

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Iyana Humphries v. Onni Contracting LTD, Case No. 2020CH07544 (Cook Cty.)

For more information, visit www.OnniBiometricsSettlement.com.

Para una notificación en Español, visitar www.OnniBiometricsSettlement.com.

PLEASE READ THIS NOTICE CAREFULLY. YOU MAY BE ENTITLED TO A CASH PAYMENT FROM A CLASS ACTION SETTLEMENT IF YOU WERE REQUIRED TO PROVIDE YOUR BIOMETRIC INFORMATION (E.G. FINGERPRINTS ETC.) FOR EMPLOYEE TIMEKEEPING PURPOSES TO ONNI CONTRACTING LTD AT ANY TIME BETWEEN DECEMBER 31, 2015 TO OCTOBER 12, 2021.

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, *Iyana Humphries v. Onni Contracting LTD*, Case No. 2020CH07544, pending in the Circuit Court of Cook County, Illinois before the Honorable Neil Cohen. The Settlement would resolve a lawsuit brought on behalf of persons who allege that Onni Contracting LTD. (“Onni”) required its employees in Illinois to provide their biometric information (e.g. fingerprints, etc.) for timekeeping purposes without first providing these employees with legally-required written disclosures and obtaining written consent. If you received this notice, you have been identified as someone who may have been required to submit your biometric information (e.g. fingerprints, etc.) to Onni in Illinois for timekeeping purposes between December 31, 2015, and October 12, 2021. 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 Onni violated the BIPA by requiring individuals to submit their fingerprints for employment timekeeping purposes between December 31, 2015, and October 12, 2021 without first providing the required disclosures or obtaining the individual’s consent. Onni contests these claims and denies that it violated BIPA.

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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 Onni and the Releasees (as that term is defined in the Settlement Agreement). The Settlement requires Onni 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 Onni and does not imply that there has been, or would be, any finding that Onni 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?

You are a member of the Settlement Class if, at any time between December 31, 2015, and October 12, 2021, you were required to provide your biometric information (e.g. fingerprint, etc.) for timekeeping purposes to Onni within the state of Illinois without first signing a consent form. If you provided your biometric information (e.g. fingerprints, etc.) for timekeeping purposes to Onni 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

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by the Settlement. If you wish to change your address, or if you wish to receive your cash payment by PayPal or other acceptable electronic wallet, you can find instructions for how to do so at www.OnniBiometricsSettlement.com

(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 Onni and the Releasees and are free to pursue whatever legal rights you may have by pursuing your own lawsuit against Onni at your own risk and expense. To exclude yourself from the Settlement, you must mail a signed letter to the Settlement Administrator at *Humphries v. Onni Contracting, c/o JND Legal Administration*, PO Box 91226, Seattle, WA 98111 postmarked by **December 11, 2021**. You may also exclude yourself online at www.OnniBiometricsSettlement.com. The exclusion letter must state that you exclude yourself from this Settlement and 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 the Court of the Circuit Court of Cook County, Illinois, 50 West Washington Street, Room 1001, Chicago, Illinois 60602. The objection must be received by the Court no later than **December 11, 2021**. 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 Hall LLP, 1395 Brickell Avenue, Suite 1140, Miami, Florida, 33134), as well as the attorneys representing Onni (Daniel Tarpey, Tarpey Wix, LLC, 225 West Wacker Street, Suite 1515, Chicago, Illinois, 60606), postmarked no later than **December 11, 2021**. Any objection to the proposed Settlement must include your (i) full name, address, and telephone number; (ii) the case name and number of this Litigation; (iii) the date range during which you were employed by Onni; (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 11, 2021**. 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 12, 2022 at 10:00 a.m.** in Courtroom 2308 of the Circuit Court of Cook County, 50 West Washington Street, Chicago, Illinois, 60602, 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

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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?

Cash Payments. Defendants have agreed to create a \$99,200.00 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 \$380.00 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 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, plus reasonable 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 \$2,000.00 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 Onni and the Releasees relating to the use of the biometric Timekeeping System at Onni from December 31, 2015, to October 12, 2021. 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 attorneys identified below who have 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.OnniBiometricsSettlement.com**, or you can call the Settlement Administrator at 1- 888-921-1533, or contact Class Counsel at the information provided below.

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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 12, 2022 at 10:00 a.m.** in Courtroom 2308 of the Circuit Court of Cook County, 50 West Washington Street, Chicago, Illinois, 60602.

If the Settlement is given final approval, the Court will not make any determination as to the merits of the claims against Onni 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, Defendants, 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 Defendants 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.

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| <p>Arun Ravindran HEDIN HALL LLP. 1395 Brickell Avenue Suite 1140 Miami, Florida, 33134 ARavindran@hedinhall.com Tel: 305-357-2107</p> |
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WHERE CAN I GET ADDITIONAL INFORMATION?

This Notice is only a summary of the proposed Settlement of this lawsuit. More details are in the

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Settlement Agreement which, along with other documents, can be obtained at www.OnniBiometricsSettlement.com. If you have any questions, you can also call the Settlement Administrator at 1-888-921-1533 or Class Counsel at the numbers or email addresses 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.

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