

**IN THE 19TH JUDICIAL CIRCUIT COURT OF LAKE COUNTY, ILLINOIS
CHANCERY DIVISION**

**Erin Cartwright Weinstein
Clerk of the Court
Lake County, Illinois**

DALE PAULSON, individually and on)
behalf of all others similarly situated)
)
Plaintiff,)
v.)
NEW CROWN HOLDINGS, LLC,)
)
Defendant.)

Case No. 2021 CH 00000324

PROPOSED FINAL APPROVAL ORDER

This matter having come before the Court on Plaintiff’s Motion and Memorandum for Final Approval of the Parties’ Class Action Settlement (the “Motion”), the Court having reviewed in detail and considered the Motion and Memorandum in support of the Motion, the Class Action Settlement Agreement (“Settlement Agreement”) between Plaintiff Dale Paulson and Defendant New Crown Holdings, LLC (together, the “Parties”), the Motion and Memorandum for Attorney Fees, Costs, Incentive Award and Settlement Administrator Costs, and all other papers that have been filed with the Court related to the Settlement Agreement, including all exhibits and attachments to the Motion and the Settlement Agreement, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Capitalized terms used in this Order that are not otherwise defined herein have the same meaning assigned to them as in the Parties’ Settlement Agreement.
2. The Court has jurisdiction over the subject matter of this action, Plaintiff, the Settlement Class Members, and Defendant.
3. The Court finds that there is a bona fide legal dispute between the Parties as to whether Defendant violated the Illinois Biometric Information Privacy Act (“BIPA”), 740 ILCS

14/1, *et seq.* by allegedly: (1) collecting Plaintiff's and other employees' fingerprints and biometric identifiers and information ("biometric data") without following BIPA's informed written consent procedures; and (2) possessing Plaintiff's and other employees' biometric data without a publicly available data retention schedule and destruction policy.

4. The Court grants final approval of the Settlement memorialized in the Settlement Agreement filed with the Court.

5. The Court finds that the Settlement is fair, reasonable, and adequate. More specifically, the Court finds that: (a) the strength of Plaintiff's claims on the merits weighed against Defendant's defenses, and the complexity, length and expense of further litigation, support approval of the settlement; (b) the Gross Fund of \$453,600.00 as set forth in the Settlement Agreement is a fair, reasonable and adequate settlement of the claims; (c) the settlement was reached pursuant to arm's-length negotiations between the Parties; (d) the reaction of Settlement Class Members supports approval of the settlement, no Settlement Class Members objected to the settlement or requested to be excluded from the settlement; (e) the support for the settlement expressed by Settlement Class Counsel, who have significant experience representing parties in complex class actions (including, specifically, class actions brought under BIPA) weighs in favor of approval of the settlement; and (f) the litigation has progressed to a stage where the Court and the Parties could evaluate the merits of the case, potential damages, and the probable course of future litigation, and thus warrants approval of the settlement.

6. The Court approves the settlement as a final, fair, reasonable, adequate, and binding release of the claims of Plaintiff and the Settlement Class Members as provided in the Settlement Agreement.

7. The Court finds, for settlement purposes only, that the preliminarily certified Settlement Class satisfies the applicable standards for certification pursuant to Section 2-801 *et seq.* of the Illinois Code of Civil Procedure. The Settlement Class is finally certified for settlement purposes only as follows:

All individuals whose biometrics were collected, captured, received, retained, transmitted or otherwise used by Defendant within the state of Illinois during the time period of December 20, 2015 up to and including September 7, 2023.

8. The Notice of Class Action Settlement (“Notice”), sent and issued to the Settlement Class Members by the Settlement Administrator via First Class regular U.S. mail and the settlement website, adequately and consistently with due process informed the Settlement Class Members of the terms of the Settlement, their potential recovery if they decided to remain a Settlement Class Member, their right to request exclusion from the settlement and pursue their own remedies, and their opportunity to submit objections and appear and be heard at the Final Approval Hearing.

9. Analytics Consulting LLC (“Claims Administrator”) shall administer the settlement pursuant to the Settlement Agreement, with the assistance of Settlement Class Counsel and Defendant’s counsel. The Settlement Administrator shall make settlement payments to the Settlement Class Participants as provided in the Settlement Agreement.

10. The Parties are directed to perform the obligations set forth in the Settlement Agreement, and the Court expressly adopts and incorporates herein all the terms of the Settlement Agreement.

11. The Court awards Settlement Class Counsel reasonable attorney fees of \$151,184.88 and costs not to exceed \$5,250.00, which are payable as described in the Settlement Agreement.

12. The Court awards Class Representative Dale Paulson an Incentive Award of \$7,500.00, which is payable from the Gross Fund as described in the Settlement Agreement.

13. The Court awards the Settlement Administrator its costs (not to exceed \$7,000.00) as set forth in the Settlement Agreement, which are payable from the Gross Fund as described in the Settlement Agreement.

14. This matter is dismissed with prejudice, without any cost to any of the parties except as provided in the Settlement Agreement. Without affecting the finality of this Final Judgment for purposes of appeal, the Court retains jurisdiction as to all matters related to the administration, consummation, enforcement, and interpretation of the Settlement Agreement and this Final Judgment, and for any other necessary purpose.

DATE:

ENTERED:

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Judge Daniel Jasica

Prepared by:
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