

NOTICE OF CLASS ACTION SETTLEMENT

Roach v. Walmart Inc., Case No. 2019-CH-01107

1. Introduction

The Circuit Court of Cook County preliminarily approved a class action settlement in the lawsuit *Roach v. Walmart Inc.*, Case No. 2019-CH-01107 (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:

- (1) request a settlement payment and give up certain legal claims you have;
- (2) exclude yourself from the settlement and not receive a settlement payment or 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 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 Walmart Inc. (“Walmart”) 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, including fingerprint or hand geometry scan data, without first providing an individual with certain written disclosures and obtaining written consent. The Lawsuit alleges that Walmart violated BIPA by collecting palm scan data from Walmart employees in Illinois through its cash recycler system without first providing written notice or obtaining written consent.

Walmart denies the allegations in the Lawsuit and denies any violation of the law.

Both sides agreed to the settlement to resolve the Lawsuit. The Court did not decide whether Walmart violated the law.

You can learn more about the Lawsuit by contacting the settlement administrator, Analytics Consulting LLC, at **877-821-0124**, 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.WalmartPalmScanSettlement.com.

3. Who Is Included in the Settlement?

The settlement includes all current and former associates who worked at a Walmart Store, Supercenter, Neighborhood Market, or Sam’s Club in Illinois and who without first providing written consent used a palm scanner to access the at-issue cash recycler system in Illinois during the time period between January 28, 2014 and February 28, 2018 for a Walmart location and between January 28, 2014 and April 24, 2019 for a Sam’s Club location (“Settlement Class” or “Settlement Class Members”).

There are an estimated 21,677 Settlement Class Members.

4. What does the Settlement Provide?

The class action settlement provides for a total payment of \$10,000,000 that Walmart has 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 and litigation costs; (2) an Incentive Award of \$10,000 to the Settlement Class Representative; and (3) the Settlement Administrator’s costs of up to \$100,000. Following these reductions, the remaining amount shall be the net settlement fund which shall be distributed pro rata 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. For example, if 50% of the estimated 21,677 Settlement Class

Members submit valid timely claim forms, the Parties estimate you would receive a payment in the approximate amount of **\$604**.

Unless you exclude yourself from the settlement as explained below, you will give up all claims arising out of the allegations in the Class Action Complaint in this lawsuit, or that could have been asserted but were not asserted in the Lawsuit arising out of the same nucleus of facts, whether known or unknown, including allegations that Walmart, the vendors of Walmart's cash recycler system (G4S Retail Solutions (USA), Inc., Revolution Retail Systems LLC), and their related entities, failed to adopt appropriate policies or improperly collected, stored, or used biometric identifiers and information that may have been obtained from Settlement Class Members through the palm scanner in Walmart's cash recycler system, including but not limited to claims arising under BIPA, and all other federal, state, and local law, including the common law as well as related claims for equitable or declaratory relief, liquidated damages, penalties, attorneys' fees and costs, expenses, and interest. The full Release of Claims is set forth in the Settlement Agreement.

5. What Are Your Options?

- (1) **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 **May 4, 2021**. 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.WalmartPalmScanSettlement.com. If 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 do not want to be legally bound by the settlement, you must exclude yourself from the settlement by **May 4, 2021**. 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 personally signed by you. 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 Walmart and the other Released Parties.
- (3) **Object to the Settlement.** You may object to the settlement by **May 4, 2021**. 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, and copies of any other documents that you wish to submit in support your objection. Any objection must also be personally signed by you. If you exclude yourself from the settlement, you cannot file an objection.
- (4) **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 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 award, should you request one, will be sent to the correct address. To update your address, contact the Settlement Administrator, listed below.

Walmart Palm Scan Settlement
Analytics Consulting LLC
P.O. Box 2006
Chanhassen, MN 55317-2006
Toll-free: 877-821-0124
Email: info@walmartpalmscansettlement.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. Settlement Class Counsel will request 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.WalmartPalmScanSettlement.com, after **April 5, 2021**. 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.

Douglas M. Werman
Zachary C. Flowerree
Michael M. Tresnowski
Werman Salas P.C.
77 West Washington Street
Suite 1402
Chicago, IL 60602
(312) 419-1008
WalmartPalmScanSettlement@flsalaw.com

8. When is the Final Approval Hearing?

The Court will hold a hearing in this case on **June 16, 2021**, in Courtroom 2305 of the Circuit Court of Cook County, Illinois, Richard J. Daley Center, 50 W. Washington Street, Chicago, Illinois 60602 at 2:00 p.m., to consider, among other things, (1) whether to finally approve the settlement; (2) a request by the lawyers representing all class members for an award of no more than one-third of the settlement as attorney fees plus litigation costs (\$3,333,333.33); and (3) a request for an Incentive Award of \$10,000.00 for Settlement Class Representative Ethan Roach; and (4) a request for up to \$100,000.00 to the Settlement Administrator. You may appear at the hearing, but you are not required to do so. On or before May 14, 2021, the Settlement Administrator shall update the Settlement website and state whether the Final Approval Hearing will be held remotely via Zoom and, if so, provide meeting 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>
Walmart Palm Scan Settlement Analytics Consulting LLC P.O. Box 2006 Chanhassen, MN 55317-2006 Toll-free: 877-821-0124 Email: info@walmartpalmscansettlement.com	Douglas M. Werman Zachary C. Flowerree Michael M. Tresnowski Werman Salas P.C. 77 West Washington Street, Ste. 1402 Chicago, IL 60602 (312) 419-1008

PLEASE DO NOT CONTACT THE COURT OR WALMART ABOUT THIS SETTLEMENT.