

Joliet Harrah's Casino Faces Class Action Lawsuit

Written by Administrator
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JOLIET, IL — A new Will County lawsuit accuses Harrah's Casino in downtown Joliet of violating the state's Biometric Information Privacy Act by possessing the facial geometry scans and identifying information of its Joliet casino customers "without creating and following a written policy, made available to the public."

The lawsuit asks a Will County judge to award liquidated or actual monetary damages, whichever is higher, to lawsuit co-plaintiffs **Leon Martin** and **Anthony Adams** and members of the class action lawsuit, "for each violation of the Biometric Information Privacy Act."

The lawsuit was filed by attorney **Douglas Werman of Werman Salas P.C.** in Chicago and New York attorneys **Joseph A. Fitapelli and Dana Cimera of Fitapelli & Schaffer.**

Last year, Harrah's downtown Joliet casino had gross receipts of nearly \$178 million and admitted 1.29 million patrons, with an average daily admission of 3,536 patrons, the lawsuit states.

"Defendants use facial recognition technology with their video security cameras at their Illinois casinos," notes the plaintiffs' lawyers. "Defendants' facial recognition technology identifies a person by scanning the geometry of a person's facial features and comparing that scan against databases of stored facial geometry templates."

According to the Will County lawsuit, the co-plaintiffs are residents of Illinois and both members of the Caesars rewards program "who gambled at defendants' Harrah's Joliet casino during the limitations period."

"Adams has gambled at defendants' Harrah's Joliet casino hundreds of times in the last five years, including most recently within the last week," states the Oct. 15 lawsuit. "Adams has been a member of the Caesars rewards program for approximately two to three years."

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As for Martin, he has gambled at the Joliet casino "more than a dozen times within the last two years including most recently in mid-to-late September 2019. Martin has been a member of the Caesars rewards program since approximately 2017," his lawyer noted. "Each time plaintiffs gambled at defendants' Harrah's Joliet casino, defendants facial recognition technology scanned plaintiffs' facial geometry and compared those scans against stored facial geometry templates in defendants' databases."

Their lawsuit contends the Joliet Harrah's:

- Failed to inform the plaintiffs and other Caesars rewards program members in writing that it was collecting their biometric identifiers or information, the purpose and length of term for such collection, and failed to obtain their written consent before defendants' collected their facial geometry scans.
- Never established and followed a publicly available written policy establishing a retention schedule and guidelines for permanently destroying scans of plaintiffs' and other rewards program members' facial geometry.

According to the lawsuit, one of Harrah's facial recognition technology providers is **Biometrica Systems** an

d on Oct. 4,

Bill Doolin, a surveillance manager for the Joliet Harrah's,

"praised facial recognition technology installed at the casino as an effective way to report and catch cheaters" in a company testimonial posted on the website for

[Biometrica.](#)

According to the website: "Bill Doolin, surveillance manager for Harrah's Joliet Casino in Chicago, first worked with face-recognition software when it was installed at the casino ... he praises the immediacy of the system. As other properties which belong to that network catch somebody, they send a report that goes to all of the other casinos in the network ... Within an hour or two of them catching someone, maybe in Nevada or in Atlantic City, all of the casinos in that network will have that information available to them."

The plaintiff's lawyers stated that they seek to represent "all individuals who are members of the Caesars rewards program who had their facial geometry scans collected or possessed by one or more the defendants in Illinois between October 15, 2014 and the present."

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"The Class includes hundreds and likely thousands of members," the lawyers contend. "As a result, the Class is so numerous that joining of all class members in one lawsuit is not practical ... a class action is an appropriate method for the fair and efficient adjudication of this lawsuit and distribution of the common fund to which the Class is entitled."

The lawsuit names Des Plaines Development Limited Partnership, Harrah's Illinois and Caesars Entertainment Corporation as co-defendants.

"Unlike other companies in Illinois, defendants failed to take notice and follow the requirements of the Biometric Information Privacy Act, even though the law was enacted in 2008 and numerous articles and court filings were published about the law's requirement before defendants committed the violations alleged in this complaint," the plaintiffs argue.

"As a result, defendants' violations of the Biometric Information Privacy Act were reckless, or in the alternative, negligent."

The lawyers for Harrah's have yet to file any briefs responding to the allegations put forth in the lawsuit.

Image via John Ferak/Patch

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