

NOTICE OF CLASS ACTION SETTLEMENT

Maysoun Abudayyeh, individually and on behalf of all others similarly situated v. Envoy Air, Inc.,
in the U.S. District Court for the Northern District of Illinois, Case No. 21-cv-00142

ABC1234567890

Claim Number 1111111



JOHN Q CLASSMEMBER
123 MAIN ST
APT 1
ANYTOWN, ST 12345

**This is a court-authorized notice of a proposed class action settlement.
This is not a solicitation from a lawyer. This is not a notice of a lawsuit against you.**

TO: Passenger service agents of Envoy Air, Inc. (“Envoy”) and non-union management and support staff employees of Envoy, as defined below, are members of the “Settlement Class,” consisting of the following two subclasses:

Subclass 1: The 192 former Envoy passenger service agents (“PSAs”) who worked at O’Hare International Airport (“O’Hare”) and who used handpunch and/or fingerscan timeclocks between December 23, 2015 and June 28, 2016, in conjunction with their employment at Envoy, and who were no longer employed with Envoy as of February 25, 2022, and who do not opt-out of the Settlement prior to the Opt-Out Deadline. In addition, Subclass 1 shall include the 24 current and former Envoy non-union management and support staff employees who worked at O’Hare and who used handpunch and/or fingerscan timeclocks between December 23, 2015 and June 28, 2016, in conjunction with their employment at Envoy, and who do not opt-out of the Settlement prior to the Opt-Out Deadline.

Subclass 2: The 134 current and former Envoy PSAs who worked at O’Hare and who used handpunch and/or fingerscan timeclocks between December 23, 2015 and June 28, 2016, in conjunction with their employment at Envoy, and who were still employed with Envoy as of February 25, 2022, and who do not opt-out of the Settlement prior to the Opt-Out Deadline.

A. WHY HAVE YOU RECEIVED THIS NOTICE? The Court ordered us to send you this notice because, while working for Envoy at O’Hare, you may have used a timeclock that utilized a scan of your finger and/or hand.

B. WHAT IS THIS LAWSUIT ABOUT? The named plaintiff in this litigation, Maysoun Abudayyeh (“Plaintiff”), filed a class action lawsuit alleging that Envoy collected employees’ biometric information without making the disclosures and receiving the written consent required by the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, et seq. (“BIPA”). Envoy denies these allegations. Notwithstanding their disagreements, the parties have proposed a settlement that, if approved by the Court, will resolve the claims.

C. WHAT IS THE PROPOSED SETTLEMENT? Without admitting any fault or liability, and in exchange for a release of all claims about the Settlement Class’s biometrics while employed at Envoy, Envoy has agreed to make available a settlement fund of \$300,000 (the “Settlement Fund”) to pay Settlement Class members, to pay an enhancement award to the Plaintiff for serving as a class representative, and to pay attorneys’ fees and expenses to Class Counsel. Each person who does not timely exclude themselves from the settlement will be mailed a check for their pro rata share of the Settlement Fund, for an amount allocated depending upon Subclass.

Defendant’s records show that you are a member of Subclass 2, and your estimated net payment after deductions is \$120.67.

The Court has preliminarily approved this settlement, subject to a fairness hearing that will occur on January 19, 2023, at 9:00 a.m. in Courtroom 1925 of the Everette McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, IL 60604. You are not required to appear at this hearing unless you filed an objection to the settlement.

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

1. **Do nothing.** If you want to receive a settlement payment, *you do not need to do anything*. If you do nothing, you will receive your pro rata share of the Settlement Fund and be bound by the settlement agreement, including the release of any and all claims against Envoy and the Releasees (as that term is defined in the settlement agreement) regarding your biometric information while employed at Envoy. If required by law, you may also be sent a 1099 tax reporting form.
2. **Exclude yourself from the Settlement Class and the settlement.** If you do not want to be legally bound by the settlement, you must exclude yourself by December 5, 2022. To exclude yourself, you must mail, via First Class United States mail and postmarked by the deadline, a written, signed statement to the Settlement Administrator at the address below stating, “I elect to exclude myself from the settlement in *Abudayyeh v. Envoy Air, Inc.*,” with your full name, address, telephone number, and signature. If you exclude yourself, you will not be bound by the Settlement Agreement, but you will NOT get a payment.
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 file your objection in writing with the Clerk of the United States District Court for the Northern District of Illinois Eastern Division, Everette McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, IL 60604. Your objection must be filed by December 5, 2022. You must also serve copies of your objection and any supporting memoranda or materials on the administrator, Analytics Consulting LLC, at the contact information listed below, along with Class Counsel at the contact information listed below, and Defendant’s Counsel (Attn: Mark W. Robertson, O’Melveny & Myers, 7 Times Square, New York, NY 10036). Your objection must be postmarked by December 5, 2022. Your objection must be signed by you or your attorneys, must identify your name, address, and telephone number, and must include a written statement of the grounds for the objection. 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 Andrea R. Wood in Courtroom 1925 of the Everette McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, IL 60604, as ordered by the Court, on January 19, 2023 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 Plaintiff to be the “Class Representative” and appointed Caffarelli & Associates, Ltd. and Fish Potter Bolaños, P.C. as “Class Counsel.” At the fairness hearing, Class Counsel will request that the Court approve an enhancement award of \$10,000 from the Gross Settlement Fund for the Class Representative for their service on behalf of the Settlement Class. Class Counsel will also request that the Court award them up to 40% of the Settlement Fund as attorneys’ fees, plus their out-of-pocket litigation expenses also to be paid from the Settlement Fund.

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 enhancement award requested for the Class Representative. The fairness hearing will take place on January 19, 2023 at 9:00 a.m., in Courtroom 1925 of the Everette McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, IL 60604, as ordered by the Court. 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 Notice is general and does not cover all the issues and proceedings in the settlement or the underlying litigation. You can learn more about the settlement by contacting the settlement administrator, Analytics Consulting LLC at (888) 569-0626, or Settlement Class counsel, Caffarelli & Associates, Ltd. at (312) 763-6800 or Fish Potter Bolaños, P.C. at (312) 861-1800. You may also review the settlement agreement and related case documents at the website: www.fishlawfirm.com/envoy or www.caffarelli.com/resources.

If you have any questions or for more information, contact the settlement administrator or Settlement Class counsel at:

Settlement Administrator
Abudayyeh v Envoy Air, Inc.
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P.O. Box 2002
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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