

NOTICE OF CLASS ACTION SETTLEMENT

Smith et. al. v. KEDPlasma LLC

Case No. 2023CH000053

1. Introduction

An Illinois court in Sangamon County has preliminarily approved a class action Settlement in the lawsuit *Smith, et. al. v. KEDPlasma LLC*, Case No. 2023CH000053 (Cir. Ct. Sangamon County, Illinois) (the “Lawsuit”). The Court has approved this Notice to inform you of your rights in the Settlement. As described in more detail below, you may:

1. do nothing, receive a Settlement Payment, and give up certain legal claims;
2. exclude yourself from the Settlement, not receive a Settlement Payment, and not give up any legal claims; or
3. object to the Settlement.

Before any money is paid, the Court will decide whether to grant Final Approval of the Settlement.

2. What Is this Lawsuit About?

The Lawsuit alleges that KEDPlasma LLC (“Defendant”) violated the Illinois Biometric Information Privacy Act (“BIPA”) by utilizing a system which scanned plasma donors’ finger(s) as part of a plasma donation process without complying with BIPA’s requirements. The Lawsuit alleges that Defendant violated BIPA by collecting alleged biometric data from plasma donors in Illinois without first providing written notice, obtaining written consent, or creating and following a written policy establishing a retention schedule and destruction guidelines for possession of this data.

Defendant denies the allegations in the Lawsuit and denies that it violated BIPA or any other any law and maintains that it complied with the law.

A Settlement was agreed to by the parties to avoid the costs and expense of further litigation and the risks associated therewith. The Court has not decided the merits of the claims against Defendant or Defendant’s defenses to those claims.

You can learn more about the lawsuit by contacting the Settlement Administrator, Analytics Consulting LLC at (844) 716-9292, or Settlement Class Counsel, identified in Section 7 of this Notice. You may also review the Settlement Agreement and related case documents at the settlement website: www.kedbipasettlement.com.

3. Who Is Included in the Settlement?

The Settlement includes all individuals who scanned their finger at a KEDPlasma donation facility in Illinois as part of a plasma donation process from January 25, 2018 through April 10, 2023 (“the Settlement Class” or “Settlement Class Members”). Defendant estimates that there are approximately 8,250 Settlement Class Members.

4. What does the Settlement Provide?

To resolve this matter without the expense, delay, and uncertainties of further litigation, the Parties have reached an agreement to settle the Lawsuit.

As part of the Settlement, Defendant has agreed to pay \$4,450,000 (the “Gross Fund”) to settle the Lawsuit and resolve the claims of Settlement Class Members. Subject to Court approval, the following will be deducted from the Gross Fund: (1) an award of up to forty percent (40%) of the Gross Fund for Settlement Class Counsel’s attorneys’ fees (estimated to be \$1,780,000) and litigation costs; (2) Service Awards of \$5,000 each to Settlement Class Representatives Clarence Smith, Starla Smith, Antonio Enriquez, Matt Devine, Melissa Johnson, and Annie Porter; and (3) the Settlement Administrator’s costs (estimated to be \$34,590). Following these deductions, the Settlement Administrator will use the remaining funds (the “Net Fund”) to make payments to Settlement Class Members who do not exclude themselves from the Settlement. The Parties estimate that Class Members who do not exclude themselves from the Settlement will receive a payment of approximately \$300.

Unless you exclude yourself from the Settlement as explained below, you will give up any and all BIPA and other Released Claims against Defendant and other Releasees/Released Parties (as defined in the Settlement Agreement), including Defendant’s parent company, Kedrion Biopharma, Inc., whether pursuant to BIPA or any other related federal, state, and local law, including under the common law, as well as related claims for liquidated or actual damages, penalties, specific performance, injunctive relief, attorneys’ fees and costs, expenses, and interest. The full release of claims is set forth in the Settlement Agreement, which is available at the Settlement website: www.kedbipasettlement.com or by requesting a copy from the Settlement Administrator.

5. What Are Your Options?

- 1. Do nothing and receive a Settlement payment.** If you want to receive a Settlement payment, you do not need to do anything. If you do nothing and the Court grants Final Approval of the Settlement, you will be mailed your Settlement payment and be bound by the Settlement Agreement, including the Released Claims. If required by law, you may also be sent a 1099 tax reporting form.
- 2. Exclude yourself from the Settlement and receive no money.** If you do not want to be legally bound by the Settlement, you must exclude yourself from the Settlement by **July 8, 2024**. If you do this, you will NOT get a Settlement payment. To exclude yourself, you must mail your written request for exclusion to the Settlement Administrator (contact information below) by **July 8, 2024**. Your written request for exclusion must include your full name, address, telephone number, the last four digits of your Social Security Number, and a statement that you wish to be excluded from the Settlement. It must also be signed by you. If you exclude yourself, you will not receive money from this Settlement, but you will keep your legal rights regarding any claims that you may have against Defendant and other Releasees/Released Parties.
- 3. Object to the Settlement.** You may object to the Settlement by **July 8, 2024**. If you want to object to the Settlement, you must mail a written objection to the Settlement Administrator (contact information below), which includes the case name and number; the basis for and an explanation of the objection; your name, address, telephone number and e-mail address; the last four digits of your Social Security Number; a statement of whether you are represented by counsel for purposes of the objection; and a statement whether you intend to appear at the Final Approval Hearing with or without counsel. Any objection must also be personally signed by you. If you exclude yourself from the settlement, you cannot file an objection.

6. How Do I Update my Contact Information?

You must notify the Settlement Administrator of any changes in your mailing address so that your Settlement payment will be sent to the correct address. To update your address, contact the Settlement Administrator, listed in paragraph 8 below.

7. Who Are the Attorneys Representing the Class and How Will They Be Paid?

The Court has appointed Settlement Class Counsel, identified below, to represent Settlement Class Members in this Settlement. Settlement Class Counsel will request up to forty percent of the total Settlement amount as attorneys' fees plus reimbursement of their costs. You will not have to pay Settlement Class Counsel from your Settlement award or otherwise. You also have the right to hire your own attorney at your own expense.

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8. When is the Final Approval Hearing?

The Court will hold a hearing in this case on **July 23, 2024 at 10:00 a.m. by Zoom (Meeting ID: 269 739 8957 Password: 903784)**, to consider, among other things, (1) whether to grant Final Approval of the Settlement; (2) a request by the lawyers representing Settlement Class Members for an award of up to forty-percent of the Settlement as attorneys' fees plus litigation costs; and (3) a request for Service Awards of \$5,000 each to Clarence Smith, Starla Smith, Antonio Enriquez, Matt Devine, Melissa Johnson, and Annie Porter, and (4) a request for up to \$34,590 to the Settlement Administrator. You may appear at the hearing, but you are not required to do so.

If you have any questions or for more information, contact the Settlement Administrator or Settlement Class Counsel at:

<p><u>Settlement Administrator</u> Smith v. KEDPlasma LLC c/o Analytics Consulting LLC PO Box 2002 Chanhassen MN 55317-2002 Telephone Number: (844) 716-9292 Email address: KEDBIPA@noticeadministrator.com Website: www.KEDBIPASettlement.com</p>	<p><u>Settlement Class Counsel</u> Douglas M. Werman Maureen A. Salas Werman Salas P.C. 77 West Washington Street Suite 1402 Chicago, IL 60602 (312) 419-1008 dwerman@fslaw.com msalas@fslaw.com David J. Fish Mara Baltabols Fish Potter Bolanos, P.C. 200 E. 5th Ave. Suite 115 Naperville, IL 60563 (312) 861-1800 dfish@fishlawfirm.com mara@fishlawfirm.com Joshua G. Konecky Nathan B. Piller Philippe M.J. Gaudard Schneider Wallace Cottrell Konecky LLP 2000 Powell St. Suite 1400 Emeryville, CA 94608 (415) 421-7100 jkonecky@schneiderwallace.com npiller@schneiderwallace.com pgaudard@schneiderwallace.com</p>
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PLEASE DO NOT CONTACT THE COURT, DEFENDANT, OR DEFENDANT'S COUNSEL FOR ADDITIONAL INFORMATION ABOUT THIS SETTLEMENT.