

NOTICE OF CLASS ACTION SETTLEMENT

Baldwin et al. v. Metrostaff Incorporated, 2019 CH 04285

1. Introduction

The Circuit Court of Cook County preliminarily approved a class action settlement in the lawsuit *Baldwin v. Metrostaff Incorporated*, Case No. 2019-CH-04285 (the “Lawsuit”).

The Court has approved this Notice to inform you of your rights in the settlement. As described in more detail below, you may:

- (1) request a settlement payment and give up certain legal claims you have;
- (2) exclude yourself from the settlement and not receive a settlement payment or give up any legal claims;
- (3) object to the settlement; or
- (4) do nothing, not receive a settlement payment, and give up certain legal claims you have.

Before any money is paid, the Court will decide whether to grant final approval of the settlement.

Under the Settlement, if you do not exclude yourself and the settlement receives final approval from the Court, you will receive an *estimated* settlement payment in the amount as described in Section 4 below.

2. What Is This Lawsuit About?

This Lawsuit is about whether Metrostaff Incorporated (“Metrostaff”) violated the Illinois Biometric Information Privacy Act (“BIPA”). BIPA prohibits private companies from capturing, obtaining, storing, transferring, and/or using an individual’s biometric identifiers and/or biometric information, including fingerprint or hand geometry scan data, without first providing an individual with certain written disclosures and obtaining written consent. The Lawsuit alleges that Metrostaff violated BIPA by collecting fingerprint data from Metrostaff employees in Illinois as a means of identifying and you tracking hours worked without first providing written notice or obtaining written consent. Metrostaff denies the allegations in the Lawsuit and denies any violation of the law. Both sides agreed to the settlement to resolve the Lawsuit. The Court did not decide whether Metrostaff violated the law. You can learn more about the Lawsuit by contacting the settlement administrator, Analytics Consulting LLC, at 877-512-2849, or Settlement Class Counsel, Law Office of Thomas M. Ryan, P.C. at (312) 726-3400 or Law Office of James X. Bormes, P.C. at (312) 201-0575. You may also review the Settlement Agreement and related case documents at the settlement website: www.metrostafffingerscansettlement.com.

3. Who Is Included In The Settlement?

The settlement includes all current and former associates whose biometrics were captured, collected, obtained, stored or used by Metrostaff within the state of Illinois at any time during the period of April 14, 2014 through December 31, 2019.

4. What Does The Settlement Provide?

The class action settlement provides for a total payment of \$1,250,000.00 that Metrostaff has agreed to pay to settle the claims of Settlement Class Members. Subject to Court approval, the gross settlement fund shall be reduced by the following: (1) an award of up to 38% of the total settlement for Settlement Class Counsel’s attorney fees and litigation costs; (2) an Incentive Award of \$8,500.00 each to the Settlement Class Representatives; and (3) the Settlement Administrator’s costs of up to \$100,000. Following these reductions, the remaining amount shall be the net settlement fund which shall be distributed pro rata to Settlement Class Members who timely return valid claim forms (“Settlement Class Participants”). The amount of money each Settlement Class Participant will receive will depend on the number of Settlement Class Members who timely return valid claim forms. For example, if 30% of the estimated 20,346 Settlement Class Members submit valid timely claim forms, the Parties estimate you would receive a payment in the approximate amount of \$104.59. For further example, if 20% of the Settlement Class Members submit valid timely claim forms, the Parties estimate you would receive a payment in the approximate amount of \$157.04. Unless you exclude yourself from the settlement as explained below, you will give up any and all claims against Defendant and Zurich Insurance Group, whatsoever arising out of, related to, or connected with the

alleged capture, collection, storage, possession, transmission, conversion, and/or other use of biometric identifiers and/or biometric information in connection with the time-keeping system used by Defendant's employees including but not limited to claims brought, or which could be brought, under 740 ILCS § 14/10 *et seq.* ("BIPA").

5. What Are Your Options?

(1) Request a settlement payment.

If you want to receive a settlement payment, you must complete and submit online, or postmark and mail for return, a claim form by **February 28, 2022**. You may return your claim form in the accompanying pre-paid envelope. Or you may also complete and submit a claim form online through the settlement website: www.metrostaffingerscansettlement.com. If you timely return a completed and valid claim form, and if the Court grants final approval of the settlement, you will receive a check or an electronic payment, depending on which method of payment you select on the claim form. If required by law, you may also be sent a 1099 tax reporting form.

(2) Exclude yourself from the settlement and receive no money.

If you do not want to be legally bound by the settlement, you must exclude yourself from the settlement by **February 28, 2022**. To do so, you must mail or email your written request for exclusion to the Settlement Administrator (contact information below). Your written request for exclusion must include your full name, address, telephone number, a statement that you wish to be excluded from the settlement, and it must be personally signed by you. If you exclude yourself, you will not receive money from this settlement, but you will keep your legal rights regarding any claims that you may have against Metrostaff and the other Released Parties.

(3) Object to the Settlement.

You may object to the settlement by **February 28, 2022**. If you want to object to the settlement, you must mail or email a written objection to the Settlement Administrator (contact information below), which includes your full name, address, telephone number, the grounds for the objection, and copies of any other documents that you wish to submit in support your objection. Any objection must also be personally signed by you. If you exclude yourself from the settlement, you cannot file an objection.

(4) Do Nothing.

You may choose to do nothing. If you do nothing, you will receive no money from the settlement, but you will still be bound by all orders and judgments of the Court.

You will not be able to file or continue a lawsuit against the Released Parties regarding any legal claims arising out of allegations in the Class Action Complaint.

6. 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, should you request one, will be sent to the correct address. To update your address, contact the Settlement Administrator, listed below.

Metrostaff Finger Scan Settlement
Analytics Consulting LLC
P.O. Box 2006
Chanhassen, MN 55317-2006
Toll-free: 877-512-2849
Email: info@metrostaffingerscansettlement.com

7. Who Are The Attorneys Representing The Class And How Will they Be Paid?

The Court has appointed Settlement Class Counsel, identified below, to represent Settlement Class Members in this settlement. Settlement Class Counsel will request 38% of the total settlement amount as attorney fees plus reimbursement of their costs. You may review Settlement Class Counsel's request for attorney fees and costs at the settlement website,

www.metrostaffingerscansettlement.com, after April 12, 2022. You will not have to pay Settlement Class Counsel from your settlement award or otherwise. You also have the right to hire your own attorney at your own expense.

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8. When Is The Final Approval Hearing?

The Court will hold a hearing in this case on April 19, 2022, in Courtroom 2102 of the Circuit Court of Cook County, Illinois, Richard J. Daley Center, 50 W. Washington Street, Chicago, Illinois 60602 or via Zoom (Meeting ID 925 5932 0340 and Password 209408) at 10:30 a.m., to consider, among other things, (1) whether to finally approve the settlement; (2) a request by the lawyers representing all class members for an award of no more than thirty-eight percent of the settlement as attorney fees plus litigation costs (\$476,500.00); and (3) a request for an Incentive Award of \$8,500.00 for each Settlement Class Representative of Carolyn Baldwin, Xavier Sanders, LaTonia Williams and Dequrvia Williams; and (4) a request for up to \$100,000.00 to the Settlement Administrator. You may appear at the hearing, but you are not required to do so. On or before April 12, 2022, the Settlement Administrator shall update the Settlement website and state whether the Final Approval Hearing will be held remotely via Zoom and, if so, provide meeting information. If you have any questions or for more information, contact the Settlement Administrator or Settlement Class Counsel at:

<u>Settlement Administrator</u>	<u>Settlement Class Counsel</u>
Metrostaff Finger Scan Settlement Analytics Consulting LLC P.O. Box 2006 Chanhassen, MN 55317-2006 Toll-free: 877-512-2849 Email: info@metrostaffingerscansettlement.com	Thomas M. Ryan Law Office of Thomas M. Ryan, P.C. 35 E. Wacker Drive, Suite 650 Chicago, IL 60601 Tel: (312) 726-3400 tom@tomryanlaw.com www.tomryanlaw.com James X. Bormes Catherine P. Sons Law Office of James X. Bormes, P.C. 8 S. Michigan Ave., Suite 2600 Chicago, IL 60603 Tel: (312) 201-0575 bormeslaw@sbcglobal.net cpsons@bormeslaw.com www.bormeslaw.com

PLEASE DO NOT CONTACT THE COURT ABOUT THIS SETTLEMENT.