

Abusalem & Bergner v The Standard Market, LLC
c/o Analytics Consulting LLC
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Claim Number 1111111



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NOTICE OF CLASS ACTION SETTLEMENT

You may benefit from this. Please read it carefully. You are not being sued.

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS**

LEEN ABUSALEM and DEANNA BERGNER,
individually and on behalf of all other similarly
situated,

Plaintiffs,

v.

THE STANDARD MARKET, LLC,
Defendant.

Case No. 2019 L 517

The Honorable Robert W. Rohm

NOTICE OF CLASS ACTION SETTLEMENT

TO: All individuals working for The Standard Market LLC (“Standard Market”) in the State of Illinois who had their fingerprints or finger scans collected, captured, received, obtained, maintained, stored, transmitted, or disclosed between May 9, 2014 and February 22, 2020 by Standard Market.

These persons are the “Settlement Class” discussed below.

- A. WHY HAVE YOU RECEIVED THIS NOTICE?** The Court ordered us to send you this notice because your contact information was found in records discovered and compiled in the litigation (the “Notice List”), meaning you were or are an employee of The Standard Market LLC (“Defendant”) in the State of Illinois who had your fingerprints or finger scans collected, captured, received, obtained, maintained, stored, transmitted, or disclosed between May 9, 2014 and February 22, 2020 by Defendant, which would make you a member of the Settlement Class.

- B. WHAT IS THIS LAWSUIT ABOUT?** The named plaintiffs, Leen Abusalem and Deanna Bergner a/k/a Deanna Pronger (“Plaintiffs”), filed a class action lawsuit alleging that Defendant violated the Illinois Biometric Information Privacy Act, 740 ILCS 14/1 *et seq.* (“BIPA”) in connection with the use of a finger-scan timekeeping system for its employees. The parties have proposed a settlement that, if approved by the Court, will resolve all of the Settlement Class’s claims against Defendant for violations of BIPA.
- C. WHAT IS THE PROPOSED SETTLEMENT?** Defendants have agreed to consent to a judgment in the amount of \$2,000,000 (the “Judgment Amount”). To satisfy this Judgment, Defendant shall make a payment of \$200,000 (“Defendant Settlement Fund”) to be made available to pay Settlement Class Members on a *pro rata* basis, to pay incentive awards to Plaintiffs for serving as the “class representatives,” to pay attorneys’ fees and expenses to Class Counsel, and to pay the costs of notice and settlement administration. Each Settlement Class Member for whom the settlement administrator does not receive notification that this Class Notice is undeliverable, shall receive an equal *pro rata* share of the Defendant Settlement Fund divided by the number of Settlement Class Members, after the deduction of notice and administration costs, incentive awards, and attorneys’ fees and expenses.

The remaining balance of the Judgment shall be paid, if at all, in part or in whole, by the possible recovery of proceeds from Defendant’s insurer, West Bend Mutual Insurance Company (“West Bend”). If no proceeds are recovered from West Bend, then there will be no additional payments to the Settlement Class made, other than the payments from the Defendant Settlement Fund described above, and the Judgment will be deemed satisfied in full. In the event that any proceeds are recovered from West Bend (the “West Bend Recovery”), then those proceeds shall fully and completely satisfy the Remaining Judgment Amount and the Judgment will be deemed satisfied in full. The West Bend Recovery, if any, will be made available to make an additional payment to Settlement Class Members on a *pro rata* basis who received payments from the Defendant Settlement Fund, to pay additional incentive awards to Plaintiffs for serving as the “class representatives,” to pay additional attorneys’ fees and expenses to Class Counsel, and to pay any additional costs of settlement administration. Each such Settlement Class Member shall receive an equal *pro rata* share of the West Bend Recovery, if any, divided by the number of Settlement Class Members who are to receive payment, after the deduction of any additional administration costs, incentive awards, and attorneys’ fees and expenses.

The Court has preliminarily approved this settlement, subject to a fairness hearing that will occur on April 28, 2021 at 9:00 a.m., in Room 2008 in the Circuit Court of DuPage County, 505 County Farm Road, Wheaton, Illinois 60187.

D. WHAT CAN YOU DO NOW? YOU HAVE THREE OPTIONS.

- 1. Do nothing.** If you do nothing, you will stay in the Settlement Class, be bound by the Judgment entered by the Court, and you will be mailed a check for your *pro rata* share of the Defendant Settlement Fund and the West Bend Recovery, if any.
- 2. Exclude yourself from the Settlement Class and the settlement.** You can exclude yourself from the class action and the settlement by filing a written request to be excluded with the Clerk of the Circuit Court of DuPage County, 505 County Farm Road, Wheaton, Illinois 60187. That request must be postmarked on or before **April 5, 2021**, and it must state your name, address, telephone number, the case name and number above, and include a clear statement that you request to be excluded from the Settlement Class and settlement. You must also mail copies of your request for exclusion, postmarked by the same date, to:

For the Settlement Class:

David Fish
THE FISH LAW FIRM, P.C.
200 East Fifth Avenue, Suite 123
Naperville, Illinois 60563

For Defendant:

Brett Doran
GREENBERG TRAUERIG, LLP
77 West Wacker Dr., Suite 3100
Chicago, IL 60601

3. **Object to the settlement in writing.** If you object to the settlement, and wish to file an objection rather than excluding yourself, you must submit your objection in writing to the Clerk of the Clerk of the Circuit Court of DuPage County, 18 N. County St., Waukegan, Illinois 60085. Your objection must be postmarked by **April 5, 2021**, and it must be signed under penalties of perjury and identify the following information: (1) your name, address, and telephone number, (2) the specific date(s) you were employed by Defendant, (3) all attorneys who assisted you in preparing or filing the objection, (4) a list of all other class action cases in which you or your attorneys have submitted an objection to a settlement, including case name, court, case number, and how much, if any amount, was paid in connection with the objection, and (5) a statement of the reasons why you contend the Court should find that the proposed settlement is not fair, reasonable, adequate, and in the best interests of the Settlement Class. You must also serve copies of your objection and any supporting memoranda or materials on the attorneys for the Settlement Class and the attorneys for Defendant listed in Paragraph D.2 above, postmarked by the same date. If your objection does not comply with these requirements, the Court may strike and disregard your objection. It is not enough to say that you object; you must state the reasons why you believe the Court should reject the settlement. If you file an objection, then you **must** appear at the final approval hearing before Judge Robert W. Rohm in Courtroom 2008 of the Circuit Court of DuPage County, 505 County Farm Road, Wheaton, Illinois 60187 on April 28, 2021, at 9:00 a.m. You are not required to attend this hearing unless you object to the settlement.

- E. **WHO REPRESENTS THE CLASS?** The Court appointed Plaintiffs to be the “Class Representatives” and appointed The Fish Law Firm, P.C. and Bock, Hatch, Lewis & Oppenheim, LLC as “Class Counsel.” At the fairness hearing, Class Counsel will request that the Court approve an incentive award of up to \$5,000 from the Defendant Settlement Fund for each of the Class Representatives for their services on behalf of the Settlement Class; an award to Class Counsel of one third of the Defendant Settlement Fund (\$66,667) as attorneys’ fees, plus their out-of-pocket litigation expenses up to \$12,000; and payment to the Settlement Administrator for costs of notice and settlement administration, all to be paid from the Defendant Settlement Fund. Class Counsel will request that, in the event there is any West Bend Recovery as described in Paragraph C, the Court approve an additional incentive award of up to \$7,500 from the West Bend Recovery for each of the Class Representatives for their services on behalf of the Settlement Class; an additional award to Class Counsel of one third of the amount of the West Bend Recovery as attorneys’ fees, plus any additional out-of-pocket litigation expenses, and payment to the Settlement Administrator for any additional costs of settlement administration, all to be paid from the West Bend Recovery.

- F. **WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?** The Court will hold a hearing to decide whether the proposed settlement is fair and reasonable and should be approved. At that fairness hearing, the Court will hear any objections and arguments about the proposed settlement, including about the attorneys’ fees and expenses requested by Class Counsel and the incentive awards requested for the Class Representatives. The fairness hearing will take place on April 28, 2021 at 9:00 a.m., in Room 2008 in the Circuit Court of DuPage County, 505 County Farm Road, Wheaton, Illinois 60187. **You do not need to attend this hearing unless you object.** The fairness hearing may be continued to a

future date without further notice. If the Court does not approve the settlement, the litigation will proceed as if no settlement has been attempted. If the settlement is not approved, there is no assurance that the Settlement Class will recover more than is provided in the settlement, or anything at all.

G. HOW DO I OBTAIN MORE INFORMATION? This description of the litigation is general and does not cover all of the issues and proceedings. If you have specific questions, you may write to Class Counsel at the address above. Include the case number, your name, and your telephone number. Or, you may call Class Counsel, David Fish, at 630-355-7590. You may contact the Settlement Administrator, Analytics Consulting LLC, by calling 888-507-2435. To obtain a copy of the settlement agreement, you may visit the settlement website, www.fishlawfirm.com/standardmarket. To review the Class Action Complaint and other documents in this case, you may visit the office of the Clerk of the Circuit Court of DuPage County, 505 County Farm Road, Wheaton, Illinois 60187, where files relating to this lawsuit will be available for inspection and copying at your own expense.

Please do not contact the Clerk of the Court, the Judge, or the Judge's staff, because they cannot answer your questions or give you advice about this settlement.

**BY ORDER OF THE COURT
HONORABLE JUDGE ROBERT W. ROHM**