

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

SERGIO VILLAGOMEZ, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

ISOLVED HCM, LLC, a Delaware corporation,

Defendant,

Case No. 19-CH-12932

Calendar 3

Honorable Allen Price Walker

PRELIMINARY APPROVAL ORDER

This matter having come before the Court on Plaintiff’s Motion for and Memorandum in Support of Preliminary Approval of Class Action Settlement of the above-captioned matter between Sergio Villagomez (“Plaintiff”) and Defendant iSolved HCM, LLC (“Defendant”), as set forth in the Class Action Settlement Agreement (the “Settlement Agreement”) between Plaintiff and Defendant, and the Court having duly considered the papers and arguments of counsel, the Court hereby finds and orders as follows:

1. Unless defined herein, all defined terms in this order shall have the respective meanings ascribed to the same terms in the Settlement Agreement.

Certification of the Settlement Class

2. The Court has conducted a preliminary evaluation of the settlement set forth in the Settlement Agreement. Based on this preliminary evaluation, the Court finds that the Settlement Class meets all applicable requirements of Section 2-801 of the Illinois Code of Civil Procedure for settlement purposes only, including that the Settlement Class is sufficiently numerous, that there are questions of law and fact common to members of the Settlement Class

that predominate, that the proposed Class Representative fairly and adequately protects the interests of the Settlement Class, and that class treatment is an appropriate method for the fair and efficient adjudication of the Action.

3. Pursuant to Section 2-801 of the Illinois Code of Civil Procedure, and for settlement purposes only, the Court certifies the following Settlement Class, consisting of:

All individuals who scanned their finger(s) in Illinois on a timeclock issued, leased or sold by iSolved, and for whom any alleged biometric data relating to that scan was shared with or stored by iSolved, between November 7, 2014 and November 7, 2022.

4. 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, (4) the legal representatives, successors or assigns of any such excluded persons, and (5) persons who have released Defendant from claims brought in this Action.

Preliminary Approval of the Settlement

5. The Court further finds that: (1) there is good cause to believe that the Settlement Agreement is fair, reasonable, and adequate, (2) the Settlement Agreement has been negotiated at arm's length between experienced attorneys familiar with the legal and factual issues of this case, and (3) the Settlement warrants Notice of its material terms to the Settlement Class for their consideration and reaction. Therefore, the Court grants preliminary approval of the Settlement.

6. For settlement purposes only, the Court hereby approves the appointment of Plaintiff Sergio Villagomez as Class Representative.

7. For settlement purposes only, the Court hereby approves the appointment of the

following attorneys as Class Counsel and finds that they are competent and capable of exercising the responsibilities of Class Counsel:

Jay Edelson
J. Eli Wade-Scott
Schuyler Ufkes
EDELSON PC (Firm ID: 62075)
350 North LaSalle Street, 14th Floor
Chicago, Illinois 60654

David Fish
FISH POTTER BOLAÑOS, P.C. (Firm ID: 44086)
200 East Fifth Avenue, Suite 123
Naperville, Illinois 60563

Notice and Administration

8. Pursuant to the Settlement Agreement, Simpluris, Inc., is hereby appointed as Settlement Administrator and shall be required to perform all of the duties of the Settlement Administrator as set forth in the Settlement Agreement and this order.

9. The Court approves the proposed plan for giving Notice to the Settlement Class, which includes direct Notice via U.S. Mail and email, reminder notices via postcard and email, and the creation of the Settlement Website, as fully described in the Settlement Agreement. The plan for giving Notice, in form, method, and content, fully complies with the requirements of 735 ILCS 5/2-803 and due process and is due and sufficient notice to all persons in the Settlement Class.

10. The Court hereby directs the Parties and Settlement Administrator to disseminate the Notice to the Settlement Class no later than February 7, 2023 (the “Notice Date”). Further, the Reminder Notice shall be disseminated to the Settlement Class both thirty (30) days and fourteen (14) days prior to the Claims Deadline identified below.

Exclusions

11. All persons who meet the definition of the Settlement Class and who wish to exclude themselves from the Settlement Class must submit their request for exclusion in writing no later than the Objection/Exclusion Deadline of April 11, 2023. The date of Objection/Exclusion Deadline shall be set forth clearly in the Notice and on the Settlement Website.

12. To be valid, any request for exclusion must (1) be in writing; (2) identify the case name *Villagomez v. iSolved HCM, LLC*, No. 2019-CH-12932 (Cir. Ct. Cook Cty. Ill.); (3) state the full name and current address of the person in the Settlement Class seeking exclusion; (4) be signed by the person seeking exclusion; and (5) be postmarked or received by the Settlement Administrator on or before April 11, 2023. The Settlement Administrator shall create a dedicated e-mail address to receive exclusion requests electronically. 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*, 2019-CH-12932 (Cir. Ct. Cook Cty. Ill.).” A request for exclusion that does not include all of the foregoing information, that is sent to an address or e-mail address other than that designated in the Notice, or that is not postmarked or electronically delivered to the Settlement Administrator within the time specified, shall be invalid and the persons serving such a request shall be deemed to remain Settlement Class Members and shall be bound as Settlement Class Members by this Settlement Agreement, if finally approved. No person may request to be excluded from the Settlement Class through “mass” or “class” opt-outs.

Objections

13. Any Settlement Class Member may comment in support of, or in opposition to,

the Settlement Agreement at their own expense; provided, however, that all comments and objections must be (1) filed with the Court, and (2) postmarked, e-mailed, or delivered to Class Counsel (sufkes@edelson.com) and Defendant's Counsel (harry.secaras@ogletree.com) no later than the Objection/Exclusion Deadline of April 11, 2023.

14. Any Settlement Class Member who intends to object to the Settlement Agreement must present the objection in writing, which must be personally signed by the objector and must include: (1) the Settlement Class Member's full name and current address, (2) a statement that he or she believes himself or herself to be a member of the Settlement Class, (3) the specific grounds for the objection, (4) all documents or writings that the Settlement Class Member desires the Court to consider, (5) the name and contact information of any and all attorneys representing, advising, or in any way assisting the objector in connection with the preparation or submission of the objection or who may profit from the pursuit of the objection, and (6) a statement indicating whether the objector intends to appear at the Final Approval Hearing (either personally or through counsel, who must file an appearance or seek *pro hac vice* admission). If an objecting Class Member is represented by counsel, the objection must be through the Court's eFileIL system.

15. Any Settlement Class Member who fails to timely file a written objection with the Court and notice of his or her intent to appear at the Final Approval Hearing in accordance with the terms of this order and as detailed in the Notice, and at the same time provide copies to designated counsel for the Parties, shall not be permitted to object to the Settlement Agreement at the Final Approval Hearing, and shall be foreclosed from seeking any review of the Settlement Agreement, the Final Approval Order, or Alternative Approval Order, by appeal or other means, and shall be deemed to have waived his or her objections and be forever barred from making any

such objections in the Action or any other action or proceeding.

Claims Deadline

16. All Claim Forms must be postmarked or submitted on the Settlement Website by April 11, 2023 (the “Claims Deadline”) to be considered timely.

Final Approval Hearing

17. On _____ at _____ [any date convenient to the Court *after* Plaintiff files his motion for final approval on April 25, 2023] or at such other date and time later set by Court order, this Court will hold a Final Approval Hearing on the fairness, adequacy, and reasonableness of the Settlement Agreement, and to determine whether: (1) final approval of the Settlement Agreement should be granted and (2) Class Counsel’s application for a Fee Award, and an incentive award to the Class Representative, should be granted.

18. Class Counsel shall file papers in support of their Fee Award and the Class Representative’s incentive award (collectively, the “Fee Petition”) with the Court on or before March 28, 2023 (i.e., 14 days prior to the Objection/Exclusion Deadline). Defendant may, but is not required to, file a response to Class Counsel’s Fee Petition with the Court on or before April 18, 2023. Class Counsel may file a reply in support of their Fee Petition with the Court on or before April 24, 2023.

19. Plaintiff shall file his papers in support of final approval of the Settlement Agreement, and in response to any objections, with the Court on or before April 25, 2023 (i.e., 14 days after the Objection/Exclusion Deadline).

IT IS SO ORDERED.

Allen Price Walker
Associate Judge

ENTERED: _____



JUDGE

Nov 07, 2022

Circuit Court - 2071

JUDGE’S NO.