

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Fisher v. HP Property Management, LLC and Marcon International, Inc. d/b/a KEYper Systems
Case No. 2019 CH 14082
(Circuit Court of Cook County, Illinois)

IF YOU SCANNED YOUR FINGER ON A KEYPER SYSTEMS KEY DISPENSING DEVICE IN ILLINOIS BETWEEN DECEMBER 6, 2014 AND JUNE 14, 2023, YOU MAY BE ENTITLED TO A PAYMENT FROM A CLASS ACTION SETTLEMENT.

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

Para una notificación en Español, visitar www.KEYperBIPAsettlement.com.

- A proposed Settlement has been reached in a class action lawsuit between Marcon International, Inc. d/b/a KEYper Systems (“KEYper” or “Defendant”) and all individuals who scanned their fingers using a KEYper biometric device in Illinois and had their finger-scan data hosted by KEYper or one of its authorized vendors between December 6, 2014 and June 14, 2023. The lawsuit claims that KEYper collected, stored, and disclosed biometric data from individuals through KEYper Systems key dispensing devices. The lawsuit claims these activities required compliance with an Illinois law called the Illinois Biometric Information Privacy Act, and that KEYper did not comply. KEYper denies these allegations and that the law applies to KEYper. The Court has not decided who is right or wrong. The Settlement has been preliminarily approved by a state court in Chicago.
- You are included in the Settlement if you scanned your finger using a KEYper biometric device in Illinois and had their finger-scan data hosted by KEYper or one of its authorized vendors between December 6, 2014 and June 14, 2023. If you received a notice of the Settlement in the mail or by email, records indicate that you are included in the Settlement, 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, timely and approved claims will receive an equal share of a \$7,293,440.00 settlement fund that KEYper has agreed to create, after all notice and administration costs, a service award, and attorneys’ fees have been paid. Individual payments to Settlement Class Members who submit a valid claim form are estimated to be \$240-\$980, depending on the number of approved claims.
- 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.
DO NOTHING	You will receive no payment under the Settlement and give up your rights to sue KEYper or 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 KEYper about the issues in this case.
OBJECT	Write to the Court explaining why you don't like the Settlement.
ATTEND A HEARING	Ask to speak in 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 with KEYper. You have legal rights and options that you may act on before the Court decides whether to give final approval to 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.

The Circuit Court of Cook County, Illinois is overseeing this class action. The case is called *Fisher v. HP Property Management, LLC and Marcon International, Inc. d/b/a KEYper Systems*, Case No. 2019 CH 14082. The person who filed the lawsuit, Joe Fisher, is the Plaintiff. The company he sued, Marcon International, Inc. d/b/a KEYper Systems, is the Defendant.

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 they assert have similar legal claims. All of these people together are potential members of the “Class.” When a Class is certified for settlement and the Settlement is finally approved by the Court, the Settlement 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.*, regulates the collection, storage, and/or use of a person’s biometric data in Illinois, including requiring consent to the collection of biometric data. Biometric data includes fingerprints. This lawsuit alleges that KEYper as a provider of key dispensing devices with a finger-scanner and hosting services collected and stored biometric data without authorization from individuals who scanned their fingers at employers that were using KEYper biometric devices and hosting services. KEYper denies these allegations and denies that it was subject to or violated BIPA.

More information about Plaintiff’s complaint in the lawsuit and the Defendant’s defenses can be found in the “Court Documents” section of the Settlement Website at www.keyperbipasettlement.com.

4. Who is included in the Settlement Class?

You are a member of the Settlement Class if you scanned your finger using a KEYper biometric device in Illinois and had your finger-scan data hosted by KEYper or one of its vendors between December 6, 2014 and June 14, 2023. If you received a notice of the Settlement via email or in the mail, records indicate that you are a Class Member and are included in the Settlement. You may call or email the Settlement Administrator at 1-888-413-5094 or info@KEYperBIPAsettlement.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’re eligible, you can file a claim to receive a cash payment. The amount of such payment is estimated to be \$240-\$980, depending on the number of approved claims. This is a *pro rata*, or equal, share of a \$7,293,440.00 fund that KEYper has agreed to create, after the payment of settlement expenses, attorneys’ fees, and any service award for the Class Representative in the litigation approved by the Court.

Prospective Relief. Under the settlement, KEYper has agreed to notify customers that use KEYper biometric devices that they need to obtain written releases from individuals who scan their fingers on KEYper biometric devices, make all BIPA-required disclosures, and establish and maintain a retention and destruction policy that is made available to the public.

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 May 16, 2024. If you received an email notice, it contained a link to the online Claim Form, which is also available on the website here www.KEYperBIPAsettlement.com and can be filled out and submitted online. The online Claim Form lets you select to receive your payment by Venmo, Zelle, PayPal, or 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 check by mail, if the claim is approved.

Depending on the number of approved claims, 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 now on the Settlement 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 date to consider the fairness of the Settlement is scheduled for June 10, 2024. 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 Settlement Class Member) within 28 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 120 days after they are issued and will be donated to a not-for-profit organization(s) as the Court may order as *cy pres* recipient.

THE LAWYERS REPRESENTING YOU

8. Do I have a lawyer in the case?

Yes, the Court has appointed Ryan F. Stephan and Teresa M. Becvar of Stephan Zouras, LLP as the attorneys to represent the Settlement Class. These attorneys are called “Class Counsel.” In addition, the Court appointed Plaintiffs Joe Fisher to serve as the Class Representative. They are Settlement Class Members like you. Class Counsel can be reached by calling (312) 233-1550.

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 35% of the Settlement Fund and expenses and will also request an incentive award of \$10,000 for the 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 award 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 KEYper or other Released Parties (defined in the Settlement Agreement) regarding any of the Released Claims. **Submitting the Claim Form**

that is approved by the Settlement Administrator 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.KEYperBIPAsettlement.com, or call (888) 413-5094.

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 KEYper and the Released Parties and are free to pursue whatever legal rights you may have by pursuing your own individual lawsuit against KEYper and 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) state the full name and current address of the person in the Settlement Class seeking exclusion; (c) contain a statement to the effect that “I hereby request to be excluded from the proposed Settlement Class in *Fisher v. HP Property Management, LLC and Marcon International, Inc. d/b/a KEYper Systems*, No. 2019 CH 14082 (Cir. Ct. Cook Cty.)”; (d) be signed by the person seeking exclusion; and (e) be postmarked or received by the Settlement Administrator on or before **May 16, 2024**. You must mail or email your exclusion request no later than **May 16, 2024** to:

Fisher v. KEYper Systems Settlement Administration
P.O. Box 1029
Baton Rouge, LA 70821

-or-

info@KEYperBIPAsettlement.com

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 KEYper for the same thing later?

No. Unless you exclude yourself, you give up any right to sue KEYper 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 *Fisher v. HP Property Management, LLC and Marcon International, Inc. d/b/a*

KEYper Systems, No. 2019 CH 14082 (Cir. Ct. Cook Cty.), no later than **May 16, 2024**. Your objection must be e-filed or delivered to the Court at the following address:

Clerk of the Circuit Court of Cook County, Illinois
Daley Center
50 W. Washington Street, Suite 1001
Chicago, Illinois 60602

The objection must be in writing, must be personally 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 only 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 16, 2024**. 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.

In addition to filing your objection with the Court, you must send via mail, email, hand, or overnight delivery service, by no later than **May 16, 2024**, copies of your objection and any supporting documents to both Class Counsel and KEYper’s lawyers at the addresses listed below:

Class Counsel	KEYper’s Counsel
Ryan F. Stephan lawyers@stephanzouras.com STEPHAN ZOURAS, LLP 222 West Adams Street, Suite 2020 Chicago, Illinois 60606	Debra Bernard dbernard@perkinscoie.com PERKINS COIE LLP 110 N Wacker Drive, Suite 3400 Chicago, Illinois 60606

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 at 10:00 A.M. on Monday, June 10, 2024 at the Daley Center, 50 W. Washington Street, Chicago, Illinois 60602 and via Zoom (Meeting ID: 946 7646 3310 Password: 145041). The purpose of the hearing is for the Court to determine whether the Settlement is fair, reasonable, adequate, and in the best interests of the Settlement 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 service award to the Class Representative.

Note: The date and time of the Final Approval Hearing are subject to change by Court Order. Any changes will be posted at the Settlement Website, www.KEYperBIPAsettlement.com.

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 (*see* Question 17 above) and intend to appear at the hearing, you must state your intention to do so in your objection.

GETTING MORE INFORMATION

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.KEYperBIPAsettlement.com or at the Clerk of the Circuit Court of Cook County, Illinois, at the Daley Center, 50 W. Washington Street, Suite 1001, Chicago, Illinois 60602, between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Court holidays. You can also contact the Settlement Administrator at 1-888-413-5094 or Class Counsel at the number provided above with any questions.

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