

NOTICE OF CLASS ACTION SETTLEMENT

You may benefit from this. Please read it carefully. You are not being sued.
You must submit a Claim Form (attached) to receive a settlement check.

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT DUPAGE COUNTY, ILLINOIS, CHANCERY DIVISION

WEST BEND MUTUAL INSURANCE COMPANY,

Plaintiff,

v.

THE STANDARD MARKET, LLC and

LEEN ABUSALEM,

Defendants.

2020MR000276

NOTICE OF CLASS ACTION SETTLEMENT

TO: All 2,082 members of the judgment creditor class in the action Leen Abusalem, individually and as the representative of a class of similarly situated persons v. The Standard Market, LLC, Case No. 2019 L 000517 (the “BIPA Class Action”), meaning the 2,082 individuals working for The Standard Market LLC (“Standard Market”) in the State of Illinois who had their fingerprints or finger scans collected, captured, received, obtained, maintained, stored, transmitted, or disclosed between May 9, 2014 and February 22, 2020 by Standard Market.

- A. WHY HAVE YOU RECEIVED THIS NOTICE?** You were sent a notice in 2021 describing a lawsuit captioned *Leen Abusalem v. The Standard Market, LLC*, Case No. 2019 L 000517 (the “BIPA Action”) that was brought in this Court. The notice informed you that Leen Abusalem (“Abusalem”) was appointed Class Representative and Abusalem’s attorneys were appointed Class Counsel. The Class Representative and Class Counsel won a judgment pursuant to a settlement in the BIPA Action in 2021 and have sought to collect that judgment from Standard Market’s insurer, West Bend Mutual Insurance Company (“West Bend”), in this case. The Court has ordered the Settlement Administrator to send this notice to you because the parties have reached a settlement and, according to records produced in the BIPA Action, you appear to be a member of the Settlement Class defined above.
- B. WHAT IS THIS LAWSUIT ABOUT?** In the BIPA Action, Abusalem filed a class action lawsuit alleging that The Standard Market, LLC (“Standard Market”) violated the Illinois Biometric Information Privacy Act, 740 ILCS 14/15 *et seq.*, (“BIPA”), by disclosing biometric identifiers or information to third parties. In 2021, the court in the BIPA Action entered judgment in favor of Abusalem and the class and against Standard Market in the amount of \$2,086,000, representing \$1,000 for each of 2,086 employees (the “BIPA Judgment”). As part of the BIPA Judgment, Standard Market paid \$200,000 toward the BIPA Judgment. Abusalem determined that Standard Market could not pay all of the BIPA Judgment except through the proceeds of its insurance from West Bend. Abusalem agreed to take an assignment of Standard Market’s rights against West Bend in exchange for an agreement not to collect the balance of the BIPA Judgment from Standard Market’s non-insurance assets. At the time of the BIPA Judgment, West Bend had already filed this lawsuit seeking a declaration that the general liability and umbrella insurance policies it issued to Standard Market did not cover the claims in the BIPA Action. Now, to avoid the expense and risk of continuing litigation and collection efforts, Abusalem and West Bend (the “Parties”) have agreed to settle the case. The Parties have proposed a settlement that, if finally approved by the Court, will resolve the Settlement Class’s claims about the BIPA Judgment and West Bend’s obligations to pay it.

C. **WHAT IS THE PROPOSED SETTLEMENT?** West Bend has agreed to make available \$1,250,000 (the “Settlement Fund”) to pay the Settlement Class members, to pay a service award to Abusalem for serving as the “Class Representative,” to pay the cost of notifying the Settlement Class and administering the settlement, and to pay attorney’s fees and expenses to Abusalem’s attorneys as Class Counsel. Each member of the Settlement Class that does not opt out and timely submits an approved Claim Form will be mailed a check for \$750, subject to pro rata reduction if total claims would otherwise exhaust the Settlement Fund. The Court has preliminarily approved this settlement, subject to a fairness hearing as discussed below.

D. **WHAT CAN YOU DO NOW? YOU HAVE FOUR OPTIONS.**

1. **Submit a Claim Form.** To claim your share of the Settlement Fund, you must complete and return to the Settlement Administrator a signed Claim Form or submit a claim online, no later than **October 18, 2023**. The Claim Form is attached as the last page of this Notice. You will find submission instructions at the bottom of the Claim Form. If your claim is approved, you will be mailed a check for your share of the settlement funds once this settlement becomes final and either the time for appeal is over or, in the event of an appeal, the appeal is finally resolved with the Court affirming the settlement and the time for further appeal has concluded. Please be patient.
2. **Do nothing.** If you do nothing, you will stay in the Settlement Class, be bound by any judgment entered by the Court, and you will release your claims against West Bend about insurance coverage for Standard Market’s collection of your biometric information or identifiers during the Class Period, but you will receive no payment unless you submit a Claim Form.
3. **Exclude yourself from the Settlement Class and the settlement.** You can exclude yourself from the class action and the settlement by sending your request to the Settlement Administrator at West Bend v The Standard Market, LLC, c/o Analytics Consulting LLC, P.O. Box 2002, Chanhassen, MN 55317-2002. Your request must be postmarked on or before **August 21, 2023**, and it must list your name, street address, and the case name and number above, and indicate that you request exclusion from the Settlement Class.
4. **Object to the settlement in writing.** If you object to the settlement and you want to file an objection rather than excluding yourself, you must submit/file your objection in writing with the Clerk of the Circuit Court of DuPage County, 505 County Farm Road, Wheaton, Illinois 60187. Your objection must be filed by **August 21, 2023**. You must also serve copies of your objection and any supporting memoranda or materials on the attorneys for the Settlement Class and the attorneys for Defendant listed below, postmarked by the same date:

For the Settlement Class:

David Fish
Fish Potter Bolaños, PC
200 East Fifth Avenue, Suite 115
Naperville, Illinois 60563

For West Bend:

Daniel J. Cunningham
TRESSLER LLP
233 S. Wacker Drive, 61st Floor
Chicago, Illinois 60606

Your objection must identify (1) your name, address, and telephone number, (2) the specific date(s) you were employed by Standard Market, (3) all attorneys who assisted you in the preparation and filing of your objection, (4) a list of all other class action cases in which you or your attorneys have submitted an objection to a settlement, and (5) a statement of the reasons why you believe the Court should find that the proposed settlement is not fair, reasonable, adequate, and in the best interests of the Settlement Class. You must sign under penalty of perjury: “I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).” If your objection does not comply with all these requirements, the Court will strike and disregard your objection. It is not enough to say that you object; you must state the reasons why you believe the Court should reject all or any part of the settlement. If you want the Court to consider your objection, you must also attend the fairness hearing on **October 2, 2023 at 9:00 a.m.**, in Courtroom 1004 of the Circuit Court of DuPage County, 505 County Farm Road, Wheaton, Illinois 60187.

- E. **WHO REPRESENTS THE CLASS?** The Court appointed Abusalem to be the “Class Representative” and appointed her attorneys, David J. Fish of Fish, Potter, Bolaños, P.C. and Phillip A. Bock and David M. Oppenheim of Bock Hatch & Oppenheim, LLC, as “Class Counsel” to represent the Settlement Class. At the fairness hearing, Class Counsel will request that the Court approve an incentive award of \$6,000 from the Settlement Fund for the Class Representative for her services on behalf of the Settlement Class. Class Counsel will also request that the Court award them 40% of the Settlement Fund (\$500,000) as attorney’s fees, plus expenses, to be paid from the Settlement Fund. You may enter your appearance in this case through an attorney of your choice, at your own expense, but you are not required to do so.
- F. **WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?** The Court will hold a hearing to decide whether the proposed settlement is fair, reasonable, and adequate, and should be approved. At that fairness hearing, the Court will hear any objections and arguments about the proposed settlement, including about the attorney’s fees and expenses requested by Class Counsel and the incentive award requested for the Class Representative. The fairness hearing will take place on **October 2, 2023 at 9:00 a.m.**, in Courtroom 1004 of the Circuit Court of DuPage County, 505 County Farm Road, Wheaton, Illinois 60187. **You are not required to attend this hearing unless you object.** Due to the ongoing Covid-19 pandemic, the fairness hearing may occur by videoconference, in whole or in part. If the Court does not approve the settlement, the litigation will proceed as if no settlement has been attempted. If the settlement is not approved, there is no assurance that the Settlement Class will recover more than is provided in the settlement, or anything at all. The Court may change the date or time of the final approval hearing without further notice to the Settlement Class.
- G. **HOW CAN YOU OBTAIN MORE INFORMATION?** This description of the litigation is general and does not cover all the issues and proceedings. If you have specific questions, you may write to Class Counsel at the address above in paragraph number D(4). Include the case number, your name, and your telephone number. Or, you may call Class Counsel, Phillip Bock, at 312-658-5501, or David Fish, at 630-355-7590. You may contact the Settlement Administrator, Analytics Consulting LLC, by calling 888-686-8920. To obtain a copy of the settlement agreement, you may visit the settlement website, www.StandardMarketBIPASettlement.com. To review the Class Action Complaint and other documents in this case, you may visit the office of the Clerk of the Circuit Court of DuPage County, 505 County Farm Road, Wheaton, Illinois 60187, where files relating to this lawsuit will be available for inspection and copying at your own expense.

Please do not contact West Bend or its attorneys, the Clerk of the Court, the Judge, or the Judge’s staff, because they cannot answer your questions or give you advice about this settlement.

**BY ORDER OF THE COURT
JUDGE JOSEPH T. BUGOS**