

**YOU MAY BE ENTITLED TO A CASH PAYMENT FROM A CLASS ACTION SETTLEMENT IF YOU WERE REQUIRED TO PROVIDE YOUR FINGERPRINT OR OTHER BIOMETRIC INFORMATION FOR TIMEKEEPING PURPOSES TO FLEX-N-GATE LLC, FLEX-N-GATE PLASTICS, LLC, AND/OR FLEX-N-GATE CHICAGO, LLC AT ANY TIME BETWEEN NOVEMBER 7, 2014 AND DECEMBER 19, 2022.**

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

### **What is this Notice About?**

A proposed settlement has been reached in a class action lawsuit against Flex-N-Gate LLC, Flex-N-Gate Plastics, LLC, and Flex-N-Gate Chicago LLC (“Defendants”) regarding timekeeping devices used by Defendants from November 7, 2014 through December 19, 2022, which required employees to provide biometric information (e.g. fingerprints etc.) for timekeeping purposes, allegedly in violation of the Illinois’ Biometric Information Privacy Act (“BIPA”). The case is entitled *Seyon R. Haywood & Robert Stewart v. Flex-N-Gate LLC, et al.*, 2019-CH-12933, pending in the Circuit Court of Cook County, Illinois, County Department, Chancery Division. The proposed settlement is not an admission of wrongdoing by Defendants, and Defendants deny that they violated BIPA or the law. The Court has not decided who is right or wrong. Rather, to save the time, expense, and distraction of litigation, the parties have agreed to settle the lawsuit. The settlement has been preliminarily approved by a court in Chicago, Illinois.

### **Am I a Member of the Settlement Class?**

You are a member of the Settlement Class if, at any time between November 7, 2014, through December 19, 2022, you provided scans of your hands, fingers, or anything that could be considered biometric identifiers or biometric information under the Illinois Biometric Information Privacy Act, 740 ILCS § 14/1 *et seq.* to the Defendants while you were a resident of Illinois.

### **What Can I Get From the Proposed Settlement?**

Defendants have agreed to create a fund totaling \$3,606,000.00 from which all payments contemplated by the Settlement Agreement will be paid, including: (a) Incentive Award to Plaintiffs, Seyon R. Haywood and Robert Stewart, in an amount up to \$5,000 each; (b) reasonable attorneys’ fees to Class Counsel not to exceed 33% percent of the Settlement Fund plus reimbursement of reasonable costs; (c) costs incurred by or on behalf of the Settlement Administrator in administering the settlement; and (d) pro rata shares of the remaining Settlement Fund payable to each Settlement Class Member to be distributed by check in three approximately equal payments in 2023, 2024, and 2025. Any settlement checks which go uncashed more than 120 days from the date of issuance will become null and void with 50% of such funds to be distributed to *cy pres* recipients split evenly with half going to Prairie State Legal Services and half going to the Chicago Development Fund. The remaining 50% of the uncashed checks shall be returned to the Defendants. The Settlement Administrator will issue a check to each Class Member who does not otherwise exclude themselves following the final approval of the settlement. It is believed that each Class Member will receive approximately \$600 from the Settlement Fund, but the exact amount is not yet known and could be more or less. The Settlement Members’ rights to receive any payment sent by check is extinguished upon failure to timely cash a settlement check. More information about the settlement is available at: [www.fishlawfirm.com/flexsettlement](http://www.fishlawfirm.com/flexsettlement).

### **Who Represents the Class?**

The Court has approved the following attorney to represent the Settlement Class, who is referred to as “Class Counsel,” Fish Potter Bolaños, P.C., 200 E. 5th Ave Ste. 115, Naperville, IL 60563, [www.fishlawfirm.com](http://www.fishlawfirm.com). You will not be charged for this lawyer. If you want to be represented by your own lawyer instead, you may hire one at your own expense.

### **What Are Your Options?**

1. Do nothing. A check will be mailed to you if the Court grants final approval of the settlement.
2. Exclude Yourself. If you do not want to be legally bound by the settlement, you must exclude yourself by **February 17, 2023**. To do so, you must mail your written request for exclusion to the Settlement Administrator, Analytics,

at Haywood v Flex-N-Gate Plastics LLC, P.O. Box 2002, Chanhassen, MN 55317-2002. Your written request for exclusion must identify the name of the case and case number, *Haywood v. Flex-N-Gate Plastics LLC. et al.*, 2019-CH-12933 (Cook County), include your full name and current address, a statement that you wish to be excluded from the settlement, and contain your personal signature. If you exclude yourself, you will not receive money from this settlement, but you will retain your legal rights regarding any claims that you may have against Defendants.

3. Object to the Settlement. You may object to the settlement by **February 17, 2023**, if you have not already excluded yourself from the settlement. If you want to object to the settlement, you must file the objection with the Clerk of the Court in Cook County and mail and e-mail a copy of the written statement to Class Counsel and Defendants' Counsel at the addresses below by **February 17, 2023**.

<b>Class Counsel</b> David Fish Fish Potter Bolaños, P.C. Fifth Avenue Station 200 E. 5th Avenue, Suite 115 Naperville, IL 60563 admin@fishlawfirm.com	<b>Defendants' Counsel</b> J. David Duffy Thompson Coburn LLP 55 East Monroe Street, 37th Floor Chicago, IL 60603 dduffy@thompsoncoburn.com
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The written objection must include the case name and number, your full name and current address, the specific grounds for the objection, all information you wish for the Court to consider, the name and contact information of your attorney, if any, and a statement indicating whether you intend to appear at the Final Approval hearing. Any objection that is not postmarked on or before **February 17, 2023** and mailed to the Clerk of Court with copies to Class Counsel and Defendants' Counsel will be untimely and not considered.

### **How do I update my Contact Information?**

You must notify the Settlement Administrator of any changes in your mailing address so that your settlement award will be sent to the correct address. To update your address, contact Analytics, the Settlement Administrator, at the address listed below.

### **When is the Final Approval Hearing?**

The Court will hold a hearing in this case on **May 8, 2023 at 9:15 a.m.**, in Courtroom 2508 of the Circuit Court of Cook County, 50 W. Washington, Chicago, Illinois 60602 and via Zoom link available <https://www.cookcountycourt.org/Judges-Pages/Gamrath-Celia-G>. You may appear at the hearing, but you are not required to do so.

If you have any questions or for more information, contact the Settlement Administrator or Class Counsel at:

<b>Settlement Administrator</b> Haywood v Flex-N-Gate Plastics LLC c/o Analytics Consulting LLC P.O. Box 2002 Chanhassen, MN 55317-2002 (800) 300-8489 Flexsettlement@noticeadministrator.com	<b>Class Counsel</b> David Fish Fish Potter Bolaños, P.C. Fifth Avenue Station 200 E. 5th Avenue, Suite 115 Naperville, IL 60563 (312) 861-1800
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