

# EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

SONIA LOPEZ-MCNEAR, individually  
and on behalf of all others similarly  
situated,

*Plaintiff,*

v.

SUPERIOR HEALTH LINENS, LLC a  
Wisconsin limited liability company,

*Defendant.*

Case No.: 19-cv-2390

**DECLARATION OF BRIAN SMITHEMAN  
OF HEFFLER CLAIMS GROUP IN SUPPORT OF FINAL APPROVAL**

Under penalties as provided by law pursuant to 28 U.S.C. § 1746, I, Brian Smitheman, certify that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, and as to such matters, I certify that I believe the same to be true:

1. I am a Client Services Manager for Heffler Claims Group (“Heffler”) in Philadelphia, Pennsylvania. I am over twenty-one years of age and am authorized to make this declaration on behalf of Heffler and myself. The following statements are based on my personal knowledge and information provided by other experienced Heffler employees working under my supervision. This declaration is being filed in support of Plaintiff’s motion for final approval of class action settlement.

2. Heffler has extensive experience in class action matters, having provided services in class action settlements involving antitrust, securities fraud, employment and labor, consumer, and government enforcement matters. Heffler has provided notification and/or claims administration services in more than 3,000 cases.

3. Heffler was appointed as the Settlement Administrator to provide notification and settlement administration services in *Lopez-McNear v. Superior Health Linens LLC*, No. 19-cv-2390, referred to herein as the “Settlement.” Heffler’s duties in this Settlement have and will include: (a) establishing a post office box for the receipt of general mail and correspondence; (b) establishing a dedicated email address for receipt of exclusions, objections and general correspondence; (c) establishing a toll-free number for Settlement Class members to call regarding general inquiries; (d) creating a Website where Settlement Class members have the ability to access important court documents and file W-9 forms online (the “Settlement Website”); (e) receiving and analyzing the Settlement Class member data (the “Class List”) from defense counsel; (f) preparing and sending Email Notice and/or Mailed Notice to the Settlement Class, which required Settlement Class Members to file a W-9 form in order to not have any backup withholdings deducted from their Settlement Payment; (g) receiving and processing mail from the United States Postal Service (“USPS”) with forwarding addresses; (h) receiving and processing undeliverable mail from the USPS; (i) receiving and processing any opt-outs and objections, to the extent any untimely opt-outs or objections are submitted after the Objection/Exclusion Deadline; (j) tax calculation and reporting; and (k) such other tasks as counsel for the Parties requests or the Court orders Heffler to perform.

4. Post Office Box: On January 20, 2021, Heffler obtained a post office box with the mailing address *Lopez-McNear v SHL, c/c Settlement Administrator*, P.O. Box 292, Warminster, PA 18974-0292 in order to receive completed W9s, requests for exclusion, objections, and correspondence from class members.

5. Email Address: On January 5, 2021, Heffler established a dedicated email address, Exclusion@SHLBiometricSettlement.com, as an alternative method for class members to submit requests for exclusion, objections, and correspondence to Heffler due to the COVID-19 pandemic.

6. Toll-Free Number: On January 24, 2021, Heffler established and is still maintaining a toll-free number, 1-833-644-1594, for Settlement Class members to call and obtain additional information regarding the Settlement. As of April 13, 2020, 40 class members have called and spoke to a live operator.

7. Settlement Website: On January 18, 2021, Heffler created and is currently hosting a dedicated Settlement Website entitled [www.SHLBiometricSettlement.com](http://www.SHLBiometricSettlement.com). The Settlement Website contains a summary of the Settlement, frequently asked questions (“FAQs”), the capability to electronically submit a W-9 form, and relevant documents including: the Settlement Agreement; Complaint; Plaintiff’s Motion for and Memorandum in Support of Preliminary Approval of Class Action Settlement; the Preliminary Approval Order; W-9 form; Mail Notice; Plaintiffs’ Motion and Memorandum of Law for Attorneys’ Fees, Expenses, and Incentive Award, and the exhibits attached thereto; Declaration of Schuyler Ufkes in Support of Plaintiff’s Motion for Attorneys’ Fees, Expenses, and Incentive Award; and Declaration of David Fish. The Settlement Website also includes information and dates for Settlement Class members including the Objection/Exclusion Deadline, the date and time of the Final Approval Hearing, and instructions on how to appear at the Final Approval Hearing telephonically. As of April 13, 2021, the Settlement Website has had 1,894 visits.

8. Class List: On January 26, 2021, Heffler received a data file containing 789 records. The data file’s key components were Name, Address, and Email. Heffler performed an analysis of the data and determined that all records provided were unique. Thereafter, Heffler “scrubbed”

the data to ensure it was in proper format for distributing Notice. Heffler also determined that there were 12 unique records that contained an email address so they would receive an email notice and 770 unique records who did not have an email address associated and would receive a mail notice.

9. Direct Notice: On or about January 15, 2021, Heffler received from counsel a Word version of the direct Notice to be emailed to Settlement Class members and a Word version of the direct Notice to be mailed to Settlement Class members. Heffler prepared and formatted drafts of the materials, which counsel reviewed and approved. True and correct copies of the finalized Notices are attached hereto as **Exhibits “A1 and A2.”**

10. In order to provide the best notice practicable, Heffler ran the address data through the USPS National Change of Address (“NCOA”) database and updated the data with the changes received from NCOA. On February 9, 2021, Heffler caused the emailing of Notices in the form of Exhibit A1 to 12 Settlement Class members. On February 9, 2021, Heffler caused the mailing of Notices in the form of Exhibit A2 to 772 Settlement Class members, consisting of 770 Notices to Settlement Class members who did not have an email address and 2 additional Notices to Settlement Class members whose original email Notice was undeliverable.

11. As of April 13, 2021, Heffler has received 2 Notices returned by the USPS with a forwarding address. Heffler has re-mailed 2 of the forwarded Notices to the updated addresses provided by the USPS.

12. As of April 13, 2021, Heffler has received 131 Notices returned by the USPS as undeliverable as addressed. Heffler has updated the records in the database to identify these as undeliverable. Heffler sent the 123 records through a skip trace process with LexisNexis and obtained 39 updated addresses. On March 25, 2021, Heffler re-mailed Notices to the 39 addresses

obtained through the skip-trace process. Of the 39 re-mailed Notices, none have been returned by the USPS as undeliverable to date.

13. The Objection/Exclusion Deadline was April 6, 2021. As of April 13, 2021, Heffler has received no requests for exclusion from the Settlement and no objections to the Settlement.

14. Heffler will be responsible for all tax filings related to the Settlement Fund, requesting W9s from Settlement Class Members, and performing back-up withholding as necessary.

15. As of March 8, 2021, Heffler has billed \$30,807.92 in total fees and expenses associated with administering the Settlement from inception through completion.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct to the best of my knowledge and that this Declaration was executed on April 13, 2021 in West Chester, Pennsylvania.

  
Brian Smitheman  
BRIAN SMITHEMAN

# Exhibit A1

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS**

*Lopez-McNear v. Superior Health Linens, LLC, Case No. 19-cv-2390*

**IF YOU USED A HAND SCANNING TIME CLOCK AT A SUPERIOR HEALTH LINENS FACILITY IN THE STATE OF ILLINOIS BETWEEN FEBRUARY 28, 2014 AND JANUARY 12 2021, A CLASS ACTION SETTLEMENT MAY AFFECT YOUR RIGHTS.**

*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 **Superior Health Linens, LLC** (“SHL”) and some of its current and former Illinois employees. The lawsuit claims that SHL violated an Illinois law called the Biometric Information Privacy Act (“BIPA”) by collecting employees’ handprints on time clocks in Illinois without complying with the law’s requirements. SHL denies any wrongdoing and says that it has not violated any laws. The settlement does not establish who is right or wrong, but rather is a compromise to end the lawsuit and avoid the uncertainties and expenses that come with continuing on in court. The lawsuit is called *Lopez-McNear v. Superior Health Linens, LLC*, No. 19-cv-2390, and is in the United States District Court for the Northern District of Illinois. Please read this Notice carefully. Your legal rights are affected whether you act, or don’t act.

*For complete information, visit [www.SHLbiometricsettlement.com](http://www.SHLbiometricsettlement.com) or call 1-833-644-1594.*

- **Who is included in the Settlement Class?** Our records indicate that you are included in the Settlement Class. The Settlement Class includes all current and former employees of Superior Health Linens, LLC who used a hand scanner time clock at a Superior Health Linens facility in Illinois between February 28, 2014 and January 12, 2021. Some exceptions to participating apply. For example, persons who were or are in the bargaining units of any union while working at SHL, or persons who entered into a separate settlement with SHL are not included.
- **What can I get out of the settlement?** SHL has agreed to create a \$790,000 Settlement Fund. If you’re eligible and the Court approves the settlement, a check will automatically be mailed to you for approximately \$620, which includes the payment of the costs, administration expenses, and legal fees. The settlement also requires SHL to comply with the BIPA in the future.
- **How do I get my payment?** A payment will be mailed to you at your last known address. You can request to update your address on the “Contact” page of the Settlement Website. **In order to avoid backup tax withholding of your payment under this settlement, you must complete the enclosed W9 form and return it to the following address by April 27, 2021: Lopez-McNear v. SHL, c/o Settlement Administrator, P.O. Box 292 Warminster, PA 18974-0292. You may also fill out a W9 on the Settlement Website at [www.SHLbiometricsettlement.com](http://www.SHLbiometricsettlement.com).**
- **What are my options?** You can do nothing, object to any of the settlement terms, or exclude yourself from the settlement. If you do nothing, you will receive a settlement payment, and won’t be able to sue SHL in a future lawsuit about the claims addressed in the settlement. If you exclude yourself, you won’t get a payment, but you’ll keep your right to sue SHL on the issues the settlement concerns. You must contact the Settlement Administrator by mail or email ([exclusion@SHLbiometricsettlement.com](mailto:exclusion@SHLbiometricsettlement.com)) to exclude yourself. You can also object to the settlement if you disagree with any of its terms. ***All Requests for Exclusion and Objections must be received or postmarked by April 6, 2021.***
- **Do I have a lawyer?** Yes. The Court has appointed lawyers from the law firm Edelson PC and the Fish Law Firm PC as “Class Counsel.” They represent you and other Settlement Class Members. The lawyers will request to be paid from the total amount that SHL agreed to pay to the class members. You can hire your own lawyer, but you’ll need to pay that lawyer’s legal fees if you do. The Court has also chosen Sonia Lopez-McNear—a class member like you—to represent the Settlement Class.
- **When will the Court approve the settlement?** The Court will hold a Final Approval Hearing on April 27, 2021 at 11:00 a.m. before the Honorable Rebecca R. Pallmeyer in Room 2541 at the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, Illinois 60604. The Court will hear objections, determine if the settlement is fair, and consider Class Counsel’s request for fees and expenses of up to 35% of the Settlement Fund and an incentive award of \$5,000, which will be posted on the Settlement Website.

**Visit [www.SHLbiometricsettlement.com](http://www.SHLbiometricsettlement.com) for complete information.**

# Exhibit A2

From: tobedetermined@domain.com  
To: JohnDoeClassMember@domain.com  
Re: Legal Notice of Proposed Class Action Settlement

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