

## Legal Notice of Proposed Class Action Settlement

THIS IS NOT AN ADVERTISEMENT OR ATTORNEY SOLICITATION. THIS NOTICE HAS BEEN APPROVED BY THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS AND CONTAINS IMPORTANT INFORMATION ABOUT YOUR LEGAL RIGHTS. PLEASE READ THIS NOTICE CAREFULLY.

ABC1234567890

Claim Number 1111111



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

This notice is being sent pursuant to a proposed settlement of the following class action lawsuit pending in the U.S. District Court for the Northern District of Illinois:

***Wickens v. Thyssenkrupp Crankshaft Co, LLC 2019-cv-6100***

### A. WHAT IS THIS NOTICE FOR?

This notice is to inform you that:

- A settlement has been reached in a Class Action Lawsuit against Thyssenkrupp Crankshaft Co, LLC (“Defendant”).
- Based on calculations performed from your pay records you may be eligible to receive the approximate amount of [Net Total] under the terms of the proposed Settlement if you are a current or former non-union employee who took Tooling U courses, earned attendance bonuses, and worked overtime from September 11, 2016 through November 12, 2020.
- Additionally, if you are a non-union current or former employee who worked for Defendant and used timekeeping technology which utilized a scan of employees’ hands and/or fingers in the State of Illinois since September 11, 2014, you may be eligible to receive the approximate amount of **\$646.80** under the terms of the proposed Settlement.
- If you want this money, you do not have to do anything. If approved, you will be mailed a check. However, if you do not want to participate in the lawsuit or receive the money, you may exclude yourself. You can also object to the settlement by following the instructions in Section G. If you exclude yourself, you will not receive any portion of the Settlement and you will not release any legal claims.
- The **Court will hold a fairness hearing** about the Settlement on January 26, 2021 at 10:00 a.m., which you may attend by dialing the Court’s toll-free call-in number 877-336-1829, conference access code 6963747.

### B. WHAT IS THIS LAWSUIT ABOUT?

Brenda Wickens (“Plaintiff”) brought a complaint against Thyssenkrupp Crankshaft Co, LLC claiming that 1.) Defendant violated the Illinois Biometric Information Privacy Act (BIPA) by utilizing a timekeeping system in the state of Illinois that relies on employee fingerprints without first obtaining consent and publishing a retention/destruction policy 2.) failing to correctly calculate the overtime rate of pay for non-union employees earning certain attendance bonus and Tooling U incentives. Defendant denies the allegations and maintains that it complied with the law at all times. The complaint alleges violations of both Illinois and federal law and seeks statutory damages under BIPA, back pay, liquidated damages, civil penalties, and attorneys’ fees and costs. Thyssenkrupp denies it did anything wrong.

### C. WHAT DOES THE SETTLEMENT DO?

The proposed Settlement resolves the claims before the Court decides which side is right. As part of the Settlement, Thyssenkrupp has agreed to pay **\$894,000 (“Settlement Fund”)** to resolve this lawsuit. That amount resolves the alleged federal, state and/or local law claims of Class Members in this action, including attorneys’ fees, costs, service payments, unpaid wages, liquidated damages/civil penalties under Federal and Illinois law, and settlement administration fees. A service payment of \$7,500 will be requested from the Settlement Fund for the named Plaintiff due to her efforts in obtaining a class-wide recovery.

The approximate amounts in Section A reflect what you may receive after attorney fees and costs, administrative fees, and service payment are deducted from the Settlement Fund. The amount may increase or decrease depending on the actual costs or expenses or rulings from the Court.

#### D. AM I AFFECTED?

You received this Notice because Defendant's records show that you were a non-union employee who may have used their biometric timeclock in Illinois since September 11, 2014 or your overtime rate may have been miscalculated during the relevant time period of September 11, 2016 to November 12, 2020. If the Court approves the Settlement, your rights will be affected. Review your options in Section G to determine what you would like to do.

A portion of any payment will be subject to deductions for applicable taxes and withholdings like any other paycheck, and for which you will receive an IRS Form W-2. The remaining portion of the payment, attributable to liquidated damages and statutory penalties, and the BIPA portion will be reported on an IRS Form 1099. Neither Plaintiff's counsel nor Defendant nor Defendant's counsel make any representations concerning the tax consequences of this settlement or your participation in it, and you are advised to consult your own tax advisor if you have any questions regarding tax treatment of any payments.

#### E. DO I HAVE AN ATTORNEY IN THIS CASE?

The Court has appointed The Fish Law Firm, P.C. as Class Counsel. If the Settlement is approved, Class Counsel will request the Court to award one-third of the total Settlement Fund in attorneys' fees plus costs in attorney costs from the Settlement Fund. The approximate amount in Section A already reflects attorney's fees and costs being deducted.

#### F. IF I PARTICIPATE, DO I NEED TO WORRY ABOUT RETALIATION?

Defendant **will not and cannot terminate your employment, or treat you any differently** because of your participation in, or exclusion from, the Settlement.

#### G. WHAT ARE MY OPTIONS?

##### 1. Do Nothing.

If you do nothing, you will automatically receive the approximate amounts listed in Section A (subject to appropriate tax withholdings) and you will release your Illinois and federal law claims against Defendants for unpaid wages and your Illinois claims under BIPA.

##### 2. Exclude Yourself from the Class Settlement.

If you do not want to receive any funds, and you do not want to release your state and federal law claims, you may exclude yourself. Send correspondence to the Settlement Administrator at Wickens v. Thyssenkrupp Crankshaft Co, LLC, c/o Analytics Consulting LLC, P.O. Box 2002, Chanhassen MN 55317-2002, which includes the name of the case "**Wickens v. Thyssenkrupp Crankshaft Co, LLC 2019-cv-6100**" and: 1) your full name; 2) your social security number; 3) a specific statement that you wish to exclude

yourself from this Settlement, and 4) your signature. Your exclusion must be received by the Settlement Administrator by **January 10, 2021**.

##### 3. Object to the Settlement.

You can object to the settlement by filing a notice with the Court by **January 10, 2021**. Mail your objection to United States Courthouse, Room 2303, 219 South Dearborn Street, Chicago, IL 60604. You must state the name of the case "**Wickens v. Thyssenkrupp Crankshaft Co, LLC 2019-cv-6100**" why you object, whether you plan to attend the fairness hearing, who your lawyer will be, and who you will call as a witness in support of your objection. You must sign and date your objection. You must also send a copy of your objection to Class Counsel at the address listed in Section D and Defendant's Counsel at Seyfarth Shaw LLP, Attn: Thomas Ahlering, 233 S. Wacker Drive, Suite 8000 Chicago, IL 60606-6448.

#### H. WHERE CAN I GET MORE INFORMATION?

If you have additional questions or need additional information, please contact the Settlement Administrator at (855) 697-0297 or Class Counsel:

##### **Class Counsel**

The Fish Law Firm, P.C.  
Attn: John C. Kunze  
200 East 5th Avenue, Suite 123  
Naperville, IL 60563  
Telephone: (630) 355-7590  
Email: admin@fishlawfirm.com

You can also view the Settlement Agreement and other documents at [www.fishlawfirm.com/thyssenkrupp](http://www.fishlawfirm.com/thyssenkrupp)

***PLEASE NOTE: Inquiries for additional information or advice should NOT be directed to the Court or Defendant's Counsel. You may hire an attorney other than Class Counsel to discuss your rights under the Settlement if you choose.***