

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

Vaughan et al. v. Biomat et al., No. 20-cv-04241 (N.D. Ill.)

**IF YOU DONATED PLASMA AT A CENTER OWNED BY DEFENDANTS IN ILLINOIS
BETWEEN JUNE 10, 2015 AND JULY 25, 2022, YOU MAY BE ABLE TO CLAIM A
PAYMENT FROM A CLASS ACTION SETTLEMENT.**

This is an official court notice. You are not being sued. This is not an ad for a lawyer.

- This notice is to inform you that a proposed settlement has been reached in a class action lawsuit against Biomat USA, Inc., Talecris Plasma Resources, Inc. and Interstate Blood Bank, Inc. (collectively, “Defendants”) and certain plasma donors who allegedly had their biometric identifiers and/or biometric information collected, possessed, received, captured, stored, or otherwise obtained in connection with donating plasma at one or more of Defendants’ plasma donation centers in Illinois (such as when using a finger-scanning device).
- The lawsuit claims that Defendants violated an Illinois law called the Illinois Biometric Information Privacy Act (“BIPA”) by collecting individuals’ biometric data when they used a finger-scanning device without complying with the law’s requirements. Defendants deny those allegations and deny the law’s applicability to them. The Court has not decided who is right or wrong. The Settlement has been preliminarily approved by a federal court in Chicago, Illinois.
- You are included in the Settlement if you scanned your finger on a finger scanning device in connection with donating plasma at either (1) one of Biomat USA or Talecris Plasma Resources’ plasma donation centers located in Illinois between June 10, 2015 and June 10, 2022, or (2) the Interstate Blood Bank plasma donation center located in Illinois between April 8, 2016 and July 25, 2022. If you received a notice of the Settlement in the mail or by text message, our records indicate that you are a Settlement Class Member and are included in the Settlement, and you may submit a claim form online or by mail to receive a cash payment.
- If the Court approves the Settlement, members of the Class who submit valid claims will receive an equal, or *pro rata*, share of a \$16,750,000 settlement fund that Defendants have agreed to establish, after all notice and administration costs, incentive awards, and attorneys’ fees have been paid. Individual payments to Settlement Class Members who submit a valid Claim Form are estimated to be paid as explained in paragraph 5 below.
- Please read this notice carefully. Your legal rights are affected whether you act, or don’t act.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM	This is the only way to receive a payment. You must submit a complete and valid claim form either online or by mail on or before August 4, 2023 .
DO NOTHING	You will receive no payment under the Settlement and give up your rights to sue Defendants and certain related companies and individuals about the issues in this case.
EXCLUDE YOURSELF	You will receive no payment, but you will retain any rights you currently have to sue Defendants about issues in this case.
OBJECT	Write to the court explaining why you don't like the Settlement.
ATTEND A HEARING	Ask to speak to the 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?

The Court authorized this notice to let you know about a proposed Settlement. 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 Marvin E. Aspen of the United States District Court for the Northern District of Illinois is overseeing this class action. The Case is called *Vaughan et al. v. Biomat et al.*, No. 20-cv-04241. The persons who filed the lawsuit, Brian R. Vaughan, Jason Darnell, Febbie Minniefield, and Adriel Vega, are the Plaintiffs.

2. What is a class action lawsuit?

A class action is a lawsuit in which individuals called “Class Representatives” bring a single lawsuit on behalf of other people who have similar legal claims. All of these people together are a “Class” or “Class Members.” Once the Class is certified, 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.

THE CLAIMS IN THE LAWSUIT AND THE SETTLEMENT

3. What is this lawsuit about?

The Illinois Biometric Information Privacy Act (“BIPA”), 740 ILCS 14/1, *et seq.*, prohibits private companies from capturing, obtaining, storing, and/or using the biometric identifiers and/or biometric information of another individual for any purpose, without first providing notice and getting consent in writing. Biometrics are things like your fingerprint, faceprint, or a scan of your iris. This lawsuit alleges that Defendants violated BIPA by allegedly collecting biometric data from Illinois plasma donors who scanned their fingers for identification before donating plasma at their Illinois plasma donation centers, without giving notice or getting the specific written consent required by the BIPA. Defendants deny these allegations and deny that they were subject to or violated BIPA.

More information about Plaintiffs’ complaint in the lawsuit and Defendants’ defenses can be found in the “Court Documents” section of the settlement website www.bipaplasma.com.

4. Who is included in the Settlement Class?

You are a member of the Settlement Class if you scanned your finger on a finger scanning device in connection with donating plasma at either (1) a Biomat USA or Talecris Plasma Resources plasma donation center located in Illinois between June 10, 2015 and June 10, 2022, or (2) the Interstate Blood Bank plasma donation center located in Illinois between April 8, 2016 and July 25, 2022. If you meet this requirement, you may be a class member and may submit a claim for a cash payment. If you received a notice of the Settlement via text or in the mail, our records indicate that you are a class member and are included in the Settlement. You may call or email the Settlement Administrator at 844-713-2842 or info@bipaplasma.com to ask whether you are a member of the Settlement Class.

THE SETTLEMENT BENEFITS

5. What does the Settlement Provide?

Cash Payments. If you are eligible, you can file a claim to receive a cash payment. The recovery per person will depend on the number of individuals who participate in the settlement. This chart provides an estimated range of recovery, but the actual amount could be more or less:

Participation Rate	Approximate Per Person Recovery
55%	\$300
30%	\$550
15%	\$1,100

This is a *pro rata*, or equal, share of a fund that Defendants have agreed to create totaling \$16,750,000, before the payment of settlement expenses, attorney’s fees, and any incentive awards for the Class Representatives in the litigation approved by the Court.

Non-Monetary Relief. Under the settlement, Defendants have agreed to comply with BIPA, including, to the extent applicable, by obtaining written releases from plasma donors who use finger scanners at their Illinois plasma donation facilities, and maintaining BIPA-compliant consents and policies to the extent they use finger-scanning technology, whether or not that is required by the BIPA.

HOW TO GET SETTLEMENT BENEFITS

6. How do I get a payment?

If you are a Settlement Class member and you want to get a payment, you must complete and submit a valid Claim Form by August 4, 2023. If you received a text notice, it contained a link to the online Claim Form, which is also available on this website here (www.bipaplasma.com) and can be filled out and submitted online. The online claim form lets you select to receive your payment by Venmo, Zelle, Paypal, ACH Direct Deposit, or paper check. A paper Claim Form with pre-paid postage was attached to the postcard notice you may have received in the mail. Those who submit a paper Claim Form will receive a paper check by mail, if the claim is approved.

The Claim Form requires you to provide the following information: (i) full name, (ii) current U.S. Mailing address, (iii) current telephone number and email address, and (iv) a statement that you scanned your finger at either (1) a Biomat USA or Talecris Plasma Resources plasma donation center located in Illinois between June 10, 2015 and June 10, 2022, or (2) the Interstate Blood Bank plasma donation center located in Illinois between April 8, 2016 and July 25, 2022.

Depending on the number of valid Claim Forms submitted, you may need to complete an IRS Form W-9 to satisfy IRS tax reporting obligations related to the payment. You may complete the Form W-9 now on the statement website; doing so now will ensure that you receive your full payment as soon as possible.

7. When will I get my payment?

The hearing to consider the fairness of the Settlement is scheduled for August 24, 2023, at 10:30 a.m. If the Court approves the Settlement, Class Members whose claims were approved by the Settlement Administrator and, if necessary, who have completed a W-9 Form on the settlement website will be issued a check or electronic payment (as chosen by the Class Member) within 60 days after the Settlement has been finally approved by the Court and/or after any appeals process is complete. Please be patient. Uncashed checks and electronic payments that are unable to be completed will expire and become void 150 days after they are issued and will be distributed to *cy pres* recipient Northern Illinois Food Bank, or another *cy pres* organization selected by the court.

THE LAWYERS REPRESENTING YOU

8. Do I have a lawyer in the case?

Yes, the Court has appointed lawyers David Fish and Mara Baltabols of Fish Potter Bolaños, P.C., as the attorneys to represent you and other Class Members. These attorneys are called the “Class Counsel.” In addition, the Court appointed Plaintiffs Brian R. Vaughan, Jason Darnell, Febbie Minniefield, and Adriel Vega to serve as Class Representatives. They are Class Members like you. Class Counsel can be reached by calling (312) 861-1800.

9. 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 do so, you will have to pay that lawyer.

10. How will the lawyers be paid?

Class Counsel will ask the Court for attorneys' fees of up to one-third of the Settlement Fund plus expenses and will also request an incentive award of \$5,000 for each Class Representative from the Settlement Fund. The Court will determine the proper amount of any attorneys' fees and expenses to award Class Counsel and the proper amount of any awards to the Class Representatives. The Court may award less than the amounts requested.

YOUR RIGHTS AND OPTIONS

11. What happens if I do nothing at all?

If you do nothing, you will receive no money from the Settlement Fund, but you will still be bound by all orders and judgments of the Court. Unless you exclude yourself from the Settlement, you will not be able to file or continue a lawsuit against Defendants or other Released Parties regarding any of the Released Claims. **Submitting a valid and timely Claim Form is the only way to receive a payment from this Settlement.**

To submit a Claim Form, or for information on how to request exclusion from the class or file an objection, please visit the settlement website www.bipaplasma.com or call 844-713-2842.

12. What happens if I ask to be excluded?

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 the Released Parties (at that term is defined in the Settlement Agreement) and are free to pursue whatever legal rights you may have by pursuing your own lawsuit against the Released Parties at your own risk and expense.

13. How do I ask to be excluded?

You can mail or email a letter stating that you want to be excluded from the Settlement. Your letter must (a) be in writing, (b) identify the case name, *Vaughan et al. v. Biomat et al.*, No. 20-cv-04241 (N.D. Ill.) ; (c) state the full name and current address of the person in the Settlement Class seeking to be excluded; (d) be signed by the person seeking exclusion; and be postmarked or received (for emails) by the Settlement Administrator on or before May 22, 2023. Each Request for exclusion must also contain a statement to the following effect: "I hereby request to be excluded from the proposed Settlement Class in *Vaughan et al. v. Biomat et al.*, No. 20-cv-04241 (N.D. Ill.)" You must mail or e-mail your exclusion request no later than [Objection/Exclusion Deadline] to:

Vaughan et al. v. Biomat et al.
c/o Settlement Administrator
P.O. Box 2010
Chanhassen MN 55317-2010

-or-

844-713-2842

You can't exclude yourself over the phone. No person may request to be excluded from the Settlement Class through "mass" or "class" opt-outs.

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

No. Unless you exclude yourself, you give up any right to sue Defendants and any other Released Party for the claims being resolved by this Settlement.

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

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

16. How do I object to the Settlement?

If you do not exclude yourself from the Settlement 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 *Vaughan et al. v. Biomat et al.*, No. 20-cv-04241 (N.D. Ill.), no later than May 22, 2023. Your objection must be e-filed or delivered to the Court at the following address:

Clerk of the United States District Court for the Northern District of Illinois
Everett McKinley Dirksen United States Courthouse
219 South Dearborn Street
Chicago, IL 60604

The objection must be in writing, must be signed and must include the following information: (a) your full name and current address, (b) a statement that you believe you are a member of the Settlement Class, (c) whether the objection applies to you, to a specific subset of the Settlement Class, or to the entire Settlement Class, (d) the specific grounds for your objection, (e) all documents or writings that you wish the Court to consider, (f) the name and contact information of any attorneys representing, advising or in any way assisting you in connection with the preparation or submission of the objection or who may profit from the pursuit of the objection, and (g) a statement indicating whether you intend to appear at the Final Approval Hearing. If you hire an attorney in connection with making an objection, that attorney must file an appearance with the Court or seek *pro hac vice* admission to practice before the Court, and electronically file the objection by the objection deadline of May 22, 2023. If you 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.

In addition to filing your objection with the Court you must send via mail, email, or delivery service, by no later than May 22, 2023, copies of your objection and any supporting documents to both Class Counsel and Defendants' Counsel at the addresses listed below:

Class Counsel	Defendants' Counsel
David Fish Mara Baltabols FISH POTTER BOLAÑOS, P.C. 200 E. 5th Ave., Suite 115 Naperville, IL 60563 (312) 861-1800 www.fishlawfirm.com dfish@fishlawfirm.com mara@fishlawfirm.com	Jason A. Selvey Julia S. Wolf JACKSON LEWIS P.C. 150 North Michigan Ave., Suite 2500 Chicago, IL 60601 (312) 787- 4949 Jason.Selvey@ jacksonlewis.com Julia.Wolf@jacksonlewis.com

Class Counsel will file with the Court and post on the settlement website their request for attorneys' fees and incentive awards.

17. 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 Settlement Class as a Class Member. Excluding yourself from the Settlement Class is telling the Court that you don't want to be a Settlement Class Member. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold the Final Approval Hearing on August 24, 2023, at 10:30 a.m. before the Honorable Judge Marvin E. Aspen in Room 2568 of the District Court for the Northern District of Illinois, Dirksen U.S. Courthouse, 219 South Dearborn Street, Chicago, Illinois 60604. The purpose of the hearing is for the Court to determine whether the Settlement is fair, reasonable, adequate, and in the best interest of 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 awards to the Class Representatives.

Note: the date and time of the Final Approval Hearing are subject to change by Court Order. Check the docket to keep updated.

19. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. You are 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.

20. May I speak at the hearing?

Yes. If you do not exclude yourself from the Settlement 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 and intend to appear at the hearing, you must state your intention to do so in your objection.

21. Where do I get more information?

This notice summarizes the proposed Settlement. More details, including the Settlement Agreement and other documents are available at www.bipaplasma.com or at the Clerk's Office in the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, Illinois 60604, between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Court holidays and any closures as a result of the COVID-19 pandemic. You can also contact Class Counsel at (312) 861-1800 with any questions or check their Internet site at www.fishlawfirm.com.

PLEASE DO NOT CONTACT THE COURT, THE JUDGE, THE DEFENDANTS OR THE DEFENDANTS' LAWYERS WITH QUESTIONS ABOUT THE SETTLEMENT OR DISTRIBUTION OF SETTLEMENT PAYMENTS.