

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Calderon, et al. v. Max Private Label, Inc., Case No. 2024 CH 03477,
Circuit Court of Cook County

PLEASE READ THIS NOTICE CAREFULLY. YOU MAY BE ENTITLED TO A CASH PAYMENT FROM A CLASS ACTION SETTLEMENT IF YOU PROVIDED YOUR FINGER SCAN FOR EMPLOYEE TIMEKEEPING TO MAX PRIVATE LABEL, INC. AT ANY TIME BETWEEN APRIL 19, 2019, TO APRIL 19, 2024.

*This is a court-authorized notice of a proposed class action settlement. This is **not** a solicitation from a lawyer and is **not** notice of a lawsuit against you.*

WHY DID I GET THIS NOTICE?

This is a court-authorized notice of a proposed Settlement in a class action lawsuit, *Calderon, et al. v. Max Private Label, Inc.*, Case No. 2024 CH 03477, pending in the Circuit Court of Cook County. If you received this Notice, you have been identified as a member of the Settlement Class. The Court has preliminarily approved the Settlement and has conditionally certified the Settlement Class for purposes of Settlement only. This Notice explains the nature of the class action lawsuit, the terms of the Settlement, and the legal rights and obligations of the Settlement Class Members. Please read the instructions and explanation below so that you can better understand your legal rights.

WHAT IS THIS LAWSUIT ABOUT?

The Illinois Biometric Information Privacy Act (“BIPA”), 740 ILCS 14/1, *et seq.*, prohibits private entities from collecting, capturing, purchasing, receiving through trade, or otherwise obtaining, storing, selling, leasing, trading, or otherwise profiting from, disclosing, redisclosing, disseminating, or transmitting, and/or using biometric identifiers and/or biometric information, such as fingerprints, of an individual for any purpose, including timekeeping, without first providing such individual with certain written disclosures and obtaining their written consent. This lawsuit alleges that Defendant violated BIPA by requiring current and former workers to submit their fingerprint for timekeeping purposes between April 19, 2019, and April 19, 2024, without first providing the requisite disclosures or obtaining the requisite consent. Defendant Max Private Label, Inc. (“Defendant”) contests these claims, denies that it violated BIPA and denies any and all liability for the claims raised in the lawsuit. Additional information can be obtained about the lawsuit by visiting the settlement website at www.MPLbipasettlement.com

WHY IS THIS A CLASS ACTION?

A class action is a lawsuit in which an individual called a “Class Representative” brings a single lawsuit on behalf of other people who have similar claims. All of these people together are a “Class” or “Class Members.” A class action Settlement finally approved by the Court resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement Class.

WHY IS THERE A SETTLEMENT?

To resolve this matter without the further expense, delay, and uncertainties of litigation, the Parties have reached a Settlement, which resolves all claims against Defendant. The Settlement requires Defendant to pay money to the Settlement Class, as well as pay settlement administration expenses, attorneys’ fees and costs to Class Counsel, and Service Awards to the Class Representatives, if approved by the Court. The Settlement is not an admission of wrongdoing by Defendant and does not imply that there has been, or would be, any finding that the Defendant violated the law. Defendant denies that it violated BIPA and denies any and all liability for the allegations raised in the lawsuit.

WHO IS IN THE SETTLEMENT CLASS?

You are a member of the Settlement Class if, at any time between April 19, 2019, and April 19, 2024, you performed work for Defendant in Illinois and had your biometric identifiers or biometric information, such as your fingerprint, allegedly collected, captured, received, obtained, maintained, stored, transmitted, or otherwise

disclosed by Defendant or its agents without you first signing a consent regarding same. You will be considered a member of the Settlement Class unless you properly execute and file a timely request for exclusion from the Class as explained below.

WHAT DOES THE SETTLEMENT PROVIDE?

Cash Payments. Defendant has agreed to create a Settlement Fund for the Class Members in the gross amount of \$140,000.00. Settlement Class Members are entitled to receive a payment out of the Settlement Fund. If the Settlement is approved, each Settlement Class Member will be entitled to an equal payment out of the Settlement Fund, estimated to be approximately **\$2,446.00**, after payment of Court-approved attorneys' fees, costs, and Service Awards to the Class Representative. The Settlement Administrator will issue a check to each Class Member following final approval of the Settlement. All checks issued to Settlement Class Members will expire and become void 180 days after they are issued. The attorneys who brought this lawsuit (listed below) will ask the Court to award them attorneys' fees of up to 35% of the Settlement Fund, plus reasonable costs, for the time, expense and effort expended in investigating the facts, litigating the case, and negotiating the Settlement. The Class Representative also will apply to the Court for a payment of up to \$12,500.00 each for her time, effort, and service to the Class in this matter and the Settlement Administrator will be paid for its expenses in administering the settlement.

WHAT ARE MY OPTIONS?

(1) Accept the Settlement by doing nothing.

To accept the Settlement, you do not need to do anything. If you receive this Notice, you are currently considered a member of the Settlement Class and will continue to be unless you exclude yourself from the Settlement.

(2) Exclude yourself.

You may exclude yourself from the Settlement. If you do so, you will not receive any cash payment, but you will not release any claims you may have against Defendant and the other Releasees (as that term is defined in the Settlement Agreement) and are free to pursue whatever legal rights you may have by filing your own lawsuit against Defendant at your own risk and expense. To exclude yourself from the Settlement, you must send a written request for exclusion to the Settlement Administrator providing your name, address, and telephone number; the name and number of this case; a statement that you wish to be excluded from the Settlement Class; and your signature, postmarked by **March 17, 2026** to *Calderon v. Max Private Label*, c/o ILYM Group, Inc., P.O. Box 2031, Tustin, CA 92781. A request to be excluded that is sent to an address other than that designated in this Notice, or that is not postmarked within the time specified, shall be invalid and you shall be considered a member of the Settlement Class and shall be bound as a Settlement Class Member by the Settlement Agreement, if approved by the Court.

(3) Object to the Settlement.

If you wish to object to the Settlement, you must submit your objection in writing to Clerk of the Court of the Circuit Court of Cook County, Richard J. Daley Center, 50 W. Washington St., Chicago, IL 60602, specifying *Calderon, et al. v. Max Private Label, Inc.*, Case No. 2024 CH 03477 (Cook Cty. Cir. Ct). The objection must be received by the Court no later than **March 17, 2026**. You must also send a copy of your objection and any supporting documents to Class Counsel (address below) postmarked no later than **March 17, 2026**. Any objection to the proposed Settlement must include your: (i) full name, address, and telephone number; (ii) the case name and number of this lawsuit; (iii) the date range during which you were employed by Defendant; (iv) all grounds for the objection, with factual and legal support for the stated objection, including any supporting materials; (v) the identification of any other objections you have filed, or have had filed on your behalf, in any other class action cases in the last four years; and (vi) your signature. If you hire an attorney in connection with making an objection, that attorney must also file with the Court a notice of appearance by the objection deadline of **March 17, 2026**. If you do hire your own attorney, you will be solely responsible for payment of any fees and expenses the attorney incurs on your behalf. If you exclude yourself from the Settlement, you cannot file an objection.

You may appear at the Final Approval Hearing, which is to be held on April 9, 2026, in person or through counsel to show cause of why the proposed Settlement should not be approved as fair, reasonable, and adequate. **Attendance at the hearing is not necessary**; however, persons wishing to be heard orally in opposition to the approval of the Settlement, the request for attorneys' fees and expenses, and/or the request for a service award to the Class Representatives are required to indicate in their written objection their intention to appear at the hearing on their own behalf or through counsel and to identify the names of any witnesses they intend to call to testify at the Final Approval Hearing, as well as any exhibits they intend to introduce at the Final Approval Hearing.

WHAT RIGHTS AM I GIVING UP IN THIS SETTLEMENT?

Unless you exclude yourself from this Settlement, you will be considered a member of the Settlement Class, which means you give up any rights you may currently have to sue Defendant under BIPA. Giving up your legal claims is called a release. Unless you formally exclude yourself from this Settlement, you will release any claims you may have against Defendant. If you have any questions, you can talk for free to the attorneys identified below who have been appointed by the Court to represent the Settlement Class, or you are welcome to talk to any other lawyer of your choosing at your own expense.

WHEN WILL I BE PAID?

The Parties cannot predict exactly when (or whether) the Court will give final approval to the Settlement, so please be patient. However, if the Court finally approves the Settlement, you will be paid as soon as possible after the Court order becomes final, which should occur within approximately 60 days after the Settlement has been finally approved. If there is an appeal of the Settlement, payment may be delayed. Updated information about the case can be obtained through Class Counsel at the information provided below.

WHEN WILL THE COURT RULE ON THE SETTLEMENT?

A final hearing on the Settlement, called a Final Approval Hearing, will be held to determine the fairness of the Settlement. At the Final Approval Hearing, the Court will also consider whether to make final the certification of the Class for settlement purposes, hear any proper objections and arguments to the Settlement, as well as any requests for an award of attorneys' fees, costs, and expenses and Class Representative service awards that may be sought by Class Counsel. The Court will hold the Final Approval Hearing on April 9, 2026, at 9:30 a.m.

If the Court does not approve the Settlement, if it approves the Settlement and the approval is reversed on appeal, or if the Settlement does not become final for some other reason, you will not be paid at this time and Class Members will receive no benefits from the Settlement. Plaintiffs, Defendant, and all of the Class Members will be in the same position as they were prior to the execution of the Settlement, and the Settlement will have no legal effect, and the Plaintiffs and Defendant will continue to litigate the lawsuit. There can be no assurance that if the Settlement is not approved, the Settlement Class will recover more than is provided in the Settlement, or indeed, anything at all.

WHO REPRESENTS THE CLASS?

The Court has approved the following attorneys to represent the Settlement Class. They are called "Class Counsel." You will not be charged for these lawyers. If you want to be represented by your own lawyer instead, you may hire one at your own expense.

Jordan Richards
Jordan Richards, PLLC
1800 SE 10th Ave. Suite 205
Fort Lauderdale, FL 33316
(954) 871-0050
jordan@jordanrichardspllc.com

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 will be sent to the correct address.

To update your address, contact the Settlement Administrator at:

Calderon, et al. v. Max Private Label, Inc.

c/o ILYM Group, Inc.

P.O. Box 2031

Tustin, CA 92781

Telephone: (888) 250-6810

Fax: (888) 845-6185

Website: www.MPLBIPAClassSettlement.com

WHERE CAN I GET ADDITIONAL INFORMATION?

This Notice is only a summary of the proposed Settlement of this lawsuit. by contacting Class Counsel. If you have any questions, you can also contact Class Counsel at the number or email address set forth above. In addition, all pleadings and documents filed in court may be reviewed or copied in the Office of the Clerk. **Please do not call the Judge or the Clerk of the Court about this case.** They will not be able to give you advice on your options.