

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

JESSI GUMM and ANNASTASIA
RODRIGUEZ, individually and on behalf of
all others similarity situated,

Plaintiffs,

v.

VONACHEN SERVICES INC., an Illinois
corporation,

Defendant.

Case No. 2019 CH 12773

Hon. Joel Chupack

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JESSI GUMM, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

VONACHEN SERVICES INC., an Illinois
corporation,

Defendant.

Case No. 2021 CH 05166

Consolidated with 2019 CH 12773

Hon. Joel Chupack

Calendar 2

**ORDER CERTIFYING SETTLEMENT CLASS, PRELIMINARILY APPROVING
CLASS ACTION SETTLEMENT, AND APPROVING NOTICE PLAN**

This matter came before the Court on Plaintiffs' Motion for Preliminary Approval of the proposed class action settlement (the "Settlement"). These cases were brought by Plaintiffs Jessi Gumm and Anastasia Rodriguez ("Plaintiffs"), individually and on behalf of all others similarly situated, against Defendant Vonachen Services Inc. ("VSI"). Based on this Court's review of the Settlement Agreement ("Agreement"), Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, and the arguments of counsel, **THE COURT HEREBY FINDS AND ORDERS AS FOLLOWS:**

1. Settlement Terms. Unless otherwise defined herein, all terms in this Order shall have the meanings ascribed to them in the Agreement.

2. Preliminary Approval of Proposed Agreement. The Court has conducted a preliminary evaluation of the Settlement as set forth in the Agreement. Based on this preliminary evaluation, the Court finds that: (a) the Agreement is fair, reasonable and adequate, and within the range of possible approval; (b) the Agreement has been negotiated in good faith at arm's length between experienced attorneys familiar with the legal and factual issues of this case, and supervised by a well-qualified Seventh Circuit Mediator, Joel Shapiro; and (c) the proposed forms and method of distributing notice of the Settlement to the Settlement Class are appropriate and warranted. Therefore, the Court grants preliminary approval of the Settlement.

3. Class Certification for Settlement Purposes Only. The Court, pursuant to Section 2-801 of the Illinois Code of Civil Procedure, and for purposes of this Settlement only, certifies the following Settlement Class:

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.

4. In connection with granting class certification, the Court makes the following preliminary findings:

(a) The Settlement Class includes approximately 1,360 members, and thus the class is so numerous joinder of all members is impracticable;

(b) There appear to be questions of law or fact common to the Settlement Class for purposes of determining whether the Settlement should be approved, including, but not limited to, whether VSI captured, collected, and/or obtained the Settlement Class Members' biometric identifiers and/or biometric information *via* VSI's timekeeping system, and these questions appear to predominate over any alleged individual questions;

(c) Plaintiffs and their counsel are adequate to represent the class. Plaintiffs appear to have the same interests as the Settlement Class, they do not have any apparent conflict of interest with the Settlement Class, and their attorneys have extensive experience litigating class action cases, including class actions under BIPA; and

(d) Certification of the Settlement Class is an appropriate method for fairly and efficiently resolving the claims of the Settlement Class.

5. Class Representatives. The Court appoints Plaintiffs Jessi Gumm and Annstasia Rodriguez as representatives of the Settlement Class pursuant to Section 2-801 of the Illinois Civil Procedure.

6. Class Counsel. The Court appoints Keith J. Keogh and Theodore H. Kuyper as Class Counsel pursuant to Section 2-801 of the Illinois Civil Procedure.

7. Settlement Claims Administrator. American Legal Claims Services, LLC is hereby appointed as the Claims Administrator. The Claims Administrator shall be responsible for providing notice of the Settlement ("Notice") to the Settlement Class as provided in the Agreement and this Order, as well as services related to administration of the Settlement.

8. Class Notice. The Class Administrator shall provide Notice via First Class Mail in accordance with the Agreement.

9. Opt-Outs and Objections. Persons in the Settlement Class who wish to object to the Settlement or request exclusion from the Settlement Class, must do so in accordance with the Notice. A class member who opts out may not also submit an objection, unless the class member confirms their intent to withdraw their opt-out in writing by no later than the opt-out deadline.

10. Claims Administrator to Maintain Records. The Claims Administrator shall maintain copies of all objections, and opt-outs received. The Claims Administrator shall provide copies of all objections and opt-outs to the parties.

11. Objections to the Settlement. Any Settlement Class Member who wishes to be heard orally at the Final Approval Hearing, or who wishes for any objection to be considered, must file a written notice of objection in accordance with the Notice, Agreement, and this Order. To be considered, the objection: (A) must be personally signed by the objecting class member, (B) it must include (i) the class member's 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, and (C) it must be filed with the Court and sent to Plaintiffs' and Defendant's counsel as stated in the Notice, by no later than the Opt-Out and Objection deadline stated below. Objections that are untimely or do not include the required information above shall be deemed waived.

12. Appearing at Final Approval Hearing. An objecting Settlement Class Member does not need to appear in at the Final Approval Hearing, but may do so by filing a notice of

intention to appear in accordance with the Notice, Agreement, and this Order no later than the Opt-Out and Objection deadline below.

13. Reasonable Procedures to Effectuate the Settlement. Unless otherwise ordered by the Court, the parties are authorized to use all reasonable procedures in connection with approval and administration of the Settlement that are not materially inconsistent with this Order or the Agreement, including making minor changes to the form or content of the Notice or exhibits to the Agreement they agree are reasonable and necessary.

14. Final Approval Hearing. At the date and time provided below, or at such other date and time later the Court sets, this Court will hold a Final Approval Hearing on the fairness, adequacy and reasonableness of the Agreement and to determine whether (a) final approval of the Settlement embodied by the Agreement should be granted, and (b) Class Counsel's application for an award of attorneys' fees and expenses, and any service award to Plaintiffs, should be granted, and in what amounts. The hearing shall be held in Courtroom 2601 at the Richard J. Daley Center, 50 W. Washington Street, Chicago, Illinois, 60602, or such other location as the Court may order. The Court may also order the hearing to take place remotely via Zoom or such other remote communication system as the Court may direct.

15. Plaintiffs shall file their motion in support of Class Counsel's application for attorneys' fees and expenses, and any service award, no later than the Notice Deadline below.

16. Plaintiffs shall file their: (a) motion in support of final approval of the Settlement; (b) response to any objections to the Settlement, no later than the date stated for the same in the Schedule of Events below.

17. Release of Claims. Final approval of the Agreement will settle and resolve with finality on behalf of the Plaintiffs and the Settlement Class, the Action and the Released Claims

against the Released Parties by the Releasers in the Action. As of the Effective Date, the Agreement and the above-described release of the Released Claims will be binding on, and have *res judicata* preclusive effect in, all pending and future lawsuits or other proceedings maintained by or on behalf of Plaintiffs and all other Settlement Class Members who do not validly and timely exclude themselves from the Settlement, and their respective predecessors, successors, spouses, heirs, executors, administrators, agents and assigns of each of the foregoing, as set forth in the Agreement, and the Released Parties may file the Agreement and/or the Final Approval Order in any action or proceeding that may be brought against them in order to support a defense or counterclaim based on principles of *res judicata*, collateral estoppel, release, good faith settlement, judgment bar or reduction, or any other theory of claim preclusion or issue preclusion or similar defense or counterclaim.

18. Schedule of Events: Based on the foregoing, the Court hereby orders the resolution of this matter shall proceed on the following schedule:

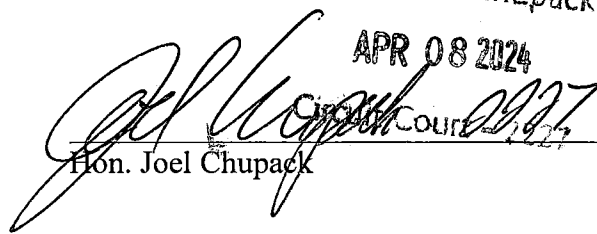
May 8, 2024	Deadline for the Claims Administrator to send notice to the Settlement Class in accordance with the Agreement and this Order (Notice Deadline)
May 8, 2024	Deadline for Plaintiffs to file their Motion for Attorneys' Fees and Expenses, and any Incentive Award
July 8, 2024	Deadline for any member of the Settlement Class to request exclusion from the Settlement or object to the Settlement in accordance with the Notice and this Order (Opt-Out and Objection Deadline)
August 8, 2024	Deadline for Plaintiffs to file: (1) Motion and memorandum in support of final approval; and (2) Response to any objections.
August 22, 2024 at 9:30 a.m.	Final Approval Hearing

IT IS SO ORDERED.

Judge Joel Chupack

APR 08 2024

Dated: April 08, 2024


Hon. Joel Chupack

Circuit Court 2024