

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Francois v. SwipeClock, LLC, Case No. 2022-CH-01041
(Circuit Court of Cook County, Illinois, County Department, Chancery Division)

*For more information, www.SwipeClockSettlement.com.
Para información en Español, visitar www.SwipeClockSettlement.com.*

PLEASE READ THIS NOTICE CAREFULLY. YOU MAY BE ENTITLED TO A CASH PAYMENT FROM A CLASS ACTION SETTLEMENT IF YOU SCANNED YOUR BIOMETRIC DATA ON A SWIPECLOCK-BRANDED BIOMETRIC TIMEKEEPING SYSTEM IN THE STATE OF ILLINOIS BETWEEN FEBRUARY 7, 2017, AND MARCH 14, 2025.

*A state 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?

- A Settlement has been reached in a class action lawsuit between SwipeClock (“Defendant” or “SwipeClock”) and certain individuals who scanned their finger, hand, and/or any other Biometric Identifier on a SwipeClock-branded timekeeping device. The lawsuit alleges that SwipeClock violated an Illinois law called the Illinois Biometric Information Privacy Act (“BIPA”) when it allegedly collected individuals’ biometric data when they used a SwipeClock-branded timekeeping device without complying with the law’s requirements. The case is *Francois v. SwipeClock, LLC*, Case No. 2022-CH-01041, currently pending in the Circuit Court of Cook County, Illinois, County Department, Chancery Division. The proposed Settlement is not an admission of wrongdoing by SwipeClock, and SwipeClock denies that it violated the law. The Court has not decided who is right or wrong. Rather, the Parties desire to settle this lawsuit in order to avoid the burden, time, expense, uncertainty, and distraction of continued litigation. The Settlement has been preliminarily approved by a court in Chicago, Illinois.
- You are included in the Settlement if you scanned your biometric data on a SwipeClock-branded timekeeping device within the state of Illinois. Any individual who scanned their biometric data on a SwipeClock-branded timekeeping device in the state of Illinois between February 7, 2017, and March 14, 2025, may be eligible to receive cash benefits from this Settlement.
- If the Court approves the Settlement, members of the Class who did not receive direct notice of this Settlement through either U.S. mail or e-mail, **must** submit valid claim forms to be eligible to receive an equal, or *pro rata*, share of a \$1,630,000.00 Settlement Fund. Each individual who must submit a valid claim form will receive a portion of this fund, after all notice and administration costs, the service award, and attorneys’ fees—if approved by the Court—have been paid.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM	Unless you've already received direct notice of this class action settlement, either through the mail or an e-mail, submitting a claim form is the only way to receive a payment.
DO NOTHING	Unless you've already received direct notice of this class action settlement, either through the mail or an e-mail, you will receive no payment under the Settlement and you will also give up your rights to sue SwipeClock about the issues in this case.
EXCLUDE YOURSELF	You will receive no payment, but you will retain any rights you currently have to sue SwipeClock about the issues in this case.
OBJECT	Write to the Court explaining why you don't like the Settlement
ATTEND A HEARING	Ask to speak to the Court about the fairness of the Settlement.

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 biometric information of another individual for any purpose, without first providing such individual with written notice and obtaining a written release. This lawsuit alleges that SwipeClock violated BIPA by allegedly collecting individuals' biometric data when they used a SwipeClock-branded timekeeping device in the state of Illinois, without first providing written notice or obtaining a written release. SwipeClock contests these claims and denies that it violated BIPA.

More information about the complaint in the lawsuit and the SwipeClock's position can be found in the "Court Documents" section of the settlement website.

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 further litigation, the Parties have reached a Settlement, which resolves all claims in the case against SwipeClock and its affiliated entities and individuals. The Settlement requires SwipeClock 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 SwipeClock and does not imply that there has been, or would be, any finding that SwipeClock 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 preliminarily 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, to voice their support or opposition to final approval of the Settlement, and to submit a Claim Form 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, hand, and/or any other Biometric Identifier on a SwipeClock-branded timekeeping device in Illinois between February 7, 2017, and March 14, 2025. If you scanned your finger, hand or any other Biometric Identifier on a SwipeClock-branded timekeeping device 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) the Court and members of their families, (2) persons who properly execute a timely request for exclusion from the Settlement Class, and (3) persons whose claims in this matter have been finally adjudicated on the merits or otherwise released.

THE SETTLEMENT BENEFITS

What does the Settlement provide?

Cash Payments. If you're eligible, and haven't already received direct notice of this class action settlement either through the mail or an e-mail, you must submit a Claim Form to receive a cash payment. This is an equal share of the \$1,630,000.00 Settlement Fund, after the payment of settlement expenses, attorneys' fees, and any service award for the named plaintiff in the litigation approved by the Court.

Prospective Relief. Pursuant to this Settlement, SwipeClock agrees that (a) on or before the Objection Deadline, it shall verify: (1) the date that certain of its Biometric Timekeeping Systems ceased collecting or hosting alleged biometric data; and (2) the date SwipeClock commenced requiring a written consumer consent in advance of any alleged biometric data being collected or hosted by SwipeClock.

HOW TO GET BENEFITS

How do I get a payment?

If you are a Settlement Class Member, haven't already received direct notice of this class action settlement either through the mail or an e-mail, and you want to get settlement benefits, you **must** complete and submit a valid Claim Form by March 14, 2025. An online Claim Form is available on the website and can be filled out and submitted online. You can also download a Claim Form on the website or you can also call 1-833-476-2798 to request a paper copy of the Claim Form. All Claim Forms must be received by March 14, 2025. We encourage you to submit a claim online. It's faster.

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) the name of your employer(s) where you used a SwipeClock-branded timeclock, the business address, and date(s) of employment, and (v) the Class Member's signature and the date.

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 SwipeClock or certain related entities and individuals relating to its alleged collection and possession of the biometric data of individuals who have scanned their finger, hand, or face on a SwipeClock-branded timekeeping device. 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 website. Unless you formally exclude yourself from this Settlement, you will release your claims whether or not you submit a Claim Form and receive payment. If you have any questions, you can talk for free to the Settlement Administrator identified below, or you are welcome to talk to any lawyer of your choosing at your own expense.

When will I be paid?

The remote Zoom videoconference Final Approval Hearing to consider the fairness of the Settlement is scheduled for **April 14, 2025, at 11:00 a.m.** using the Zoom log-in of **876 8729 8501** and Passcode **926987**. If the Court approves the Settlement, eligible Settlement Class members will be sent a check. Please be patient. All checks will expire and become void 120 days after they are issued. If there is any amount remaining after the first distribution of checks that provided a 120-day check cashing period, 50% of this amount will be returned to SwipeClock. If the other 50% of the uncashed check amount totals \$250,000 or more, this amount will be redistributed to those Settlement Class Members who participated in the settlement by cashing their initial checks and providing an additional 120-day check cashing period. If the other 50% of the uncashed check amount totals less than \$250,000, this amount will be transferred to a mutually agreeable *cy pres* that is approved by the Court.

THE LAWYERS REPRESENTING YOU

Do I have a lawyer?

Yes, the Court has appointed lawyers of Stephan Zouras LLC to represent the Class Members. These attorneys are called "Class Counsel." In addition, the Court appointed Plaintiff Junie Francois to serve as the Class Representative. She is also a Class Member.

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 37.5% of the Settlement Fund plus their out-of-pocket costs and will also request a service 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.

If you have not already received direct notice of this class action settlement either through the mail or e-mail, to accept the Settlement, you must submit a Claim Form by March 14, 2025. 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 SwipeClock Settlement Administrator, P.O. Box 2005, Chanhassen, MN 55317-2005. If the Settlement is approved and your Claim Form is deemed valid and/or you are otherwise considered an eligible Class Member, a check will be mailed to you. ***Unless you've already received direct notice of this class action settlement either through the mail or e-mail, 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 payment.***

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 the Released Parties (as that term is defined in the Settlement Agreement) and are free to pursue whatever legal rights you may have by pursuing your own lawsuit against the Released Parties at your own risk and expense. All exclusion requests must (a) be in writing; (b) identify the case name *Francois v. SwipeClock, LLC*, 2022-CH-01041 (Cir. Ct. Cook County, IL); (c) state the full name, current address of the person in the Settlement Class seeking exclusion, and telephone number; (d) be signed by the person seeking exclusion; and (e) be postmarked or received by the Settlement Administrator on or before the March 14, 2025. Each request for exclusion must also contain a statement that you wish to be excluded from the Settlement Class. You must mail or e-mail your exclusion request no later than March 14, 2025, to:

SwipeClock Settlement Administrator
P.O. Box 2005
Chanhassen, MN 55317-2005
swipeclocksettlement@noticeadministrator.com

No person may request to be excluded from the Settlement Class through "mass" or "class" opt-outs.

3. Object to the Settlement.

If you wish to object to the Settlement, you must file a letter or brief in writing with the Clerk of the Court of the Circuit Court of Cook County, Illinois, County Department, Chancery Division of the Richard J. Daley Center, 50 West Washington Street, Room 2307, Chicago, Illinois 60602. The objection must be received by the Court no later than March 14, 2025. You must also send a copy of your objection by mail to the attorneys for all Parties to the lawsuit, including Class Counsel (Stephan Zouras, LLC, 222 West Adams Street, Suite 2020, Chicago, Illinois 60606), as well as Defendant's counsel (Katten Muchin Rosenman LLP, 525 West Monroe Street, Chicago, Illinois 60661) no later than March 14, 2025. Any objection to the proposed Settlement must include (a) your full name, current address, telephone number, and email address (b) the basis for and an explanation of the objection, (c) the case name and number, (d) a list of any other objections filed, (e) a statement of whether you are represented by counsel and, if so, a list of all objections filed by that counsel, (f) a statement of whether you intend to appear at the Final Approval Hearing with or without counsel, and (g) 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 March 14, 2025. 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.

Class Counsel will file with the Court their request for attorneys' fees and costs as well as a service award to the Class Representative.

You may appear at the Final Approval Hearing, which will be held on **April 14, 2025, at 11:00 a.m.** via Zoom videoconference, using **876 8729 8501** and Passcode **926987**, either in person or through counsel to show cause 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 entry of the Final Approval Order, the request for attorneys' fees and expenses, and/or the request for the service 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 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, which must also be attached to, and included with, the written objection.

4. Do Nothing.

If you do nothing, and you haven't already received direct notice of this class action settlement either through the mail or an e-mail, you will receive no money from the Settlement Fund, but you will still be bound by all orders and judgments of the Court. Unless you exclude yourself from the Settlement, you will not be able to file or continue a lawsuit against SwipeClock or other Released Parties regarding any of the Released Claims. ***Submitting a valid and timely Claim Form is the only way to receive a payment from this Settlement.***

You can submit a Claim Form, or request exclusion from the class or file an objection, on the website, or call March 14, 2025.

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 **11:00 a.m. on April 14, 2025**, before the Honorable Judge Thaddeus L. Wilson via remote Zoom videoconference, using **876 8729 8501** and Passcode **926987**. 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. **At the hearing, the Court will hear any objections and arguments concerning the fairness**

of the proposed Settlement, including those related to the amount requested by Class Counsel for attorneys' fees and expenses and the service award to the Class Representative.

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 Zoom videoconference and any changes will be posted to the website.

Do I have to attend the hearing?

No. Class Counsel and SwipeClock's Counsel will answer any questions the Court may have. You are, however, welcome to attend. If you send an objection, you don't have to attend the remote Zoom videoconference to talk about it. As long as your written objection was filed and mailed on time and meets the other criteria described in the Settlement, the Court will consider it. You may also pay a lawyer to attend, but you don't have to.

May I speak at the hearing?

Yes. If you do not exclude yourself from the Class, you may ask the Court for permission to speak at the hearing concerning any part of the proposed Settlement. If you filed an objection and intend to appear at the hearing, you must state your intention to do so in your objection.

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. Ficzkowski
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jzouras@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 1-833-476-2798. 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.