

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

*Kusinski, et al. v. ADP, LLC*, Case No. 2017-CH-12364 (Circuit Court of Cook County, Illinois)

For more information, visit [www.ADPBIPASettlement.com](http://www.ADPBIPASettlement.com).

Para información en Español, visitar [www.ADPBIPASettlement.com](http://www.ADPBIPASettlement.com).

**PLEASE READ THIS NOTICE CAREFULLY. YOU MAY BE ENTITLED TO A CASH PAYMENT FROM A CLASS ACTION SETTLEMENT IF YOU SCANNED YOUR FINGER OR HAND ON AN ADP-BRANDED FINGER-SCAN OR HAND-SCAN TIMECLOCK IN THE STATE OF ILLINOIS BETWEEN JUNE 5, 2013 AND NOVEMBER 6, 2020.**

*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 A Settlement has been reached in a class action lawsuit between ADP, LLC (“Defendant” or “ADP”) and certain individuals who scanned their finger or hand on ADP-branded finger-scan or hand-scan timeclocks. The lawsuit alleges that ADP violated an Illinois law called the Illinois Biometric Information Privacy Act (“BIPA”) when it allegedly collected individuals’ biometric data when they used ADP finger-scan and hand-scan timeclocks without complying with the law’s requirements. The case is *Kusinski, et al. v. ADP, LLC*, Case No. 2017-CH-12364, currently pending in the Circuit Court of Cook County, Illinois, Chancery Division. The proposed Settlement is not an admission of wrongdoing by ADP, and ADP denies that it collected biometric data, and denies that it violated the law. The Court has not decided who is right or wrong. 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.
- b You are included in the Settlement if you scanned your finger or hand on an ADP-branded finger-scan or hand-scan timeclock in the State of Illinois between June 5, 2013 and November 6, 2020.
- c If the Court approves the Settlement, members of the Class who submit valid claims will receive an equal, or *pro rata*, share of a \$25,000,000 Settlement Fund that ADP has agreed to establish. Each individual who submits a valid claim will receive a portion of this fund, after all notice and administration costs, the incentive awards, and attorneys’ fees—if approved by the Court—have been paid. Payments are estimated to be \$250, but could be more or less, depending on the number of valid Claim Forms submitted.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A CLAIM FORM</b>	This is the only way to receive a payment.
<b>DO NOTHING</b>	You will receive no payment under the Settlement and give up your rights to sue ADP about the issues in this case.
<b>EXCLUDE YOURSELF</b>	You will receive no payment, but you will retain any rights you currently have to sue ADP about the issues in this case.
<b>OBJECT</b>	Write to the Court explaining why you don’t like the Settlement.
<b>ATTEND A HEARING</b>	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**

**WHAT IS THIS LAWSUIT ABOUT?**

The Illinois Biometric Information Privacy Act (“BIPA”), 740 ILCS 14/1, *et seq.*, prohibits private companies from collecting, capturing, purchasing, receiving through trade or otherwise obtaining a person’s identifiers and/or information without first providing that person with written notice and obtaining a written release. This lawsuit alleges that ADP violated BIPA by allegedly collecting individuals’ biometric data when they used ADP finger-scan or hand-scan timeclocks in the State of Illinois, without first providing written notice or obtaining a written release. ADP contests these claims and denies that it violated BIPA.

More information about the complaint in the lawsuit and the Defendant’s position can be found in the “Court Documents” section of the settlement website at [www.ADPBIPASettlement.com](http://www.ADPBIPASettlement.com).

**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.” 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 litigation, the Parties have reached a Settlement, which resolves all claims in the case against Defendant and its affiliated entities and individuals. The Settlement requires Defendant to pay money to the Settlement Class, as well as pay settlement administration expenses, attorneys’ fees and costs to Class Counsel, and incentive awards

to the Class Representatives, if approved by the Court. The Settlement is not an admission of wrongdoing by Defendant and does not imply that there has been, or would be, any finding that Defendant 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 or hand on an ADP-branded finger-scan or hand-scan timeclock in Illinois between June 5, 2013 and November 6, 2020. If you scanned your finger or hand on an ADP-branded finger-scan 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 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**

#### **WHAT DOES THE SETTLEMENT PROVIDE?**

**Cash Payments.** If you're eligible, you can file a claim to receive a cash payment. The amount of such payment is estimated to be approximately \$250, 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 a \$25,000,000 fund that ADP has agreed to create, after the payment of settlement expenses, attorneys' fees, and any incentive awards for the named plaintiffs in the litigation approved by the Court. The Settlement Administrator will issue a check to each Class Member who submits a valid Claim Form following the Final Approval of the Settlement. All checks issued to Settlement Class Members will expire and become void 90 days after they are issued.

**Prospective Relief.** Pursuant to this Settlement, ADP agrees to implement certain policies and procedures to comply with BIPA. For full information on the prospective relief provided by this Settlement, please go to [www.ADPBIPASettlement.com](http://www.ADPBIPASettlement.com).

### **HOW TO GET BENEFITS**

#### **HOW DO I GET A PAYMENT?**

If you are a Settlement Class Member and you want to get settlement benefits, you must complete and submit a valid Claim Form by February 8, 2021. An online Claim Form is available on this website [www.ADPBIPASettlement.com](http://www.ADPBIPASettlement.com) and can be filled out and submitted online. You can also get a paper Claim Form by calling 1-866-757-7940. We encourage you to submit a claim online. It's faster, and it's free.

The Claim Form requires you to provide the following information: (i) your full name, (ii) your current U.S. Mail address, (iii) your current contact telephone number and email address, (iv) a statement that you scanned your finger or hand on an ADP-branded finger-scan or hand-scan timeclock at your place of employment in the State of Illinois between June 5, 2013 and November 6, 2020, and (v) the name of the employer where you scanned your finger or hand on the finger- or hand-scan ADP-branded timeclock and approximate time period you worked there.

#### **WHAT RIGHTS AM I GIVING UP IN THIS SETTLEMENT?**

If you are a member of the Settlement Class, unless you exclude yourself from this Settlement, you will give up your right to file or continue a lawsuit against ADP or certain related entities and individuals (but not your employer that used the ADP-branded timeclock) relating to ADP's alleged collection and possession of the biometric data of individuals who have scanned their finger or hand on ADP-branded finger-scan or hand-scan timeclocks. 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 settlement 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 attorneys who have been appointed by the Court to represent the Settlement Class, or you are welcome to talk to any other lawyer of your choosing at your own expense. For information on the attorneys, please visit the Settlement Website.

#### **WHEN WILL I BE PAID?**

The hearing to consider the fairness of the Settlement is scheduled for February 10, 2021. If the Court approves the Settlement, Settlement Class Members whose claims were 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 Jay Edelson and J. Eli Wade-Scott of Edelson PC, James B. Zouras and Ryan Stephan of Stephan Zouras, LLP, and Myles McGuire and Evan Meyers of McGuire Law, P.C. to represent you and other Class Members.

### 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 and expenses of up to 35% of the Settlement Fund, and will also request incentive awards of \$7,500 for each 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 Representatives. The Court may award less than the amounts requested.

## YOUR RIGHTS AND OPTIONS

### WHAT ARE MY OPTIONS?

#### (1) Submit a claim form.

To receive a payment, you must submit a Claim Form by February 8, 2021. You may obtain a copy of the Claim Form at [www.ADPBIPASettlement.com](http://www.ADPBIPASettlement.com), and you may submit your Claim Form online at the same website, or by U.S. Mail to the Settlement Administrator at:

*Kusinski, et al. v. ADP, LLC* Settlement Administrator  
P.O. Box 43294  
Providence, RI 02940-3294  
[Info@ADPBIPASettlement.com](mailto:Info@ADPBIPASettlement.com)

If the Settlement is approved and your claim 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 it 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 *Kusinski v. ADP LLC*, 2017-CH-12364 (Cir. Ct. Cook Cty.); (c) state the full name and current address of the person in the Settlement Class seeking exclusion; (d) include the name of the employer where you scanned your finger or hand on the ADP-branded timeclock; (e) be signed by the person(s) seeking exclusion; and (f) be postmarked or received by the Settlement Administrator on or before the Objection/Exclusion Deadline. 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 *Kusinski v. ADP, LLC*, 2017-CH-12364 (Cir. Ct. Cook Cty.)." You must mail or email your exclusion request no later than January 18, 2021. Exclusions can be e-mailed to [info@ADPBIPASettlement.com](mailto:info@ADPBIPASettlement.com), or mailed to:

*Kusinski, et al. v. ADP, LLC* Settlement Administrator  
P.O. Box 43294  
Providence, RI 02940-3294  
[Info@ADPBIPASettlement.com](mailto:Info@ADPBIPASettlement.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, Richard J. Daley Center, 50 West Washington Street, Room 802, Chicago, Illinois 60602. The objection must be received by the Court no later than January 18, 2021. You must also send a copy of your objection by email to the attorneys for all Parties to the lawsuit, including Class Counsel (Jay Edelson of EDELSON PC, [jedelson@edelson.com](mailto:jedelson@edelson.com); James B. Zouras of STEPHAN ZOURAS, LLP, [jzouras@stephanzouras.com](mailto:jzouras@stephanzouras.com); and Myles McGuire of MCGUIRE LAW, P.C., [mmcguire@mcgpc.com](mailto:mmcguire@mcgpc.com)), as well as Defendant's counsel (David Layden of JENNER & BLOCK, LLP, [dlayden@jenner.com](mailto:dlayden@jenner.com)) no later than January 18, 2021. Any objection to the proposed Settlement must include (a) your full name and current address, (b) a statement why you believe you are a member of the Settlement Class, including the name of the employer where you believe you scanned your finger or hand on an ADP branded finger- or hand-scan timeclock, (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 with the preparation or submission of the objection, and (f) a statement indicating whether you intend to appear at the Final Approval Hearing. 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 January 18, 2021. 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 and post on the settlement website its request for attorneys' fees and incentive awards on January 4, 2021.

You may appear at the Final Approval Hearing, which will be held on February 10, 2021 at 10:30 AM, in person or through counsel to show cause why the proposed Settlement should not be approved as fair, reasonable, and adequate. The hearing may be held remotely via videoconference. Please visit the Settlement Website for updates. 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 incentive awards to the Class Representatives 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.

**(4) Do Nothing.**

If you do nothing, you will receive no settlement payment and you will be bound by all orders and judgments of the Court.

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.ADPBIPASettlement.com](http://www.ADPBIPASettlement.com), or call 1-866-757-7940.

**THE COURT'S FINAL APPROVAL HEARING**

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

The Court will hold a final approval hearing on February 10, 2021 at 10:30 a.m. before the Honorable David B. Atkins in Room 2102 at the Richard J. Daley Center, 50 West Washington Street, Chicago, Illinois 60602. The hearing may be held remotely via videoconference. Please visit the Settlement Website for updates. 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 incentive award to the Class Representatives.**

**Note:** The date and time of the Final Approval Hearing are subject to change by Court Order, and the hearing may be conducted remotely. Any changes will be posted at the settlement website, [www.ADPBIPASettlement.com](http://www.ADPBIPASettlement.com).

**DO I HAVE TO COME TO THE HEARING?**

No. Class Counsel will answer any questions the Court may have. You are, however, 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.

**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.

Jay Edelson J. Eli Wade-Scott EDELSON PC 350 North LaSalle St., 14th Fl. Chicago, Illinois 60654 <a href="mailto:ewadescott@edelson.com">ewadescott@edelson.com</a>	James B. Zouras Ryan Stephan STEPHAN ZOURAS, LLP 100 N. Riverside Plaza, Suite 2150 Chicago, Illinois 60606 <a href="mailto:jzouras@stephanzouras.com">jzouras@stephanzouras.com</a>	Myles McGuire Evan Meyers MCGUIRE LAW, P.C. 55 W. Wacker Dr., 9th Fl. Chicago, Illinois 60601 <a href="mailto:emeyers@mcgpc.com">emeyers@mcgpc.com</a>
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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 available in the Settlement Agreement which, along with other documents, can be obtained at [www.ADPBIPASettlement.com](http://www.ADPBIPASettlement.com). If you have any questions, you can also call the Settlement Administrator at 1-866-757-7940 or Class Counsel at the number or email addresses set forth above. In addition to the documents available on the case 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.**