

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Muniz v. Workwell Techs., Inc., Case No. 2019-CH-04061

(Circuit Court of Cook County, Illinois)

If you used a Workwell-uAttend and/or Citadel brand finger or facial scanner for employment timekeeping purposes in the State of Illinois between March 28, 2014 and April 8, 2019, you may be entitled to a payment from a class action settlement.

An Illinois State Court authorized this notice. You are not being sued.

This is not a solicitation from a lawyer.

- A settlement has been reached in a class action lawsuit about individuals that used Workwell brand, known as uAttend and/or Citadel, finger or facial scanners for employee timekeeping purposes (the “Settlement”). The lawsuit alleges that Workwell violated an Illinois law called the Biometric Information Privacy Act (“BIPA”) by collecting employees’ fingerprints or facial scans on time clocks in Illinois without complying with the law’s requirements. Workwell and certain employers covered in this Settlement (the “Participating Employers”) deny any wrongdoing and maintain that they have not violated any laws. You can find out if your employer is part of the settlement below. The Settlement does not establish who is correct, but rather is a compromise to end the lawsuit and avoid the uncertainties and expenses associated with ongoing litigation.
- If the Court approves the Settlement, there are two groups or “classes” of individuals that are included in the settlement. **First**, you are included in the Settlement if you used a Workwell finger or facial scanner for employment timekeeping purposes in the State of Illinois between March 28, 2014 and April 8, 2019 (the “Workwell Class”). **Second**, you are included in the Settlement if your current or former employer where you used the finger or facial scanner during that time joins the Settlement (the “Employer Class”).
- If the Court approves the Settlement, members of the Workwell Class who submit valid claims will receive an equal, or *pro rata*, share of a \$900,000 settlement fund that Workwell has agreed to establish. Each individual who submits a valid claim will receive a portion of this fund, after all notice and administration costs, the incentive award, and attorneys’ fees—if approved by the Court—have been paid. Payments are estimated to exceed \$50. Workwell has also agreed to comply with BIPA in the future.
- Furthermore, if the Court approves the Settlement, members of the Employer Class whose current or former employer is a Participating Employer will have a check automatically mailed to them at their last known address for approximately \$650. This includes the \$50 payment for being a member of the Workwell Class as well as administration costs, the incentive award, and attorneys’ fees. You can request to update your address on the [Contact page](#) of the Settlement Website. All Participating Employers have also agreed to comply with the BIPA in the future.

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YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM	<p>Workwell Class: If your employer is not part of the Settlement, this is the only way to receive a payment. You must submit a Claim Form either online or by mail before February 15, 2022.</p> <p>Employer Class: If your employer is a Participating Employer, there is no need to submit a Claim Form. You will receive payments for both the Employer Class and Workwell Class.</p>
DO NOTHING	<p>Workwell Class: You will receive no payment under the Settlement and give up your rights to sue Workwell about the issues in this case.</p> <p>Employer Class: You will receive a payment under the Settlement and give up your rights to sue Workwell and the Participating Employer about the issues in this case.</p>
EXCLUDE YOURSELF	You will receive no payment, but you will retain any rights you currently have to sue Workwell and/or the Participating Employer about the issues in this case.
OBJECT	Write to the Court explaining why you don't like the Settlement.
ATTEND A HEARING	Ask to speak in Court about the fairness of the Settlement.

These rights and options—**and the deadlines to exercise them**—are explained in this notice.

The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be provided only after any issues with the Settlement are resolved. Please be patient.

BASIC INFORMATION

1. What is this notice and why should I read it?

A Court authorized this notice to let you know about a proposed Settlement with Workwell and the Participating Employers. You have legal rights and options that you may act on before the Court decides whether to approve the proposed Settlement. You may be eligible to receive a cash payment as part of the Settlement. This notice explains the lawsuit, the Settlement, and your legal rights.

Judge David B. Atkins of the Circuit Court of Cook County, Illinois, is overseeing this class action. The case is called *Muniz v. Workwell Techs., Inc.*, Case No. 2019-CH-04061. The person who filed the lawsuit, Joey Muniz, is the Plaintiff. The company he sued, Workwell Technologies, Inc., is the Defendant. Workwell provided the Workwell-uAttend and/or Citadel brand finger and facial scanners

to certain employers, including Participating Employers, for employment timekeeping purposes, and those Participating Employers also allegedly violated BIPA if they did not comply with the law’s requirements.

2. What is a class action lawsuit?

A class action is a lawsuit in which one or more plaintiffs—in this case, Joey Muniz—sue on behalf of a group of people who have similar claims. Together, this group is called a “Class” and consists of “Class Members.” In a class action, the court resolves the issues for all class members, except those who exclude themselves from the class. After the Parties reached an agreement to settle this case, the Court granted preliminary approval of the Settlement and recognized it as a case that should be treated as a class action for settlement purposes.

THE CLAIMS IN THE LAWSUIT AND THE SETTLEMENT

3. What is this lawsuit about?

This lawsuit alleges that Workwell and several Illinois employers violated an Illinois law called the Biometric Information Privacy Act (“BIPA”). The case claims that by using Workwell-uAttend and/or Citadel brand finger and facial-scanning time clocks in Illinois without complying with several of the law’s requirements, including getting employees’ written consent to the collection and providing a publicly-available retention policy, Workwell and the employers broke the law.

Workwell and each Participating Employer deny Plaintiff’s claims of wrongdoing and contend that they violated no laws. No court has decided who is right. The parties are instead entering into the Settlement to avoid time-consuming and expensive litigation. The Settlement is not an admission of wrongdoing by Workwell or any Participating Employer. More information about the complaint in the lawsuit and the Defendant’s position can be found in the “[Documents](#)” section of the Settlement Website at www.WorkwellBIPASettlement.com.

4. Why is there a settlement?

The Court has not decided who should win this case. Instead, the parties have agreed to the Settlement. That way, they can avoid the uncertainty and expense of ongoing litigation, and Class Members will get compensation now rather than years from now—if ever. Plaintiff and his attorneys (“Class Counsel”) believe that the Settlement is in the best interests of the Class Members.

WHO’S INCLUDED IN THE SETTLEMENT?

5. Who is in the Settlement Class?

The Court decided that this Settlement includes two classes.

First, the “Workwell Class” includes all individuals that used a Workwell-uAttend and/or Citadel brand finger or facial scanner for employment timekeeping purposes in the State of Illinois between March 28, 2014 and April 8, 2019 (the “Workwell Class”).

Second, the “Employer Class” includes all individuals that used a Workwell-uAttend and/or Citadel brand finger or facial scanner for employment timekeeping purposes while working for a Participating Employer in the State of Illinois between March 28, 2014 and April 8, 2019. A list of Participating Employers is available on the settlement website www.WorkwellBIPASettlement.com.

If you received a notice of the Settlement via email or in the mail, our records indicate that you are included in the Settlement. You may call or email the Settlement Administrator at 1-888-665-1127 or info@workwellbipasettlement.com to ask whether you are a member of the Workwell Class or Employer Class.

6. How do I know if I am in the Settlement Class?

If you used a Workwell-uAttend and/or Citadel brand finger or facial scanner for employment timekeeping purposes in the State of Illinois between March 28, 2014 and April 8, 2019, you are a member of the Workwell Class and may be entitled to a cash payment.

If you used a Workwell-uAttend and/or Citadel brand finger or facial scanner for employment timekeeping purposes while working for a Participating Employer in the State of Illinois between March 28, 2014 and April 8, 2019 you are a member of the Employer Class and may be entitled to an additional cash payment. You can check the list of Participating Employers available on the Settlement Website to see if your current or former employer is part of the Settlement.

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

Cash Payments to Class Members:

If the Court approves the Settlement, persons who are members of the Workwell Class only and who submit valid claims will receive an equal, or *pro rata*, share of a \$900,000 settlement fund that Workwell has agreed to establish (the “Workwell Fund”). Each individual who submits a valid claim will receive a portion of the Workwell Fund after all notice and administration costs, the incentive award, and attorneys’ fees—if approved by the Court—have been paid. Individual payments are estimated to exceed \$50.

Also, each Participating Employer has agreed to pay a gross amount of \$1,000.00 for each Employer Class Member. This amount and the costs of administering the Settlement will be deducted from the Settlement Fund before it is automatically, equally distributed to Employer Class Members. No claims process is required for the Employer Fund. If granted, Class Counsel expect that the Employer Fund will result in payments to Employer Class Members of approximately \$650 each (this includes the payment for also being a member of the Workwell Class).

Agreement on Future Conduct: As part of the Settlement, Workwell and the Participating Employers have agreed that they will comply with BIPA by requiring that Workwell’s Illinois customers obtain written releases from the customers’ Illinois employees who use finger or facial-scanning time clocks, making BIPA-required disclosures, destroying biometric data that they no longer need, and establishing a retention policy.

HOW TO GET BENEFITS

8. How do I get a payment?

If you are a Workwell Class Member **only** and you want to get settlement benefits, you must complete and submit a valid Claim Form by February 15, 2022. If you received an email notice, it contained a link to the online Claim Form, which is also available on this website [here](#) and can be filled out and submitted online. A paper Claim Form with pre-paid postage was attached to the postcard notice you may have received in the mail. You can also get a paper Claim Form by calling 1-888-665-1127. We encourage you to submit a claim online. It's faster, and it's free.

The Claim Form requires you to provide the following information: (1) your full name, current address, telephone number, and email address, and (2) a confirmation that you used a Workwell finger or facial scanner for employment timekeeping purposes between March 28, 2014 and April 8, 2019.

If you are an Employer Class Member, the Settlement Administrator will send a check to your last known address. You can request to update your address through the Settlement Website [here](#). If you are an Employer Class Member, you do not need to submit a Claim Form to receive a check from **either** the Employer Fund or the Workwell Fund. If you are an Employer Class Member, you will automatically be considered to have submitted a claim for the Workwell Fund. If you are an Employer Class Member, you may need to complete an IRS Form W-9 to satisfy IRS tax reporting obligations related to your payment. You may complete the IRS Form W-9 [here](#); doing so now will ensure that you receive your full payment as soon as possible.

9. When will I get my payment?

The hearing to consider the fairness of the Settlement is scheduled for February 1, 2022, at 11:00 a.m. If the Court approves the Settlement, Workwell Class Members whose claims were approved by the Settlement Administrator will be sent a check, and Employer Class Members will be automatically sent a check (without completing a Claim Form). Please be patient. All checks will expire and become void 90 days after they are issued. Uncashed checks will be donated to the Cook County Bar Association and Cabrini Green Legal Aid, pending Court approval, or such other organization as the Court may order consistent with the Illinois statutory requirements for *cy pres* recipients.

THE LAWYERS REPRESENTING YOU

10. Do I have a lawyer in the case?

Yes, the Court has appointed Plaintiff's attorneys to represent you and other Class Members. These attorneys are called "Class Counsel." In addition, the Court appointed Plaintiff Joey Muniz to serve as the Class Representative. He is a Class Member like you.

11. Should I get my own lawyer?

You don't need to hire your own lawyer because Class Counsel is working on your behalf. You may hire your own lawyer, but if you want your own lawyer, you will have to pay that lawyer.

12. How will the lawyers be paid?

Class Counsel will ask the Court for attorneys' fees and expenses of up to 35% of the Workwell Fund and the Employer Fund, and will also request an incentive award of \$5,000.00 for the Class Representative from the Workwell Fund. The Court will determine the proper amount of any attorneys' fees and expenses to award Class Counsel and the proper amount of any award to the Class Representative. The Court may award less than the amounts requested.

YOUR RIGHTS AND OPTIONS

13. What happens if I do nothing at all?

If you are only a member of the Workwell Class and do nothing, you will receive no payment under the Settlement, you will be in the Workwell Class, and if the Court approves the Settlement, you will also be bound by all orders and judgments of the Court. Unless you exclude yourself, you won't be able to start a lawsuit or be part of any other lawsuit against Workwell or any of the other Released Workwell Parties for the claims or legal issues being resolved by this Settlement.

If you are a member of the Employer Class and do nothing, you will be in both the Workwell and Employer Class, and if the Court approves the Settlement, you will automatically receive a payment and you will also be bound by all orders and judgments of the Court. Unless you exclude yourself, you won't be able to start a lawsuit or be part of any other lawsuit against the Released Workwell Parties or the Released Participating Employer Parties for the claims or legal issues being resolved by this Settlement.

14. What happens if I ask to be excluded?

You can request to be excluded from the Workwell Class, the Employer Class, or both. If you exclude yourself, you will receive no payment for that class under the Settlement and you will no longer be a member of the Class you requested to be excluded from. You will keep your right to start your own lawsuit against Workwell and/or the Participating Employers for the same legal claims made in this lawsuit. You will not be legally bound by the Court's judgments related to the Class, Workwell and/or the Participating Employer in this class action.

15. How do I ask to be excluded?

To be valid, any request for exclusion must (a) be in writing; (b) identify the case name *Joey Muniz v. Workwell Technologies, Inc.*, Case No. 2019-CH-04061 (Cir. Ct. Cook Cty.); (c) identify the Class—either the Workwell Class, Employer Class, or both—from which the Person is seeking exclusion; (d) state the full name and current address of the Person in the Workwell or Employer Class seeking exclusion; (e) be physically signed by the Person seeking exclusion; and (f) be postmarked or received by the Settlement Administrator on or before January 11, 2022. Each request for exclusion must also contain a statement to the effect that “I hereby request to be excluded from the proposed [Workwell and/or Employer] Class in *Joey Muniz v. Workwell Technologies, Inc.*, Case No. 2019-CH-04061 (Cir. Ct. Cook Cty.).” You must mail your exclusion request so that it is postmarked or received no later than January 11, 2022 to:

Muniz v Workwell Technologies
c/o Settlement Administrator
PO Box 58244
Philadelphia, PA 19102-8244

You can't exclude yourself on the phone or by email.

16. If I don't exclude myself, can I sue the Defendant for the same thing later?

No. If you are a member of the Workwell Class, you give up any right to sue Workwell and any Released Workwell Parties for the claims being resolved by this Settlement unless you exclude yourself. If you are a member of the Employer Class, you give up any right to sue the Participating Employer, any Released Participating Employer Parties, and any Released Workwell Parties for the claims being resolved by this Settlement unless you exclude yourself.

17. If I exclude myself, can I get anything from this Settlement?

No. If you exclude yourself, you will not receive a payment.

18. How do I object to the Settlement?

If you do not exclude yourself from the Class, you can object to the Settlement if you don't like any part of it. You can give reasons why you think the Court should deny approval by filing an objection. To object, you must file a letter or brief with the Court stating that you object to the Settlement in *Joey Muniz v. Workwell Technologies, Inc.*, Case No. 2019-CH-04061, no later than January 11, 2022. Your objection must be filed with the Circuit Court of Cook County at the following address:

Clerk of the Circuit Court of Cook County - Chancery Division
Richard J. Daley Center, 8th Floor
50 West Washington Street
Chicago, Illinois 60602

The objection must be in writing, must be personally signed, and must include the following information: (1) your full name and current address, (2) a statement that you believe yourself to be a member of the Workwell or Employer Class, (3) the specific grounds for your objection, (4) all documents or writings that you desire the Court to consider, (5) the name and contact information of any and all attorneys representing, advising, or in any way assisting you in connection with the preparation or submission of your objection or who may profit from the pursuit of your objection, and (6) a statement indicating whether you (or your counsel) intend to appear at the Final Approval Hearing. If you are represented by a lawyer, he or she must file an appearance or seek *pro hac vice* admission to practice before the Court.

In addition to filing your objection with the Court, you must send via mail, hand, or overnight delivery service, so that it is received no later than January 11, 2022, copies of your objection and any supporting documents to both the Settlement Administrator and the Defendant's lawyers at the addresses listed below:

Settlement Administrator	Defense Counsel
<i>Muniz v. Workwell Technologies</i> Settlement Administrator PO Box 58244 Philadelphia, PA 19102-8244	Daniel T. Graham CLARK HILL PLC 130 E. Randolph St., Suite 3900 Chicago, Illinois 60601

Class Counsel will file with the Court and post on the Settlement Website its request for attorneys' fees and incentive award on December 28, 2021.

19. What's the difference between objecting and excluding myself from the Settlement?

Objecting simply means telling the Court that you don't like something about the Settlement. You can object only if you stay in the Workwell or Employer Classes. Excluding yourself from the Workwell or Employer Classes is telling the Court that you don't want to be part of that Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

20. When and where will the Court decide whether to approve the Settlement?

The Court will hold the Final Approval Hearing at 11:00 a.m. on February 1, 2022 before the Honorable David B. Atkins in Room 2102 of the Richard J. Daley Center, 50 West Washington Street, Chicago, Illinois 60602, or by remote means as instructed on Judge Atkins' [Judges Page](#) on the Court's website. The purpose of the hearing is for the Court to determine whether the Settlement is fair, reasonable, adequate, and in the best interests of the Class. At the hearing, the Court will hear any objections and arguments concerning the fairness of the proposed Settlement, including those related to the amount requested by Class Counsel for attorneys' fees and expenses and the incentive award to the Class Representative.

Note: The date and time of the Final Approval Hearing are subject to change by Court Order. Any changes will be posted at the Settlement Website, www.WorkwellBIPASettlement.com.

21. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. You are, however, welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as your written objection was filed or mailed on time and meets the other criteria described in the Settlement, the Court will consider it. You may also pay a lawyer to attend, but you don't have to.

22. May I speak at the hearing?

Yes. If you do not exclude yourself from the Class, you may ask the Court for permission to speak at the hearing concerning any part of the proposed Settlement. If you filed an objection (*see* Question 18 above) and intend to appear at the hearing, you must state your intention to do so in your objection.

GETTING MORE INFORMATION

23. Where do I get more information?

This notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.WorkwellBIPASettlement.com, contact the Settlement Administrator at 1-888-665-1127 or info@workwellbipasettlement.com, or visit the office of the Clerk of the Circuit Court of Cook County – Chancery Division, Richard J. Daley Center, 8th Floor, 50 West Washington Street, Chicago, Illinois 60602, between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Court holidays.

PLEASE DO NOT CONTACT THE COURT, THE JUDGE, THE DEFENDANT, OR YOUR EMPLOYER WITH QUESTIONS ABOUT THE SETTLEMENT OR CLAIMS PROCESS.