

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

Crumpton v. Octapharma Plasma, Inc., Case No. 19-cv-08402

IF YOU SCANNED YOUR FINGER AT AN OCTAPHARMA PLASMA FACILITY IN ILLINOIS BETWEEN DECEMBER 2, 2014 AND FEBRUARY 4, 2020, YOU CAN 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.

- A settlement has been reached in a class action lawsuit between Octapharma Plasma, Inc. (“Defendant” or “Octapharma”) and certain plasma donors who scanned their finger at an Octapharma plasma donation facility in the State of Illinois and listed an Illinois address (the “Settlement”). The lawsuit claims that Octapharma violated an Illinois law called the Illinois Biometric Information Privacy Act (“BIPA”) when it collected individuals’ biometric data through its donor identification system with a finger scanner without complying with the law’s requirements. Octapharma denies those allegations and the law’s applicability to Octapharma. 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 and provided an Illinois address at an Octapharma blood plasma donation facility in Illinois between December 2, 2014 and February 4, 2020. If you received a notice of the Settlement in the mail or by e-mail, 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 \$9,987,380 Settlement Fund that Octapharma has agreed to establish, after all notice and administration costs, incentive award, and attorneys’ fees have been paid. Individual payments to Settlement Class Members who submit a valid Claim Form are estimated to be \$400 to \$800, but could be more or less depending on the number of valid claims submitted.
- 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 by February 3, 2022.
DO NOTHING	You will receive no payment under the Settlement and give up your rights to sue Octapharma 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 Octapharma 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 Octapharma. 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 Virginia M. Kendall of the United States District Court for the Northern District of Illinois is overseeing this class action. The case is called *Crumpton v. Octapharma Plasma, Inc.*, Case No. 19-cv-08402. The person who filed the lawsuit, Mary Crumpton, is the Plaintiff. The company she sued, Octapharma Plasma, Inc., is the Defendant.

2. What is a class action lawsuit?

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 legal claims. All of these people together are a “Class” or “Class Members.” Once a 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.

QUESTIONS? VISIT WWW.OPIBIPASETTLEMENT.COM

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 Octapharma violated BIPA by allegedly collecting biometric fingerprint data from Illinois plasma donors who scanned their fingers for identification through Octapharma’s donor management system before donating plasma at its Illinois plasma donation facilities, without giving notice or getting consent. Octapharma 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.OPIBIPASettlement.com.

4. Who is included in the Settlement Class?

You are a member of the Settlement Class if you scanned your finger and provided an Illinois address at an Octapharma plasma donation facility located in Illinois between December 2, 2014 and February 4, 2020. If you scanned your finger at an Octapharma plasma donation facility in Illinois during that time-period, you may be a class member and may submit a [Claim Form](#) for a cash payment. If you received a notice of the Settlement via email or in the mail, our records indicate that you are a class member and are included in the Settlement. You may email the Settlement Administrator at info@OPIBIPASettlement.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 around \$400 to \$800, but the exact amount is unknown at this time and could be more or less depending on the number of valid Claim Forms submitted. This is a *pro rata*, or equal, share of a \$9,987,380 fund that Octapharma has agreed to create, after the payment of settlement expenses, attorneys’ fees, and any incentive award for the Class Representative in the litigation approved by the Court.

Prospective Relief. Under the Settlement, Octapharma has agreed to take all steps necessary to comply with BIPA by obtaining written releases from Illinois donors who use a finger scanner, making all BIPA-required disclosures, establishing and maintaining a publicly-available retention policy, and destroying all fingerprint data from past donors within three years of their last interaction with Octapharma.

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 February 3, 2022. If you received an email notice, it contained a link to the online Claim Form, which is also available on this website [here](#) and can be filled out and submitted online. The online Claim Form lets you select to receive your payment by Venmo, Zelle, Paypal, Prepaid Mastercard,

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ACH Direct Deposit, 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.

The Claim Form requires you to provide the following information: (i) full name, (ii) current U.S. Mail address, (iii) current contact telephone number and email address, and (iv) a statement that you scanned your finger at an Octapharma plasma donation facility located in Illinois and provided an Illinois address between December 2, 2014 and February 4, 2020.

Depending on the number of valid Claim Forms submitted and the amount of the payment to each Class Member, 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 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 to consider the fairness of the Settlement is scheduled for February 16, 2022. 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 90 days after they are issued and will be donated to the American Civil Liberties Union of Illinois, earmarked to support its Government Accountability and Personal Privacy efforts, or such other 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 lawyers J. Eli Wade-Scott and Schuyler Ufkes of Edelson PC and David Fish of Fish Potter Bolaños, P.C. as the attorneys to represent you and other Class Members. These attorneys are called “Class Counsel.” In addition, the Court appointed Plaintiff Mary Crumpton to serve as the Class Representative. She is a Class Member like you. Class Counsel can be reached by calling 1-866-354-3015.

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 and expenses of up to 35% of the Settlement Fund, and will also request an incentive award of \$5,000 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 Representative. 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 Octapharma 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.OPIBIPASettlement.com, or call (833) 927-0818.

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 (as 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, *Crumpton v. Octapharma Plasma, Inc.*, 19-cv-08402 (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(s) seeking exclusion; and (e) be postmarked or received by the Settlement Administrator on or before January 27, 2022. Each request for exclusion must also contain a statement to the effect that “I hereby request to be excluded from the proposed Settlement Class in *Crumpton v. Octapharma Plasma, Inc.*, 19-cv-08402 (N.D. Ill).” You must mail or e-mail your exclusion request no later than January 27, 2022 to:

Crumpton v. Octapharma Plasma, Inc.
c/o Settlement Administrator
P.O. Box 5324
New York, NY 10150-5324

-or-

info@OBIPASettlement.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 Octapharma for the same thing later?

No. Unless you exclude yourself, you give up any right to sue Octapharma 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.

QUESTIONS? VISIT WWW.OPIBIPASETTLEMENT.COM

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 *Crumpton v. Octapharma Plasma, Inc.*, Case No. 19-cv-08402 (N.D. Ill.), no later than January 27, 2022. 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, Illinois 60604

Due to the COVID-19 pandemic, the Court is accepting filings from pro se litigants via email. Instructions on how to file via email can be found [here](#).

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 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 January 27, 2022. 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, or delivery service, by no later than January 27, 2022, copies of your objection and any supporting documents to both Class Counsel and Octapharma's lawyers at the addresses listed below:

Class Counsel	Octapharma's Counsel
Schuyler Ufkes sufkes@edelson.com EDELSON PC 350 North LaSalle Street, 14th Floor Chicago, Illinois 60654	Daniel T. Graham dgraham@clarkhill.com CLARK HILL, PLC 130 East Randolph Street, Suite 3900 Chicago, Illinois 60601

Class Counsel will file with the Court and post on the settlement website its request for attorneys' fees and incentive awards on January 13, 2022.

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 on February 16, 2022, at 9:00 a.m. before the Honorable Virginia M. Kendall in Room 2503 of the Northern District Court of Illinois, Dirksen U.S. Courthouse, 219 South Dearborn Street, Chicago, Illinois, 60604, or via remote means as instructed by the Court. 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 incentive 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.OPIBIPASettlement.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 16 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.OPIBIPASettlement.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 1-866-354-3015 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.