

# NOTICE OF CLASS ACTION SETTLEMENT

*Devose v. Ron's Staffing Services, Inc*, Case No. 2019 L 1022 (Will Cty. Cir. Ct., Ill.)

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## 1. Introduction

A circuit court in Joliet preliminarily approved a class action settlement in the lawsuit *Devose v. Ron's Staffing Services, Inc*, Case No. 2019 L 1022 (Will Cty. Cir. Ct., Ill.) (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, not receive a settlement payment, and not 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.

## 2. What Is this Lawsuit About?

This Lawsuit contends that Ron's Temporary Help Services, Inc., d/b/a Ron's Staffing Services, Inc. ("Ron's Staffing") 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 a fingerprint or identifying information based on a fingerprint, without first providing an individual with certain written disclosures and obtaining informed written consent and without maintaining a publicly available policy regarding its retention schedule for biometric information. The Lawsuit alleges that Ron's Staffing violated BIPA by collecting fingerprint data from employees in Illinois through its employee timekeeping system without first complying with BIPA's disclosure and informed written consent requirements and without maintaining a publicly available policy regarding its retention schedule for biometric information.

Ron's Staffing denies the allegations in the Lawsuit and denies any violation of the law. Ron's Staffing maintains, among other things, that: the collected data does not fall within BIPA; it obtained consent to collect the data alleged to constitute biometric information; there never was any data breach; employee data was collected and timely deleted in compliance with all legal requirements; it maintained in its facilities and available to employees the disclosures and policies required by BIPA; and there never was any risk of a data breach.

The Court has not decided whether Ron's Staffing violated BIPA. Both sides agreed to the settlement to resolve the Lawsuit.

You can learn more about the Lawsuit by contacting the settlement administrator, Analytics Consulting LLC, at **1-833-690-1124**. You may also review the Settlement Agreement and related case documents at the settlement website.

## 3. Who Is Included in the Settlement?

The settlement includes all individuals who scanned their finger at a Ron's Staffing employment facility in Illinois between December 3, 2014 and November 1, 2019 ("Settlement Class" or "Settlement Class Members"). There are an estimated 17,469 Settlement Class Members. If you received this notice, then you are included in the Settlement Class.

## 4. What does the Settlement Provide?

The class action settlement provides for a total payment of \$5,375,000.00 that Ron's Staffing 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 40% of the total settlement for Settlement Class Counsel's attorney fees and litigation costs; (2) Service Award of up to \$10,000 to each of the Settlement Class Representatives; and (3) the Settlement Administrator's costs. Following these reductions, the remaining amount shall be the net settlement fund, which shall be distributed equally to Settlement Class Members who timely return valid claim forms ("Settlement Class Participants").

The amount of money each Settlement Class Participant will receive also will depend upon the number of Settlement Class Members who timely return valid claim forms. If you submit a valid and timely claim form, you are estimated to receive between \$350 and \$750 which could vary substantially depending on the number of claims.

The amount of money each Settlement Class Participant will receive also will depend upon the number of Settlement Class Members who timely return valid claim forms. If you submit a valid and timely claim form, you are estimated to receive between \$350 and \$750 which could vary substantially depending on the number of claims.

You must fill out a Claim Form by the deadline to receive a Settlement payment. **If you do not fully and accurately fill out a Claim Form and submit by the deadline, you will not get money or other benefits from this settlement.** If your claim is approved, you have the option of being mailed a check or receiving electronic payment for your share of the settlement funds. If you request a check but do not cash it within 150 days, you will not be able to get the money.

Unless you exclude yourself from the settlement as explained below, you will give up all claims reasonably arising out of allegations in the Class Action Complaint in this lawsuit, including allegations that Ron’s Staffing improperly collected, stored, disclosed, or used your biometric identifiers and information obtained from its biometric system, including but not limited to claims arising under the Biometric Information Privacy Act, and all other federal, state, and local law, including the common law, as well as related claims for liquidated damages, penalties, attorneys’ fees and costs, expenses, and interest. The full release of claims is set forth in the Settlement Agreement.

## 5. What Are Your Options?

- (1) **Request a settlement payment.** *If you want to receive a settlement payment and the other benefits of the settlement, you must complete and submit online, or postmark and mail for return, a claim form by December 26, 2022.* You may return your claim form in the accompanying pre-paid envelope OR complete and submit a claim form online through the settlement website: [www.RonsFingerScanSettlement.com](http://www.RonsFingerScanSettlement.com) using your unique Claim ID. If you are a Settlement Class Member and 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. If required by law, you may also be sent a 1099 tax reporting form.
- (2) **Exclude yourself from the settlement and receive no money or other settlement benefits.** If you do not want to be legally bound by the settlement, you must exclude yourself from the settlement by **November 26, 2022**. If you do this, you will NOT get a settlement payment or other benefits. To exclude yourself from the settlement, 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, the last four digits of your Social Security Number, a statement that you wish to be excluded from the settlement, and it must be signed by you. If you exclude yourself, you will not receive money or other benefits from this settlement, but you will keep your legal rights regarding any claims that you may have against Ron’s Staffing and the other Released Parties. You cannot exclude yourself by phone.
- (3) **Object to the Settlement.** You may object to the settlement by **November 26, 2022** if you have not already excluded yourself from the settlement. If you want to object to the settlement, you must file the objection with the Clerk of the Court in Will County and e-mail or mail postmarked on or before the deadline a copy of the written statement to Class Counsel and Defendant’s Counsel at the addresses below. A copy of the objection must also be mailed postmarked on or before deadline to the Settlement Administrator at the address for Settlement Administrator listed below.

<u>Plaintiffs’ Counsel</u>		<u>Defendant’s Counsel</u>
Douglas M. Werman	David Fish	Jason Rosenthal
Werman Salas P.C.	Fish Potter Bolaños, P.C.	Laura Elkayam
77 W. Washington, Suite 1402	200 East Fifth Avenue, Suite 123	Much Shelist, P.C.
Chicago, IL 60602	Naperville, IL 60563	191 N. Wacker Dr., Suite 1800
<a href="mailto:dwerman@flsalaw.com">dwerman@flsalaw.com</a>	<a href="mailto:dfish@fishlawfirm.com">dfish@fishlawfirm.com</a>	Chicago, IL 60606

Settlement Administrator

Ron's Finger Scan Settlement  
Analytics Consulting LLC  
P.O. Box 2006  
Chanhassen, MN 55317-2006  
Toll-free: (833) 690-1124

Email: [info@RonsFingerScanSettlement.com](mailto:info@RonsFingerScanSettlement.com)

The written objection must (1) be personally signed by you, (2) identify your name, address, and phone number, (3) include the case name and number above, (4) provide the date range when you were employed by Ron's Staffing, (5) include a statement of all reasons for your objection with factual and legal support, including any supporting materials, and (6) identify any other objections you have filed, or have had filed on your behalf, in any other class action cases in the last four years. It is not enough to state that you object, you must state the reasons why you believe the Court should reject the Settlement. If your objection does not comply with these requirements, and if your objection is not timely or properly submitted, the Court may strike or disregard your objection. If you are represented by a lawyer, you must provide the name and telephone number of your lawyer. A copy of your objection must be filed and provided to the lawyers for the parties in the Lawsuit as well as the Settlement Administrator. If you intend to appear at the Final Approval Hearing, you should so state in your objection.

- (4) **Do Nothing.** You may choose to do nothing. If you do nothing, you will receive no money or other benefits 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 or relating to the allegations in the Lawsuit. You will lose your right to sue Ron's Staffing and the other parties being released for alleged violations of BIPA and all other Released Claims as defined by the Settlement Agreement.

#### **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 above.

#### **7. Who Are the Attorneys Representing the Class and How Will They Be Paid?**

The Court has appointed Plaintiffs' Class Counsel, identified above, to represent Settlement Class Members in this settlement. Settlement Class Counsel will request 40% 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 after **January 2, 2023**. 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.

#### **8. When Will the Court Decide on Approval of the Settlement?**

The Court will hold a hearing in this case on **January 9, 2023 at 9:00 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 40% of the settlement as attorney fees plus litigation costs; and (3) a request for a Service Award of \$10,000 for the Settlement Class Representatives; and (4) a request for up to \$52,500 to the Settlement Administrator. At the hearing, the Court may hear comments from objecting class members. You may appear at the hearing, but you are not required to do so.

The date and time of the Final Approval Hearing are subject to change by Court Order. Any changes will be posted at the settlement website.

If you have any questions or for more information, contact the Settlement Administrator.

**PLEASE DO NOT CONTACT THE COURT OR RON'S ABOUT THIS SETTLEMENT OR THE DISTRIBUTION OF SETTLEMENT PAYMENTS.**