

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

If You Are Receiving this Notice, You May Be Eligible For Benefits From A Class Action Settlement With Lifescan Labs of Illinois, LLC (“Lifescan” or “Defendant”).

This is not a solicitation from a lawyer, junk mail, or an advertisement. A Court authorized this Class Notice.

- A proposed settlement has been reached in a class action lawsuit known as *Kidd v. Lifescan Labs of Illinois, LLC*, Civil Action No.: 2023LA44 (“Litigation”), filed in Circuit Court, Fourteenth Judicial Circuit, Whiteside County, Illinois.
- This Litigation arises from certain events impacting computer systems (“Data Incident”) that may have maintained personally identifiable information of current and former employees and patients of Lifescan. Representative Plaintiff, individually and on behalf of approximately 85,360 Data Incident Settlement Class members, raised these claims in a pre-filing communication to Lifescan on or around August 25, 2022. Therein, Plaintiff also alleged that Lifescan violated Illinois’ Biometric Information Privacy Act (“BIPA”) by failing to provide consent forms to approximately 100 individuals who utilized a hand-scanning timekeeping while employed by Lifescan. Lifescan disagrees with Plaintiff’s claims and denies any wrongdoing.
- All Data Incident Settlement Class Members can receive the following benefits from the settlement: reimbursement in the amount of the Person’s proven loss, but not to exceed three thousand dollars (\$3,000) per claim, for any monetary Out-of-Pocket Losses incurred as a result of the Data Incident if: (a) it is an actual, documented, and unreimbursed monetary loss; (b) it was more likely than not caused by the Data Incident; (c) it occurred during the Claims Period, through and including between October 3, 2021 and the end of the Claims Deadline; and (d) the claimant made reasonable efforts to avoid, or seek reimbursement for, the loss. Data Incident Settlement Class members may also make a claim for lost time of \$25 per hour for up to four (4) hours.
- For those identified as a BIPA Settlement Class member, you need not take any action to receive payment under this settlement. All BIPA Settlement Class members who do not submit a valid and timely Request for Exclusion will receive a check minus their *pro rata* share of the Administrative Costs, Attorneys Fees and Expenses Award, and Service Award, from the BIPA Settlement Fund. If you are also a Data Incident Settlement Class member, you can also use the Claim Form to claim Out-of-Pocket Losses or lost time.
- Lifescan has or will implement certain reasonable steps to further secure its systems and environments. Lifescan will also implement or has implemented reasonable steps to ensure compliance with BIPA regulations.
- You are included in this settlement as a Data Incident Settlement Class member if you are a Person whose information was maintained on Defendant Lifescan’s computer systems and/or network that was impacted in the Data Incident.
- You are included in this settlement as a BIPA Settlement Class member if you are a Person who used their hand for hand-scan timekeeping in the course of their employment with Lifescan.
- Your legal rights are affected regardless of whether you do or do not act. Read this Class Notice carefully.

YOUR LEGAL RIGHTS & OPTIONS IN THIS SETTLEMENT

<p>Submit a Claim Form</p>	<p>If you are a Data Incident Settlement Class member, you must submit a valid Claim Form to get money or reimbursement from this settlement.</p> <p>Claim Forms must be mailed, postmarked no later than July 31, 2024.</p> <p>Those identified as BIPA Settlement Class members need not submit a Settlement Claim for the benefit as a BIPA Settlement Class member. You can still also make a Settlement Claim for Out-of-Pocket Losses and/or lost time if you are also a Data Incident Settlement Class member.</p>
<p>Do Nothing</p>	<p>If you do nothing, you remain in the settlement.</p> <p>You give up your rights to sue and you will not get any money as a Data Incident Settlement Class member. However, you will still receive a benefit if you are a BIPA Settlement Class member.</p>
<p>Exclude Yourself</p>	<p>Get out of the settlement. Get no money. Keep your rights.</p> <p>This is the only option that allows you to keep your right to sue about the claims in this Litigation. You will not get any money from the settlement.</p> <p>Your Request for Exclusion must be postmarked no later than July 16, 2024.</p>
<p>File an Objection</p>	<p>Stay in the settlement but tell the Court why you think the settlement should not be approved.</p> <p>Objections must be postmarked no later than July 16, 2024.</p>
<p>Go to a Hearing</p>	<p>You can ask to speak in Court about the fairness of the settlement, at your own expense. <i>See</i> Question 18 for more details.</p> <p>The Final Approval Hearing is scheduled for July 18, 2024 at 9:00 AM.</p>

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BASIC INFORMATION

1. How do I know if I am affected by the Litigation and settlement?

You are a Settlement Class Member if you are either in the Data Incident Settlement Class or the BIPA Settlement Class.

You are a Data Incident Settlement Class member if you are a Person whose information was maintained on Defendant Lifescan's computer systems and/or network that was impacted in the Data Incident and do not file a Request for Exclusion ("Data Incident Settlement Class").

You may also be a BIPA Settlement Class member if you received and you are a Person who used their hand for hand-scan timekeeping in the course of their employment with Lifescan ("BIPA Settlement Class").

If you have been identified by Defendant as a potential member of either the Data Incident or BIPA Settlement Class, you will be sent a Summary Notice.

The Settlement Class specifically excludes any judge presiding over this matter and any members of their first-degree relatives or judicial staff, the officers and directors of Lifescan, Settlement Class Counsel and their first-degree relatives, and Persons who timely and validly request exclusion from the Settlement Class.

This Long Notice explains the nature of the Litigation and claims being settled, your legal rights, and the benefits to the Settlement Class.

2. What is this case about?

This case is known as *Kidd v. Lifescan Labs of Illinois, LLC*, Civil Action No.: 2023LA44 ("Litigation"), filed in Circuit Court, Fourteenth Judicial Circuit, Whiteside County, Illinois. The Person who sued is called the "Plaintiff" and the company they sued, Lifescan Labs of Illinois, LLC, is known as the "Defendant" in this case. Lifescan will be called "Defendant" in this Long Notice.

This Litigation arises from certain events impacting computer systems that may have maintained personally identifiable information of current and former employees and patients of Lifescan. Representative Plaintiff, individually and on behalf of approximately 85,360 Settlement Class Members, raised these claims in a pre-filing communication to Lifescan on or around August 25, 2022. Therein, Plaintiff also alleged that Lifescan violated Illinois' Biometric Information Privacy Act ("BIPA") by failing to provide consent forms to approximately 100 individuals who utilized a hand-scanning timekeeping device while employed by Lifescan. Subsequently, this Litigation was filed asserting claims against Defendant relating to the Data Incident and BIPA.

Plaintiff filed the Litigation against Defendant, individually, and on behalf of anyone whose Private Information was potentially impacted as a result of the Data Incident or who utilized a hand-scanning timekeeping device while employed by Lifescan.

Defendant denies any wrongdoing.

3. Why is there a settlement?

By agreeing to settle, both sides avoid the cost, disruption, and distraction of further litigation. The Representative Plaintiff, Defendant, and their attorneys believe the proposed settlement is fair, reasonable, and adequate and, thus, in the best interests for Settlement Class Members. The Court did not decide in favor of the Plaintiffs or Defendant. Full details about the proposed settlement are found in the Class Settlement Agreement available at www.LifeScanSettlement.com.

4. Why is this a class action?

In a class action, one or more people called a "Representative Plaintiff" sue on behalf of all people who have similar claims. All of these people together are the "Settlement Class" or "Settlement Class Members."

5. How do I know if I am included in the settlement?

You are included in the Data Incident Settlement Class if you are a Person whose information was maintained on Defendant Lifescan's computer systems and/or network that was impacted in the Data Incident and do not file a Request for Exclusion.

You are a BIPA Settlement Class member if you are a Person who used their hand for hand-scan timekeeping in the course of their employment with Lifescan.

If you have been identified by Defendant as a potential member of either the Data Incident or BIPA Settlement Class, you will be sent a Summary Notice. If you are not sure whether you are included as a Settlement Class Member, or have any other questions about the settlement, visit www.LifeScanSettlement.com, call toll free (833) 425-4113, or write to *Kidd v. Lifescan Labs of Illinois, LLC*, c/o Kroll Settlement Administration, PO Box 225391, New York, NY 10150-5391.

THE SETTLEMENT BENEFITS

6. What does this settlement provide?

The proposed settlement will provide the following benefits to Settlement Class Members:

Expense Reimbursement to Data Incident Settlement Class members:

Documented Out-of-Pocket Losses Reimbursement: All Data Incident Settlement Class members who submit a valid claim using the Claim Form are eligible for the following documented Out-of-Pocket Losses reimbursement in the amount of the Person's proven loss, but not to exceed three thousand dollars (\$3,000) per claim, for a monetary Out-of-Pocket Loss incurred as a result of the Data Incident if: (a) it is an actual, documented, and unreimbursed monetary loss; (b) it was more likely than not caused by the Data Incident; (c) it occurred during the Class Period, through and including October 3, 2021 and the end of the Claims Deadline; and (d) the claimant made reasonable efforts to avoid, or seek reimbursement for, the loss.

This list of reimbursable documented Out-of-Pocket Losses is not meant to be exhaustive, rather it is exemplary. Settlement Class Members must submit documentation supporting their claims. This can include receipts or other documentation not "self-prepared" by the claimant that documents the costs incurred. "Self-prepared" documents such as handwritten receipts are, by themselves, insufficient to receive reimbursement, but can be considered to add clarity or support other submitted documentation. The Claims Administrator shall have discretion to determine whether any claimed loss is reasonably related to the Data Incident.

To receive reimbursement from the Data Incident Settlement Fund for any of the above-referenced documented Out-of-Pocket Losses, Settlement Class Members must submit a valid and timely Claim Form, including necessary supporting documentation, to the Claims Administrator.

Lost Time Reimbursement: All Data Incident Settlement Class members who spent time remedying issues related to the Data Incident are eligible to receive reimbursement of twenty-five dollars (\$25) per hour with an attestation that any claimed lost time was spent related to the Data Incident and a written description of (i) the actions taken in response to the Data Incident and (ii) the time associated with each action that was reasonably spent mitigating the effects of the Data Incident. Claims made for time are subject to a four (4) hour cap and can be combined with reimbursement for Out-of-Pocket Losses, subject to the three thousand dollar (\$3,000) aggregate individual cap for Out-of-Pocket Losses.

BIPA Violation Compensation: For those identified as a BIPA Settlement Class member, by using your hand for hand-scan timekeeping in the course of their employment with Lifescan, you need not take any action to receive payment for this portion of the settlement. All BIPA Settlement Class members who do not submit a valid and timely Request for Exclusion will receive a check from the BIPA Settlement Fund minus their *pro rata* share of the settlement and Administrative Costs, Attorneys Fees and Expenses Award, and Service Award from the BIPA Settlement Fund. To receive a benefit from the Data Incident Settlement Fund you must make a claim for Out-of-Pocket Losses or lost time.

Remedial Relief: Lifescan has implemented or will implement certain reasonable steps to further secure its systems and environments. Defendant will also implement or has implemented reasonable steps to ensure compliance with BIPA regulations. Defendant estimates that the value of the already implemented and planned business practice changes is approximately or more than \$250,000. These security measures will be or have been paid for by Lifescan separate and apart from other settlement benefits.

7. How to submit a Claim Form

All Claim Forms will be reviewed by the Claims Administrator for completeness and plausibility. You must file a Claim Form to get money and/or reimbursement from Data Incident Settlement Fund under the proposed settlement. Claim Forms must be postmarked no later than July 31, 2024. For more information, please visit www.LifeScanSettlement.com or you can call the Claims Administrator at (833) 425-4113 for a Claim Form.

8. What am I giving up as part of the settlement?

If you stay in the Settlement Class, you will be eligible to receive benefits, but you will not be able to sue Lifescan, its past or present owners, parents, subsidiaries, divisions, and related or affiliated entities, and each of their respective predecessors, successors, assigns, owners, directors, officers, employees, principals, agents, attorneys, insurers, and reinsurers, among others (collectively, the “Released Parties”) regarding the claims in this case.

The Class Settlement Agreement, which includes all provisions about Released Claims, releases, and Released Parties, is available at www.LifeScanSettlement.com.

The only way to keep the right to sue is to exclude yourself (*see* Question 10), otherwise you will be included in the Settlement Class, and, if the settlement is approved, you give up the right to sue for the claims in this case.

9. Will the Representative Plaintiff receive compensation?

Yes. If approved by the Court, the Representative Plaintiff will receive a Service Award of up to \$10,000, to compensate them for their services and efforts in bringing the Litigation. The Court will make the Final decision as to the amount, if any, to be paid to the Representative Plaintiff.

EXCLUDE YOURSELF

10. How do I exclude myself from the settlement?

If you do not want to be included in the settlement, you must “opt-out” by sending a timely written Request for Exclusion, stating your full name, address, and telephone number. Your Request for Exclusion must be personally signed by you and contain your original signature (or the original signature of a Person previously authorized by law, such as a trustee, guardian, or Person acting under power of attorney to act on your behalf with respect to a claim or right, such as those in the Litigation). Your request must also clearly manifest your intent to be excluded from the Settlement Class, to be excluded from the settlement, not to participate in the settlement, and/or to waive all rights to the benefits of the settlement.

Your written Request for Exclusion must be postmarked no later than **July 16, 2024** to:

Kidd v. Lifescan Labs of Illinois, LLC
c/o Kroll Settlement Administration
PO Box 225391
New York, NY 10150-5391

Instructions on how to submit a Request for Exclusion are available at www.LifeScanSettlement.com or from the Claims Administrator by calling (833) 425-4113.

If you exclude yourself you will not be able to receive any Award from the settlement, and you cannot object to the settlement at the Final Approval Hearing. You will not be legally bound by anything that happens in the Litigation, and you will keep your right to sue Defendant on your own for the claims that this settlement resolves.

11. If I do not exclude myself, can I sue later?

No. If you do not exclude yourself from the settlement, and the settlement is approved by the Court, you forever give up the right to sue the Released Parties (listed in Question 8) for the claims this settlement resolves.

12. What happens if I do nothing at all?

If you do nothing, you will be bound by the settlement if the Court approves it, you will not get any money or reimbursement from the settlement (unless you are a member of the BIPA Settlement Class), you will not be able to start or proceed with a lawsuit, or be part of any other lawsuit against the Released Parties (listed in Question 8) about the settled claims in this case at any time.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in the case?

Yes. The Court has appointed Gary Klinger of Milberg Coleman Bryson Phillips Grossman, PLLC and David Fish of Fish Potter Bolaños, P.C (called “Settlement Class Counsel”) to represent the interests of all Settlement Class Members in this case. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

14. How will the lawyers be paid?

Settlement Class Counsel will apply to the Court for an Attorneys’ Fees and Expense Award of up to \$444,000. A copy of Settlement Class Counsel’s Motion for Attorneys’ Fees and Expenses Award and Service Award for Representative Plaintiff will be posted on the settlement website, www.LifeScanSettlement.com, before the Final Approval Hearing. The Court will make the Final decisions as to the amounts to be paid to Settlement Class Counsel and may award less than the amount requested by Settlement Class Counsel.

OBJECTING TO THE SETTLEMENT

15. How do I tell the Court that I do not like the settlement?

If you want to tell the Court that you do not agree with the proposed settlement or some part of it, you must file an objection with the Court telling it why you do not think the settlement should be approved.

Notices of intent to object must be submitted in writing and include all the following information:

- a) State the objecting Settlement Class Member’s full name, current address, telephone number, and email address (if any);
- b) Contain the objecting Settlement Class Member’s original signature;
- c) Set forth information identifying the objector as a Settlement Class Member, including proof that the objector is within the Settlement Class (*e.g.*, copy of the Notice or copy of original notice of the Data Incident);
- d) Set forth a statement of all grounds for the Objection, including any legal support for the Objection that the objector believes applicable;
- e) Identify all counsel representing the objector;
- f) State whether the objector and/or his or her counsel will appear at the Final Approval Hearing, and;
- g) Contain the signature of the objector’s duly authorized attorney or other duly authorized representative (if any), along with documentation setting forth such representation.

Your notice of intent to object must be filed with the Clerk of Court and include the case name and docket number, *Kidd v. Lifescan Labs of Illinois, LLC*, Civil Action No.: 2023LA44 (“Litigation”), filed in Circuit Court, Fourteenth Judicial Circuit, Whiteside County, Illinois to be received no than **July 16, 2024**, at:

Office of the Circuit Court Clerk

Circuit, Whiteside County, Illinois

200 East Knox Street

Morrison, IL 61270

In addition, you must concurrently mail or hand deliver a copy of your objection to Settlement Class Counsel and Lifescan’s Counsel, postmarked no later than **July 16, 2024** to:

SETTLEMENT CLASS COUNSEL	LIFESCAN’S COUNSEL
Gary M. Klinger, Esq. MILBERG COLEMAN BRYSON PHILLIPS GROSSMAN PLLC 227 W. Monroe Street Suite 2100 Chicago, IL 60606	Melissa Siebert COZEN O’CONNOR 123 North Wacker Drive Suite 1800 Chicago, IL 60606

In addition, if the objecting Settlement Class Member intends to appear at the Final Approval Hearing, either with or without counsel, he or she must also file with the Court, and mail or hand-deliver to Settlement Class Counsel and Lifescan’s counsel, a notice of appearance no later than **July 16, 2024**. If the objecting Settlement Class Member intends to appear at the Final Approval Hearing through counsel, the notice of appearance filed with the Court must also:

- a) Identify the attorney(s) representing the objector who will appear at the Final Approval Hearing;
- b) Include each such attorney’s name, address, phone number, email address, state bar(s) to which counsel is admitted, as well as associated state bar numbers;
- c) Include a list identifying all objections each counsel has filed to class action settlements in the past three (3) years, the results of each objection, any court opinions ruling on the objections, and any sanctions issued by a court in connection with objections filed by such attorney, and;
- d) If the objecting Settlement Class Member intends to request permission from the Court to call witnesses at the Final Approval Hearing, the objecting Settlement Class Member must provide a list of any such witnesses together with a brief summary of each witness’s expected testimony at least thirty (30) days before the Final Approval Hearing.

If you do not submit your notice of intent to object with all requirements, or if your notice of intent to object is not received by July 16, 2024 you will be considered to have waived all objections and will not be entitled to speak at the Final Approval Hearing.

16. What is the difference between objecting and asking to be excluded?

Objecting is simply telling the Court that you don’t like something about the settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you don’t want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the settlement no longer affects you.

THE FINAL APPROVAL HEARING

17. When and where will the Court decide whether to approve the Settlement?

The Court will hold the Final Approval Hearing on July 18, 2024, at 9:00AM CT in Courtroom A, of the Circuit Court of Whiteside County, Illinois. The hearing may be moved to a different date, time, or location without additional notice, so it is recommended that you periodically check this website for updated information.

At the hearing, the Court will consider whether the proposed settlement is fair, reasonable, adequate, and is in the best interests of Settlement Class Members, and if it should be finally approved. If there are valid notices of intent to object, the Court will consider them and will listen to people who have asked to speak at the hearing if the request was made properly. The Court will also consider the Attorneys’ Fees and Expenses Award to Settlement Class Counsel and the request for a Service Award to the Representative Plaintiff.

18. Do I have to come to the hearing?

No. You are not required to come to the Final Approval Hearing. However, you are welcome to attend the hearing – with or without representative – at your own expense.

If you submit a notice of intent to object, you do not have to come to the hearing to talk about it. If your notice of intent to object was submitted properly and on time, the Court will consider it. You also may pay your own lawyer to attend the Final Approval Hearing, but that is not necessary. However, you must follow the requirements for making objections in Question 15, including the requirements for making appearances at the hearing.

19. May I speak at the hearing?

Yes. You can speak at the Final Approval Hearing, but you must ask the Court for permission. To request permission to speak, you must file a notice of intent to object according to the instructions in Question 15, including all the information required for you to make an appearance at the hearing. You cannot speak at the hearing if you exclude yourself from the settlement.

GET MORE INFORMATION

20. How do I get more information about the settlement?

This is only a summary of the proposed settlement. If you want additional information about this Litigation, including a copy of the Class Settlement Agreement, the Complaint, the Court's Preliminary Approval Order, Settlement Class Counsel's Motion for Attorneys' Fees and Expenses Award when available, and Service Award for Representative Plaintiff, and more, please visit this website or call (833) 425-4113. You may also contact the Claims Administrator at *Kidd v. Lifescan Labs of Illinois, LLC*, c/o Kroll Settlement Administration, PO Box 225391, New York, NY 10150-5391.

**PLEASE DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT
OR LITIGATION TO THE CLERK OF THE COURT, THE JUDGE, DEFENDANT, OR LIFESCAN'S
COUNSEL.**

