

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

Crumpton v. Haemonetics Corporation, Case No. 1:21-cv-01402

IF YOU SCANNED YOUR FINGER AT CERTAIN BLOOD PLASMA DONATION FACILITIES IN ILLINOIS BETWEEN FEBRUARY 4, 2016 AND FEBRUARY 8, 2024, 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 Haemonetics Corporation (“Defendant” or “Haemonetics”) and some blood plasma donors who scanned their finger at certain plasma donation facilities in Illinois, including Octapharma Plasma, Inc., that utilize Haemonetics’ donor management software (the “Settlement”). The lawsuit that is the subject of the Settlement claims that Haemonetics provided finger scan donor management software to Octapharma and other plasma donation facilities in Illinois that collected and stored individuals’ biometric data in violation of an Illinois law called the Biometric Information Privacy Act (“BIPA”). Defendant denies any wrongdoing and the Court has not decided who is right or wrong. A copy of the Settlement Agreement is available at www.HAEBIPAsettlement.com.
- You are included in the Settlement if you scanned your finger at a plasma donation facility in Illinois and had any alleged biometric data relating to that scan shared with or stored by Haemonetics between February 4, 2016 and February 8, 2024 without providing prior written consent to the disclosure of your finger scan to Haemonetics Corporation. If you received a notice of the Settlement in the mail or by email, our records indicate that you are a class member and are included in the Settlement (the “Settlement Class”), and you may submit a claim form online or by mail (the “Claim Form”) to receive a cash payment.
- If the Court approves the Settlement, members of the Settlement Class who submit valid claims will receive an equal, or *pro rata*, share of a \$8,735,220 Settlement Fund that Haemonetics has agreed to establish, after all notice and administration costs, incentive award, and attorneys’ fees have been paid from the Settlement Fund. Individual payments to Settlement Class Members who submit a valid Claim Form are estimated to be between \$250 and \$570, 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.

CLASS MEMBERS’ LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM	This is the only way to receive a Settlement Payment. You must submit a complete and valid Claim Form either online or by mail before May 9, 2024 .
DO NOTHING	You will receive no payment under the Settlement and give up your rights to pursue a legal claim against Haemonetics 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 pursue a legal claim against Haemonetics 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 the proposed Settlement with Haemonetics. 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 Jeremy C. Daniel of the United States District Court for the Northern District of Illinois is overseeing this class action. The case is called *Crumpton v. Haemonetics Corporation*, Case No. 1:21-cv-01402. The person who brought the lawsuit, Mary Crumpton, is the Plaintiff. The company she sued, Haemonetics Corporation, 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.

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 Haemonetics provided “donor management software” to several blood plasma donation companies that operate in Illinois who use the software to manage personal information about donors and facilitate the “check-in” process for donors. These donation centers include those run by Octapharma Plasma, Inc. (“Octapharma”) and two others. Plaintiff alleges that, each time she donated blood plasma at an Octapharma facility in Illinois, she was required to verify her identity by using a finger scanner that was connected to Haemonetics’ donor management software. Plaintiff alleges that through the Haemonetics software, Haemonetics collected and stored

her and other Illinois blood plasma donors' biometric fingerprint data without giving notice to or getting consent from donors in violation of BIPA. Haemonetics denies these allegations, denies that it has collected any fingerprints or other biometric data, and denies that it 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.HAEBIPAsettlement.com.

4. Who is included in the Settlement Class?

You are a member of the Settlement Class if you scanned your finger at a plasma donation facility in Illinois and had any alleged biometric data relating to that scan shared with and stored by Haemonetics between February 4, 2016 and February 8, 2024 (the "Settlement Time Period"), without providing prior written consent to the disclosure of any finger scan to Haemonetics. Octapharma is one of three such plasma donation companies. If you scanned your finger at Octapharma or another plasma donation facility in Illinois during the Settlement Time Period, you may be a Settlement Class member and may submit a [Claim Form](#) for a cash payment.

If you received a notice of this Settlement via email or in the mail on or after March 8, 2024, our records indicate that you are a Settlement Class member and are included in this Settlement. You may call or email the Settlement Administrator at 1-888-406-4980 or info@HAEBIPAsettlement.com to ask whether you are a member of the Settlement Class.

Excluded from the Settlement Class are: (1) any Judge or Magistrate presiding over this action and members of their families, (2) Defendant, Defendant's subsidiaries, parent companies, successors, predecessors, and any entity in which Defendant or its parents have a controlling interest, (3) persons who properly execute and file a timely request for exclusion from the Settlement Class, (4) the legal representatives, successors, heirs, or assigns of any such excluded persons, and (5) persons who executed a written consent authorizing the disclosure of their alleged biometric information to Haemonetics prior to scanning their finger at a plasma donation facility in Illinois.

This BIPA settlement with Haemonetics is separate from a previous BIPA settlement with blood plasma donation center Octapharma, called *Crumpton v. Octapharma Plasma Inc.*, No. 19-cv-08402 (N.D. Ill.) ("*Octapharma*"). Many individuals who were class members in the *Octapharma* settlement (but not all) are Settlement Class members in this settlement with Haemonetics and can also file a claim in this Settlement.

THE SETTLEMENT BENEFITS

5. What does the Settlement provide?

Cash Payments. If you're eligible, you can submit a claim to receive a cash payment. The amount of such payment is estimated to be around \$250 to \$570, 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 an equal share of a \$8,735,220 Settlement Fund that Haemonetics 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 from the Settlement Fund.

Prospective Relief. For Haemonetics’ customers who (1) use Haemonetics donor management software in Illinois, (2) deploy finger scanners, and (3) for whom Haemonetics hosts alleged biometric data, Haemonetics has agreed to add to new customer software contracts a requirement that Haemonetics’s customers obtain BIPA-compliant consent from individuals and, for a period of three years, Haemonetics will undertake a good faith effort once a year to remind such customers of those contractual obligations. Haemonetics has also posted a publicly-available retention policy and has agreed to delete all alleged biometric data from Illinois residents consistent with this policy.

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 9, 2024**. If you received an email notice, it contained a link to the online Claim Form, which is also available on this website here [Claim Form](#) and can be filled out and submitted online. The online Claim Form lets you select to receive your payment by Venmo, Zelle, 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, if the claim is approved.

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 and avoid backup tax withholding. You may complete the [Form W-9](#) now on the settlement website. Completing the Form W-9 is not required, but doing it 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 **May 30, 2024 at 9:30 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 Form W-9 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.

All uncashed checks and electronic payments that are unable to be completed will expire and become void after 180 days. Uncashed checks and electronic payments unable to be processed will be re-distributed to the Class Members who cashed their checks or successfully received their electronic payments, if feasible and in the interests of the Settlement Class. If redistribution is not feasible, or if residual funds remain after redistribution, such funds will be donated to the American Civil Liberties Union of Illinois, earmarked to support its Government Accountability and Personal Privacy efforts, pending Court approval.

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 Settlement 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 33% 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 incentive 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 Defendant or other Released Parties regarding any of the Released Claims, as those terms are defined in the Settlement Agreement. **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.HAEBIPAsettlement.com, or call 1-888-406-4980.

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 keep 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 in 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. Haemonetics Corporation*, 1:21-cv-01402 (N.D. Ill.); (c) state the full name and current address of the person in the Settlement Class seeking exclusion; (d) be signed by the person(s) seeking exclusion; and (e) be postmarked or received by the Settlement Administrator on or before **May 2, 2024**. 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. Haemonetics Corporation*, 1:21-cv-01402 (N.D. Ill.)” You must mail or email your exclusion request no later than **May 2, 2024** to:

Crumpton v. Haemonetics Settlement Administrator
P.O. Box 25414
Santa Ana, CA 92799
-or-
info@HAEBIPAsettlement.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. Each request for exclusion must be separately signed and submitted.

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

No. Unless you exclude yourself, you give up any right to pursue a legal claim against Haemonetics 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 *Crumpton v. Haemonetics Corporation*, Case No. 1:21-cv-01402 (N.D. Ill.), no later than **May 2, 2024**. All objections and other filings submitted by persons represented by an attorney must be e-filed via CM/ECF. All *pro se* objections must be sent to the Clerk of the Court (1) via the Clerk's Office's Pro Se Filer Submission [webpage](#), or (2) at 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

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 the objector, 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 your objection or who may profit from the pursuit of the objection, and (g) a statement indicating whether you (or your counsel) intend to appear at the Final Approval Hearing. You must submit any objection in writing by **May 2, 2024** in order to be heard by the Court 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 2, 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, or delivery service, by no later than **May 2, 2024**, copies of your objection and any supporting documents to both Class Counsel and the Defendant's Counsel at the addresses listed below:

Class Counsel	Defendant's Counsel
Schuyler Ufkes sufkes@edelson.com EDELSON PC 350 North LaSalle Street, 14th Floor Chicago, Illinois 60654	Richard H. Tilghman rhtilghman@vedderprice.com VEDDERPRICE 222 North LaSalle Street Chicago, Illinois 60601

Class Counsel will file with the Court and post on the settlement website its request for attorneys' fees and Plaintiff's request for an incentive award on April 18, 2024.

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 are a Settlement 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 **May 30, 2024 at 9:30 a.m.** before the Honorable Jeremy C. Daniel in Room 1419 of the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, Illinois, 60604, or via remote means as instructed by the Court. Instructions for participating remotely will be posted on the Settlement Website. 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, time, and location of the Final Approval Hearing are subject to change by Court order. Any changes will be posted at the settlement website, www.HAEBIPAsettlement.com.

19. Do I have to come to the hearing?

No, but you are welcome to come at your own expense. Class Counsel will answer any questions the Court may have. If you send an objection, you don't have to come to Court to talk about it, but you may choose to do so if you wish. 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.HAEBIPAsettlement.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. 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.