



### **Settlement Class Certification**

2. The Court hereby conditionally certifies, pursuant to Section 2-801 of the Illinois Code of Civil Procedure, and for the purposes of settlement only, the following Settlement Class consisting of:

“All individuals who worked at a Wireless Vision, LLC location in the State of Illinois and had their biometric identifiers or biometric information allegedly collected, captured, received, or otherwise obtained by Wireless Vision, LLC from January 29, 2015 to January 29, 2020 and who have not otherwise released such claims.”

3. For settlement purposes only, the Court finds that the prerequisites to class action treatment under Section 2-801 of the Illinois Code of Civil Procedure—including numerosity, commonality and predominance, adequacy, and appropriateness of class treatment of these claims—have been preliminarily satisfied.

- a. The members of the class are too numerous for their joinder to be practicable. There are 310 Settlement Class Members.
- b. Questions of law and fact common to the settlement class predominate over individualized questions. Whether Defendant’s practices violated Illinois’s Biometric Information Privacy Act, 740 ILCS 14/1, et seq., will turn on legal and factual questions that apply to each class member.
- c. Plaintiff is an adequate class representative whose interests in this matter are aligned with those of all other Settlement Class Members. Proposed class counsel—the law firm of Keller Postman LLC—has experience and expertise prosecuting class actions and have committed the necessary resources to represent the Settlement Class.
- d. A class action is a superior method for the fair and efficient resolution of this matter.

### **Preliminary Approval of Settlement**

4. The terms of the Settlement Agreement are preliminarily approved as fair, reasonable and adequate. There is good cause to find that the Settlement Agreement was negotiated at arm's-length between the Parties, who were represented by experienced counsel.

5. For settlement purposes only, Plaintiffs Robert Corey and Sarah Jaenke are appointed as Class Representatives.

6. For settlement purposes only, the following counsel are hereby appointed as Class Counsel:

Benjamin J. Whiting  
Alex J. Dravillas  
KELLER POSTMAN LLC  
150 N. Riverside Plaza  
Suite 4100  
Chicago, IL 60606

### **Manner and Form of Notice**

7. The Court approves, in form and content, the Notice, attached to the Settlement Agreement as Exhibit A, and finds that it meets the requirements of Section 2-803 of the Illinois Code of Civil Procedure and satisfies due process.

8. The Court finds that the planned notice set forth in the Settlement Agreement meets the requirements of Section 2-803 of the Illinois Code of Civil Procedure and constitutes the best notice practicable under the circumstances, where Class Members' identities are contained in Defendant's records and may be readily ascertained, satisfying fully the requirements of due process, and any other applicable law, such that the Settlement Agreement and Final Approval Order will be binding on all Settlement Class Members. In addition, the Court finds that no notice other than that specifically identified in the Settlement Agreement is necessary in this action. The Parties, by agreement, may revise the Notice and Claim Form in

ways that are not material, or in ways that are appropriate to update those documents for purposes of accuracy or formatting for publication.

9. Analytics Consulting LLC is hereby appointed Settlement Administrator to supervise and administer the notice process, as well as to oversee the administration of the Settlement, as more fully set forth in the Settlement Agreement.

10. The Settlement Administrator may proceed with the distribution of Notice as set forth in the Settlement Agreement.

11. Settlement Class Members who wish to receive benefits under the Settlement Agreement must complete and submit a valid Claim Form in accordance with the instructions provided in the Class Notice on or before August 22, 2022. The Court hereby approves as to form and content the Claim Form attached to the Settlement Agreement as Exhibit A.

12. All Claim Forms must be either mailed via U.S. Mail to the address specified in the Claim Form and/or be electronically submitted to the Settlement Administrator via electronic mail no later than August 22, 2022. Settlement Class Members who do not timely submit a Claim Form deemed to be valid in accordance with Section V of the Settlement Agreement shall not be entitled to receive any portion of the Settlement Fund.

13. Settlement Class Members shall be bound by all determinations and orders pertaining to the Settlement, including with respect to Released Claims as set forth in the Settlement Agreement, whether favorable or unfavorable, unless such persons request exclusion from the Settlement Class in a timely and proper manner, as hereinafter provided. Settlement Class Members who do not timely and validly request exclusion shall be so bound even if they have previously initiated other litigation or other proceedings against Defendant or the Released Parties relating to the claims released under the terms of the Settlement Agreement.

14. Class Counsel may file any motion seeking an award of attorneys' fees, costs and expenses, as well as an Incentive Award for the Class Representative, in accordance with the terms of the Settlement Agreement, no later than September 12, 2022.

**Exclusions from the Settlement Class**

15. Any person within the Settlement Class may request exclusion from the Settlement Class by expressly stating his/her request in a written exclusion request. Such exclusion requests must be received by the Settlement Administrator at the address specified in the Class Notice in written form, by first class mail, postage prepaid, and postmarked, no later than August 8, 2022.

16. In order to exercise the right to be excluded, a person within the Settlement Class must timely send or electronically submit a written request for exclusion to the Settlement Administrator providing his/her name and address, telephone number, the name and number of the Litigation, a statement that he or she wishes to be excluded from the Settlement Class, and a signature. Any request for exclusion submitted via first class mail must be personally signed by the person requesting exclusion. No person within the Settlement Class, or any person acting on behalf of, in concert with, or in participation with that person within the Settlement Class, may request exclusion from the Settlement Class of any other person within the Settlement Class.

17. Any person in the Settlement Class who elects to be excluded shall not: (i) be bound by any orders or the Final Approval Order; (ii) be entitled to relief under the Settlement Agreement; (iii) gain any rights by virtue of this Settlement Agreement; or (iv) be entitled to object to any aspect of the Settlement Agreement.

**Objections to the Settlement**

18. Any Settlement Class Member who has not requested exclusion from the Settlement Class and who wishes to object to any aspect of the Settlement Agreement, including the amount of the attorneys’ fees, costs, and expenses that Class Counsel intends to seek and the payment of the Incentive Award to the Class Representatives, may do so, either personally or through an attorney, by filing a written objection, together with the supporting documentation set forth below in Paragraph 19 of this Order, with the Clerk of the Court, and served upon Class Counsel, Defendant’s Counsel, and the Settlement Administrator no later than August 8, 2022. Addresses for Class Counsel, Defendant’s Counsel, the Settlement Administrator, and the Clerk of Court are as follows:

<b>Class Counsel:</b> Benjamin J. Whiting Alex J. Dravillas KELLER POSTMAN LLC 150 N. Riverside Plaza, Suite 4100 Chicago, IL 60606	<b>Defendant’s Counsel:</b> Mary Smigielski Michael Roman LEWIS BRISBOIS BISGAARD & SMITH LLP 550 W Adams Street, Suite 300 Chicago, IL 60661
<b>Settlement Administrator:</b> Wireless Vision BIPA Settlement PO Box 2002 Chanhassen, MN 55317-2002	<b>Clerk of Court:</b> Clerk of the Circuit Court of Cook County Chancery Division 50 W. Washington Street, #802 Chicago, IL 60602

19. Any Settlement Class Member who has not requested exclusion and who intends to object to the Settlement must state, in writing, all objections and the basis for any such objection(s), and must also state in writing: (i) his/her full name, address, telephone number, and email address; (ii) the case name and number of this Litigation; (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 he/she has filed, or has had filed on his/her behalf, in any other class action cases in the last five years; and (vi) the objector's signature. Objections not filed and served in accordance with this Order shall not be received or considered by the Court. Any Settlement Class Member who fails to timely file and serve a written objection in accordance with this Order shall be deemed to have waived, and shall be forever foreclosed from raising, any objection to the Settlement, to the fairness, reasonableness, or adequacy of the Settlement, to the payment of attorneys' fees, costs, and expenses, to the payment of an Incentive Award, and to the Final Approval Order and the right to appeal same.

20. A Settlement Class Member who has not requested exclusion from the Settlement Class and who has properly submitted a written objection in compliance with the Settlement Agreement, may appear at the Final Approval Hearing in person or through counsel to show cause 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 and/or Class Counsel's Fee and Expense Application 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 Final Approval Hearing on their own behalf or through counsel. For any Settlement Class Member who files a timely written objection and who indicates his/her intention to appear at the Final Approval Hearing on their own behalf or through counsel, such Settlement Class Member must also include in his/her written objection the identity of any witnesses he/she may call to testify, and all exhibits he/she intends to introduce into evidence at the Final Approval Hearing, which shall be attached.

21. No Settlement Class Member shall be entitled to be heard, and no objection shall be considered, unless the requirements set forth in this Order and in the Settlement Agreement

are fully satisfied. Any Settlement Class Member who does not make his or her objection to the Settlement in the manner provided herein, or who does not also timely provide copies to Counsel for the Parties at the addresses set forth herein, shall be deemed to have waived any such objection by appeal, collateral attack, or otherwise, and shall be bound by the Settlement Agreement, the releases contained therein, and all aspects of the Final Approval Order.

### **Final Approval Hearing**

22. The June 27, 2022 hearing in this matter is hereby stricken.
23. All papers in support of the Final Approval of the Settlement shall be filed no later than seven (7) days before the Final Approval Hearing.
24. Pending the final determination of the fairness, reasonableness, and adequacy of the proposed Settlement, no Settlement Class Member may prosecute, institute, commence, or continue any lawsuit (individual action or class action) with respect to the Released Claims against any of the Releasees.
25. A Final Approval Hearing shall be held before the Court on September 19, 2022 at 11:00 a.m in Courtroom 2402 of the Richard J. Daley Center, 50 West Washington Street, Chicago, IL 60602 (or at such other time and location as the Court may without further notice direct) for the following purposes:
  - a. to finally determine whether the applicable prerequisites for settlement class action treatment under 735 ILCS 5/2-801 have been met;
  - b. to determine whether the Settlement is fair, reasonable, and adequate, and should be approved by the Court;
  - c. to determine whether the judgment as provided under the Settlement Agreement should be entered;

- d. to consider the application for an award of attorneys' fees, costs, and expenses to Class Counsel;
- e. to consider the application for an Incentive Award to the Class Representatives;
- f. to consider the distribution of the Settlement Fund pursuant to the Settlement Agreement; and
- g. to rule upon such other matters as the Court may deem appropriate.

26. The Final Approval Hearing may be postponed, adjourned, transferred, or continued by order of the Court without further notice to the Settlement Class. At or following the Final Approval Hearing, the Court may enter a judgment approving the Settlement Agreement and a Final Approval Order in accordance with the Settlement Agreement that adjudicates the rights of all Settlement Class Members.

27. Settlement Class Members do not need to appear at the Final Approval Hearing or take any other action to indicate their approval.

#### **Temporary Stay**

28. All discovery, pending motions, and other proceedings in the Litigation as between Plaintiff and Defendant are stayed and suspended until further order of the Court except such actions as may be necessary to implement the Settlement Agreement and this Order.

#### **Termination of the Settlement**

29. If the Settlement fails to become effective in accordance with its terms, or if the Final Order and Judgment is not entered or is reversed or vacated on appeal, the Order shall be null and void, the Settlement Agreement shall be deemed terminated, and the Parties shall return to their positions without any prejudice, as provided for in the Settlement Agreement.

**Upcoming Deadlines**

30. For clarity, the deadlines set forth above and in the Settlement Agreement are as follows:

Notice to be completed by:	June 23, 2022
Fee and Expense Application:	September 12, 2022
Objection/Exclusion Deadline:	August 8, 2022
Final Approval Submission:	September 12, 2022
Claims Deadline:	August 22, 2022
Final Approval Hearing:	September 19, 2022

Allen Price Walker  
**IT IS SO ORDERED.**  
Associate Judge

Jun. 09, 2022

ENTERED: \_\_\_\_\_  
Circuit Court - 2071

  
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Hon. Allen Price Walker  
Associate Judge  
Circuit Court of Cook County, Illinois