

NOTICE OF CLASS ACTION SETTLEMENT

Williams et al. v. Personalizationmall.com, LLC., Case No. 1:20-cv-00025 (N.D. Ill.)

1. Introduction

A federal court in Chicago preliminarily approved a class action settlement in the lawsuit *Williams et al. v. Personalizationmall.com, LLC*, Case No. 1:20-cv-00025 (N.D. Ill.) (the “Lawsuit”).

The Court has approved this Notice to inform you of your rights in the settlement. As described in more detail below, you may:

- (i) Request a settlement payment and give up certain legal claims you have;
- (ii) Exclude yourself from the settlement and not receive a settlement payment and not give up any legal claims;
- (iii) Object to the settlement; or
- (iv) Do nothing, not receive a settlement payment, and give up certain legal claims you have.

Before any money is paid, the Court will decide whether to grant final approval of the settlement.

2. What Is This Lawsuit About?

This Lawsuit is about whether Personalizationmall.com, LLC (“PMall”) violated the Illinois Biometric Information Privacy Act (“BIPA”). BIPA prohibits private companies from capturing, obtaining, storing, transferring, and/or using an individual’s biometric identifiers and/or biometric information, unless they first provide an individual with certain written disclosures and obtain written consent and make publicly available a written policy regarding their retention and destruction of such identifiers and information.

The Lawsuit alleges that PMall violated BIPA related to the plaintiffs’ use of a finger-scanning timekeeping device while they worked at PMall in 2017, 2018, and 2019. Specifically, the Lawsuit alleges that PMall did not obtain the required written consent and did not make publicly available or comply with the required written policy.

PMall denies the allegations in the Lawsuit and denies any violation of the law. Specifically, PMall denies that the finger-vein scanning system used by the plaintiffs collected a “fingerprint” and denies that it did not obtain the required written consent and did not make publicly available or comply with the required written policy.

Both sides agreed to the settlement to resolve the Lawsuit. The Court did not decide whether the plaintiffs are correct that PMall violated the law or whether PMall is correct that it did not.

You can learn more about the Lawsuit by contacting the settlement administrator, Analytics Consulting LLC at **1-855-702-3468**, or Settlement Class Counsel, via Thomas Ryan, at 312-726-3400. You may also review the Settlement Agreement and related case documents at the settlement website: www.pmallfingerveinsettlement.com.

3. Who Is Included in the Settlement?

The settlement includes all individuals who registered to use the finger vein-based timekeeping system deployed by PMall within the state of Illinois at any time during the system’s deployment (May 2016 through April 2020).

There are 20,393 entries in the PMall database reflecting registrations to use the finger-vein based timekeeping system.

4. What Does the Settlement Provide?

The class action settlement provides for a total payment of \$4,500,000 that PMall has agreed to pay to settle the claims of Settlement Class Members. Subject to Court approval, the Gross Fund shall be reduced by the following: (1) the Settlement Administrator’s costs of up to \$100,000; (2) an Incentive Award of \$7,500 for each of the three Settlement Class Representatives; and (3) Settlement Class Counsel’s costs (not to exceed \$7,300) and an award of up to one-third of the total settlement (minus the costs of notice and settlement administration, the Incentive Awards, and Settlement Class Counsel’s costs) for attorney fees (approximately \$1,456,733). Following these reductions, the remaining amount

shall constitute the Net Fund which shall be distributed equally to Settlement Class Members who timely return valid claim forms (“Settlement Class Participants”).

The amount of money each Settlement Class Participant will receive will depend on the number of valid claim forms received and on the total amount deducted from the Gross Fund to cover administration costs, incentive awards, and attorneys’ fees and costs. For example, if the administration costs, awards, and attorneys’ fees and costs listed above are deducted, and **10%** of the 20,393 registrations are Settlement Class Participants, each will receive approximately **\$1,428**. If **50%** of the registrations are Settlement Class Participants, each will receive approximately **\$285**. These are examples: your actual payment could be more or could be less, and it will not be determined until all claims are submitted and the Court grants final approval of the settlement.

Unless you exclude yourself from the settlement as explained below, you will give up all claims arising out of the allegations in the Consolidated Class Action Complaint in the Action, including claims that were litigated in the Action or that could have been brought in the Action, whether known or unknown, arising from or related to the same nucleus of facts, or that relate in any way to Plaintiffs’ and the Settlement Class Members’ Biometric Information or Biometric Identifiers (as those terms are defined in BIPA) or to data generated by measurements of their biological, physical, or behavioral patterns or characteristics, or to the possession, collection, capture, purchase, receipt, obtainment, sale, lease, trade, profit, disclosure, redisclosure, dissemination, use, storage, transmission, protection, or deletion of their Biometric Information, of their Biometric Identifiers, or of their biological, physical, or behavioral patterns or characteristics.

The release of claims covers PMall, Bed Bath and Beyond Inc. (a former owner of PMall), and 1-800 Flowers.com, Inc. (the current owner of PMall), and each of their respective past, present, and future owners, affiliates, parents, subsidiaries, divisions, officers, directors, shareholders, agents, employees, independent contractors, attorneys, insurers, reinsurers, benefit plans, predecessors, and successors.

5. What Are Your Options?

- (i) **Request a settlement payment.** *If you want to receive a settlement payment, you must complete and submit online, or postmark and mail for return, a claim form by June 13, 2022 at 11:59:59 p.m. CT.* You may return your claim form in the accompanying pre-paid envelope. Or you may also complete and submit a claim form online through the settlement website: www.pmallfingerveinscansettlement.com. If you are a Settlement Class Member and you timely return a completed and valid claim form, and if the Court grants final approval of the settlement, you will be mailed a check at the address on your claim form. If required by law, you may also be sent a 1099 tax reporting form.
- (ii) **Exclude yourself from the settlement and receive no money.** *If you do not want to be legally bound by the settlement, you must exclude yourself from the settlement by June 13, 2022 at 11:59:59 p.m. CT.* If you do this, you will NOT get a settlement payment. To do so, you must mail or email your written request for exclusion to the Settlement Administrator (contact information below). Your written request for exclusion must be signed personally by you; include your full name, current address, and current telephone number; and include a clear statement that you wish to be excluded from the Settlement Class.
- (iii) **Object to the Settlement.** *You may object to the settlement by June 13, 2022 at 11:59:59 p.m. CT.* If you want to object to the settlement, you must file such objection with the Court by **June 13, 2022 at 11:59:59 p.m. CT** and email a copy of the objection to Settlement Class Counsel addressed to Thomas Ryan at tom@tomryanlaw.com from the Law Offices of Thomas M. Ryan, P.C. and to PMall’s Counsel addressed to Justin Kay and Sophie Gotlieb from Faegre Drinker Biddle & Reath LLP at justin.kay@faegredrinker.com and sophie.gotlieb@faegredrinker.com. The objection must be signed personally by you; include (i) your full name, current address, and current telephone number; (ii) include a statement of the specific grounds for the objection; (iii) state whether you intend to appear at the Final Approval Hearing and disclose the identity of all counsel who represent you and/or will appear at the Final Approval Hearing; and (iv) enclose copies of any documents that you wish to submit in support of your position. If you exclude yourself from the settlement, you cannot file an objection.
- (iv) **Do Nothing.** You may choose to do nothing. If you do nothing, you will receive no money from the settlement, but you will still be bound by all orders and judgments of the Court. You will not be able to file or continue a lawsuit against the Released Parties regarding any legal claims arising out of allegations in the Consolidated Class Action Complaint.

6. How do I update my Contact Information?

You must notify the Settlement Administrator of any changes in your mailing address so that your settlement payment, should you request one, will be sent to the correct address. To update your address, visit the settlement website or contact the Settlement Administrator, listed below.

7. Who Are the Attorneys Representing the Class and How Will They Be Paid?

The Court has appointed Settlement Class Counsel, identified below, to represent Settlement Class Members in this settlement. Settlement Class Counsel will request one-third of the total settlement amount (after the notice and administration costs) as attorney fees plus reimbursement of their costs. You may review Settlement Class Counsel's request for attorney fees and costs at the settlement website, www.pmallfingerveinsettlement.com, after **May 14, 2022**. You will not have to pay Settlement Class Counsel from your settlement payment or otherwise. You also have the right to hire your own attorney at your own expense.

Settlement Class Counsel

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8. When is the Final Approval Hearing?

The Court will hold a hearing in this case on **July 20, 2022 at 12:00 p.m. CT**, to consider, among other things, (1) the Settlement Administrator's costs of up to \$100,000; (2) an Incentive Award of \$7,500 for each of the three Settlement Class Representatives; and (3) Settlement Class Counsel's costs (not to exceed \$7,300) and an award of up to one-third of the total settlement (minus the costs of notice and settlement administration, the Incentive Awards, and Settlement Class Counsel's costs) for attorney fees (approximately \$1,456,733) You may appear at the hearing, but you are not required to do so.

Before the final approval hearing, the Settlement Administrator will post on the Settlement website whether the final approval hearing will be held remotely or in person (or both) and will provide remote access and/or courtroom information.

If you have any questions or want more information, contact Settlement Class Counsel via the methods above, or contact the Settlement Administrator:

Settlement Administrator

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1-855-702-3468
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PLEASE DO NOT CONTACT THE COURT WITH QUESTIONS ABOUT THIS SETTLEMENT