

CIRCUIT COURT OF COOK COUNTY, ILLINOIS
Villagomez v. iSolved HCM, LLC, Case No. 19-CH-12932

IF YOU SCANNED YOUR FINGER ON AN ISOLVED-BRANDED TIMECLOCK WHILE IN THE STATE OF ILLINOIS BETWEEN NOVEMBER 7, 2014 AND NOVEMBER 7, 2022, YOU MAY BE ENTITLED TO A PAYMENT FROM A CLASS ACTION SETTLEMENT.

This is an official court notice. You are not being sued. This is not an ad for a lawyer.

- A Settlement has been reached in a class action lawsuit between iSolved HCM, LLC (“Defendant” or “iSolved”) and workers who scanned their finger on an iSolved-branded timeclock in the State of Illinois. The lawsuit claims that iSolved violated an Illinois law called the Illinois Biometric Information Privacy Act (“BIPA”) when it may have collected individuals’ biometric data when they used an iSolved-branded timeclock with a finger scanner without complying with the law’s requirements. iSolved denies that it violated any law. The Court has not decided who is right or wrong. The Settlement has been preliminarily approved by a Judge in Cook County, Illinois.
- You are included in the Settlement if you are an individual who scanned your finger in Illinois on a timeclock issued, leased or sold by iSolved, and whose biometric data from that scan was shared with or stored by iSolved, between November 7, 2014 and November 7, 2022, subject to certain exceptions detailed below (see FAQ 5). iSolved provides these time clock systems to employers of hourly workers. If you received a notice of this Settlement in the mail or by e-mail, our records indicate that you are a Settlement Class member and are included in the Settlement, and you may submit a Claim Form online or by mail to receive a cash payment.
- If the Court approves the Settlement, Class Members who submit Approved Claims will receive an equal, or *pro rata*, share of a \$2,486,750 Settlement Fund that iSolved has agreed to establish, after all notice and administration costs, incentive award, and attorneys’ fees have been paid. Individual payments to Class Members who submit Approved Claims are estimated to be between \$640 to \$965, before any applicable taxes, but could be more or less depending on the number of valid claims submitted.
- Please read this notice carefully. Your legal rights are affected whether you act, or don’t act.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM	This is the only way to receive a payment. You must submit a complete and valid Claim Form online or by mail by April 11, 2023 .
DO NOTHING	You will receive no payment under the Settlement and give up your rights to sue iSolved and certain related companies and individuals about the issues in this case.
EXCLUDE YOURSELF	You will receive no payment, but you will retain any rights you currently have to sue iSolved 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 in 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

1. What is this notice and why should I read it?

The Court authorized this notice to let you know about a proposed Settlement between the Class Members and iSolved. You have legal rights and options that you may act on before the Court decides whether to approve the proposed Settlement. You may be eligible to receive a cash payment as part of the Settlement. This notice explains the lawsuit, the Settlement, and your legal rights.

Judge Allen P. Walker of the Circuit Court of Cook County, Illinois is overseeing this class action. The case is called *Villagomez v. iSolved HCM, LLC*, 19-CH-12932. The person who filed the lawsuit, Sergio Villagomez, is the Plaintiff. The company he sued, iSolved HCM, LLC, is the Defendant.

2. What is a class action lawsuit?

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 legal 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.

THE CLAIMS IN THE LAWSUIT AND THE SETTLEMENT

3. What is this lawsuit about?

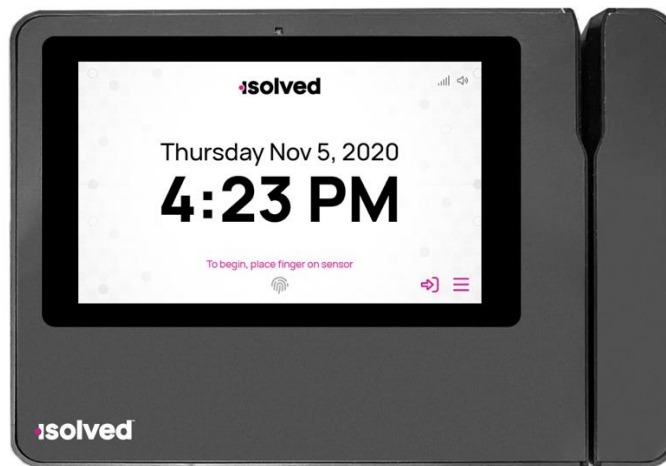
The Illinois Biometric Information Privacy Act (“BIPA”), 740 ILCS 14/1, *et seq.*, prohibits private companies from capturing, obtaining, storing, and/or using the biometric identifiers and/or biometric information of another individual for any purpose, without first providing notice and getting consent in writing. Biometrics are things like your fingerprint, faceprint, or a scan of your iris. This lawsuit alleges that iSolved violated BIPA by allegedly collecting certain workers’ biometric data when they used finger-scan timeclocks provided by iSolved in the state of Illinois, without giving notice or getting consent. iSolved supplies these systems to employers for their hourly workers to use to clock in and out of work. iSolved denies these allegations and denies that it violated BIPA.

More information about Plaintiff’s complaint in the lawsuit and the Defendant’s defenses can be found in the “Court Documents” section of the settlement website at www.isolvedbipasettlement.com.

4. Who is included in the Settlement Class?

You are a member of the Settlement Class if you scanned your finger in Illinois on a timeclock issued, leased, or sold by iSolved, and if your alleged biometric data relating to that scan was shared with or stored by iSolved, between November 7, 2014 and November 7, 2022. If you scanned your finger on an iSolved-branded finger-scan timeclock in Illinois during that time-period, you may be a class member and may submit a Claim Form [here](#) for a cash payment, subject to certain exclusions (see FAQ 5 below). If you received a notice of this Settlement via email or in the mail, our records indicate that you are a class member and are included in the Settlement. You may call or email the Settlement Administrator at 1-833-591-3472 or info@isolvedbipasettlement.com to ask whether you are a member of the Settlement Class.

Pictured below are examples of two iSolved timeclocks with a finger-scanner attached:



5. Who is not included in the Settlement Class?

Some workers who used an iSolved timeclock are not included in the Settlement Class and are not covered by or able to participate in the Settlement, including persons who have released iSolved from claims brought in this Action through settlements with their employers who used the timeclocks. Also excluded from the Settlement Class are: (1) any Judge or Magistrate presiding over this action and members of their families, (2) Defendant, Defendant’s subsidiaries, parent companies, successors, predecessors, and any entity in which Defendant or its parents have a controlling interest, (3) persons who properly execute and file 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

6. What does the Settlement provide?

Cash Payments. If you’re eligible, you can submit a claim to receive a cash payment. If the Court approves the Settlement and your claim is valid, the Settlement Administrator will send you your Settlement Payment. The amount of such payment is estimated to be around \$640 to \$965, but the exact

amount could be more or less depending on the number of Approved Claims submitted. This is a *pro rata*, or equal, share of a \$2,486,750 fund that iSolved has agreed to create, after the payment of settlement expenses, attorneys' fees, and any incentive award for the Class Representative in the litigation approved by the Court.

Prospective Relief. iSolved has agreed to implement the following policies and procedures should iSolved continue to store or host finger scan data provided by its customers who use a finger scanner on an iSolved timeclock in Illinois:

- (i) iSolved will require persons who use a finger scanner on an iSolved timeclock in Illinois to provide informed written consent (on-screen or by other lawful means) before such individuals can scan their finger;
- (ii) iSolved will establish and maintain a written policy, made available to the public, creating a retention schedule and guidelines for permanently destroying any biometric data, when the initial purpose for collecting or obtaining such biometric data has been satisfied or within three (3) years of the individual's last interaction with iSolved, whichever occurs first;
- (iii) iSolved will delete biometric data from Illinois-based employees pursuant to its retention schedule and deletion.

HOW TO GET SETTLEMENT BENEFITS

7. How do I get a payment?

If you are a Settlement Class member and you want to get a payment, you must complete and submit a valid Claim Form by **April 11, 2023**. If you received an email notice, it contained a link to the online Claim Form, which is also available on the Settlement Website, www.isolvedbipasettlement.com, and can be filled out and submitted online [here](#). The online Claim Form lets you select to receive your payment by Venmo, Zelle, PayPal, or check. A paper Claim Form with pre-paid postage was attached to the postcard notice you may have received in the mail. Those who submit a paper Claim Form will receive a check by mail, if the claim is approved.

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, and (iv) a statement that you scanned your finger on an iSolved-branded finger-scan timeclock in the State of Illinois between November 7, 2014 and November 7, 2022.

Depending on the number of valid Claim Forms submitted and the amount of the payment to each claiming Class Member, you may need to complete an IRS Form W-9 to satisfy IRS tax reporting obligations related to the payment. You may complete the Form W-9 now on the Settlement Website [here](#); doing so will avoid any mandatory tax withholdings.

8. When will I get my payment?

The hearing to consider the fairness of the Settlement is scheduled for **May 11, 2023, at 11:00 a.m.** If the Court approves the Settlement, Class Members with valid claims and, if necessary, who have completed a Form W-9 on the Settlement Website, will be issued a check or electronic payment (as chosen by the Class Member) within 28 days after the Settlement has been finally approved by the Court and/or after any appeals process is complete. Please be patient. Uncashed checks and electronic payments that are unable to be completed will expire and become void 180 days after they are issued. Those funds

will be re-distributed to the Class Members who cashed their checks or successfully received their electronic payments, if feasible and in the interests of the Settlement Class. If redistribution is not feasible, or if there are residual funds remaining after redistribution, such funds will be donated to Legal Aid Chicago, or such other not-for-profit organization(s) as the Court may order as *cy pres* recipient.

THE LAWYERS REPRESENTING YOU

9. Do I have a lawyer in the case?

Yes, the Court has appointed lawyers Jay Edelson, J. Eli Wade-Scott, and Schuyler Ufkes of Edelson PC and David Fish of Fish Potter Bolaños, P.C as the attorneys to represent you and other Class Members. These attorneys are called “Class Counsel.” In addition, the Court appointed Plaintiff Sergio Villagomez to serve as the Class Representative. He is a Class Member like you. Class Counsel can be reached by calling 1-866-354-3015.

10. 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 do so, you will have to pay that lawyer.

11. How will the lawyers be paid?

Class Counsel will ask the Court for reimbursement of their expenses and attorneys’ fees of up to 35% of the Settlement Fund, and will also request an incentive award of \$5,000 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 incentive award to the Class Representative. The Court may award less than the amounts requested.

YOUR RIGHTS AND OPTIONS

12. What happens if I do nothing at all?

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. Unless you exclude yourself from the Settlement, you will not be able to file or continue a lawsuit against iSolved 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.**

To submit a Claim Form, or for information on how to request exclusion from the class or file an objection, please visit the Settlement Website, www.isolvedbipasettlement.com, or call 1-833-591-3472.

13. What happens if I ask to be excluded?

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.

14. How do I ask to be excluded?

You can mail or email a letter stating that you want to be excluded from the Settlement. Your letter must: (a) be in writing; (b) identify the case name *Villagomez v. iSolved HCM, LLC*, 19-CH-12932 (Cir. Ct. Cook Cty. Ill.); (c) state the full name and current address of the person in the Settlement Class seeking exclusion; (d) be signed by the person(s) seeking exclusion; and (e) be postmarked or received by the Settlement Administrator on or before **April 11, 2023**. Each request for exclusion must also contain a statement to the effect that “I hereby request to be excluded from the proposed Settlement Class in *Villagomez v. iSolved HCM, LLC*, 19-CH-12932 (Cir. Ct. Cook Cty. Ill.)” You must mail or e-mail your exclusion request no later than **April 11, 2023**, to:

Villagomez v. iSolved HCM, LLC
c/o Settlement Administrator
P.O. Box 25191
Santa Ana, CA 92799

-or-

info@isolvedbipasettlement.com

You can't exclude yourself over the phone. No person may request to be excluded from the Settlement Class through “mass” or “class” opt-outs.

15. If I don't exclude myself, can I sue iSolved for the same thing later?

No. Unless you exclude yourself, you give up any right to sue iSolved and any other Released Party (as that term is defined in the Settlement Agreement) for the claims being resolved by this Settlement.

16. If I exclude myself, can I get anything from this Settlement?

No. If you exclude yourself, you will not receive a payment.

17. How do I object to the Settlement?

If you do not exclude yourself from the Settlement Class, you can object to the Settlement if you don't like any part of it. You can give reasons why you think the Court should deny approval by filing an objection. To object, you must file a letter or brief with the Court stating that you object to the Settlement in *Villagomez v. iSolved HCM, LLC*, Case No. 19-CH-12932 (Cir. Ct. Cook Cty. Ill.), no later than **April 11, 2023**. Your objection must be e-filed or delivered to the Court at the following address:

Clerk of the Circuit Court of Cook County, Illinois - Chancery Division
Richard J. Daley Center, 8th Floor
50 West Washington Street
Chicago, Illinois 60602

The objection must be in writing, must be signed, and must include the following information: (a) your full name and current address, (b) a statement that you believe you are a member of the Settlement Class, (c) the specific grounds for your objection, (d) all documents or writings that you wish the Court to consider, (e) the name and contact information of any attorneys representing, advising, or in any way assisting you in connection with the preparation or submission of the objection or who may profit from

the pursuit of the objection, and (f) a statement indicating whether you intend to appear at the Final Approval Hearing. You must submit an objection in writing by the April 11, 2023, in order to be heard by the Court at the Final Approval Hearing. If you hire an attorney in connection with making an objection, that attorney must file an appearance with the Court or seek *pro hac vice* admission to practice before the Court, and electronically file the objection by the objection deadline of April 11, 2023. 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.

In addition to filing your objection with the Court, you must send via mail, email, or delivery service, by no later than April 11, 2023, copies of your objection and any supporting documents to both Class Counsel and the Defendant’s Counsel at the addresses listed below:

Class Counsel	Defense Counsel
Schuyler Ufkes sufkes@edelson.com EDELSON PC 350 North LaSalle Street, 14th Floor Chicago, Illinois 60654	Harry J. Secaras harry.secaras@ogletree.com OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C. 155 North Wacker Drive, Suite 4300 Chicago, Illinois 60606

Class Counsel will file with the Court and post on the settlement website their request for attorneys’ fees and expenses and Plaintiff’s request for an incentive award on March 28, 2023.

18. What’s the difference between objecting and excluding myself from the Settlement?

Objecting simply means telling the Court that you don’t like something about the Settlement. You can object only if you stay in the Settlement Class as a Class Member. Excluding yourself from the Settlement Class is telling the Court that you don’t want to be a Settlement Class Member. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT’S FINAL APPROVAL HEARING

19. When and where will the Court decide whether to approve the Settlement?

The Court will hold the Final Approval Hearing on **May 11, 2023**, at **11:00 a.m.** before the Honorable Allen P. Walker in Room 2402 at the Richard J. Daley Center, 50 West Washington Street, Chicago, Illinois 60602, or via remote means as instructed by the Court. 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 Settlement Class. At the hearing, the Court will hear any objections that were timely submitted in writing, including arguments concerning the fairness of the proposed Settlement and those related to the amount requested by Class Counsel for attorneys’ fees and expenses and the incentive award to the Class Representative.

Note: The date, time, and location of the Final Approval Hearing are subject to change by the Court. Any changes will be posted at the Settlement Website, www.isolvedbipasettlement.com.

20. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. You are welcome to come at your own expense. If you send an objection, you don’t have to come to Court to talk about it. As long as your

written objection was filed or 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.

21. May I speak at the hearing?

Yes. If you do not exclude yourself from the Settlement 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 (see Question 17 above) and intend to appear at the hearing, you must state your intention to do so in your objection.

GETTING MORE INFORMATION

22. Where do I get more information?

This notice summarizes the proposed Settlement. More details, including the Settlement Agreement and other documents are available at www.isolvedbipasettlement.com or at the Clerk's Office in the Richard J. Daley Center, 50 West Washington Street, Chicago, Illinois 60602, between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Court holidays and any closures as a result of the COVID-19 pandemic. You can also contact Class Counsel at 1-866-354-3015 with any questions.

PLEASE DO NOT CONTACT THE COURT, THE JUDGE, THE DEFENDANT OR THE DEFENDANT'S LAWYERS WITH QUESTIONS ABOUT THE SETTLEMENT OR DISTRIBUTION OF SETTLEMENT PAYMENTS.