

NOTICE OF ADDITIONAL CLASS ACTION PAYMENT

Luis Sanchez v. Visual Pak Company
Case No. 2018-CH-02651
Circuit Court of Cook County, Illinois, Chancery Division

PLEASE READ THIS NOTICE CAREFULLY. ENCLOSED IS AN ADDITIONAL CASH PAYMENT FROM THE CLASS ACTION LAWSUIT SINCE YOU PROVIDED YOUR BIOMETRIC IDENTIFIERS OR BIOMETRIC INFORMATION (I.E., FINGER, HAND, OR PALM SCAN) FOR EMPLOYEE TIMEKEEPING PURPOSES TO VISUAL PAK COMPANY, ABF LABS, INC., ADVANCED PACKAGING, LLC, AMERICAN BLENDING & FILLING COMPANY, VPC, LLC, OR VP PLASTICS AND ENGINEERING, INC., WITHOUT FIRST PROVIDING YOUR WRITTEN CONSENT, AT ANY TIME BETWEEN FEBRUARY 27, 2013 TO APRIL 26, 2021.

*This is a court-authorized notice of an additional payment related to the 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 second payment in the class action lawsuit, *Sanchez v. Visual Pak Company, et al.*, Case No. 2018 CH 2651. In August of 2021, the Circuit Court of Cook County approved a Settlement between Plaintiff Sanchez and Defendant Visual Pak Company. (“Visual Pak Settlement”). Upon Final Approval of the Visual Pak Settlement Agreement, original settlement payments were made to the Settlement Class. Visual Pak also agreed, and the Court entered a Confession of Judgment and an Assignment of all of their rights under its insurance policies with The Charter Oak Fire Insurance Company and Travelers Property Casualty Company of America (“Travelers”) to Luis Sanchez (“Named Plaintiff”). This notice is about a second payment from Travelers related to insurance coverage of the judgment entered.

On February 4, 2021, Travelers filed a Complaint for Declaratory Judgment against the Named Plaintiff and the Named Plaintiff filed a Counterclaim against Travelers related to the insurance coverage provided by Travelers to Visual Pak. In March of 2024, Travelers and Named Plaintiff engaged in mediation and a settlement was reached. (“Travelers Settlement”). The Travelers Settlement would resolve Travelers’ insurance liability for the *Sanchez v. Visual Pak* lawsuit.

If you are receiving this Notice, you were previously certified as a member of the Settlement Class as part of the original Visual Pak Settlement. On May 29, 2024, the Court granted approval of the Travelers Settlement and has authorized an additional settlement payment to the Settlement Class. The Travelers Settlement represents further settlement proceeds which are being distributed to the certified Settlement Class. This Notice explains the nature of the class action lawsuit, the terms of the Travelers Settlement, and the legal rights and obligations of the Settlement Class Members. While this Notice and its contents have been authorized by the Court, the Court has taken no position on and has not made any rulings on the merits of Named Plaintiff’s claims, and no party has prevailed in this Lawsuit. Please read the instructions and explanations below so that you can better understand your legal rights.

WHAT IS THIS LAWSUIT ABOUT?

As previously communicated, Plaintiffs in the underlying lawsuit alleged that the Defendant Related Parties violated BIPA by requiring their current and/or former employees and temporary workers to submit their hand or finger scan and by storing, using and/or disclosing such Biometric Data in connection with their timekeeping purposes between February 27, 2013, and April 26, 2021, without first providing the requisite disclosures or obtaining the requisite consent.

WHY IS THERE A SETTLEMENT?

To resolve this matter without the expense, delay, and uncertainties of litigation, Named Plaintiff and Travelers have reached a Settlement, which resolves all insurance claims against Travelers only. The Travelers Settlement requires Travelers to pay money to the Settlement Class, as well as pay settlement administration expenses, attorneys’ fees and costs to Class Counsel, and an incentive award to the Class Representative, if approved by the Court. The Settlement is not an admission of wrongdoing or coverage by Travelers and does not imply that there has been, or would be, any finding that Travelers violated the law or owed any coverage for the *Sanchez v. Visual Pak* lawsuit. Additionally, neither Class Counsel nor Travelers makes any representations concerning the tax consequence of this Settlement and you are advised to seek your own personal

tax advice before acting in response to this Notice.

The Court has already certified the Settlement Class as part of the Visual Pak Settlement. Because the Travelers settlement affects the rights of members of the class, Plaintiffs' counsel requested Court approval. On May 29, 2024, the Court approved the Travelers Settlement and authorized the disbursement of additional settlement funds to the Settlement class.

WHO IS IN THE SETTLEMENT CLASS?

You are a member of the Settlement Class if, at any time between February 27, 2013 and April 26, 2021, you worked directly or through a staffed agency for the Visual Pak or its related entities in the State of Illinois and, for timekeeping purposes only, had your finger, hand, or palm scanned and/or fingerprints or handprints scanned and/or associated Biometric Data collected, captured, received, converted, stored, obtained, shared, taken, used, disclosed or disseminated by Visual Pak or its related entities without first providing your written consent prior to the initial scan, collection, capture or receipt of Biometric Data.

WHAT ARE MY OPTIONS?

Do Nothing to Accept the Settlement.

If you are receiving this Notice, you have already been certified as a member of the Settlement Class and the enclosed check represents additional settlement funds from the Travelers Settlement.

WHAT DOES THE SETTLEMENT PROVIDE?

Cash Payments. Travelers agreed to create a Settlement Fund in the amount of \$9,250,000.00. All Settlement Class Members are entitled to receive a payment out of the Settlement Fund. The Settlement Agreement provides that each Settlement Class Member who was directly employed by the Defendant Related Parties will be entitled to a gross payment of approximately \$1,303.10 out of the Settlement Fund and each Settlement Class Member who worked at the Defendant Related Parties through staffing agencies will be entitled to a gross payment of approximately \$651.54 out of the Settlement Fund. Both payments are subject to deductions for settlement administration costs, attorneys' fees, and a service award to the Class Representative. The Settlement Administrator has enclosed with this Notice a check to each Class Member. All checks issued to Settlement Class Members will expire and become void 120 days after they are issued. Additionally, the attorneys who brought this lawsuit (listed below) will ask the Court to award them attorneys' fees of up to 33.3% of the Settlement Fund, plus reasonable costs, for the substantial 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 \$7,500.00 (in total) for his time, effort, and service to the Class in this matter.

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.

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WHERE CAN I GET ADDITIONAL INFORMATION?

This Notice is only a summary of the Travelers Settlement. More details are in the Settlement Agreement which, along with other documents, can be obtained by visiting www.ilbiometricsettlement.com or by contacting Class Counsel. If you have any questions, you can also call Class Counsel at the numbers or email addresses 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.