

NOTICE OF PROPOSED SETTLEMENT

Thome v. NOVAtime Technology, Inc., Case No. 1:19-cv-06256
(U.S. District Court for the Northern District of Illinois)

*For more information, visit www.novatimebipasettlement.com.
Para informacion en Espanol, visitar www.novatimebipasettlement.com.*

PLEASE READ THIS NOTICE CAREFULLY. YOU MAY BE ENTITLED TO A CASH PAYMENT FROM A SETTLEMENT IF YOU SCANNED YOUR FINGER AND/OR HAND ON A NOVATIME-BRANDED FINGER-SCAN AND/OR HAND-SCAN TIMECLOCK IN THE STATE OF ILLINOIS BETWEEN AUGUST 14, 2014, AND OCTOBER 19, 2020.

A federal court authorized this 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 notice is to inform you that a proposed settlement has been reached in a lawsuit and certain individuals who scanned their finger and/or hand on NOVAtime-branded finger-scan and/or hand-scan timeclocks may be entitled to a *pro rata* share of the Settlement Fund. The lawsuit alleges that NOVAtime violated an Illinois law called the Illinois Biometric Information Privacy Act (“BIPA”) when it allegedly collected individuals’ biometric data when they used NOVAtime branded finger-scan and/or hand-scan timeclocks without complying with the law’s requirements. The case is *Thome v. NOVAtime Technology, Inc.*, Case No. 1:19-cv-06256, currently pending in the United States District Court for the Northern District of Illinois, Eastern Division. The proposed Settlement is not an admission of wrongdoing by any Party. Rather, to avoid the time, expense, and uncertainty of litigation, the Parties have agreed to settle the lawsuit. The Settlement has been preliminarily approved by a court in Chicago, Illinois.
- You are included in the Settlement if you scanned your finger and/or hand on a NOVAtime-branded finger-scan and/or hand-scan timeclock in the State of Illinois between August 14, 2014, and October 19, 2020.
- If the Court approves the Settlement, members of the Class who submit valid claim forms will receive an equal, or *pro rata*, share of a \$4,200,000.00 Settlement Fund. Each individual who submits a valid claim form will receive a portion of this fund, after all notice and administration costs, the incentive award, and attorneys’ fees—if approved by the Court—have been paid. Payments are estimated to be **\$248.90** but could be more or less depending on the number of valid claim forms submitted. Only those Settlement Class Members who have not previously submitted a Claim Form are required to submit an Approved Claim to be entitled to a Settlement Payment. All Settlement Class Members who previously submitted an Approved Claim will automatically receive a *pro rata* share of the Settlement Fund. If you do not recall whether you previously submitted an Approved Claim, you can

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QUESTIONS? VISIT www.novatimebipasettlement.com OR CALL TOLL FREE 1-833-707-1448

call 1-833-707-1448 to verify.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM	This is the only way to receive a payment, unless you have previously submitted one, then you will automatically receive a <i>pro rata</i> share of the Settlement Fund.
DO NOTHING	Unless you previously submitted an Approved Claim, you will receive no payment under the Settlement and you give up your rights to sue the released parties about the issues in this case.

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 will be provided only after any issues with the Settlement are resolved. Please be patient.

BASIC INFORMATION

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 of another individual for any purpose, without first providing such individual with written notice and obtaining a written release. This lawsuit alleges that NOVAtime violated BIPA by allegedly collecting individuals’ biometric data when they used NOVAtime finger-scan and/or hand-scan timeclocks in the State of Illinois, without first providing written notice or obtaining a written release. NOVAtime contests these claims and denies that it violated BIPA.

More information about the complaint in the lawsuit can be found in the “Court Documents” section of the settlement website.

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 in the case against the released parties. The Settlement requires a payment of money to the Settlement Class, as well as the payment of settlement administration expenses, attorneys’ fees and costs to Class Counsel, and an incentive award to the Class Representative, if approved by the Court. The Settlement is not an admission of wrongdoing and does not imply that there has been, or would be, any finding of a violation of the law.

The Court has already preliminarily approved the Settlement. Nevertheless, the Court overseeing this lawsuit must give final approval to the Settlement before it can be effective. The Court has preliminarily certified the Settlement Class for settlement purposes only, so that members of the Settlement Class can be

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given this notice and an opportunity to submit a Claim Form, if you have not already previously done so, to receive the relief offered by the Settlement. If the Court does not enter a Final Approval Order approving the Settlement, or if the Settlement Agreement 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 you scanned your finger and/or hand on a NOVAtime-branded finger-scan and/or hand-scan timeclock in Illinois between August 14, 2014, and October 19, 2020. If you scanned your finger and/or hand on a NOVAtime-branded finger-scan and/or hand-scan timeclock in Illinois during that time-period, you may be a class member and may submit a Claim Form for a cash payment.

Excluded from the Settlement Class are: (1) any Judge or Magistrate presiding over this action and members of their families, (2) the defendant, defendant's subsidiaries, parent companies, successors, predecessors, and any entity in which the defendant or its parents have a controlling interest, (3) persons who previously properly executed and filed a timely request for exclusion from the Settlement Class, and (4) the legal representatives, successors or assigns of any such excluded persons.

THE SETTLEMENT BENEFITS

WHAT DOES THE SETTLEMENT PROVIDE?

Cash Payments. If you're eligible, you can submit a Claim Form to receive a cash payment. The amount of such payment is estimated to be approximately **\$248.90** but is unknown at this time and could be more or less depending on the number of valid Claim Forms submitted. This is an equal share of the \$4,200,000.00 Settlement Fund, after the payment of settlement expenses, attorneys' fees, and any incentive award for the named plaintiff in the litigation approved by the Court.

HOW TO GET BENEFITS

HOW DO I GET A PAYMENT?

Just complete and verify the short and simple Claim Form. If you are a Settlement Class Member and you want to get settlement benefits, you must complete and submit a valid Claim Form by **May 30, 2024**. An online Claim Form is available on the website and can be filled out and submitted online. You should also be receiving a paper Claim Form in the mail. You can also download a Claim Form on the website or you can also call 1-833-707-1448 to request an additional paper copy of the Claim Form. All Claim Forms **must be postmarked by May 30, 2024**. We encourage you to submit a claim online. It's faster. Only those Settlement Class Members who have not previously submitted a Claim Form are required to submit an Approved Claim to be entitled to a Settlement Payment. All Settlement Class Members who previously submitted an Approved Claim will automatically receive a *pro rata* share of the Settlement Fund. If you do not recall whether you previously submitted an Approved Claim, you can call 1-833-707-1448 to verify.

The Claim Form requires you to provide the following information: (i) full name, (ii) current U.S. Mail address, (iii) current contact telephone number and email address, (iv) a statement that you scanned your

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finger or hand on a NOVAtime-branded finger-scan and/or hand-scan timeclock at your place of employment in the State of Illinois between August 14, 2014, and October 19, 2020.

WHEN WILL I BE PAID?

The remote telephonic hearing to consider the fairness of the Settlement is scheduled for June 26, 2024, at 8:50 a.m. using the call-in number of (650) 479-3207 and access code 980-39433. If the Court approves the Settlement, Settlement Class Members whose claims were approved or previously approved by the Settlement Administrator will be sent a check. Please be patient. All checks will expire and become void 90 days after they are issued. Uncashed checks will be donated to a not-for-profit entity agreed to by the Parties and approved by the Court, or such other organization as the Court may order consistent with the Illinois statutory requirements for *cy pres* recipients.

THE LAWYERS REPRESENTING YOU

DO I HAVE A LAWYER?

Yes, the Court has appointed lawyers from Stephan Zouras, LLC, and Peiffer Wolf Carr Kane Conway & Wise, LLP to represent you and other Class Members. These attorneys are called “Class Counsel.” In addition, the Court appointed Plaintiff Timothy Thome to serve as the Class Representative. He is a Class Member like you.

SHOULD I GET MY OWN LAWYER?

You don’t need to hire your own lawyer because Class Counsel is working on your behalf. You may hire your own lawyer, but if you want your own lawyer, you will have to pay that lawyer.

HOW WILL THE LAWYERS BE PAID?

Class Counsel will ask the Court for attorneys’ fees of up to 33.33% of the Settlement Fund, plus expenses, and will also request an incentive award of \$7,500.00 for the Class Representative from the Settlement Fund. The Court will determine the proper amount of any attorneys’ fees and expenses to award Class Counsel and the proper amount of any award to the Class Representative. The Court may award less than the amounts requested.

YOUR RIGHTS AND OPTIONS

WHAT ARE MY OPTIONS?

(1) Accept the Settlement.

To accept the Settlement, unless you have previously done so, you must submit a Claim Form by **May 30, 2024**. You may obtain a copy of the Claim Form on the website, and you may submit your Claim Form online too, or by U.S. Mail to the Settlement Administrator at Thome v. NOVAtime Technology, Inc., c/o JND Legal Administration, PO Box 91368, Seattle, WA 98111. If the Settlement is approved and your Claim Form is deemed valid, a check will be mailed to you. *Submitting a valid and timely Claim Form is the only way to receive a payment from this Settlement and is the only thing you need to do to receive a*

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payment, unless you previously submitted a Claim Form, then you will automatically receive a pro rata share of the Settlement Fund.

(2) Do Nothing.

If you do nothing, you will receive no money from the Settlement Fund, but you will still be bound by all orders and judgments of the Court. If you do nothing and have not previously submitted an Approved Claim, you won't be able to sue any of the released parties in a future lawsuit about the claims addressed in the settlement, nor will you be entitled any money from the Settlement Fund. *Unless you have previously done so, submitting a valid and timely Claim Form is the only way to receive a payment from this Settlement.*

You can submit a Claim Form on the website, or call 1-833-707-1448 if you have any questions.

THE COURT'S FINAL APPROVAL HEARING

WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

The Court will hold the Final Approval Hearing at **8:50 a.m.** on **June 26, 2024**, before the Honorable Matthew F. Kennelly via remote telephonic conference, using call-in number of (650) 479-3207 and access code 980-39433. The purpose of the hearing is for the Court to determine whether the Settlement is fair, reasonable, adequate, and in the best interests of the Class; and whether it was made in good faith.

Note: The date and time of the fairness hearing are subject to change by Court Order, and the hearing will be conducted remotely. Directions on attending the remote telephonic conference and any changes will be posted to the website.

DO I HAVE TO ATTEND THE HEARING?

No. Class Counsel will answer any questions the Court may have. You are, however, welcome to attend. You may also pay a lawyer to attend, but you don't have to.

WHO REPRESENTS THE CLASS?

The Court has approved the following attorneys to represent the Settlement Class. They are called "Class Counsel." You will not be charged for these lawyers. If you want to be represented by your own lawyer instead, you may hire one at your own expense.

Ryan F. Stephan James B. Zouras Andrew C. Ficzko STEPHAN ZOURAS, LLC 222 W. Adams Street, Suite 2020 Chicago, Illinois 60606 Tel: 312-233-1550 rstephan@stephanzouras.com
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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 Settlement Agreement which, along with other documents, can be obtained on the website. If you have any questions, you can call the Settlement Administrator at 1-833-707-1448. In addition to the documents available on the 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.

PLEASE DO NOT CONTACT THE COURT, THE JUDGE, THE DEFENDANT, OR YOUR EMPLOYER WITH QUESTIONS ABOUT THE SETTLEMENT OR CLAIMS PROCESS.

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