

NOTICE OF CLASS ACTION SETTLEMENT

McGinnis v. United States Cold Storage, Inc., Case No. 19-L-9

1. Introduction

The Circuit Court of Will County preliminarily approved a class action settlement in the lawsuit *McGinnis v. United States Cold Storage, Inc.*, Case No. 19-L-9 (the “Lawsuit”).

The Court has approved this Notice to inform you of your rights in the settlement. As described in more detail in Section 5 below, you may:

- (1) do nothing and receive a settlement check;
- (2) exclude yourself from the settlement and receive no settlement check; or
- (3) object to the settlement.

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 is about whether United States Cold Storage, Inc. (“USCS”) violated the Illinois Biometric Information Privacy Act (“BIPA”) by collecting, capturing, obtaining, storing, using and/or disclosing its Illinois workers’ biometric identifiers and/or biometric information without first providing notice or obtaining their written consent.

USCS denies the allegations in the Lawsuit and denies any violation of the law.

Both sides agreed to the settlement to resolve the Lawsuit to avoid the cost and risk of a trial. The Court did not decide whether USCS violated the law. You can learn more about the Lawsuit by contacting the settlement administrator, Analytics Consulting LLC, at (844) 643-1178 or by email at info@USCSBIPASettlement.com, or Settlement Class Counsel, Caffarelli & Associates, Ltd., at (312) 763-6880.

3. Who Is Included in the Settlement?

The settlement includes all Illinois workers who had their biometric identifiers or information collected, captured, otherwise obtained, used, stored or disclosed by USCS in the State of Illinois from November 7, 2012 through and including October 19, 2023, and who were not members of a union while working at USCS.

There are an estimated 1,634 Settlement Class Members.

4. What does the Settlement Provide?

The class action settlement provides for a total payment of \$1,960,800 that USCS has agreed to pay to settle the claims of Settlement Class Members. If approved by the court, the settlement proceeds will be distributed to each Qualified Class Member in an amount estimated at approximately \$1,200 minus each Class Member’s proportionate share of

court-approved attorney fees, costs, and expenses; a court-approved Enhancement Award to the Class Representative; and Settlement Administration Expenses. Each Qualified Class Member will receive an equal share after these deductions.

The Claims Administrator will calculate the final amount that is due to each Qualified Class Member and shall pay settlement distributions directly to each Class Member who does not actively remove himself or herself from the Class and who otherwise qualifies for the distribution. The entire amount of your payment shall be treated as non-wage compensation. This means that your payment will be taxable, but withholdings will not be taken out of your settlement check. Instead, you will receive a Form 1099 so that you can include your settlement payment when you file taxes.

Unless you exclude yourself, you will be considered a member of the Class, which means you give up your right to file or continue a lawsuit against USCS, relating to BIPA and/or to the biometric timeclocks at USCS's Illinois facilities, through the date the Court finally approves this Settlement. The precise terms of this release are in the Settlement Agreement, a copy of which you may request from the Settlement Administrator or Class Counsel, identified below.

5. What Are Your Options?

- (1) **Do Nothing, and Participate in the Settlement.** If you do nothing, you will remain a member of the Settlement Class. Assuming the Court approves the Settlement, you will be sent a check as described above shortly after what is called the "Effective Date" of the Settlement Agreement, which we anticipate would be within the next four (4) to six (6) months (although this timing is subject to change). You will be bound by the judgment and bound by the injunction against prosecuting BIPA-related claims against USCS, and you will release claims against USCS as discussed below. If required by law, you may also be sent a 1099 tax reporting form.
- (2) **Exclude yourself from the settlement and receive no money.** If you do not want to be legally bound by the settlement, you must exclude yourself from the settlement by **December 28, 2023**. To do so, 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, and a statement that you wish to be excluded from the settlement. If you exclude yourself, you will not receive money from this settlement, but you will keep any legal rights that you may have against USCS and the other Released Parties. Your Opt-Out Statement must be postmarked on or before **December 28, 2023**.
- (3) **Object to the Settlement.** You may object to the settlement by **December 28, 2023**. If you want to object to the settlement, you must mail a written objection to the Settlement Administrator (contact information below). Any objection must: (a) attach documents establishing, or provide information sufficient to allow the Parties to confirm, that the objector is a Class Member; (b) include a statement of such Class Member's specific objections; (c) state the grounds for objection, as well as identify any documents which such objector desires the Court to consider; (d) identify all attorneys who assisted the objector in the preparation and filing of the objection; and (e) list all other class action cases in which the objector or the objector's attorneys have submitted an objection to a settlement. Class Members who do not timely make their objections in this manner will be deemed to have waived all objections and shall not be heard or have the right to appeal approval of the Settlement. If you submit an objection and wish it to be considered, **you must also appear** at the Fairness Hearing (either in person or through your attorney) described below to present your objection. If you exclude yourself from the settlement, you cannot file an objection.

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 below.

McGinnis v. United States Cold Storage, Inc.
c/o Analytics Consulting LLC
P.O. Box 2002
Chanhassen, MN 55317-2002
Email: info@USCSBIPASettlement.com
Website: www.USCSBIPASettlement.com
Phone: (844) 643-1178

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

The Court has appointed Settlement Class Counsel, identified below, to represent Settlement Class Members in this settlement. Settlement Class Counsel will request one-third of the total settlement amount as attorney fees and reimbursement of the litigation costs and expenses it incurred. You will not have to pay Settlement Class Counsel from your settlement award or otherwise.

Alejandro Caffarelli, Esq.
Amanda Burns, Esq.
Caffarelli & Associates Ltd.
224 S. Michigan Ave., Ste. 300
Chicago, Illinois 60604
Tel. (312) 763-6880

8. What happens if the court does not approve the settlement?

If the Court does not approve the Settlement, if it approves the Settlement and the approval is reversed on appeal, or if the settlement agreement does not become final for some other reason, the case will proceed as if no settlement had been attempted. If this happens, there can be no assurance that the Class or any other class will recover more than is provided for in the proposed Settlement, or indeed, anything whatsoever in damages based on the alleged BIPA violations.

9. When is the Fairness Hearing?

The Court will hold a hearing in this case on **January 30, 2024 at 9:30 a.m.**, in Courtroom 905 of the Circuit Court of Will County, Illinois, Will County Courthouse, 100 W. Jefferson St., Joliet Illinois 60432, to consider, among other things, (1) whether to finally approve the settlement as fair, adequate, reasonable, and binding on all Qualified Class Members; (2) whether to grant a request by the lawyers representing all class members for an award of no more than one-third of the settlement as attorney fees plus litigation costs; (3) whether to grant an Enhancement Award of \$7,500 to Richard McGinnis, who brought this lawsuit and is the Class Representative. The Court will also consider and rule on objections, if any.

If you have any questions or for more information, contact the Settlement Administrator or Settlement Class Counsel at:

Settlement Administrator
McGinnis v. United States Cold Storage, Inc.
c/o Analytics Consulting LLC
P.O. Box 2002
Chanhassen, MN 55317-2002
Email: info@USCSBIPASettlement.com
Website: www.USCSBIPASettlement.com
Tel. (844) 643-1178

Settlement Class Counsel
Alejandro Caffarelli, Esq.
Amanda Burns, Esq.
Caffarelli & Associates Ltd.
224 S. Michigan Ave., Ste. 300
Chicago, Illinois 60604
Tel. (312) 763-6880

PLEASE DO NOT CONTACT THE COURT OR USCS ABOUT THIS SETTLEMENT.