR, MA-KYEIA DANIELS, TIFFANY GOMEZ, LaSHUNDA HICKS, KY'ARON MANNING, BRETT PRATHER, and DAVID TRUETNER individually, and on behalf of all others similarly situated, by and through their undersigned counsel, and bring this class action complaint pursuant to 735 ILCS 5/2-801, *et seq.*, alleging as follows, all upon information and belief:

NATURE OF THE ACTION

1. This is a Class Action for money damages arising from Defendants' violations of the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, *et. seq.*, ("BIPA") in that Defendants illegally collected, stored, and used Plaintiffs' and other similarly situated individuals' biometric identifiers and biometric information ("biometrics") without informed written consent, in direct violation of BIPA.

2. Plaintiffs seek class certification pursuant to 735 ILCS 5/2-801, *et seq.* Plaintiffs ALLISON ARTHUR, KYLE ARTHUR, MA-KYELA DANIELS, TIFFANY GOMEZ, LaSHUNDA HICKS, KY'ARON MANNING, BRETT PRATHER, and DAVID TRUETNER ("Plaintiffs"), individually, and on behalf of all others similarly situated ("the Class"), bring this action against the Defendants described herein ("McDonald's" or "Defendants"), for claims relating to the violation of their privacy rights and to recover statutory damages for Defendants' unauthorized collection, storage, and use of their respective biometric information in violation of BIPA.

3. Our legislature has recognized that "[b]iometrics are unlike other unique identifiers that are used to access finances or other sensitive information." 740 ILCS 14/5(c). "For example, social security numbers, when compromised, can be changed. Biometrics, however, are biologically unique to the individual; therefore, once compromised, the individual has no recourse, is at heightened risk for identity theft, and is likely to withdraw from biometric facilitated transactions." *Id.*

4. In response to these concerns over the security of individuals' biometrics, (740 ILCS 14/5(b)) our legislature enacted BIPA. The BIPA provides, *inter alia*, that a private entity like McDonald's may not obtain and/or possess an individual's biometrics unless it: (1) informs that person in writing that biometric identifiers or information will be collected or stored, *see id.*; (2) informs that person in writing of the specific purpose and length of term for which such biometric identifiers or biometric information is being collected, stored, and used, *see id.*; (3) receives a written release from the person for the collection of his or her biometric identifiers or information, *see id.*; and (4) publishes publicly available written retention schedules and guidelines

for permanently destroying biometric identifiers and biometric information. 740 ILCS 14/15(a) and (b).

5. In violation of each of the foregoing provisions of §15(a) and (b) of BIPA, the Defendants are actively collecting, storing, and using – without providing notice, obtaining informed written consent, or publishing data retention policies – the biometrics of thousands of unwitting Illinois resident citizens.

PARTIES

I. PLAINTIFFS

6. Each of the named Plaintiffs and putative class representatives had their biometric information collected, captured, stored, and used by McDonald's for the purpose of tracking time and attendance while they worked at McDonald's.

7. Plaintiff Allison Arthur is, and at all times relevant to this action was, a resident citizen of Illinois. Allison Arthur is a former McDonald's employee who worked at a McDonald's restaurant located at 103 Dettro Drive, Mattoon, IL 61938, where McDonald's captured her biometric identifiers or biometric information.

8. Plaintiff Kyle Arthur is, and at all times relevant to this action was, a resident citizen of Illinois. Kyle Arthur is a former McDonald's employee who worked at a McDonald's restaurant located at 103 Dettro Drive, Mattoon, IL 61938, where McDonald's captured his biometric identifiers or biometric information.

9. Plaintiff Ma-Kyeia Daniels is, and at all times relevant to this action was, a resident citizen of Illinois. Ma-Kyeia Daniels is a former McDonald's employee who worked at a McDonald's restaurant located at 1153 N. Green Mount Road, Belleville, IL 62221, where McDonald's captured her biometric identifiers or biometric information.

10. Plaintiff Tiffany Gomez is, and at all times relevant to this action was, a resident citizen of Illinois. Tiffany Gomez is a former McDonald's employee who worked at a McDonald's restaurant located at 142 Riverboat Center Drive, Joliet, IL 60432, where McDonald's captured her biometric identifiers or biometric information.

11. Plaintiff LaShunda Hicks is, and at all times relevant to this action was, a resident citizen of Illinois. LaShunda Hicks is a former McDonald's employee who worked at a McDonald's restaurant located at 1153 N. Green Mount Road, Belleville, IL 62221, where McDonald's captured her biometric identifiers or biometric information.

12. Plaintiff Ky'Aron Manning is, and at all times relevant to this action was, a resident citizen of Illinois. Ky'Aron Manning is a former McDonald's employee who worked at a McDonald's restaurant located at 109 E. Highway 50, O'Fallon, IL 62269, where McDonald's captured her biometric identifiers or biometric information.

13. Plaintiff Brett Prather is, and at all times relevant to this action was, a resident citizen of Illinois. Brett Prather is a former McDonald's employee who worked at a McDonald's restaurant located at 103 South Creek Drive, Manteno, IL 60950, where McDonald's captured his biometric identifiers or biometric information.

14. Plaintiff David Truetner is, and at all times relevant to this action was, a resident citizen of Illinois. David Truetner is a former McDonald's employee who worked at a McDonald's restaurant located at 11421 S. Halsted, Chicago, IL 60628, where McDonald's captured his biometric identifiers or biometric information.

II. DEFENDANTS

15. Defendant McDonald's USA, LLC is a Delaware limited liability company with its principal place of business in Oak Brook, Illinois. It is a wholly-owned subsidiary of its parent and

predecessor, McDonald's Corporation, which is a Delaware corporation with its principal place of business in Oak Brook, Illinois. McDonald's is in the business of selling food to consumers. McDonald's is also in the business of franchising restaurants. It has multiple franchise restaurants throughout Illinois, including St. Clair County, Illinois. McDonald's USA, LLC., may be served with process via its registered agent, Illinois Corporation Service C, 801 Adlai Stevenson Drive, Springfield IL 62703.

16. Defendant McDonald's Corporation is a Delaware corporation with its principal place of business in Oak Brook, Illinois. Defendant McDonald's Corporation is the parent corporation of McDonald's USA, LLC. McDonald's Corporation may be served with process via its registered agent, Prentice Hall Corporation, 801 Adlai Stevenson Drive, Springfield IL 62703.

17. Approximately 90 percent of McDonald's restaurants in the United States are franchised. Ten percent are maintained and managed by McDonald's USA, LLC., and McDonald's Corporation. Defendants McDonald's USA, LLC., and McDonald's Corporation greatly influence the hiring practices and operations of their franchisees. For example, as part of McDonald's USA, LLC., and McDonald's Corporation's systematic and overt control over even the smallest details of its franchisees' day-to-day operations, franchisees must submit contractually to a "no hire" or "no solicitation" clause in Defendants' franchise agreements that expressly forbids franchisees from "employ[ing] or seek[ing] to employ any person" who at the time is, or within the preceding six months has been, employed by McDonald's, by any of its subsidiaries, or by any other franchisee. This influence and control also extend to McDonald's' System-wide program of (mis)handling workers' biometric information.

18. Defendant 111TH PALOS HILLS COMPANY is a franchisee of one or more restaurants in the McDonald's System, including the location at 11050 Southwest Highway, Palos Hills, IL 60465.

19. Defendant 119TH STEVENS RESTAURANTS, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 11920 S. Western Avenue, Blue Island, IL 60406.

20. Defendant 159TH ORLAND PARK II, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 9110 W. 159th Street, Orland Park, IL 60462.

21. Defendant 1876 CLARK LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 3610 N. Clark Street, Chicago, IL 60613.

22. Defendant 4AM ENTERPRISES, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 550 E. Springfield Road, Arcola, IL 61910.

23. Defendant AEJ RESTAURANT, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 1705 S. Philo Road, Urbana, IL 61801.

24. Defendant AMAPOLAS, LTD. is a franchisee of one or more restaurants in the McDonald's System, including the location at 9449 W. Irving Park Road, Schiller Park, IL 60176.

25. Defendant AMELIACO, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 701 Oriole Drive, Peotone, IL 60468.

26. Defendant ARC 00119 LIMITED is a franchisee of one or more restaurants in the McDonald's System, including the location at 1330 N. Milwaukee Avenue, Libertyville, IL 60048.

27. Defendant ARC 10547 LIMITED is a franchisee of one or more restaurants in the McDonald's System, including the location at 700 N. Milwaukee Avenue, Vernon Hills, IL 60061.

28. Defendant ARC 17460 LIMITED is a franchisee of one or more restaurants in the McDonald's System, including the location at 1417 W. Peterson Road, Libertyville, IL 60048.

29. Defendant ARC 3304 LTD. is a franchisee of one or more restaurants in the McDonald's System, including the location at 200 Skokie Blvd., Northbrook, IL 60062.

30. Defendant ARC 5233 LTD. is a franchisee of one or more restaurants in the McDonald's System, including the location at 2741 Pfingsten Road, Glenview, IL 60026.

31. Defendant B.K. DAVIS LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 1605 S. Neil Street, Champaign, IL 61820.

32. Defendant B.M. DAVIS LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 1812 N. Neil Street, Champaign, IL 61820.

33. Defendant B-CHU, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 105 S. Prairie Street, Macomb, IL 61455.

34. Defendant BEAR & SON'S, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 1904 Richmond Road, Mchenry, IL 60051.

35. Defendant BEAR ESTATES #1, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 100 N. La Grange Road, La Grange, IL 60525.

36. Defendant BEAR-LARKIN, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 1480 Larkin Avenue, Elgin, IL 60123.

37. Defendant BEAR-MAR, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 91 W. Irving Park Road, Streamwood, IL 60107.

38. Defendant BEN-STA ENTERPRISES, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 14298 S. Bell Road, Homer Glen, IL 60491.

39. Defendant BRE BASH, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 4301 W. Wabash Avenue, Springfield, IL 62711.

40. Defendant BRE DOTA, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 2701 E. 12th Street, Mendota, IL 61342.

41. Defendant BRE MEN, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 1503 13th Avenue, Mendota, IL 61342.

42. Defendant BRE PON, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at U.S. Highway 66 & Route 116, Pontiac, IL 61764.

43. Defendant BRE SOGRAND, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 501 S. Grand Avenue East, Springfield, IL 62703.

44. Defendant BREWASH, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 1400 West Peoria Street, Washington, IL 61571.

45. Defendant BURRIS ENTERPRISES, LLC AKO is a franchisee of one or more restaurants in the McDonald's System, including the location at 1422 S. Main Street, Red Bud, IL 62278.

46. Defendant C2 LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 490 N. Main Street, Chatham, IL 62629.

47. Defendant CALABAZAS, LTD. is a franchisee of one or more restaurants in the McDonald's System, including the location at 1570 E. Northwest Highway, Palatine, IL 60074.

48. Defendant CANADY ENTERPRISES CORP. V is a franchisee of one or more restaurants in the McDonald's System, including the location at 600 E. Grand Avenue, Chicago, IL 60611.

49. Defendant CAREMEL, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 2050 N. State Road 50, Bourbonnais, IL 60914.

50. Defendant CARNAGIO ENTERPRISES, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 1421 Riverboat Center Drive, Joliet, IL 60432.

51. Defendant CICERO 26 CORPORATION is a franchisee of one or more restaurants in the McDonald's System, including the location at 4320 N. Cicero Avenue, Chicago, IL 60651.

52. Defendant CLARK 13876, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 1017 W. Main Street, Peoria, IL 61615.

53. Defendant CLARK 15807, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 5600 S. Washington Street, Bartonville, IL 61607.

54. Defendant CLARK 18914, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 2320 W. War Memorial Drive, Peoria, IL 61614.

55. Defendant CLJC, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 708 N. State Street, Freeburg, IL 62243.

56. Defendant C-MAC, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 103 McDonald's Lane, Troy, IL 62294.

57. Defendant CRESTCO, A LIMITED PARTNERSHIP is a franchisee of one or more restaurants in the McDonald's System, including the location at 13630 S. Cicero Avenue, Crestwood, IL 60445.

58. Defendant CRYSTAL-ROSE CORP. is a franchisee of one or more restaurants in the McDonald's System, including the location at 200 W. Grant Highway, Marengo, IL 60152.

59. Defendant D.A.L.L. ANOINTED, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 7501 Cermak Road, North Riverside, IL 60546.

60. Defendant DAK4, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 11850 South Pulaski Avenue, Alsip, IL 60803.

61. Defendant DARKOR LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 809 Plainfield Road, Darien, IL 60561.

62. Defendant DARREN A. FREIHAGE LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 1055 S. Water Street, Wilmington, IL 60481.

63. Defendant DDR WITZEL LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 101 N. Bowman Avenue, Danville, IL 61832.

64. Defendant DE SOL, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 111 W. Jackson Blvd., Chicago, IL 60604.

65. Defendant DEKALLLB EAST LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 545 E. Lincoln Highway, Dekalb, IL 60115.

66. Defendant DEKALLLB WEST LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 805 W. Lincoln Highway, Dekalb, IL 60115.

67. Defendant DIXON C&N, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 207 N. Galena Avenue, Dixon, IL 61021.

68. Defendant DND WITZEL MANAGEMENT COMPANY, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 824 South Dixie Highway, Hoopeston, IL 60942.

69. Defendant DORMAX, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 3600 North University Street, Peoria, IL 61604.

70. Defendant EJS OFALL, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 109 East Highway 50, O'Fallon, IL 62269.

71. Defendant ELSTON ARCHES CORPORATION is a franchisee of one or more restaurants in the McDonald's System, including the location at 6125 N. Milwaukee Avenue, Chicago, IL 60646.

72. Defendant EPTA, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 115 N. Lewis Avenue, Oglesby, IL 61348.

73. Defendant FOSTER 3164 CORPORATION is a franchisee of one or more restaurants in the McDonald's System, including the location at 3154 W. Foster, Chicago, IL 60625.

74. Defendant FRG, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 840 Northwest Highway, Fox River Grove, IL 60021.

75. Defendant GAILCO LIMITED PARTNERSHIP is a franchisee of one or more restaurants in the McDonald's System, including the location at 1515 West Jefferson Avenue, Joliet, IL 60435.

76. Defendant GENDCO., INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 1813 30th Street, Rock Island, IL 61201.

77. Defendant GFUNK KEDZIE CORPORATION is a franchisee of one or more restaurants in the McDonald's System, including the location at 3241 W. Peterson Avenue, Chicago, IL 60659.

78. Defendant GJFUNK WABASH CORPORATION is a franchisee of one or more restaurants in the McDonald's System, including the location at 119 North Wabash Avenue, Chicago, IL 60602

79. Defendant GLUSKI, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 701 E. Main Street, Olney, IL 62450.

80. Defendant GRAND 73 CORPORATION is a franchisee of one or more restaurants in the McDonald's System, including the location at 7217 W. Grand Avenue, Elmwood Park, IL 60707.

81. Defendant GRANTINE, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 3291 Court Street, Pekin, IL 61554.

82. Defendant HQ 39148, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 110 North Carpenter Street, Chicago, IL 60607.

83. Defendant IESLEB, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 713 S. Madison Street, Lebanon, IL 62254.

84. Defendant INFINITE BUENA VIDA, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 2425 E. 79th Street, Chicago, IL 60649.

85. Defendant J&G ON DEVON is a franchisee of one or more restaurants in the McDonald's System, including the location at 1831 W. Devon Avenue, Chicago, IL 60660.

86. Defendant JACKPOT, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 1402 W. Main Street, Robinson, IL 62454.

87. Defendant JACKRABBIT ENTERPRISES, L.L.C. is a franchisee of one or more restaurants in the McDonald's System, including the location at 240 W. Chrysler Drive, Belvidere, IL 61008.

88. Defendant JAMES L JAMES K, INC is a franchisee of one or more restaurants in the McDonald's System, including the location at 707 E. Vine Street, Vienna, IL 62995.

89. Defendant JANALEX, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 1124 Wesley Road, North Pekin, IL 61554.

90. Defendant JANARY, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 1205 W. Garfield Avenue, Bartonville, IL 61607.

91. Defendant JATAN, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 5253 S. Pulaski Road, Chicago, IL 60632.

92. Defendant JCS-MAC CORP. is a franchisee of one or more restaurants in the McDonald's System, including the location at 125 Ss Randall Road, Algonquin, IL 60102.

93. Defendant JDD INVESTMENT CO. is a franchisee of one or more restaurants in the McDonald's System, including the location at 4334 West 26th Street, Chicago, IL 60623.

94. Defendant JEFKOR LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 4280 W. Jefferson Street, Joliet, IL 60431.

95. Defendant JESHORT, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 727 W. Hanover Street, New Baden, IL 62265.

96. Defendant JJC RESTAURANT GROUP, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 778 S. Weber Road, Romeoville, IL 60446.

97. Defendant JJJ RESTAURANT, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 711 W. Champaign Avenue, Rantoul, IL 61866.

98. Defendant JKLM, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 400 W. 1st Street, Milan, IL 61264.

99. Defendant JOHANNACO, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 103 South Creek Drive, Manteno, IL 60950.

100. Defendant JOR EL LTD. is a franchisee of one or more restaurants in the McDonald's System, including the location at 123 Quentin Road, Lake Zurich, IL 60047.

101. Defendant JORGIE LTD. is a franchisee of one or more restaurants in the McDonald's System, including the location at 653 S. Rand Road, Lake Zurich, IL 60047.

102. Defendant JPD ENTERPRISES SULLIVAN, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 11 W. Jackson Street, Sullivan, IL 61951.

103. Defendant KARAVITES REST. 26230, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 3548-3550 N. Cicero Avenue, Chicago, IL 60641.

104. Defendant KARAVITES RESTAURANT 14806, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 28929 N. Waukegan Road, Lake Bluff, IL 60044.

105. Defendant KARAVITES RESTAURANT 1968, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 5614 N. Clark Street, Chicago, IL 60660.

106. Defendant KARAVITES RESTAURANT 31663, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 3900 Fountain Square Place, Waukegan, IL 60085.

107. Defendant KARAVITES RESTAURANT 6676, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 600 N. Clark Street, Chicago, IL 60610.

108. Defendant KARINCO, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 1030 North Fifth Avenue, Kankakee, IL 60901.

109. Defendant KARPINSKE ENTERPRISES, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 957 Gear Street, Galena, IL 61036.

110. Defendant KAZ ENTERPRISES, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 520 W. Morton, Jacksonville, IL 62650.

111. Defendant KAZANOVA MANAGEMENT GALENA, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 350 W. Galena Blvd., Aurora, IL 60506.

112. Defendant KDH OPERATING COMPANY is a franchisee of one or more restaurants in the McDonald's System, including the location at 111 W. Madison Street, Oak Park, IL 60302.

113. Defendant KIPCO RESTAURANTS LLC AJB SERIES is a franchisee of one or more restaurants in the McDonald's System, including the location at 1152 State Street, Lemont, IL 60439.

114. Defendant KIPCO RESTAURANTS LLC MATTESON SERIES is a franchisee of one or more restaurants in the McDonald's System, including the location at 4010 W. 211th Street, Matteson, IL 60443.

115. Defendant KIPCO RESTAURANTS LLC WOODRIDGE SERIES is a franchisee of one or more restaurants in the McDonald's System, including the location at 700 East Tri-State I-294, South Holland, IL 60473.

116. Defendant KIPCO RESTAURANTS LLC YORK ROAD SERIES is a franchisee of one or more restaurants in the McDonald's System, including the location at 100 W. Sauk Trail, South Chicago Heights, IL 60411.

117. Defendant KONNZ CORPORATION is a franchisee of one or more restaurants in the McDonald's System, including the location at 5355 W. 79th Street, Burbank, IL 60459.

118. Defendant KORY MANAGEMENT, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 2220 Illinois Route 59, Joliet, IL 60544.

119. Defendant KRAUS, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 109 Lucile Avenue, Forsyth, IL 62535.

120. Defendant LACO, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 1780 E. Court Street, Kankakee, IL 60901.

121. Defendant LEXI MANAGEMENT, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 207 E. 35th Street, Chicago, IL 60653.

122. Defendant LGS LINCOLN, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 1610 W. Highway 50, O'Fallon, IL 62269.

123. Defendant LINDERS LIMITED II, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 103 Dettro Drive, Mattoon, IL 61938.

124. Defendant LINDERS LIMITED, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 1010 S. Main Street, Altamont, IL 62411.

125. Defendant LOCKOR, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 1039 E. 9th Street, Lockport, IL 60441.

126. Defendant LU-JAC, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 1313 N. State Street, Belvidere, IL 61008.

127. Defendant LYONS 3, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 7850 Ogden Avenue, Lyons, IL 60534.

128. Defendant M&B INVESTMENTS OF IL, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 3201 E. Broadway Street, Quincy, IL 62301.

129. Defendant MAC SPEEDY, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 727 Avenue Of The Cities, East Moline, IL 61244.

130. Defendant MAE BERRY, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 7601 S. Vincennes Avenue, Chicago, IL 60620.

131. Defendant MAO ENTERPRISES, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 1576 N. Rand Road, Palatine, IL 60067.

132. Defendant MARWAY, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 3717 N. Prospect Road, Peoria Heights, IL 61614.

133. Defendant MCCARTHY MANAGEMENT CORPORATION is a franchisee of one or more restaurants in the McDonald's System, including the location at 200 Given Drive, Flora, IL 62839.

134. Defendant MCFIELD CORPORATION is a franchisee of one or more restaurants in the McDonald's System, including the location at 3855 W. Lawrence Avenue, Chicago, IL 60625.

135. Defendant MCHAM CORP. is a franchisee of one or more restaurants in the McDonald's System, including the location at 19 N. 649 U.S. Route 20, Hampshire, IL 60140.

136. Defendant MIA ENTERPRISES LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 350 E. Saint Charles Road, Villa Park, IL 60181.

137. Defendant MIDAN, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 4338 W. North Ave, Chicago, IL 60639.

138. Defendant MYD HOLDINGS, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 233 W. Jackson, Chicago, IL 60606.

139. Defendant MYD HOLDINGS, LLC-A SERIES is a franchisee of one or more restaurants in the McDonald's System, including the location at O'Hare International Airport, Terminal 2, Concourse E-F, Chicago, IL 60666.

140. Defendant MYD HOLDINGS, LLC-B SERIES is a franchisee of one or more restaurants in the McDonald's System, including the location at O'Hare International Airport, Terminal 1, Concourse B, Chicago, IL 60666.

141. Defendant MYD HOLDINGS, LLC-C SERIES is a franchisee of one or more restaurants in the McDonald's System, including the location at O'Hare International Airport, Terminal 1, Concourse C, Chicago, IL 60666.

142. Defendant MYD HOLDINGS, LLC-D SERIES is a franchisee of one or more restaurants in the McDonald's System, including the location at O'Hare International Airport, Terminal 3, Concourse L, Chicago, IL 60666.

143. Defendant N AND G MANAGEMENT, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 3232 S. Route 59, Naperville, IL 60564.

144. Defendant NA MAC, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 190 Hansen Blvd., North Aurora, IL 60542.

145. Defendant NEU-GREEN MANAGEMENT, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 2400 W. Lincoln Highway, Olympia Fields, IL 60461.

146. Defendant NICKOR ENTERPRISES, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 15810 S. Route 59, Plainfield, IL 60544.

147. Defendant NIK INC is a franchisee of one or more restaurants in the McDonald's System, including the location at 1134 N. Main Street, Monmouth, IL 61462.

148. Defendant NJK 10533 LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at Rr 3 Box 117 I-70, S.R.1, Marshall, IL 62441.

149. Defendant NJK 18237 LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 940 N. Route 49, Casey, IL 62420.

150. Defendant NJK 4508 LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 701 E. Jasper Street, Paris, IL 61944.

151. Defendant NJK MANAGEMENT, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 13546 State Route 30, Plainfield, IL 60544.

152. Defendant NNC FACCI, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 7135 W. Roosevelt Road, Berwyn, IL 60402.

153. Defendant NORNAT II, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 2004 Sibley Blvd., Calumet City, IL 60409.

154. Defendant NORNAT III, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 1951 E. 95th Street, Chicago, IL 60617.

155. Defendant NORNAT IV, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 3010 West 159th Street, Markham, IL 60426.

156. Defendant NORNAT IX, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 14702 Dixie Highway, Harvey, IL 60426.

157. Defendant NORNAT V, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 12700 S. Ashland Avenue, Calumet Park, IL 60827.

158. Defendant NORNAT XI, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 6900 S. Lafayette Avenue, Chicago, IL 60621.

159. Defendant NORNAT XII, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 7832 S. Western Avenue, Chicago, IL 60620.

160. Defendant NORNAT, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 9211 South Commercial Avenue, Chicago, IL 60617.

161. Defendant O'KEEFE ENTERPRISES, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at D201 Woodfield Mall, Schaumburg, IL 60173.

162. Defendant O'KEEFE PARTNERS II, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 8327 W. North Avenue, Melrose Park, IL 60160.

163. Defendant O'KEEFE RESTAURANT SYSTEMS, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 1335 County Farm Road, Carol Stream, IL 60188.

164. Defendant OMAKIN RESTAURANTS, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 11421 S. Halsted Street, Chicago, IL 60628.

165. Defendant OREGON PLOCK, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 211 S. 4th Street, Oregon, IL 61061.

166. Defendant ORLAND PARK I - LAGRANGE, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 14445 S. Lagrange Road, Orland Park, IL 60462.

167. Defendant OURFIVE, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 901 Dixie Highway, Beecher, IL 60401.

168. Defendant OVIEDO TOO, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 4546 N. Kedzie Avenue, Chicago, IL 60625.

169. Defendant PACK, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 1835 E. El Dorado Street, Decatur, IL 62521.

170. Defendant PAY CO is a franchisee of one or more restaurants in the McDonald's System, including the location at 1402 Se Third Street, Aledo, IL 61231.

171. Defendant PERU 1, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 924 Shooting Park Road, Peru, IL 61354.

172. Defendant PLAKOR LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 12501 S. Route 59, Plainfield, IL 60544.

173. Defendant PMA MCD, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 8415 S. Pulaski Road, Chicago, IL 60652.

174. Defendant R & G MANAGEMENT, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 1912 E. Higgins Road, Elk Grove Village, IL 60007.

175. Defendant R.A. GRAY, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 1704 Troy Road, Edwardsville, IL 62025.

176. Defendant R.K. KENZIE CORPORATION is a franchisee of one or more restaurants in the McDonald's System, including the location at 6430 S. Cicero Avenue, Chicago, IL 60638.

177. Defendant RANDALL BEAR, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 255 S. Randall Road, Elgin, IL 60123.

178. Defendant RJS SHILO, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 1153 N. Green Mount Road, Belleville, IL 62221.

179. Defendant RMS MANAGEMENT, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 2754 N. Narragansett Avenue, Chicago, IL 60639.

180. Defendant RODEBRAD MANAGEMENT COMPANY, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 820 Veterans Avenue, Vandalia, IL 62471.

181. Defendant RODEBRAD OF PANA, LTD. is a franchisee of one or more restaurants in the McDonald's System, including the location at 1 S. Poplar Street, Pana, IL 62557.

182. Defendant ROSEMONT NO. 1, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 6150 N. River Road, Rosemont, IL 60018.

183. Defendant RYWAY, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 2601 E. Washington Street, East Peoria, IL 61611.

184. Defendant SALASOL, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 2317 N. Cicero Avenue, Chicago, IL 60639.

185. Defendant SCHMITT PLANO LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 12704 E. Route 34, Plano, IL 60545.

186. Defendant SCHMITT SOUTH EOLA LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 2230 S. Eola Road, Aurora, IL 60503.

187. Defendant SCHMITT WARRENVILLE, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 2S606 Route 59, Warrenville, IL 60555.

188. Defendant SCHMITT-EOLA COMMONS, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 425 N. Eola Road, Aurora, IL 60504.

189. Defendant SCHMITT-FOX VALLEY COURT, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 188 Fox Valley Center, Aurora, IL 60504.

190. Defendant SCHMITT-FOX VALLEY, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 4440 Fox Valley Center, Aurora, IL 60507.

191. Defendant SCHMITT-ORCHARD, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 3417 Orchard Way, Oswego, IL 60543.

192. Defendant SCHMITT-YORKVILLE, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 2007 S. Bridge Street, Yorkville, IL 60560.

193. Defendant SHORT TEAM, INC is a franchisee of one or more restaurants in the McDonald's System, including the location at 550 E. Industrial Park Road, Murphysboro, IL 62966.

194. Defendant SINGLETTA CORP. is a franchisee of one or more restaurants in the McDonald's System, including the location at 10711 Route 47, Huntley, IL 60142.

195. Defendant SINGLETTA II is a franchisee of one or more restaurants in the McDonald's System, including the location at 12242 S. Route 47, Huntley, IL 60142.

196. Defendant SLEEPY BEAR, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 100 N. Mclean Blvd., South Elgin, IL 60177.

197. Defendant SPENCE RESTAURANTS LLC 17618 SERIES is a franchisee of one or more restaurants in the McDonald's System, including the location at 285 W. Front Street, Braidwood, IL 60408.

198. Defendant SPENCE RESTAURANTS LLC 19338 SERIES is a franchisee of one or more restaurants in the McDonald's System, including the location at 2212 Essington Road, Joliet, IL 60435.

199. Defendant SPENCE RESTAURANTS LLC 19705 SERIES is a franchisee of one or more restaurants in the McDonald's System, including the location at 24061 W. Eames Street, Channahon, IL 60410.

200. Defendant SPENCE RESTAURANTS LLC 32034 SERIES is a franchisee of one or more restaurants in the McDonald's System, including the location at 26953 W. Eames Street, Channahon, IL 60410.

201. Defendant SPENCE RESTAURANTS LLC 37659 SERIES is a franchisee of one or more restaurants in the McDonald's System, including the location at 645 N. Independence Blvd., Romeoville, IL 60446.

202. Defendant SPENCE RESTAURANTS LLC 6561 SERIES is a franchisee of one or more restaurants in the McDonald's System, including the location at 2885 W. Plainfield Road, Joliet, IL 60435.

203. Defendant SRJC INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 2290 Randall Road, Carpentersville, IL 60110.

204. Defendant SUECO, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 600 West Maple Street, New Lenox, IL 60451.

205. Defendant SUELOCK, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 728 W. Main Street, Hillsboro, IL 62049.

206. Defendant SUSAN 3-55 LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 16519 W. 159th Street, Lockport, IL 60441.

207. Defendant TAYLOR 2525MLK INC is a franchisee of one or more restaurants in the McDonald's System, including the location at 2525 S. Martin Luther King Drive, Chicago, IL 60616.

208. Defendant TAYLOR ILLINOIS-CENTER INC is a franchisee of one or more restaurants in the McDonald's System, including the location at 233 N. Michigan Avenue, Chicago, IL 60601.

209. Defendant TAYLOR WABASH-ADAMS INC is a franchisee of one or more restaurants in the McDonald's System, including the location at 144 S. Wabash Avenue, Chicago, IL 60604.

210. Defendant TERDYNE, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 627 N. Western Avenue, West Peoria, IL 61604.

211. Defendant THE MAPI CORPORATION is a franchisee of one or more restaurants in the McDonald's System, including the location at O'Hare Internatioanl Airport, Terminal 3, Concourse H/K Apex, Chicago, IL 60666.

212. Defendant TOLLLB LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 2700 Crego Road, Dekalb, IL 60115.

213. Defendant TOUHY 3304 CORPORATION is a franchisee of one or more restaurants in the McDonald's System, including the location at 3122 W. Touhy Avenue, Chicago, IL 60645.

214. Defendant TRIPPCO, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 4623 State Street, Rockford, IL 61108.

215. Defendant UNO CHIP, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 704 E. Main Street, Genoa, IL 60135.

216. Defendant UVA OPERATING CO. is a franchisee of one or more restaurants in the McDonald's System, including the location at 520 25th Street, Bellwood, IL 60104.

217. Defendant V. OVIEDO, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 2707 N. Milwaukee Avenue, Chicago, IL 60647.

218. Defendant VECTOR BUSINESS GROUP CORP. is a franchisee of one or more restaurants in the McDonald's System, including the location at 2627 N. Mannheim Road, Franklin Park, IL 60131.

219. Defendant VRS FAIRVIEW, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 6300 N. Illinois Street, Fairview Heights, IL 62208.

220. Defendant WASCO MAC, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 40W225 State Route 64, St Charles, IL 60175.

221. Defendant WAYMAR, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 2205 N. Knoxville Avenue, Peoria, IL 61603.

222. Defendant WAYNECO, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 720 U.S. Hwy 24 West, Gilman, IL 60938.

223. Defendant WC MAC, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 89 W. North Avenue, West Chicago, IL 60185.

224. Defendant WESTERN 5233 CORPORATION is a franchisee of one or more restaurants in the McDonald's System, including the location at 6900 N. Western Avenue, Chicago, IL 60645.

225. Defendant WESTFIELD ENTERPRISES, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 127 E. Norris Drive, Ottawa, IL 61350.

226. Defendant WESTKOR LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 31 E. 63rd Street, Westmont, IL 60559.

227. Defendant YOSHAMA, INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 740 E. 47th Street, Chicago, IL 60653.

228. Defendant YUNES I, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 1120 North 7th Street, Rochelle, IL 61068.

229. Defendant ZANDER 1, LLC is a franchisee of one or more restaurants in the McDonald's System, including the location at 10701 N. Knoxville Avenue, Peoria, IL 61615.

230. Defendant ZANE INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 315 S. Tenney Street, Kewanee, IL 61443.

231. Defendant ZOE & YUMMY ENTERPRISES INC. is a franchisee of one or more restaurants in the McDonald's System, including the location at 2 South Broadway Street, Coal City, IL 60416.

232. Together, Defendants herein operate a large portion of the McDonald's restaurant system in Illinois ("McDonald's System").

233. Plaintiffs are unaware of the true names or capacities, whether individual, corporate, associate, or otherwise, of those defendants fictitiously sued as Does 1 through 600 inclusively and therefore Plaintiffs sue them by these fictitious names. Plaintiffs name only the Doe defendants 1 through 600 that are citizens of Illinois, and specifically refrain from and do not include herein any non-Illinois citizen, whether individual, corporate, associate, or otherwise. Doe defendants 1 through 600 are in some manner responsible for the conduct alleged herein. Upon discovering the true names and capacities of these fictitiously named defendants, Plaintiffs will

amend their Complaint to show the true names and capacities of these fictitiously named defendants.

III. THE COMMON LIABILITY OF DEFENDANTS AS OFFENDING PARTIES WITHIN THE MCDONALD'S SYSTEM

234. Section 20 of BIPA provides: “Sec. 20. Right of action. Any person aggrieved by a violation of this Act shall have a right of action in a State circuit court or as a supplemental claim in federal district court against an offending party.” 740 ILCS 14/20.

235. As detailed herein, Defendants – participants in the McDonald's System – are all offending parties within the meaning of BIPA, 740 ILCS 14/20.

236. As publicly-available copies of McDonald's' Traditional Franchise Agreement¹ explain, McDonald's is a System (the “McDonald's System”):

1. *Nature and Scope of Franchise*

(a) McDonald's operates a restaurant system (“McDonald's System”). The McDonald's System is a comprehensive system for the ongoing development, operation, and maintenance of McDonald's restaurant locations . . . and includes proprietary rights in certain valuable trade names, service marks, and trademarks methods of . . . operation control . . . and manuals covering business practices and policies.

237. McDonald's' Traditional Agreement further explains repeatedly that strict adherence to McDonald's' policies and procedures – including the use of only prescribed equipment – is at the heart of the McDonald's System. Thus:

1. *Nature and Scope of Franchise* . . .

(c) The foundation of the McDonald's System and the essence of this Franchise is the adherence by Franchisee to standards and policies of McDonald's providing for the uniform operation of all McDonald's restaurants within the McDonald's System including, but not limited to . . . the use of only prescribed equipment [T]he establishment and maintenance of a close personal working relationship with McDonald's in the conduct of Franchisee's McDonald's restaurant business, Franchisee's accountability for performance

¹ See e.g. <https://www.bluemaumau.org/sites/default/files/MCD%202013%20FDD.pdf> (last accessed May 17, 2019). Plaintiffs currently understand the Traditional Agreement is employed in all but special circumstances such as kiosks, Walmart locations, and similar.

of the obligations contained in this Franchise, and Franchisee's adherence to the tenets of the McDonald's System constitute the essence of this Franchise.

238. And:

1. Nature and Scope of Franchise . . .

(d) The provisions of this Franchise shall be interpreted to give effect to the intent of the parties stated in this paragraph 1 so that the Restaurant shall be operated in conformity to the McDonald's System through strict adherence to McDonald's standards and policies as they exist now and as they may be from time to time modified.

239. Accompanying the virtually unlimited scope of the policies and procedures which form the heart of the McDonald's System are McDonald's' corporate obligations to advise all members of the System on operations:

3. General Services of McDonald's. McDonald's shall advise and consult with Franchisee periodically in connection with the operation of the Restaurant and also, upon Franchisee's request, at other reasonable times. McDonald's shall communicate to Franchisee know-how, new developments, techniques, and improvements in areas of restaurant management, food preparation, and service which are pertinent to the operation of a restaurant using the McDonald's System. The communications shall be accomplished by visits by operations consultants, printed and filmed reports, seminars, and newsletter mailings. McDonald's shall also make available to Franchisee all additional services, facilities, rights, and privileges relating to the operation of the Restaurant which McDonald's makes generally available, from time to time, to all its franchisees operating McDonald's restaurants.

240. McDonald's' corporate role is not merely advisory. Strict adherence to McDonald's' policies and procedures is required all across the McDonald's System:

4. Manuals. McDonald's shall provide Franchisee with the business manuals prepared for use by franchisees of McDonald's restaurants similar to the Restaurant. The business manuals contain detailed information including: (a) required operations procedures; . . . (d) business practices and policies; and (e) other management and advertising policies. Franchisee agrees to promptly adopt and use exclusively the formulas, methods, and policies contained in the business manuals, now and as they may be modified from time to time.

241. And:

12. Compliance With Entire System. Franchisee acknowledges that every component of the McDonald's System is important to McDonald's and to the operation of the Restaurant as a McDonald's restaurant

Franchisee shall comply with the entire McDonald's System, including, but not limited to, the following:

(a) Operate the Restaurant in a clean, wholesome manner in compliance with prescribed standards of Quality, Service, and Cleanliness; comply with all business policies, practices, and procedures imposed by McDonald's . . .

(b) Purchase . . . equipment in accordance with the equipment specifications and layout initially designated by McDonald's

242. Compliance with the McDonald's System also includes a corporate mandate to comply with all applicable laws:

12. Compliance With Entire System. Franchisee acknowledges that every component of the McDonald's System is important to McDonald's and to the operation of the Restaurant as a McDonald's restaurant

Franchisee shall comply with the entire McDonald's System, including, but not limited to, the following: . . .

(k) At Franchisee's own expense, comply with all federal, state, and local laws, ordinances, and regulations affecting the operation of the Restaurant.

243. The failure of a McDonald's location to implement the policies and procedures required by McDonald's is expressly considered a material breach of the System:

18. Material Breach. The parties agree that the happening of any of the following events shall constitute a material breach of this Franchise and violate the essence of Franchisee's obligations . . . :

(a) Franchisee shall fail to maintain and operate the Restaurant in a good, clean, wholesome manner and in compliance with the standards prescribed by the McDonald's System

244. McDonald's makes sure it has near-plenary authority to oversee and inspect all equipment, operations, and activities in the McDonald's System:

10. Reports

McDonald's shall have the right to inspect and/or audit Franchisee's accounts, books, records, and tax returns at all reasonable times to ensure that Franchisee is complying with the terms of this Franchise.

and

12. *Compliance With Entire System*

McDonald's shall have the right to inspect the Restaurant at all reasonable times to ensure that Franchisee's operation thereof is in compliance with the standards and policies of the McDonald's System.

245. In summary: Coordination, cooperation, and joint action between McDonald's' corporate structure and franchisees was and is not only mutually beneficial, but also of the essence of the McDonald's System itself.

246. Without cooperation and joint action from franchisees, McDonald's cannot maintain across the McDonald's System the uniformity and control of equipment and processes its corporate interests require and crave. Such uniformity is essential to McDonald's' branding and business purposes.

247. Similarly, without cooperation, joint action, and support from McDonald's' corporate structure, franchisees cannot effectively acquire and implement technology and processes at their respective McDonald's locations in the McDonald's System. Such support and economies of scale are essential to franchisees' livelihood and business purposes.

248. Accordingly, while McDonald's' corporate interests will frequently pepper System documents with self-serving language in an attempt to artificially limit their liability, all such statements are of no legal effect and are to be disregarded.

249. This is as true for the facts and circumstances underlying this case as it is for others. McDonald's USA, LLC, McDonald's Corporation, and the other Defendants herein acted cooperatively, jointly, and in unison to improperly collect, capture, and otherwise mishandle workers' biometric identifiers or biometric information all across the McDonald's System in Illinois.

250. Thus, while not every McDonald's location in the System employed biometric capture devices, it is no accident or coincidence that virtually every location in the System which *did* employ such devices used the same device: the Digital Persona U.are.U 4500 Fingerprint Reader.

251. It is also believed that all McDonald's locations undertake operations, including the capture and collection of biometric information, using McDonald's' proprietary software, which McDonald's considers its own intellectual property, and that further, McDonald's would not permit non-approved software to be employed in the McDonald's System.

252. McDonald's' corporate interests could not and would not permit the use of non-approved biometric capture software and hardware at locations within the McDonald's System; McDonald's franchisees could not and would not effectively and economically implement non-approved biometric capture hardware and software within the confines and strictures of the McDonald's System, as imposed by McDonald's' corporate interests.

253. An email communication devised by Jeff Gukenberger, U.S. McDonald's Owner/Operator Risk Manager, demonstrates the lengths and depths to which McDonald's controlled not only the collection and capture of biometric information across the McDonald's System, but also controlled legal compliance with BIPA:

From: Gukenberger Jeff (Contractor)
Sent: Wednesday, October 11, 2017 10:03 PM
To: Gukenberger Jeff (Contractor) <Jeff.Gukenberger@us.mcd.com>
<mailto:Jeff.Gukenberger@us.mcd.com>
Subject: Communication to Illinois Owner Operators regarding ILLINOIS BIOMETRIC PRIVACY ACT (fingerprint readers for POS)

Dear Illinois Owner/Operators,

I've met/talked with many of you before, but for those I've not met, I'd like to give a quick introduction. I am the U.S. McDonald's Owner/Operator Risk Manager. I work directly for you in helping lower your risks.

It is my understanding that you may currently or will in the future begun utilizing an eSmartClock, including the biometric function that allows employees to punch in and out using their fingerprint. When you collect and use employee biometric data in this manner, Illinois law requires that you take specific actions. Failure to comply with the requirements established by the Illinois' Biometric Information Privacy Act can create exposure for your company that could result in a lawsuit and substantial penalties and fines.

LaPointe Law is the law firm that provides employment law advice through the Helpline, which is part of RSUI's National EPLI Program. Their firm has drafted the attached Fact Sheet, Shift Huddle Communication, Biometric Data Consent Form (in English and in Spanish) and Biometrics Data Retention and Destruction Policy. These documents address each of the requirements under Illinois law. Please review each document carefully, and if you have questions, contact LaPointe Law on the Helpline at 877-376-4100.

Any owner operator who has technical questions regarding the function and use of the eSmartClock should contact <mailto:erestaurant@us.mcd.com> erestaurant@us.mcd.com.

Sincerely,

Jeff Gukenberger

Jeff Gukenberger
U.S. Owner/Operator Risk Manager

...
<mailto:jeff.gukenberger@us.mcd.com> jeff.gukenberger@us.mcd.com

254. Defendants are all "offending parties" within the meaning of BIPA, 740 ILCS 14/20.

255. This specifically includes McDonald's USA, LLC and McDonald's Corporation as to liability across the McDonald's System. McDonald's USA, LLC and McDonald's Corporation are "offending parties" within the meaning of BIPA, 740 ILCS 14/20, all across the McDonald's System, and without regard for whether any given McDonald's location is corporate or franchise.

256. Furthermore and/or in the alternative, McDonald's USA, LLC. and/or McDonald's Corporation exercised, and continue to exercise, control over their franchisees and their respective operations, including the facts and circumstances giving rise to this case, such that each of them, and both, are liable jointly and severally for violations of BIPA occurring at any Illinois McDonald's, without further qualification, whether through operation of respondeat superior, the law of agency, alter ego, common law joint and several liability, joint employer, or other grounds.

JURISDICTION AND VENUE

257. This is a Class Action Complaint for violations of the Illinois Biometric Information Privacy Act (740 ILCS 14/1 *et seq.*) seeking statutory and actual damages.

258. This Court has subject matter and personal jurisdiction over the parties to this cause of action. All named parties are Illinois natural persons or corporate citizens of Illinois, and the Doe parties, by definition, are limited to Illinois natural persons or corporate citizens of Illinois. Accordingly, there is no complete diversity of citizenship as contemplated by 28 U.S.C. §1332(a), nor is there minimal diversity as contemplated by 28 U.S.C. §1332(d)(ii). No federal question is presented by this complaint. Plaintiffs bring this complaint solely under state law and not under federal law, and specifically not under the United States Constitution, nor any of its amendments, nor under 42 U.S.C. § 1981 or 1982, nor any other federal statute, law, rule, or regulation. Federal jurisdiction does not exist. Plaintiffs believe and allege that a cause of action exists under the state law claims for the conduct complained of herein. If this Court or the Appellate Courts of Illinois were to rule that Plaintiffs have no cause of action under state law for the conduct set out herein, then Plaintiffs seek no remedy. Accordingly, Plaintiffs expressly waive and hereby disavow any claim for any relief whatsoever under any federal law or any federal question concerning the allegations of this complaint, whether said allegations are pled or not.

259. This Class Action is brought on behalf of only Illinois citizens within the State of Illinois who submitted their respective biometric information to the Defendants within the State of Illinois.

260. Consistent with the Due Process Clause of the Fifth and Fourteenth Amendments, this Court has *in personam* jurisdiction over the defendants McDonald's USA, LLC., and McDonald's Corporation because these defendants are corporate citizens of Illinois, having their respective headquarters and principal places of business in Oak Brook, Illinois, and are therefore present in the State of Illinois such that requiring an appearance does not offend traditional notions of fair play and substantial justice.

261. Defendants employed each named Plaintiff and each class member in Illinois, including in St. Clair County, Illinois. Accordingly, venue is proper under 735 ILCS 5/1-108 and 2-101 of the Illinois Code of Civil Procedure.

262. Plaintiffs, and each member of the Class, have individually incurred actual damages in an amount less than \$75,000.00. Neither the Plaintiffs nor any member of the Class seek damages exceeding \$75,000, nor do their damages individually exceed \$75,000.00, inclusive of interest and attorneys' fees and all relief of any nature sought hereunder. Plaintiffs do not seek any form of "common" recovery, but rather individual recoveries not to exceed \$75,000.00 for any Class member, inclusive of interest and attorneys' fees and all relief of any nature sought hereunder.

FACTS COMMON TO ALL COUNTS

IV. Illinois' Biometric Information Privacy Act

263. In 2008, our state enacted BIPA due to the "very serious need [for] protections for the citizens of Illinois when it [comes to their] biometric information." Illinois House Transcript,

2008 Reg. Sess. No. 276. BIPA makes it unlawful for a company, to, *inter alia*, “collect, capture, purchase, receive through trade, or otherwise obtain a person’s or a customer’s biometric identifiers or biometric information, unless it first:

(1) informs the subject ... in writing that a biometric identifier or biometric information is being collected or stored;

(2) informs the subject ... in writing of the specific purpose and length of term for which a biometric identifier or biometric information is being collected, stored, and used; and

(3) receives a written release executed by the subject of the biometric identifier or biometric information or the subject’s legally authorized representative.”

740 ILCS 14/15(b).

264. Section 15 (a) of BIPA also provides:

A private entity in possession of biometric identifiers or biometric information must develop a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying biometric identifiers and biometric information when the initial purpose for collecting or obtaining such identifiers or information has been satisfied or within 3 years of the individual’s last interaction with the private entity, whichever occurs first.

740 ILCS 14/15(a).

265. As alleged herein, the Defendants’ practices of collecting, storing, and using individuals’ biometric identifiers without informed written consent violate all three prongs of §15(b) of BIPA. The Defendants’ failure to provide a publicly available written policy regarding their schedule and guidelines for the retention and permanent destruction of individuals’ biometric information also violates §15(a) of BIPA.

V. Defendants’ Utilization of Biometric Information to Advance Their Commercial Interests

266. Defendants have been toying with the capture, collection, storage, and use of the biometric information of employees and customers since 2003, testing the technology outside the United States before implementing it here.