

2256
1640

**IN THE CIRCUIT COURT FOR THE 18TH JUDICIAL CIRCUIT,
DUPAGE COUNTY, ILLINOIS**

ALONSO GUTIERREZ, on behalf of
himself and all similarly situated
individuals,

Plaintiff(s),

vs.

NASA W/DOUGLAS & ASSOCIATES,
LTD. d/b/a MCFARLANE DOUGLASS
AND COMPANIES,

Defendant.

Case No.: 2023LA001304

Hon. Angelo J. Kappas

FILED
JUN 25, 2024 01:57 PM
Candice Adams
CLERK OF THE
18TH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS

PRELIMINARY APPROVAL ORDER

This matter having come before the Court on Plaintiff's Agreed Motion for Preliminary Approval of Class Action Settlement, Conditional Certification of the Settlement Class, Appointment of Plaintiff's Counsel as Class Counsel, and Approval of the Proposed Notice of Settlement and Class Action Settlement Procedure and Memorandum of Law in Support ("the Motion"), the Court having reviewed and considered the Motion, the Class Action Settlement Agreement ("Settlement" or "Settlement Agreement"), including all attachments to the Settlement Agreement, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Capitalized terms used and not otherwise defined in this Order are defined in the Settlement Agreement.
2. The Settlement is preliminarily approved as fair, reasonable, and adequate. The Settlement Agreement was negotiated at arm's-length between counsel who are experienced in class action litigation.

3. For settlement purposes only, the Court finds that the requirements for a class action under Section 2-801 of the Illinois Code of Civil Procedure are preliminarily satisfied, including numerosity, commonality and predominance, adequacy, and appropriateness of class treatment.

The “Class Period” is defined as:

December 4, 2018, through February 6, 2024.

The Settlement Class is defined as:

All individuals employed by Defendant who scanned a hand on a biometric device within the State of Illinois during the Class Period between December 4, 2018, through February 6, 2024, without first providing a written consent (“Class Members”).

4. For settlement purposes only, the Court appoints Alonso Gutierrez as Settlement Class Representative.

5. For settlement purposes only, the Court appoints the following attorney as Settlement Class Counsel:

Jordan Richards
USA Employment Lawyers – Jordan Richards PLLC
1800 SE 10th Ave. Suite 205
Fort Lauderdale, Florida 33316
jordan@jordanrichardspllc.com

6. The Court approves the Notice of Class Action Settlement (“Notice”) attached as Exhibits A to the Settlement Agreement and orders the distribution of the Notice to the Settlement Class Members as described in the Settlement Agreement. Issuance of the Notice via direct United States mail and e-mail (for those Settlement Class Members for whom Defendant provides a personal e-mail address) satisfies due process, the requirements of Section 2-803 of the Illinois Code of Civil Procedure and constitutes the best notice practicable under the circumstances.

7. The Court appoints Apex Class Action Administrator as the Settlement Administrator to perform all duties described in the Settlement Agreement or ordered by this Court.

8. Any Settlement Class Member may request to be excluded from the Settlement by submitting a written request for exclusion to the Settlement Administrator as described in the Settlement Agreement and Notice within 60 days from the date the Notice is mailed.

9. Any Settlement Class Member who excludes himself or herself from the Settlement will not be entitled to any recovery under the Settlement and will not be bound by the Settlement or have any right to object, appeal, or comment on it.

10. Any Settlement Class Member who does not request to be excluded from the Settlement may object to the Settlement by submitting a written statement to the Settlement Administrator as described in the Notice within 60 days from the date the Short Notice is mailed.

11. Within 30 days after the date of the initial distribution of the Notice to Settlement Class Members, Settlement Class Counsel shall file a motion for attorneys' fees, litigation costs, settlement administration costs, and the Settlement Class Representative's Service Award.

12. Within seven days before the Final Approval Hearing, Settlement Class Counsel shall file a Motion for Final Approval of the Settlement.

13. The Court schedules a Final Approval Hearing for October 16, 2024, at 10:00 a.m., to consider, among other things, (1) whether to approve the Settlement; (2) whether to approve Settlement Class Counsel's request for attorneys' fees and litigation costs; (3) whether to approve the Class Representative's request for a Service Award; (4) whether to approve the Settlement Administrator's costs; and (5) whether a final judgment as provided under the Settlement Agreement should be entered, including an order dismissing the

claims in the Action against Defendant. The Final Approval Hearing will take place via [In Person or Zoom].

14. The Final Approval Hearing may be postponed, adjourned, transferred, or continued by order of the Court without further notice to Settlement Class Members.

15. At or following the Final Approval Hearing, the Court may enter a final judgment approving the Settlement and entering a Final Approval Order in accordance with the Settlement Agreement that adjudicates the rights of all Settlement Class Members.

16. All proceedings in the Action remain stayed until further order of the Court except such actions as may be necessary to implement the Settlement Agreement and this Order.

Entered:



Hon. Angelo J. Kappas *June 25, 2024*