

NOTICE OF CLASS ACTION SETTLEMENT

Bryant v. Compass Group USA, Inc., Case No. 1:19-cv-06622 (N.D. Ill.)

1. Introduction

A federal court in Chicago preliminarily approved a class action settlement in the lawsuit *Bryant v. Compass Group USA, Inc.*, Case No. 1:19-cv-06622 (N.D. Ill.) (the “Lawsuit”).

The Court has approved this Notice to inform individuals who are included in the settlement of their rights. As described in more detail below, individuals who are included in the settlement may:

- (1) request a settlement payment and give up certain legal claims they have;
- (2) exclude themselves from the settlement, not receive a settlement payment, and not give up any legal claims;
- (3) object to the settlement; or
- (4) do nothing, not receive a settlement payment, and give up certain legal claims they 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 Compass Group USA, Inc. (“Compass”) and 365 Retail Markets, LLC (“365 Retail”) violated the Illinois Biometric Information Privacy Act (“BIPA”). Among other things, BIPA prohibits private companies from capturing, collecting, or otherwise obtaining an individual’s biometric identifier or biometric information, including a fingerprint or identifying information based on a fingerprint, without first providing an individual with certain written disclosures and obtaining written consent. The Lawsuit alleges that Compass and 365 Retail violated BIPA by collecting fingerprint data from users of vending machine systems in Illinois without first providing written notice and obtaining written consent. The vending machine systems involved in the case are called Smart Market, Avenue C, Market Now, eMart, NEX Micro Markets, and Honest Eats Marketplace kiosks.

Compass and 365 Retail deny any violation of the law. The parties agreed to a settlement to resolve the Lawsuit. The Court did not decide whether Compass or 365 Retail violated the law.

You can learn more about the Lawsuit by contacting the settlement administrator, Analytics Consulting LLC, at **1-844-789-1470**, or Settlement Class Counsel, Werman Salas P.C., at (312) 419-1008. You may also review the Settlement Agreement and related case documents at the settlement website: www.FingerScanVendingSettlement.com.

3. Who is Included in the Settlement?

The settlement includes all individuals who scanned their finger(s) in one or more of Compass’s or 365 Retail’s vending systems in Illinois between August 23, 2014 and November 2, 2021 without first executing a written consent (“Settlement Class” or “Settlement Class Members”). Excluded from the Class are persons who timely elect to exclude themselves (as described below), the Court and staff to whom this case is assigned, and any member of the Court’s or its staff’s immediate family.

4. What does the Settlement Provide?

The class action settlement provides for a total payment of \$6,800,000 that Compass and 365 Retail have agreed to pay to settle the claims of Settlement Class Members. Subject to Court approval, the gross settlement fund shall be reduced by the following: (1) an award of up to one third of the total settlement for Settlement Class Counsel’s attorney fees (estimated to be \$2,266,666.67) and litigation costs of up to \$50,000; (2) a Service Award of \$10,000 to Class Representative Christine Bryant; and (3) the Settlement Administrator’s costs estimated to be less than \$120,000. Following these reductions, the remaining amount shall be the net settlement 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 Settlement Class Members who timely return valid claim forms. Settlement Class Counsel estimate that Settlement Class Participants will receive approximately **\$300 to \$600** each.

Unless Settlement Class Members exclude themselves from the settlement as explained below, they will give up all claims against the Released Parties arising out of or relating to the collection, storage, possession, disclosure or use of data derived from fingerprints or finger scanning at vending systems of Compass and/or 365 Retail in Illinois, between August 23, 2014 and November 2, 2021, including but not limited to claims under the Illinois Biometric Information Privacy Act including statutory and common law claims, as well as related claims for liquidated damages, penalties, attorney fees and costs, expenses, and interest.

The “Released Parties” include Compass and 365 Retail and their current and former owners, affiliates, parents, subsidiaries, divisions, officers, directors, shareholders, agents, employees, attorneys, insurers, benefit plans, predecessors, successors; and vendors New Age Pavilions, LLC, Avanti Markets, Inc. and BBV Slabb, LLC and their respective current and former owners, affiliates, parents, subsidiaries, divisions, officers, directors, shareholders, agents, employees, attorneys, insurers, benefit plans, predecessors, successors, and all Illinois customers of Compass or 365 Retail. The full release of claims is set forth in the Settlement Agreement.

5. What Are a Settlement Class Member’s Options?

- (1) **Request a settlement payment.** *If you are a Settlement Class Member and want to receive a settlement payment, you must complete and submit online, or postmark and mail for return, a claim form by July 29, 2022.* You may return your claim form in the accompanying pre-paid envelope (if you received this Notice by mail). Or you may complete and submit a claim form online through the settlement website: www.FingerScanVendingSettlement.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 receive a check or an electronic payment, depending on which method of payment you select on the claim form. If required by law, you may also be sent a 1099 tax reporting form.
- (2) **Exclude yourself from the settlement and receive no money.** If you are a Settlement Class Member and do not want to be legally bound by the settlement, you must exclude yourself from the settlement by **July 29, 2022**. 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 include your full name, address, telephone number, the last four digits of your Social Security Number, a statement that you wish to be excluded from the settlement, and it must be signed by you (an electronic signature qualifies). If you exclude yourself, you will not receive money from this settlement, but you will keep your legal rights regarding any claims that you may have against Compass, 365 Retail, and the other Released Parties.
- (3) **Object to the Settlement.** If you are a Settlement Class Member, you may object to the settlement by **July 29, 2022**. If you want to object to the settlement, you must mail or email a written objection to the Settlement Administrator (contact information below), which includes your full name, address, telephone number, the last four digits of your Social Security Number, the grounds for the objection, whether the objection applies to you only, a subset of the class, or the entire class, and copies of any other documents that you wish to submit in support your objection. Any objection must also be personally signed by you (an electronic signature qualifies). If you exclude yourself from the settlement, you cannot file an objection.
- (4) **Do Nothing.** You may choose to do nothing. If you are a Settlement Class Member and 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 released in this settlement.

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 award, should you be eligible to receive one, will be sent to the correct address. To update your address, contact the Settlement Administrator, listed below:

Finger Scan Vending Settlement
Analytics Consulting LLC
P.O. Box 2006
Chanhassen, MN 55317-2006
Toll-free: 1-844-789-1470
Email: info@FingerScanVendingSettlement.com

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.

Douglas M. Werman
Maureen A. Salas
Werman Salas P.C.
77 West Washington Street
Suite 1402
Chicago, IL 60602
(312) 419-1008
VendingSettlement@flsalaw.com

Settlement Class Counsel will request up to one-third of the total settlement amount 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.FingerScanVendingSettlement.com, after **May 30, 2022**. You will not have to pay Settlement Class Counsel from your settlement award or otherwise.

You also have the right to hire your own attorney at your own expense.

8. When is the Final Approval Hearing?

The Court will hold a hearing in this case on **September 8, 2022 at 10:00 a.m.**, to consider, among other things, (1) whether to finally approve the settlement; (2) a request by the lawyers representing Settlement Class Members for an award of no more than one-third of the settlement as attorney fees plus litigation costs; (3) a request for a Service Award for the Settlement Class Representative Christine Bryant; and (4) a request for the Settlement Administrator's costs.

You may appear at the final approval hearing, but you are not required to do so.

Seven days before the final approval hearing, the Settlement Administrator will post on the Settlement website whether the final approval hearing will be held by telephone or in person (and will provide phone number or courtroom information).

9. What If You Have Questions or Want More Information?

If you have any questions or for more information, contact the Settlement Administrator or Settlement Class Counsel at:

<u>Settlement Administrator</u>	<u>Settlement Class Counsel</u>
Finger Scan Vending Settlement Analytics Consulting LLC P.O. Box 2006 Chanhassen, MN 55317-2006 Toll-free: 1-844-789-1470 Email: info@FingerScanVendingSettlement.com	Douglas M. Werman Maureen A. Salas Werman Salas P.C. 77 West Washington Street, Ste. 1402 Chicago, IL 60602 (312) 419-1008 VendingSettlement@flsalaw.com

PLEASE DO NOT CONTACT THE COURT, COMPASS, OR 365 RETAIL ABOUT THIS SETTLEMENT.