

Garcia v Club Colors Buyer LLC
c/o Analytics Consulting LLC
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Claim Number 1111111



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YOU MAY BE ENTITLED TO A CASH PAYMENT FROM A CLASS ACTION SETTLEMENT IF YOU WERE REQUIRED TO PROVIDE YOUR HAND SCAN OR OTHER BIOMETRIC INFORMATION FOR EMPLOYEE TIMEKEEPING PURPOSES TO CLUB COLORS BUYER, LLC AT ANY TIME AFTER JANUARY 1, 2014.

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.

A proposed settlement has been reached in a class action lawsuit against Club Colors Buyer, LLC (“Defendant” or “Club Colors”) regarding a hand scanning timekeeping device used by Club Colors from January 1, 2014 through December 11, 2020, which required employees to provide biometric information (e.g. hand scans) for timekeeping purposes, allegedly in violation of the Illinois’ Biometric Information Privacy Act (“BIPA”). The case is entitled *Otilia Garcia v. Club Colors Buyer LLC*, Case No. 2020-L-001330, pending in the Circuit Court of the Eighteenth Judicial Circuit, DuPage County, Illinois. The proposed settlement is not an admission of wrongdoing by Club Colors and Club Colors denies that it violated the law. The Court has not decided who is right or wrong. Rather, to save the time, expense, and distraction of litigation, the parties have agreed to settle the lawsuit. The settlement has been preliminarily approved by the court in Wheaton, Illinois.

Am I a Member of the Settlement Class?

You are a member of a Settlement Class if, at any time between January 1, 2014 through December 11, 2020, you were required to provide your hand scan for timekeeping purposes to Club Colors within the state of Illinois. Club Colors has asserted that it ceased using the hand scanning timekeeping system altogether in June 2016 and ceased using it for many employees prior to that time.

What Can I Get From the Proposed Settlement?

Club Colors has agreed to create two settlement funds: the Class 1 Settlement Fund consists of \$33,800.00 and the Class 2 Settlement Fund consists of \$8,250.00 from which all payments contemplated by the Settlement Agreement will be paid. Payments from the combined Class 1 and Class 2 Settlement Funds (\$42,050.00) will include: (a) an Incentive Award to Plaintiff, Otilia Garcia, in an amount up to \$5,000; (b) reasonable attorneys’ fees to Class Counsel not to exceed 40% of the combined Settlement Funds, plus reimbursement of reasonable costs; (c) costs incurred by or on behalf of the Settlement Administrator in administering the settlement; (d) equal payments to the Class 1 Settlement Members and equal payments of one eighth the amount received by Class 1 Settlement Members to the Class 2 Settlement Members from the remainder of the remaining Settlement Fund and (e) if applicable, any remaining amounts to Prairie State Legal Services. No person may be a member of both Settlement Classes. Defendant has also agreed to alter its previous biometric timekeeping practices and dispose of the hand scanning device it previously used and/or delete any biometric identifiers in the device, as explained in the detailed notice and Settlement Agreement at the website listed below.

What are my Options?

Please visit the website for Class Counsel at www.fishlawfirm.com/clubcolors for details about your options and related deadlines. If you do not want to be legally bound by the Settlement Agreement, you must exclude yourself by March 8, 2021. If you do not exclude yourself from the settlement reached, you will release any claims you may have, as more fully described in the Settlement Agreement, available at www.fishlawfirm.com/clubcolors.

You may also object to the settlement by making a valid objection by March 8, 2021. The Court will hold a hearing on March 25, 2021 at 10:00 a.m., to consider whether to approve the Settlement Agreement and a request by Class Counsel for attorneys' fees, costs, and expenses of up to forty percent (40%) of the Settlement Fund for their work in the case, and an Incentive Award payment in an amount up to \$5,000 to Class Representative, Otilia Garcia. You may appear at the hearing, either by yourself or through an attorney hired by you, but you don't have to. The hearing will take place in Courtroom 2008 of the Eighteenth Judicial Circuit Court, DuPage County, Illinois, 505 N. County Farm Road, Wheaton, IL 60187. If the Court is closed, the hearing will be held remotely. Instructions for joining the hearing by Zoom will be available at <https://www.18thjudicial.org/18thJudicial/>.

Do I Have to Do Anything to Participate in the Settlement?

To receive your pro rata share of the Settlement Fund and be bound by the Settlement Agreement, including the release of claims against Defendant and its affiliated entities and agents, you do not need to do anything.