

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 IKO MIDWEST, INC. AND DID NOT PROVIDE A WRITTEN CONSENT AT ANY TIME BETWEEN JULY 24, 2015 AND MARCH 9, 2022.

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 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 IKO Midwest, Inc. (“Defendant”) regarding timekeeping devices used by Defendant from July 24, 2015 through March 9, 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 *McCullum v. IKO Midwest, Inc.*, Case No. 2020 CH 05114, pending in the Circuit Court of Cook County, Illinois, County Department, Chancery Division. The proposed settlement is not an admission of wrongdoing by Defendant, and Defendant denies that it violated 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 July 24, 2015 and March 9, 2022, without your consent, you were required to provide your fingerprint for timekeeping purposes to Defendant within the state of Illinois.

What Can I Get From the Proposed Settlement?

Defendant has agreed to create a fund totaling \$215,000 from which all payments contemplated by the Settlement Agreement will be paid, including: (a) Incentive Award to Plaintiff, Marcus McCullum, in an amount up to \$5,000; (b) reasonable attorneys’ fees to Class Counsel not to exceed 35% percent of the Settlement Fund plus reimbursement of reasonable costs; (c) costs incurred by or on behalf of the Settlement Administrator in administrating the settlement; (d) an equal share of the remaining Settlement Fund to each Settlement Class Member; and (e) if applicable, any remaining amounts distributed equally between *cy pres* recipients Jewish Federation of Metropolitan Chicago and Prairie State Legal Services. Defendant has also agreed to alter its biometric timekeeping practices, as explained in the detailed Settlement Agreement available at the Settlement Website www.fishlawfirm.com/IKO.

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 \$590 from the Settlement Fund, but the exact amount is not yet known and could be more or less.

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. 123, Naperville, IL 60563, admin@fishlawfirm.com, (312) 861-1800. 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. If you want to participate in the settlement and receive a settlement payment, do nothing. A check will be mailed to you if the Court grants final approval of the settlement.
2. If you do not want to be legally bound by the settlement, you must exclude yourself by May 9, 2022. To do so, you must mail your written request for exclusion to the Settlement Administrator, Analytics Consulting, LLC, at the contact information below, post-marked by the deadline. Your written request for exclusion must identify the name of the case and case number, *McCullum v. IKO Midwest, Inc.*, Case No. 2020 CH 05114 (Cook County), include your full name and current address, a statement that you wish to be excluded from the settlement and must be personally signed by you. 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 Defendant.
3. You may object to the settlement by May 9, 2022 if you have not already excluded yourself from the settlement. The written objection must include the case name and number, *McCullum, et al. v. IKO Midwest, Inc.*, Case No. 2020 CH 05114 (Cook County), 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. The written objection must be filed with the Cook County Clerk of the Court and a copy provided to the Settlement Administrator at the contact information below by May 9, 2022.

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 the Settlement Administrator, Analytics Consulting LLC, at the contact information below.

When is the Final Approval Hearing?

The Court will hold a hearing in this case on **June 22, 2022 at 2:00 p.m.** via Zoom Meeting ID: 928 9663 2736, Zoom Password: 813107, or dial-in: (312) 626-6799, to consider, among other things, (1) whether to approve the Settlement; (2) a request by the lawyers representing all class members for an award of no more than 35% of the settlement fund plus costs; and (3) a request for a service award of \$5,000 for Class Representative. You may appear at the hearing, but you are not required to do so. For more information on how to attend, please visit the Court’s standing order available at <https://www.cookcountycourt.org/Judges-Pages/Meyerson-Pamela-McLean>.

If you have any questions or for more information please the Settlement Website at www.fishlawfirm.com/IKO or contact the Settlement Administrator or Class Counsel at:

Settlement Administrator

McCullum v IKO Midwest, Inc.
c/o Analytics Consulting LLC
P.O. Box 2002
Chanhassen, MN 55317-2002
(855) 694-2563
IKOBIPA@noticeadministrator.com

Class Counsel

David Fish
Fish Potter Bolaños, P.C.
Fifth Avenue Station
200 E. 5th Avenue, Suite 123
Naperville, IL 60563
(312) 861-1800