

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL DISTRICT  
SANGAMON COUNTY, ILLINOIS

CLARENCE SMITH, STARLA SMITH, )  
ANTONIO ENRIQUEZ, MATT DEVINE, )  
MELISSA JOHNSON and ANNIE PORTER, )  
on behalf of themselves and all other persons )  
similarly situated, known and unknown, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
KEDPLASMA USA, )  
 )  
Defendant. )

Case No. 2023 CH 00053

Judge Gail L. Noll

**FILED**

MAR 28 2024

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*Joseph B. Rosal* Clerk of the  
Circuit Court

**PRELIMINARY APPROVAL ORDER**

This matter having come before the Court on Plaintiffs' Unopposed Motion and Memorandum of Law for Preliminary Approval of Class Action Settlement ("the Motion"), the Court having reviewed and considered the Motion, the Class Action Settlement Agreement ("Settlement" or "Settlement Agreement"), including all attachments to the Settlement Agreement, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Capitalized terms used and not otherwise defined in this Order are defined in the Settlement Agreement.
2. The Settlement is preliminarily approved as fair, reasonable, and adequate. The Settlement Agreement was negotiated at arm's-length between counsel who are experienced in class action litigation.
3. For settlement purposes only, the Court finds that the requirements for a class action under Section 2-801 of the Illinois Code of Civil Procedure are preliminarily satisfied, including

numerosity, commonality and predominance, adequacy, and appropriateness of class treatment and certifies the following Settlement Class as defined in the Settlement Agreement:

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").

4. For settlement purposes only, the Court appoints Clarence Smith, Starla Smith, Antonio Enriquez, Matt Devine, Melissa Johnson and Annie Porter as the Settlement Class Representatives.

5. For settlement purposes only, the Court appoints the following attorneys as Settlement Class Counsel:

Douglas M. Werman Maureen A. Salas Werman Salas P.C. 77 West Washington Street Suite 1402 Chicago, IL 60602 (312) 419-1008 dwerman@flsalaw.com msalas@flsalaw.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
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6. The Court approves the Notice of Class Action Settlement ("Notice") attached as Attachment A to the Settlement Agreement and orders distribution of the Notice to Settlement Class Members as described in the Settlement Agreement. Issuance of the Notice via direct United States mail and email (for those Settlement Class Members for whom Defendant is able to provide a personal email address) satisfies due process, the requirements of Section 2-803 of the Illinois Code of Civil Procedure and constitutes the best notice practicable under the circumstances.

7. The Court appoints Analytics Consulting, LLC as the Settlement Administrator to perform all duties described in the Settlement Agreement or ordered by this Court.

8. Any Settlement Class Member may request to be excluded from the Settlement by submitting a written request for exclusion to the Settlement Administrator as described in the Notice and Settlement Agreement within 60 days from the date the Notice is mailed.

9. Any Settlement Class Member who excludes himself or herself from the Settlement will not be entitled to any recovery under the Settlement and will not be bound by the Settlement or have any right to object, appeal, or comment on it.

10. Any Settlement Class Member who does not request to be excluded from the Settlement may object to the Settlement by submitting a signed written statement to the Settlement Administrator as described in the Notice and Settlement Agreement within 60 days from the date the Notice is mailed.

11. Settlement Class Members who fail to timely submit written objections in compliance with the requirements above and the Settlement Agreement shall be deemed to have waived any objections and shall be foreclosed from making any objections (whether by appeal or otherwise) to the Settlement Agreement unless otherwise ordered by the Court.

12. Within seven days before the Final Approval Hearing, Settlement Class Counsel shall file a motion for Final Approval of the Settlement and for Approval of Attorneys' Fees, Litigation Costs, Settlement Administration Costs, and the Settlement Class Representatives' Service Awards.

13. The Court schedules a Final Approval Hearing for 7/23, 2024 at 10:00am., to consider, among other things, (1) whether to finally approve the Settlement; (2) whether to approve Settlement Class Counsel's request for attorneys' fees and litigation costs; (3) whether to approve

the Class Representatives' request for Service Awards; (4) whether to approve the Settlement Administrator's costs; and (5) whether a final judgment as provided under the Settlement Agreement should be entered, including an order dismissing the claims in the Action against Defendant with prejudice. The Final Approval Hearing will take place via ~~in person or Zoom~~;

Meeting ID: 269 739 8957 Password: 903784. Any person unable to attend via Zoom may appear in person at Sauganuck Courthouse.

14. The Final Approval Hearing may be postponed, adjourned, transferred, or continued by order of the Court without further notice to Settlement Class Members.

15. At or following the Final Approval Hearing, the Court may enter a final judgment approving the Settlement and entering a Final Approval Order in accordance with the Settlement that adjudicates the rights of all Settlement Class Members.

16. All proceedings in the Action remain stayed until further order of the Court except such actions as may be necessary to implement the Settlement Agreement and this Order.

Entered: 3-28-2021

  
Hon. Judge Gail L. Noll

Clerk to forward copy to all counsel.