

**YOU MAY BE ENTITLED TO A CASH PAYMENT FROM A CLASS ACTION SETTLEMENT IF YOU WERE REQUIRED TO PROVIDE YOUR HAND SCAN OR FINGER SCAN OR OTHER BIOMETRIC DATA FOR TIMEKEEPING PURPOSES TO CHEESE MERCHANTS OF AMERICA, LLC BETWEEN FEBRUARY 27, 2015 AND MARCH 6, 2020.**

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 Cheese Merchants of America, LLC (“Defendant”) regarding its use of an alleged Biometric System between February 27, 2015 and March 6, 2020 that allegedly scanned employee biometric identifiers (e.g., handprints, fingerprints, etc.) for timekeeping purposes and that was allegedly used in violation of the Illinois Biometric Information Privacy Act (“BIPA”). The case is entitled *Wypych v. Cheese Merchants of America, LLC*, Case No. 2020 CH 02437, currently pending in the Circuit Court of Cook County, Illinois. 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 February 27, 2015 through March 6, 2020, you were required to provide your hand scan or finger scan or other biometric data for timekeeping purposes at Defendant’s facility within the state of Illinois.

The amount you receive from the Settlement will vary depending upon whether you signed a Handbook Acknowledgement Form while working for Defendant. The persons who signed a Handbook Acknowledgement Form will receive approximately 40% of the amount allocated to those who did not sign a Handbook Acknowledgement Form.

Defendant does not have a record of a Handbook Acknowledgment Form with your name on it and therefore your estimated payment is: \$503.51.

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

Defendant has agreed to create a fund totaling \$526,344.00 from which all payments contemplated by the Settlement Agreement will be paid, including: (a) Incentive Award to Plaintiff, Zack Wypych, in an amount up to \$7,500; (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 administering the settlement; (d) an equal share of the remaining Settlement Fund to each Settlement Class Member; and (e) if applicable, any remaining amounts will be divided equally between *cy pres* recipient Prairie State Legal Services and Defendant. Defendant has also agreed to act reasonably to comply with BIPA, as explained in the detailed Settlement Agreement at the website [www.fishlawfirm.com/cheesemerchants](http://www.fishlawfirm.com/cheesemerchants).

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 who signed a Handbook Acknowledgment Form will receive approximately \$201.40 from the Settlement Fund and each Class Member who did not will receive approximately \$503.51 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 February 4, 2022. To do so, you must mail your written request for exclusion to the Settlement Administrator, Analytics, at *Wypych v. Cheese Merchants of America, c/o Analytics Consulting LLC*, P.O. Box 2002, Chanhassen, MN 55317-2002. Your written request for exclusion must identify the name of the case and case number, *Wypych v. Cheese Merchants of America, LLC*, Case No. 2020 CH 02437 (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. While not excluding yourself from the settlement, you may object to any aspect of the settlement by February 4, 2022 including the amount of the attorneys’ fees, costs, and expenses that Class Counsel intend to seek and the payment of the Incentive Award to the Class Representative. If you want to object any aspect of the settlement, you must file the objection in writing together with the supporting documentation set forth below with the Clerk of the Court in Cook County and mail or e-mail a copy of the written statement to Class Counsel and Defendant’s Counsel at the addresses below by February 4, 2022.

#### Class Counsel

David Fish  
Fish Potter Bolaños, P.C.  
Fifth Avenue Station  
200 E. 5th Avenue, Suite 123  
Naperville, IL 60563  
admin@fishlawfirm.com

#### Defendant’s Counsel

Clifford R. Perry III  
Laner Muchin, Ltd.  
515 North State Street, Suite 2800  
Chicago, IL 60654  
cperry@lanermuchin.com

The written objection must include: (i) your full name, address, and telephone number; (ii) the case name and number of this Litigation, *Wypych v. Cheese Merchants of America, LLC*, Case No. 2020 CH 02437 (Cook County); (iii) the date range during which you were employed by Defendant; (iv) all grounds for the objection, with factual and legal support for the stated objection, including any supporting materials; (v) the identification of any other objections you have filed, or have had filed by Counsel on your behalf, in any other class action cases in the last four years; and (vi) your signature. No Class Member will be entitled to object to the settlement unless written notice of the Class Member’s intention has been mailed to the Clerk of the Court by February 4, 2022, and copies provided to Class Counsel and Defendant’s Counsel.

### **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 **April 7, 2022 at 10:00 a.m.**, in Courtroom 2403 of the Circuit Court of Cook County, 50 W. Washington St., Chicago, Illinois 60602 via Zoom Video Conference Meeting ID: 990 0014 8007, Password: 545631, 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 \$7,500 for the Class Representative. 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:

Settlement Administrator

Wypych v Cheese Merchants of America  
c/o Analytics Consulting LLC  
P.O. Box 2002  
Chanhassen, MN 55317-2002  
(833) 771-3275  
CheeseMerchantsBIPA@noticeadministrator.com

Class Counsel

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