

Gumm and Rodriguez v. Vonachen Services Inc.
Circuit Court of Cook County, Illinois Chancery Division
Case No. 2019 CH 12773

Gumm v. Vonachen Services Inc.
Circuit Court of Cook County, Illinois Chancery Division
Case No. 2021 CH 05166

If you worked at one of Defendant Vonachen Services Inc.'s ("VSI") facilities between November 1, 2014, and January 18, 2024, and used an alleged biometric timekeeping system for timekeeping purposes, you may be entitled to benefits under a class action lawsuit.

A court authorized this Notice. This is not a solicitation from a lawyer.

- **A proposed settlement will provide \$1,835,000.00 (the "Settlement Funds") to fully settle and release claims of the following individuals:**

The 1,360 individuals identified who worked at one of Defendant's facilities in Illinois, whose biometric identifiers or information were allegedly captured, obtained, used, or disclosed by Defendant in violation of BIPA as alleged in this action between November 1, 2014, and January 18, 2024.

The following are excluded from the Settlement Class: (1) the judge presiding over this case; (2) the judges of the Illinois Appellate Court; (3) the immediate families of the preceding person(s); (4) any Released Party; and (5) any Settlement Class Member who timely opts out of this Action.

- **VSI denies Plaintiffs' allegations and denies any wrongdoing whatsoever. The Court has not ruled on the merits of Plaintiffs' claims or VSI's defenses. By entering into the settlement, VSI has not conceded the truth or validity of any of the claims against it.**
- **The Settlement Funds shall be used to pay amounts related to the settlement, including awards to Settlement Class, attorneys' fees and costs to attorneys representing Plaintiffs and the Settlement Class ("Class Counsel"), any service award for Plaintiffs and the costs of notice and administration of the settlement. Class Counsel estimate that Settlement Class members will receive \$780 ("Initial Settlement Award Checks"). Any monies remaining in the Settlement Fund after the Initial Settlement Award Checks are distributed and the expiration date has passed will be distributed on a *pro rata* basis to those Settlement Class Members who cashed their Initial Settlement Award Checks (the "Subsequent Distribution"), so long as the amount to be distributed is at least \$5.00 per class member. The Subsequent Distribution shall be made within thirty (30) days after the expiration date of the Initial Settlement Award Checks. If there is not enough money to pay at least \$5.00 to each Settlement Class Member who cashed their initial Settlement Award check or accepted their initial Settlement Award deposit, or if any checks or deposits from the subsequent distribution remain uncashed after the stale date, those funds shall be distributed to the following *cy pres*: Chicago Bar Foundation, subject to court approval.**

- **Your rights and options, and the deadlines to exercise them, are explained in this Notice. Your legal rights are affected whether you act or do not act. Read this Notice carefully.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
EXCLUDE YOURSELF OR “OPT-OUT” OF THE SETTLEMENT	If you ask to be excluded, you will not receive a payment. This is the only option that allows you to pursue your own claims against VSI or other released parties related to a released claim. The deadline for excluding yourself is July 8, 2024.
OBJECT TO THE SETTLEMENT	If you wish to object to the settlement, you must write to the Court about why you believe the settlement is unfair in any respect. The deadline for objecting is July 8, 2024.
DO NOTHING	If you do nothing, you will still receive a payment from settlement and give up your rights to sue VSI or any other released parties related to a released claim.
GO TO THE FINAL APPROVAL HEARING	You may attend the Final Approval Hearing. At the Final Approval Hearing you may ask to speak in Court about the fairness of the settlement. To speak at the Final Approval Hearing, you must file a document which includes your name, address, telephone number and your signature with the Court, which must also state your intention to appear at the Final Approval Hearing. This must be filed no later than July 8, 2024.

- These rights and options—and the deadlines to exercise them—are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the settlement. Payments (*i.e.* Settlement Award Checks) will be disbursed if the Court approves the settlement and after any appeals are resolved. Please be patient.

BASIC INFORMATION

1. What is the purpose of this Notice?

The purpose of this Notice is to inform you that a proposed Settlement has been reached in the putative class action lawsuits entitled *Gumm and Rodriguez v. Vonachen Services Inc.*, Case No. 2019 CH 12773 and *Gumm v. Vonachen Services Inc.*, Case No. 2021 CH 05166, both of which were filed in the Circuit Court of Cook County, Illinois Chancery Division. Because your rights will be affected by this Settlement, it is extremely important that you read this Notice carefully. This Notice summarizes the settlement and your rights under it.

2. What does it mean if I received an email or postcard about this settlement?

If you received an email or postcard describing this settlement, it is because VSI's records indicate that you may be a member of the Settlement Class. The members of the Settlement Class include:

The 1,360 individuals identified who worked at one of Defendant's facilities in Illinois, whose biometric identifiers or information were allegedly captured, obtained, used, or disclosed by Defendant in violation of BIPA as alleged in this action between November 1, 2014, and January 18, 2024.

Excluded from the Settlement Class are: (1) the judge presiding over this case; (2) the judges of the Illinois Appellate Court; (3) the immediate families of the preceding person(s); (4) any Released Party; and (5) any Settlement Class Member who timely opts out of this Action.

3. What is this class action lawsuit about?

In a class action, one or more people called Class Representatives (here, Plaintiffs Jessi Gumm and Anastasia Rodriguez) sue on behalf of people who allegedly have similar claims. This group is called a class and the persons included are called class members. One court resolves the issues for all of the class members, except for those who exclude themselves from the class.

Here, Plaintiffs claim VSI violated the Illinois Biometric Information Privacy Act ("BIPA"), 740 ILCS 14/1, *et seq.*, by failing to: (1) obtain individuals' informed written consent before collecting, capturing, or otherwise obtaining their biometric data in connection with VSI's timekeeping system and access system; (2) implement and adhere to a written policy for permanently destroying the biometric data in its possession; and (3) obtain individuals' informed consent before disclosing or redisclosing their biometric data to VSI's timekeeping system vendor. VSI denies these allegations and any wrongdoing. The Court has conditionally certified a class action for settlement purposes only. The Honorable Joel Chupack is in charge of this action.

4. Why is there a settlement?

The Court did not decide in favor of Plaintiffs or VSI. Instead, the parties agreed to this settlement. This way, the parties avoid the risk and cost of a trial, and the Settlement Class members will receive compensation. Plaintiffs and Class Counsel think the settlement is best for all persons in the Settlement Class.

WHO IS IN THE SETTLEMENT CLASS?

5. How do I know if I am a part of the settlement class?

The Court has certified a class action for settlement purposes only. The Settlement Class is defined as:

The 1,360 individuals identified who worked at one of Defendant's facilities in Illinois, whose biometric identifiers or information were allegedly captured, obtained, used, or disclosed by Defendant in violation of BIPA as alleged in this action between November 1, 2014, and January 18, 2024.

A "Settlement Class Member" is any person in the Settlement Class who is not validly excluded from the Settlement Class. If you are still not sure whether you are included, you can visit other sections of the Settlement Website, www.VSIBIPAsettlement.com, you may write to the Settlement Administrator at Vonachen Services Inc. BIPA Settlement, c/o Settlement Administrator, PO Box 23459, Jacksonville, FL 32241 for more information.

THE LAWYERS REPRESENTING YOU

6. Do I have lawyers in this case?

The Court has appointed the law firm of Keogh Law, Ltd. as Class Counsel to represent you and the other persons in the Settlement Class. You will not be personally charged by these lawyers.

7. How will Class Counsel be paid?

Class Counsel will ask the Court to approve payment of up to forty percent of the Settlement Fund, or \$734,000 for attorneys' fees, plus reasonable expenses. Class Counsel also will ask the Court to approve payment of \$7,500 to each Plaintiff for their services as Class Representatives if permitted by law. The Court may award less than these amounts.

THE SETTLEMENT BENEFITS – WHAT YOU GET

8. What does the settlement provide?

Settlement Fund. VSI will pay \$1,835,000.00 into a fund (the "Settlement Funds"), which will cover: (1) cash payments to Settlement Class Members; (2) an award of attorneys' fees and expenses to Class Counsel in an amount equal to forty percent of the settlement fund, which equals \$734,000, plus expenses, as approved by the Court; (3) service awards to the Plaintiffs, Jessi Gumm and Annstasia Rodriguez, in an amount not to exceed \$7,500 each, if permitted by law and approved by the Court; and (4) the costs of notice and administration of the Settlement.

Cash Payments. All Settlement Class Members will receive a cash payment, so long as their last known address can be determined. Any money remaining in the Settlement Fund after paying all Settlement Award Checks to Settlement Class Members, attorneys' fees and costs to Class Counsel, any service awards to Plaintiffs, and the costs of notice and administration of the settlement will be distributed on a *pro rata* basis to those Settlement Class Members who cashed their Initial Settlement Award Check, so long as the amount to be distributed per Claimant is at

least \$5.00. Any subsequent distribution will be made within thirty (30) days after the expiration date of the Initial Settlement Award Check has passed.

9. How much will my payment be?

Class Counsel estimates your share of the Settlement Fund will be \$780. **This is an estimate only. The final cash payment amount will depend on the costs of notice and administration, as well as the reasonable costs, attorney's fees, and incentive award approved by the Court.**

10. What am I giving up to stay in the Settlement Class?

Unless you exclude yourself from the settlement, you will be part of the Settlement Class and will be bound by the release of claims in the settlement. This means that if the settlement is approved, you cannot rely on any Released Claim to sue, or continue to sue, VSI or other Released Parties, on your own or as part of any other lawsuit, as explained in the Settlement Agreement. It also means that all of the Court's orders will apply to you and legally bind you. Unless you exclude yourself from the Settlement, you will agree to release VSI and all other Released Parties, as defined in the Settlement Agreement, from any and all claims for statutory damages that arise under BIPA.

In summary, the Release includes from any and all claims, whether known or unknown for statutory damages under the Illinois Biometric Information Privacy Act, 740 ILCS 14/1 *et seq.*, regarding the use, collection, capture, receipt, maintenance, storage, transmission, or disclosure of biometric identifiers or biometric information.

If you have any questions about the Release or what it means, you can speak to Class Counsel, listed under Question 6, for free; or, at your own expense, you may talk to your own lawyer. The Release does not apply to persons in the Settlement Class who timely exclude themselves.

HOW TO OBTAIN A PAYMENT

11. How can I get a payment?

There is nothing you need to do to obtain a payment from the Settlement. Your portion of the settlement funds will be sent to your last known address, along with a 1099 form.

WHEN WILL I RECEIVE MY SETTLEMENT PAYMENT?

12. When would I receive a settlement payment?

The Court will hold a hearing on August 22, 2024, to decide whether to approve the Settlement. If the Court approves the Settlement, after that, there may be appeals. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. Everyone who declines to exclude themselves will be informed of the progress of the settlement through information posted on the Settlement Website at www.VSIBIPAsettlement.com. Please be patient.

EXCLUDING YOURSELF FROM THE SETTLEMENT

13. How do I get out of the settlement?

If you want to keep the right to sue, or continue to sue VSI or a Released Party, as defined in the Settlement Agreement, then you must take steps to get out of the Settlement Class. This is called excluding yourself from, or opting-out of, the Settlement Class.

A Settlement Class Member who wishes to exclude himself or herself from this Settlement, and from the Release pursuant to this Settlement, shall submit a written Opt-Out Request to the Settlement Administrator at the address designated in the Notice no later than the Opt-Out/Objection Deadline. Opt-Out Requests must: (i) be timely submitted by the Opt-Out/Objection Deadline; (ii) be signed by the person in the Settlement Class who is requesting to be excluded from the Settlement Class; (iii) include the name and address of the person in the Settlement Class requesting exclusion; and (iv) include a statement or words to the effect of the following: “I request to be excluded from the Vonachen Services Inc. BIPA Settlement, and understand that by doing so I will not be entitled to receive any of the benefits from the settlement.” No person in the Settlement Class, or any person acting on behalf of or in concert or participation with that person in the Settlement Class, may exclude any other person in the Settlement Class from the Settlement Class.

To be valid, you must mail your exclusion request postmarked no later than July 8, 2024, to the Settlement Administrator at Vonachen Services Inc. BIPA Settlement, c/o Settlement Administrator, PO Box 23459, Jacksonville, FL 32241.

14. If I do not exclude myself, can I sue VSI for the same thing later?

No. If you do not exclude yourself, you give up any right to sue (or continue to sue) VSI or any Released Parties for the claims that this settlement resolves.

15. If I exclude myself, can I get a benefit from this settlement?

No. If you exclude yourself, you will not receive a settlement payment and you cannot object to the settlement.

OBJECTING TO THE SETTLEMENT

16. How do I tell the Court that I do not think the settlement is fair?

If you are in the Settlement Class, you can object to the settlement or any part of the settlement that you think the Court should reject, and the Court will consider your views. If you do not provide a written objection in the manner described below, you shall be deemed to have waived any objection and shall forever be foreclosed from making any objection to the fairness, reasonableness, or adequacy of the settlement, or the award of any attorneys’ fees and expenses, and/or any proposed service award.

To object, you must make your objection in writing, stating that you object to the Settlement. To be considered by the Court, the written objection must personally sign the objection and provide the following information with it: (i) full name, current address, and current telephone number; (ii) documentation sufficient to establish membership in the Settlement Class; (iii) a statement of reasons for the objection, including the factual and legal grounds for the objector’s position; and

(iv) copies of any other documents the objecting Settlement Class Member wishes to submit in support of his/her/its position.

To be considered, you must file your objections with the Court and mail your objections to the addresses below no later than July 8, 2024.

For Plaintiff:

Keith J. Keogh
Theodore H. Kuyper
KEOGH LAW, LTD.
55 Monroe St., Suite 3390
Chicago, IL 60603

For Defendant:

Justin M. Penn
HINSHAW & CULBERTSON LLP
151 N. Franklin, Suite 2500
Chicago, Illinois 60606

17. What is the difference between objecting and excluding yourself?

Objecting is telling the Court that you do not like something about the settlement. You can object only if you stay in the Settlement Class. Excluding yourself means that you do not want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

IF YOU DO NOTHING

18. What happens if I do nothing at all?

If you do nothing, you will still receive a payment from settlement and give up your rights to sue VSI or any other released parties related to a released claim. For information relating to what rights you are giving up, see Question 10.

THE FINAL APPROVAL HEARING

19. When and where will the Court decide whether to approve the settlement?

The Court will hold a Final Approval Hearing at 9:30 a.m. on August 22, 2024, in Courtroom 2601 at the Richard J. Daley Center, 50 W. Washington Street, Chicago, Illinois, 60602. At this hearing, the Court will consider whether the settlement is fair, reasonable and adequate. If there are valid objections that comply with the requirements in Question 16 above, the Court also will consider them and will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay to Class Counsel and Plaintiffs.

The Final Approval Hearing may be moved to a different date or time without additional notice, so it is a good idea to check the Settlement Website for updates.

20. Do I have to come to the hearing?

No. Class Counsel will appear on behalf of the Settlement Class. But you are welcome to come, or have your own lawyer appear, at your own expense.

21. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing, but only in connection with an objection that you have timely submitted to the Court according to the procedure set forth in Question 16 above. To speak at the Final Approval Hearing, you must also file a document with the Court stating your intention to appear. For this document to be considered, it must include your name, address, telephone number and your signature. The document must be filed with the Court no later than July 8, 2024. You cannot speak at the hearing if you exclude yourself from the settlement.

GETTING MORE INFORMATION

22. How do I get more information?

This notice is only a summary of the proposed settlement. You can get a copy of the settlement agreement by visiting the Settlement Website, www.VSIBIPAsettlement.com, or you can write to Vonachen Services Inc. BIPA Settlement, c/o Settlement Administrator, PO Box 23459, Jacksonville, FL 32241.

DO NOT CALL OR WRITE TO THE COURT, THE CLERK OF THE COURT, VSI, OR VSI'S COUNSEL ABOUT THE SETTLEMENT.