

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Jasmine Locke v. Fidelitone, Inc., Case No. 2021L000068 (DuPage Cty.)

*For more information, visit www.FidelitoneBiometricsSettlement.com.
Para una notificación en Español, visitar www.FidelitoneBiometricsSettlement.com.*

PLEASE READ THIS NOTICE CAREFULLY. YOU MAY BE ENTITLED TO A CASH PAYMENT FROM A CLASS ACTION SETTLEMENT IF YOU WORKED AT A FIDELITONE, INC. FACILITY IN THE STATE OF ILLINOIS AND YOUR FINGER OR HAND WAS SCANNED FOR EMPLOYEE TIMEKEEPING PURPOSES AT ANY TIME BETWEEN JANUARY 19, 2016 TO OCTOBER 8, 2024.

*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.*

Why did I get this Notice?

This is a court-authorized notice of a proposed settlement in a class action lawsuit, *Jasmine Locke v. Fidelitone, Inc.*, Case No. 2021L000068 pending in the Circuit Court of DuPage County, Illinois. The Settlement would resolve a lawsuit brought on behalf of persons who allege that Fidelitone, Inc. (“Fidelitone”) violated the Illinois Biometric Information Privacy Act by requiring workers in Illinois to use a fingertip or hand scanning feature of its timeclocks for timekeeping purposes without first providing these workers with legally-required written disclosures and obtaining written consent. Fidelitone has denied all liability and wrongdoing. Both sides agreed to settle the case.

If you received this notice, you have been identified as someone who may have worked at a Fidelitone facility in Illinois and, without first signing a consent form, had your finger or hand scanned for timekeeping purposes between January 19, 2016, to October 8, 2024. The Court has granted preliminary approval of the Settlement and has conditionally certified the Settlement Class for purposes of settlement only. This notice explains the nature of the class action lawsuit, the terms of the Settlement, and the legal rights and obligations of the Settlement Class Members. Please read the instructions and explanations below so that you can better understand your legal rights.

What is this Lawsuit about?

The Illinois Biometric Information Privacy Act (“BIPA”), 740 ILCS 14/1, *et seq.*, prohibits private companies from capturing, obtaining, storing, transferring, and/or using the biometric identifiers and/or information, such as fingerprints, of another individual for any purpose, including timekeeping, without first providing such individual with certain written disclosures and obtaining written consent. This lawsuit alleges that Fidelitone violated the BIPA by requiring individuals to scan their finger or hand for employment timekeeping purposes between January 19, 2016, and October 8, 2024 without first providing the required disclosures or obtaining the individual’s consent. Fidelitone contests these claims and denies that it violated BIPA.

Why is this a Class Action?

A class action is a lawsuit in which an individual called a “Class Representative” brings a single lawsuit on behalf of other people who have similar claims. All of these people together are a “Class” or “Class Members.” Once a Class is certified, a class action settlement finally approved by the Court resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement Class.

Why is there a Settlement?

To resolve this matter without the expense, delay, and uncertainties of litigation, the Parties have reached a Settlement, which resolves all claims against Fidelitone and the Releasees (as that term is defined in the Settlement Agreement). The Settlement requires Fidelitone to pay money to the Settlement Class, as well as pay settlement administration expenses, attorneys' fees and costs to Class Counsel, and a service award to the Class Representative, if approved by the Court. The Settlement is not an admission of wrongdoing by Fidelitone and does not imply that there has been, or would be, any finding that Fidelitone violated the law.

The Court has already preliminarily approved the Settlement. Nevertheless, because the settlement of a class action determines the rights of all members of the class, the Court overseeing this lawsuit must give final approval to the Settlement before it can be effective. The Court has conditionally certified the Settlement Class for settlement purposes only, so that members of the Settlement Class can be given this notice and the opportunity to exclude themselves from the Settlement Class, or to voice their support or opposition to final approval of the Settlement. If the Court does not give final approval to the Settlement, or if it is terminated by the Parties, the Settlement will be void, and the lawsuit will proceed as if there had been no settlement and no certification of the Settlement Class.

Who is in the Settlement Class?

The settlement includes all individuals who worked at a Fidelitone facility in the State of Illinois and whose finger or hand was scanned by a timekeeping system in connection with their work at Fidelitone from January 19, 2016 to October 8, 2024 without first signing a consent form. If your finger or hand was scanned for timekeeping purposes by Fidelitone at any time during this time period without first signing a consent form, then you may be entitled to cash benefits.

What are my options?

1. Accept the Settlement.

To accept the Settlement, you do not need to do anything. If the Settlement is approved a check will be mailed to you at the same address at which you received this notice and you will be bound by the Settlement. If you wish to change your address, you can find instructions for how to do so at www.FidelitoneBiometricsSettlement.com. You may also elect to receive payment to PayPal or other authorized electronic wallet on the settlement website.

2. Exclude yourself.

You may exclude yourself from the Settlement. If you do so, you will not receive any cash payment, but you will not release any claims you may have against Fidelitone and the Releasees and are free to pursue whatever legal rights you may have by pursuing your own lawsuit against Fidelitone at your own risk and expense. To exclude yourself from the Settlement, you must mail a signed letter to the Settlement Administrator at *Locke v. Fidelitone, Inc.*, PO Box 2002, Chanhassen, MN 55317 postmarked by **December 13, 2024**. You may also exclude yourself online at www.FidelitoneBiometricsSettlement.com. The exclusion letter must include the name and case number of this litigation, as well as your full name, address, telephone number, a statement that you wish to be excluded, and have your signature.

3. Object to the Settlement.

If you wish to object to the Settlement, you must submit your objection in writing to the Clerk of Court of the Circuit Court of DuPage County, Illinois, 505 County Farm Road, P.O. Box 707, Wheaton, Illinois 60187-0707. The objection must be postmarked no later than **December 13, 2024**. You must also send a copy of your objection to the attorneys for all Parties to the lawsuit, including Class Counsel (Arun Ravindran, Esq., Hedin, LLP, 1395 Brickell Avenue, Suite 1140, Miami, Florida, 33134), as well as the attorneys representing Fidelitone (Melissa Siebert and Hayley Ryan, Cozen O'Connor, 123 N. Wacker Drive, Suite 1800, Chicago, IL 60602), postmarked no later than **December 13, 2024**. Any objection to the proposed Settlement must include your (i) full name, address and current telephone number; (ii) the case name number of this Litigation; (iii) the date range during which you worked at a Fidelitone facility; (iv) all grounds for the objection, with factual and legal support for the stated objection, including any supporting materials; and (v) your signature. If you hire an attorney in connection with making an objection, that attorney must also file with the Court a notice of appearance by the objection deadline of **December 13, 2024**. If you do hire your own attorney, you will be solely responsible for payment of any fees and expenses the attorney incurs on your behalf. If you exclude yourself from the Settlement, you cannot file an objection.

You may appear at the Final Approval Hearing, which is to be held on **January 8, 2025 at 10:00 a.m.**, in Courtroom 2020 of the Circuit Court of DuPage County, 505 North Country Farm, Rd., Wheaton, Illinois 60187, in person or through counsel to show cause of why the proposed Settlement should not be approved as fair, reasonable, and adequate.

Attendance at the hearing is not necessary; however, persons wishing to be heard orally in opposition to the approval of the Settlement, the request for attorneys' fees and expenses, and/or the request for an incentive award to the Class Representative are required to indicate in their written objection their intention to appear at the hearing on their own behalf or through counsel and to identify the names of any witnesses they intend to call to testify at the Final Approval Hearing, as well as any exhibits they intend to introduce at the Final Approval Hearing.

What does the Settlement provide?

The Defendant has agreed to create a \$589,000.00 Settlement Fund for the Class Members. All Settlement Class Members who do not exclude themselves are entitled to receive a payment out of the Settlement Fund. If the Settlement is approved, each Settlement Class Member who does not timely exclude themselves will be entitled to an equal payment out of the Settlement Fund. The exact amount of each Class Member's payment is unknown at this time; it may be as much as **\$615.00** or more, but it may be less depending on several factors, including the costs of the other expenses to be paid from the Settlement Fund. The Settlement Administrator will issue a check or make a transfer to a PayPal or other authorized electronic wallet to each Class Member who does not exclude himself or herself following the final approval of the Settlement. All checks issued to Settlement Class Members will expire and become void 90 days after they are issued. Additionally, the attorneys who brought this lawsuit (listed below) will ask the Court to award them attorneys' fees of up to thirty-five percent of the Settlement Fund, which includes costs, for the substantial time, expense and effort expended in investigating the facts, litigating the case and negotiating the Settlement. The Class Representative also will apply to the Court for a service award of up to \$5,000.00 for her time, effort, and service in this matter.

What rights am I giving up in this Settlement?

Unless you exclude yourself from this Settlement, you will be considered a member of the Settlement Class, which means you give up your right to file or continue a lawsuit against Fidelitone and the Releasees (as that term is defined in the Settlement Agreement) relating to the use of the biometric Time-keeping System at a Fidelitone facility in Illinois from January 19, 2016, to October 8, 2024. Giving up your legal claims is called a release. The precise terms of the release are in the Settlement Agreement, which is available on the settlement website. Unless you formally exclude yourself from this Settlement, you will release your claims. If you have any questions, you can talk for free to the attorney identified below who has been appointed by the Court to represent the Settlement Class, or you are welcome to talk to any other lawyer of your choosing at your own expense.

When will I be paid?

The Parties cannot predict exactly when (or whether) the Court will give final approval to the Settlement, so please be patient. However, if the Court finally approves the Settlement, you will be paid as soon as possible after the court order becomes final, which should occur within approximately 60 days after the Settlement has been finally approved. If there is an appeal of the Settlement, payment may be delayed. Updated information about the case is available at www.FidelitoneBiometricsSettlement.com, or you can call the Settlement Administrator at (888) 973-6129, or contact Class Counsel at the information provided below.

When will the Court rule on the Settlement?

The Court has already given preliminary approval to the Settlement. A final hearing on the Settlement, called a Final Approval Hearing, will be held to determine the fairness of the Settlement. At the Final Approval Hearing, the Court will also consider whether to make final the certification of the Class for settlement purposes, hear any proper objections and arguments to the Settlement, as well as any requests for an award of attorneys' fees, costs, and expenses and a Class Representative Service Award that may be sought by Class Counsel. The Court will hold the Final Approval Hearing on **January 8, 2025 at 10:00 a.m.**, in Courtroom 2020 of the Circuit Court of DuPage County, 505 North Country Farm, Rd., Wheaton, Illinois 60187.

If the Settlement is given final approval, the Court will not make any determination as to the merits of the claims against Fidelitone or its defenses to those claims. Instead, the Settlement's terms will take effect and the lawsuit will be dismissed

on the merits with prejudice. Both sides have agreed to the Settlement in order to achieve an early and certain resolution to the lawsuit, in a manner that provides specific and valuable benefits to the members of the Settlement Class.

If the Court does not approve the Settlement, if it approves the Settlement and the approval is reversed on appeal, or if the Settlement does not become final for some other reason, you will not be paid at this time and Class Members will receive no benefits from the Settlement. Plaintiff, Defendant, and all of the Class Members will be in the same position as they were prior to the execution of the Settlement, and the Settlement will have no legal effect, no class will remain certified (conditionally or otherwise), and the Plaintiff and Defendant will continue to litigate the lawsuit. There can be no assurance that if the Settlement is not approved, the Settlement Class will recover more than is provided in the Settlement, or indeed, anything at all.

Who represents the Class?

The Court has approved the following attorney to represent the Settlement Class. He is called “Class Counsel.” 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.

Arun Ravindran
HEDIN LLP.
1395 Brickell Avenue
Suite 1140
Miami, Florida 33131
ARavindran@hedinllp.com
Tel: 305-357-2107

Where can I get additional information?

This Notice is only a summary of the proposed Settlement of this lawsuit. More details are in the Settlement Agreement which, along with other documents, can be obtained at www.FidelitoneBiometricsSettlement.com. If you have any questions, you can also contact the Settlement Administrator at **(888) 973-6129** or Class Counsel at the telephone number or email address set forth above. In addition to the documents available on the case website, all pleadings and documents filed in court may be reviewed or copied in the Office of the Clerk. Please do not call the Judge or the Clerk of the Court about this case. They will not be able to give you advice on your options.

Settlement Administrator
Locke v. Fidelitone, Inc.
c/o Analytics Consulting LLC
P.O. Box 2002
Chanhassen, MN 55317-2002
Website: www.FidelitoneBiometricsSettlement.com
Email: FidelitoneBiometricsSettlement@noticeadministrator.com
Phone: (888) 973-6129