IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT, CHANCERY DIVISION

ETHAN ROACH, on behalf of himself and all other persons similarly)
situated, known and unknown,) Case No. 2019CH01107
Plaintiff,) Judge: Honorable Pamela McLean) Meyerson
v.	· ·
WALMART INC.)
Defendant.)

FINAL APPROVAL ORDER

On June 16, 2021, the Court held a Final Approval Hearing and heard Plaintiff's Unopposed Motion and Memorandum in Support of Final Approval of Class Action Settlement and Plaintiff's Motion and Memorandum for Attorney Fees, Incentive Award, and Settlement Administration Costs. The Court has considered the Motions and attached exhibits, as well as the Parties' presentation at the final approval hearing, and otherwise being fully informed on the premises, hereby finds and orders as follows:

- 1. Capitalized terms used in this Order that are not otherwise defined herein have the same meaning assigned to them as in the Parties' Settlement Agreement.
- 2. The Court has jurisdiction over the subject matter of this action, Plaintiff, the Settlement Class Members, and Defendant.
- 3. The Court finds that there is a bona fide legal dispute between the Parties as to whether Defendant violated the Illinois Biometric Information Privacy Act ("BIPA"), 740 ILCS 14/1, et seq. by allegedly: (1) collecting Plaintiff's and other employees' biometric palm scan identifiers and information ("biometric data") without following BIPA's informed written

consent procedures; and (2) possessing Plaintiff's and other employees' biometric data without a publicly available data retention schedule and destruction policy.

- 4. The Court grants final approval of the Settlement memorialized in the Settlement Agreement filed with the Court.
- 5. The Court finds that the Settlement is fair, reasonable, and adequate. More specifically, the Court finds that: (a) the strength of Plaintiff's claims on the merits weighed against Defendant's defenses, and the complexity, length and expense of further litigation, support approval of the settlement; (b) the Gross Fund of \$10,000,000.00 as set forth in the Settlement Agreement is a fair, reasonable and adequate settlement of the claims; (c) the settlement was reached pursuant to arm's-length negotiations between the Parties after a mediation with retired Judge James Holderman; (d) the reaction of Settlement Class Members supports approval of the settlement because a high percentage returned Claim Forms, only one Settlement Class Member objected to the settlement, and only five Settlement Class Members requested to be excluded from the settlement; (e) the support for the settlement expressed by Settlement Class Counsel, who have significant experience representing parties in complex class actions (including, specifically, class actions brought under BIPA) weighs in favor of approval of the settlement; and (f) the litigation has progressed to a stage where the Court and the Parties could evaluate the merits of the case, potential damages, and the probable course of future litigation, and thus warrants approval of the settlement.
- 6. The Court approves the settlement as a final, fair, reasonable, adequate, and binding release of the claims of Plaintiff and the Releasing Settlement Class Members as provided in the Settlement Agreement.