

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

JOE FISHER, individually, and on behalf)	
of all others similarly situated,)	
)	
Plaintiff,)	
)	Case No. 19-CH-14082
v.)	
)	Judge Anna H. Demacopoulos
HP PROPERTY MANAGEMENT, LLC and)	
MARCON INTERNATIONAL, INC. d/b/a)	
KEYPER SYSTEMS,)	
)	
Defendants.)	
)	

PRELIMINARY APPROVAL ORDER

This matter having come before the Court on Plaintiff’s Unopposed Motion for Preliminary Approval of Class Action Settlement (the “Motion”), the Court having reviewed in detail and considered the Motion, the Class Action Settlement Agreement (“Settlement Agreement”) between Plaintiff Joe Fisher (“Plaintiff”) and Defendant Marcon International, Inc. d/b/a KEYper Systems (“KEYper) (together with Plaintiff, the “Parties”), and all other papers that have been filed with the Court related to the Settlement Agreement, including all exhibits and attachments to the Motion and the Settlement Agreement, and the Court being fully advised in the premises,
IT IS HEREBY ORDERED AS FOLLOWS:

1. Capitalized terms used in this Order that are not otherwise defined herein have the same meaning assigned to them as in the Settlement Agreement.
2. The terms of the Settlement Agreement are preliminarily approved as fair, reasonable, and adequate. There is good cause to find that the Settlement Agreement was negotiated at arms-length between the parties, who were represented by experienced counsel.

3. For settlement purposes only, the Court finds that the prerequisites to class action treatment under Section 2-801 of the Illinois Code of Civil Procedure – including numerosity, commonality and predominance, adequacy, and appropriateness of class treatment of these claims – have been preliminarily satisfied.

4. The Court hereby conditionally certifies, pursuant to Section 2-801 of the Illinois Code of Civil Procedure, and for the purposes of settlement only, the following Settlement Class consisting of:

all persons who scanned their fingers using a KEYper biometric device in the State of Illinois and whose finger-scan data was hosted by KEYper or its authorized vendors from December 6, 2014 to the date the Court enters the Preliminary Approval Order (“Settlement Class”).

5. For settlement purposes only, the Court appoints Plaintiff Joe Fisher as Class Representative.

6. For settlement purposes only, the Court appoints Ryan F. Stephan and Teresa M. Becvar of Stephan Zouras, LLP as Class Counsel.

7. The Court approves the method of confirming Class List data from Illinois KEYper Customers as described in the Settlement Agreement.

8. The Court approves the Notice of Proposed Class Settlement attached as Exhibit A to the Settlement Agreement and orders its distribution to Settlement Class Members as described in the Settlement Agreement.

9. The Court finds that the Notice meets the requirements of Section 2-803 of the Illinois Code of Civil Procedure, constitutes the best notice practicable under the circumstances, and satisfies fully the requirements of due process, and any other applicable law, such that the Settlement Agreement and Final Approval Order, if entered, will be binding on all Settlement Class Members.

10. The Court appoints P&N Consulting as Settlement Administrator. The Settlement Administrator is vested with authority to carry out the Notice process as set forth in the Settlement Agreement.

11. An Interim Status Conference shall be held before the Court on __October 11th, 2023__ at __10:00__ a.m. in Room 2502 via Zoom (Meeting ID: 946 7646 3310; Password: 145041), at which time the Parties will report on the status of confirming Class List data and to set a Final Approval Hearing.

12. No later than seven (7) days prior to the Final Approval Hearing, Class Counsel shall file a motion for final approval of the settlement, as well as petition for attorneys' fees not to exceed 35% of the gross Settlement Fund, reasonable out-of-pocket litigation costs not to exceed \$20,000.00, Settlement Administration Expenses not to exceed \$90,000.00, and a Service Award to the Class Representative not to exceed \$10,000.00.

13. At the Final Approval Hearing, the Court will consider, among other things, (1) whether to finally approve the Settlement; (2) whether to approve Class Counsel's request for attorneys' fees and litigation costs; (3) whether to approve Settlement Administration Expenses; and (4) whether to approve the Class Representative's request for a Service Award.

14. All other proceedings in the above-captioned litigation are stayed and suspended until further order of the Court except such actions as may be necessary to implement the Settlement Agreement and this Preliminary Approval Order.

IT IS SO ORDERED.

ENTERED: Judge Anna Helen Demacopoulos
JUN 14 2023
Circuit Court - 2002

Anna H. Demacopoulos
Judge Anna Helen Demacopoulos
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