

UNITED STATES OF AMERICA

STATE OF ILLINOIS

COUNTY OF DU PAGE

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

WEST BEND MUTUAL INSURANCE COMPANY
Plaintiff

-VS-

STANDARD MARKET LLC THE ET AL.
Defendant

2020MR000276
CASE NUMBER

FILED

23 May 31 AM 11: 20



CLERK OF THE
18TH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS

ORDER

PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT AND DIRECTING NOTICE TO SETTLEMENT CLASS

This matter coming before the Court on Defendant Leen Abusalem’s Agreed Motion for Preliminary Approval of Class Action Settlement and Notice to the Settlement Class (the “Motion”), after reviewing and considering the Settlement Agreement, and after a hearing statements of the parties’ attorneys on May 30, 2023, and having been fully advised in the premises, IT IS HEREBY ORDERED and adjudged as follows:

1. Pursuant to 735 ILCS 5/2-801 *et seq.*, the settlement of this action, as provided in the Settlement Agreement attached to the Motion, is preliminarily approved as a fair, reasonable, and adequate settlement in the best interests of the Settlement Class, considering the factual, legal, practical, and procedural issues presented in this action. The settlement appears to have resulted from informed, good faith, arm’s-length negotiations between the parties, and is not the product of collusion. The settlement is within the range of reasonableness. The settling parties have shown that the Court will likely be able to approve the Settlement Agreement under § 801 *et seq.* and certify the Settlement Class for purposes of entering final judgment. The Settlement Agreement is incorporated by reference into this Order (with capitalized terms as set forth in the Settlement Agreement) and is hereby preliminarily adopted as an Order of this Court.

2. Pursuant to 735 ILCS 5/2-802, by stipulation of the parties, and for the purposes of settlement, the Court hereby certifies the following “Settlement Class”:

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.

3. The Court finds that certification for purposes of settlement is appropriate because (a) the Settlement Class is so numerous that joinder of all members is impractical; (b) there are questions of law and fact common to the Settlement Class that predominate over any question affecting only individual class members; (c) Abusalem’s claims are typical of the claims of the Settlement Class; (d) Abusalem and its attorneys will fairly and adequately protect the interests of the Settlement Class; and (e) a class action is the superior means of resolving this controversy.

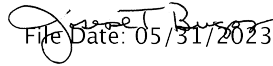
4. The Court appoints Leen Abusalem as the “Class Representative” and appoints David J. Fish of Fish, Potter, Bolanos, P.C. and Phillip A. Bock and David M. Oppenheim of Bock Hatch & Oppenheim, LLC as “Class Counsel.”

5. On the recommendation and agreement of the parties, the Court appoints Analytics LLC as the Settlement Administrator.
6. It appears that the Court will be able to conclude after notice to the Settlement Class, that: (a) the Class Representative and Class Counsel have adequately represented the Settlement Class; (b) the settlement was negotiated at arm's length; (c) the relief provided for the Settlement Class is fair and adequate, taking into account (i) the costs, risks, and delay of trial and appeal, (ii) the effectiveness of the proposed method of distributing relief to the Settlement Class, including the method of processing class-member claims (direct notice by U.S. Mail and a simple, one-page claim form with minimal and fair requirements), (iii) the terms of any proposed award of attorney's fees, including timing of payment, and (iv) the Settling Parties submitted copies of the signed Settlement Agreement; and (d) the Settlement treats class members equitably relative to each other.
7. Therefore, good cause exists to schedule and conduct a Final Approval Hearing to assist the Court in determining whether to grant Final Approval of the Settlement and enter the Final Approval Order, and whether to grant Class Counsel's requested fee and expense award and request for a service award to the Class Representative.
8. The proposed Class Notice attached as Exhibit 2 to the Settlement Agreement informs members of the Settlement Class of the Final Approval Hearing and informs them of their right to request exclusion from the settlement or to object to it. The Class Notice includes the Claim Form required to obtain monetary benefits in the settlement. The Court finds that the Class Notice and its attached Claim Form comply with 735 ILCS 5/2-803, are appropriate, and they are approved and adopted.
9. The Agreement provides and the parties propose that the Class Notice should be sent by U.S. Mail to the Class Notice List.
10. The Court finds that the Settlement Agreement's plan for notifying the Settlement Class by mail satisfies 735 ILCS 5/2-803 and the requirements of due process. Consequently, the notice plan is approved and adopted, no other notice is necessary, and the Settlement Administrator is Ordered to issue the Class Notice as proposed.
11. Any member of the Settlement Class may request exclusion from the Settlement Class by following the instructions and procedures set forth in the Settlement Agreement and the Class Notice before the expiration of the deadline set below to request exclusion. The Court will rule on all exclusion requests in the Final Approval Order.
12. Any member of the Settlement Class who does not request exclusion may object to the Settlement Agreement, Class Counsel's requested fee award, or the request for a service award to Class Representative Abusalem by following the instructions and procedures set forth in the Settlement Agreement and the Class Notice before the expiration of the deadline set below to object to the settlement.
13. The Court hereby sets the following deadlines and dates for the acts and events set forth in the Settlement Agreement and directs the Parties to incorporate the deadlines and dates in the Class Notice:
 - (a) The Settlement Administrator shall send the Class Notice by June 20, 2023;
 - (b) Requests for exclusion from the Settlement Class must be submitted on or before August 21, 2023, or be forever barred; and
 - (c) Objections and motions to intervene, including supporting briefs, shall be filed in this Court and postmarked and served on Class Counsel and West Bend's counsel, on or before August 21, 2023, or be forever barred;
 - (d) Briefing in support of final approval of the settlement, including attorney's fees and expenses to Class Counsel and the requested service award to Abusalem shall be filed by September 11, 2023;
 - (e) Declaration by the Settlement Administrator regarding class notice shall be filed by September 11, 2023; and

(f) The final approval hearing is hereby scheduled for October 2, 2023, at 9:00 a.m. in Room 1004.

14. The June 26, 2023 trial date is stricken.

Submitted by: MARA BALTABOLS
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Entered:  File Date: 05/31/2023

JUDGE JOSEPH T BUGOS
Validation ID : DP-05312023-1120-28727
Date: 05/31/2023