

**UNITED STATES DISTRICT COURT  
 FOR THE CENTRAL DISTRICT OF ILLINOIS  
 ROCK ISLAND DIVISION**

<b>HEATHER HOOKS, individually and on</b>	)	
<b>behalf of all similarly situated individuals,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No.</b>
	)	
v.	)	
	)	
<b>AMERICOLD LOGISTICS, LLC, a</b>	)	
<b>Georgia limited liability company,</b>	)	
	)	
<b>Defendant.</b>	)	

**NOTICE OF REMOVAL**

Defendant Americold Logistics, LLC (“Americold” or “Defendant”), by its attorneys, Jody Kahn Mason and Jason A. Selvey of Jackson Lewis P.C., and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes this action from the Circuit Court of the Ninth Judicial Circuit, Warren County, Illinois, to the United States District Court for the Central District of Illinois, Rock Island Division. In support thereof, Americold states as follows:

**Procedural History and Plaintiff’s Allegations**

1. On March 5, 2021, Plaintiff Heather Hooks (“Plaintiff”) commenced this action by filing a putative Class Action Complaint with Jury Demand (“Complaint”) against Americold in the Circuit Court of the Ninth Judicial Circuit, Warren County, Illinois alleging violations of the Illinois Biometric Information Privacy Act (“BIPA”), 740 ILCS 14/1, *et seq.* The lawsuit is captioned *Heather Hooks v. Americold Logistics, LLC*, and numbered 2021 L 4 (the “State Court Action”). A copy of Plaintiff’s Complaint (“Compl.”) is attached as Exhibit A.

2. Plaintiff is a former employee of Americold who worked at its facility in Monmouth, Illinois. (Compl. ¶ 15). In her Complaint, Plaintiff alleges that Americold “implemented biometric scanning and time-tracking devices and technology to monitor and

manage its workers’, including Plaintiff’s, time on the job” and that Americold required Plaintiff “to provide biometric scans to Defendant each time [she] needed to clock in and clock out of a shift at work” without following the requirements of the BIPA. (Compl. ¶¶ 16-17).

3. Specifically, Plaintiff alleges that Americold failed to comply with the BIPA by: (a) “fail[ing] to inform Plaintiff and the members of the Class in writing that their biometrics were being collected and stored prior to such collection or storage”; (b) “fail[ing] to inform Plaintiff and the Class in writing of the specific purpose for which their biometrics were being captured, collected, stored, and used,”; (c) fail[ing] to inform Plaintiff and the Class in writing the specific length of term their biometrics were being captured, collected, stored, and used”; (d) “fail[ing] to obtain a written release”; (e) “fail[ing] to provide a publicly available retention schedule detailing the length of time for which the biometrics are stored and/or guidelines for permanently destroying the biometrics they store”; and (f) fail[ing] to obtain informed consent to disclose or disseminate the Class’ biometrics.” (Compl. ¶ 37). Plaintiff further alleges that “[b]y obtaining and operating an employee timekeeping system which uses biometrics that was devoid of the privacy protections required by BIPA, Defendant avoided human-resource management costs and thus profited from Plaintiff’s and the Class members’ biometric identifiers and biometric information” in violation of the BIPA. (*Id.*)

4. For themselves and each member of the putative class, Plaintiff seeks: (1) “statutory damages of \$5,000 for each willful and/or reckless violation of BIPA”; (2) “1,000 for each negligent violation of BIPA”; (3) injunctive and equitable relief; (4) “reasonable attorneys’ fees, costs, and other litigation expenses”; and (5) pre- and post-judgment interest. (Compl., Prayer for Relief).

5. Under 740 ILCS 14/20(1)-(2), Plaintiff may recover “(1) against a private entity that negligently violates a provision of this Act, liquidated damages of \$1,000 or actual damages, whichever is greater; [or] (2) against a private entity that intentionally or recklessly violates a provision of this Act, liquidated damages of \$5,000 or actual damages, whichever is greater....”

6. Plaintiff seeks to represent a class defined as: “[a]ll individuals whose biometrics were captured, collected, stored, used, transmitted, or disseminated by or on behalf of Defendant within the state of Illinois at any time within the applicable limitations period.” (Compl. ¶ 23). Plaintiff does not define what she believes to be “the applicable limitations period.” Further, the BIPA is silent as to the applicable statute of limitations. While Americold does not concede that claims under the BIPA are subject to a five-year statute of limitations, the longest potential limitations period for claims under the BIPA is five years.

#### **Timeliness of Removal**

7. Pursuant to 28 U.S.C. § 1446(b)(1), if the grounds for removal are apparent on the face of the initial pleading, “[t]he notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within 30 days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter.” As explained below, the grounds for removal here are apparent on the face of the Complaint.

8. On March 19, 2021, Americold was served with the Complaint and Summons. Americold has not filed an answer or any other pleading responsive to the Complaint, nor has Americold appeared or made any arguments before the State Court.

9. Americold files this Notice of Removal on April 19, 2021.<sup>1</sup> As such, this Notice of Removal is timely.

### **Basis for Removal**

10. Removal is proper here under the Class Action Fairness Act (“CAFA”), 28 U.S.C. 1332(d). Under CAFA, United States District Courts have original jurisdiction over any class action: (i) involving a class of 100 or more members; (ii) where at least one member of the class is a citizen of a state different from any defendant; and (iii) in which the matter in controversy exceeds the sum or value of \$5 million, exclusive of interest and costs. 28 U.S.C. § 1332(d). These prerequisites are satisfied here.

11. First, this matter is a covered “class action.” Pursuant to CAFA, “the term ‘class action’ means any civil action filed under rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representative persons as a class action.” 28 U.S.C. § 1332(d)(1)(B). Here, Plaintiff purports to bring this lawsuit on behalf of a class of individuals and seeks to represent them and their interests in this action as provided for under the Federal Rules of Civil Procedure and the Illinois Code of Civil Procedure provisions for class actions, 735 ILCS 5/2-801, *et seq.* (Compl. ¶¶ 23-30, Prayer for Relief).

12. Second, this class action involves a proposed class of more than 100 members. In the five years preceding the filing of Plaintiff’s Complaint on March 5, 2021 through the present, which is the longest potentially relevant limitations period relative to Plaintiff’s claims, more than 500 current and former Americold employees have used the timekeeping system at issue under

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<sup>1</sup> The thirtieth day after March 19, 2021 was Sunday April 18, 2021. Pursuant to Federal Rule of Civil Procedure 6(a)(1)(C), if the last day of the period is a Sunday, “the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.”

conditions Plaintiff alleges violate the BIPA.<sup>2</sup> (Declaration of Rhonda Arceneaux, attached hereto as Exhibit B, ¶ 6).

13. Third, the minimal diversity requirement is met. As Plaintiff has asserted, she is a citizen of the State of Illinois. (Compl. ¶ 10).

14. Americold is a limited liability company organized under the laws of the State of Delaware with its principal place of business in Atlanta, Georgia. (Ex. B, Declaration of Rhonda Arceneaux, ¶ 5).

15. As such, at least one member of the proposed class is a citizen of a different state than Defendant and this case meets the minimal diversity requirement of CAFA. 28 U.S.C. § 1332(d)(2)(A) (minimal diversity requires that “any member of a class of plaintiffs is a citizen of a State different from any defendant”).

16. Fourth, the amount in controversy in this case exceeds \$5 million, exclusive of interest and costs. Plaintiff brings claims on behalf of herself and a class of “[a]ll individuals whose biometrics were captured, collected, stored, used, transmitted, or disseminated by or on behalf of Defendant within the state of Illinois at any time within the applicable limitations period.” (Compl. ¶ 23). As defined, and using the longest potentially relevant limitations period of five years preceding the date Plaintiff filed the Complaint, the putative class would include more than 500 individuals.<sup>3</sup> (Ex. B, Declaration of Rhonda Arceneaux, ¶ 6).

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<sup>2</sup> Americold denies that it violated the BIPA, denies that a class could be properly certified, and denies that Plaintiff or the putative class is entitled to any relief whatsoever.

<sup>3</sup> Americold again does not concede that claims under the BIPA are properly subject to a five-year statute of limitations, but accepts such is the longest potential limitations period for purposes of this Notice of Removal. Moreover, Americold again nevertheless denies that it violated the BIPA, denies that a class could be properly certified and denies that Plaintiff and the putative class are entitled to any of the relief they seek.

17. On behalf of herself and the putative class, Plaintiff seeks to recover statutory liquidated damages of \$5,000 for each reckless or willful violation of the BIPA and \$1,000 for each negligent violation. (Compl., Prayer for Relief). Plaintiff does not state what she contends constitutes “each violation” of the BIPA, and that issue remains unsettled. However, Plaintiff brings this action on behalf of a putative class of individuals whose biometric information was allegedly collected, stored, and used in connection with Americold’s timekeeping system, and she alleges that Americold’s “practice with respect to capturing, collecting, storing, and using biometrics fails to comply” with Sections 15(b)(1), 15(b)(2), 15(b)(3), 15(a), 15(d)(1), and 15(c) of the BIPA. (Compl. ¶ 9(a)-(g)). Given that Plaintiff alleges Americold failed to comply with six different statutory provisions of the BIPA as to each member of the putative class, the amount in controversy would necessarily exceed \$5,000,000 to the extent she seeks for each putative class member a separate award of statutory damages of \$5,000 for each statutory provision of the BIPA which she alleges was violated by Americold, as alleged in the Complaint.<sup>4</sup> (Compl. ¶ 39, Prayer for Relief). Thus, the threshold required to support removal under CAFA is satisfied here.

### **Venue and Procedural Steps**

18. The United States District Court for the Central District of Illinois is the appropriate venue for removal of the State Court Action. Under 28 U.S.C. § 1441, a civil action brought in any state court in which the district courts of the United States have original jurisdiction is to be removed to the district court for the district and division embracing the place where the state court

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<sup>4</sup> To be clear, Americold denies that Plaintiff and the putative class are entitled to an award of \$5,000 or \$1,000 in statutory damages under any circumstances and further denies that they could obtain multiple recoveries for the same purported BIPA violation. In other words, Americold expressly denies that Plaintiff and the putative class could obtain a separate recovery for each provision of the BIPA allegedly violated by Americold. Americold accepts Plaintiff’s apparent position solely for purposes of this Notice of Removal.

action is pending. The State Court Action was filed in Warren County, Illinois, which is located in this district and division.

19. As required by 28 U.S.C. § 1446(a), the Complaint, Summons, and any other “process, pleadings, and orders” served to date on Americold are attached as group Exhibit A.

20. As required by 28 U.S.C. § 1446(d), written notice of this Notice of Removal will be sent promptly to Plaintiff’s counsel by email and U.S. Mail, and promptly filed with the Clerk of the Circuit Court of the Ninth Judicial Circuit, Warren County, Illinois.

21. By filing this Notice of Removal, Americold does not waive any defenses to the claim Plaintiff asserts on behalf of herself and the putative class, including that Plaintiff has not pleaded a claim upon which relief can be granted and that class certification is inappropriate.

**WHEREFORE**, Defendant Americold Logistics, LLC hereby removes case number 2021 L 4, which is pending in the Circuit Court of the Ninth Judicial Circuit, Warren County, Illinois, to the United States District Court for the Central District of Illinois, Rock Island Division.

Dated: April 19, 2021

Respectfully submitted,  
AMERICOLD LOGISTICS, LLC

By: /s/ Jody Kahn Mason  
One of Its Attorneys

Jody Kahn Mason  
Jason A. Selvey  
JACKSON LEWIS P.C.  
150 North Michigan Avenue, Suite 2500  
Chicago, Illinois 60601  
(312) 787-4949  
Jody.Mason@jacksonlewis.com  
Jason.Selvey@jacksonlewis.com

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that on April 19, 2021, she caused a true and correct copy of the foregoing *Notice of Removal* to be filed electronically using the Court's Electronic Filing System, and will serve a copy on the following counsel of record for Plaintiff by email at the following addresses:

Timothy P. Kingsbury  
Andrew Heldut  
McGuire Law, P.C.  
55 W. Wacker Drive, 9<sup>th</sup> Floor  
Chicago, IL 60601  
[tkingsbury@mcgpc.com](mailto:tkingsbury@mcgpc.com)  
[aheldut@mcgpc.com](mailto:aheldut@mcgpc.com)

*/s/ Jody Kahn Mason* \_\_\_\_\_



**Exhibit A**

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  Warren COUNTY	<b>SUMMONS</b>	For Court Use Only
<b>Instructions ▼</b> Enter above the county name where the case was filed. Enter your name as Plaintiff/Petitioner. Enter the names of all people you are suing as Defendants/ Respondents. Enter the Case Number given by the Circuit Clerk.	Heather Hooks, indiv. and on behalf of a class <b>Plaintiff / Petitioner</b> (First, middle, last name)  v.  Americold Logistics, LLC <b>Defendant / Respondent</b> (First, middle, last name)	2021L4 <b>Case Number</b>

In 1, if your lawsuit is for money, enter the amount of money you seek from the Defendant/ Respondent.

In 2, enter your contact information. If more than 1 person is bringing this lawsuit, attach an *Additional Plaintiff/Petitioner Contact Information* form.

In 3, enter the name of the person you are suing and their address. If more than 1 person is being sued, attach an *Additional Defendant/Respondent Contact Information* form.

**1. Information about the lawsuit:**

Amount claimed:     \$ 50,000+ (to be determined)    

**2. Contact information for the Plaintiff/Petitioner:**

Name (First, Middle, Last): Counsel: Timothy P. Kingsbury / McGuire Law, P.C.  
 Street Address, Apt #: 55 W. Wacker Dr., 9th Fl.  
 City, State, ZIP: Chicago, IL 60601  
 Telephone: (312) 893-7002  
 See attached for additional Plaintiff/Petitioner contact information

**3. Contact information for the Defendant/Respondent:**

Name (First, Middle, Last): \_\_\_\_\_  
 Street Address, Apt #: \_\_\_\_\_  
 City, State, ZIP: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 See attached for additional Defendant/Respondent contact information

**Important Information for the person receiving this form:**

You have been sued.  
 Follow the instructions on the next page on how to appear/answer.

- If you do not appear/answer the court may decide the case without hearing from you and enter a judgment against you for what the plaintiff/petitioner is asking.
- Your written appearance/answer must be filed on time and in the proper form.
- Forms for a written appearance/answer are available here:  
<http://www.illinoiscourts.gov/forms/approved/default.asp>

If you cannot afford to pay the fee for filing your appearance/answer, ask the circuit clerk for an *application for waiver of court fees*.

You should read all of the documents attached.

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  Warren COUNTY	<b>SUMMONS</b>	For Court Use Only          2021L4 Case Number
<b>Instructions ▼</b> Enter above the county name where the case was filed. Enter your name as Plaintiff/Petitioner. Enter the names of all people you are suing as Defendants/ Respondents. Enter the Case Number given by the Circuit Clerk.	Heather Hooks, indiv. and on behalf of a class <u>Plaintiff / Petitioner (First, middle, last name)</u>  v.  Americold Logistics, LLC <u>Defendant / Respondent (First, middle, last name)</u>	

In 1, if your lawsuit is for money, enter the amount of money you seek from the Defendant/ Respondent.

In 2, enter your contact information. If more than 1 person is bringing this lawsuit, attach an *Additional Plaintiff/Petitioner Contact Information* form.

In 3, enter the name of the person you are suing and their address. If more than 1 person is being sued, attach an *Additional Defendant/Respondent Contact Information* form.

1. **Information about the lawsuit:**  
 Amount claimed:     \$ 50,000+ (to be determined)
  
2. **Contact information for the Plaintiff/Petitioner:**  
 Name (First, Middle, Last): Counsel: Timothy P. Kingsbury / McGuire Law, P.C.  
 Street Address, Apt #: 55 W. Wacker Dr., 9th Fl.  
 City, State, ZIP: Chicago, IL 60601  
 Telephone: (312) 893-7002  
 See attached for additional Plaintiff/Petitioner contact information
  
3. **Contact information for the Defendant/Respondent:**  
 Name (First, Middle, Last): \_\_\_\_\_  
 Street Address, Apt #: \_\_\_\_\_  
 City, State, ZIP: \_\_\_\_\_  
 Telephone: \_\_\_\_\_  
 See attached for additional Defendant/Respondent contact information

**Important Information for the person receiving this form:**

You have been sued.

Follow the instructions on the next page on how to appear/answer.

- If you do not appear/answer the court may decide the case without hearing from you and enter a judgment against you for what the plaintiff/petitioner is asking.
- Your written appearance/answer must be filed on time and in the proper form.
- Forms for a written appearance/answer are available here:  
<http://www.illinoiscourts.gov/forms/approved/default.asp>

If you cannot afford to pay the fee for filing your appearance/answer, ask the circuit clerk for an *application for waiver of court fees*.

You should read all of the documents attached.

Enter the Case Number given by the Circuit Clerk: 2021L4

In 4, the Circuit Clerk will give you the court date or appearance date, check any boxes that apply, and include the address of the court building and room where the Defendant/ Respondent must file their response.

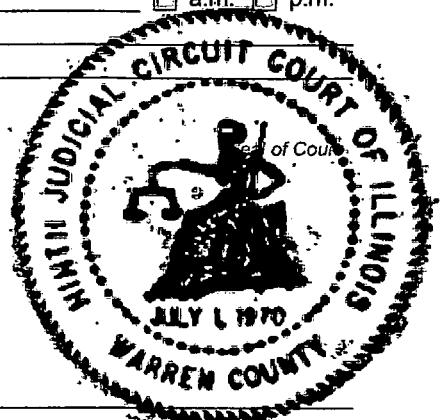
**4. Instructions for person receiving this form (Defendant/Respondent):**

To respond to this *Summons* you must:

- Go to court:  
On this date: \_\_\_\_\_ at this time: \_\_\_\_\_  a.m.  p.m.  
Address: \_\_\_\_\_ Court Room: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_
- File a written *Appearance* and *Answer/Response* with the court:  
On or before this date: \_\_\_\_\_ at this time: \_\_\_\_\_  a.m.  p.m.  
Address: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_
- File a written *Appearance* and *Answer/Response* with the court within 30 days from the day you receive this *Summons* (listed below as the "Date of Service").  
On this date: \_\_\_\_\_ at this time: \_\_\_\_\_  a.m.  p.m.  
Address: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_

**STOP!**  
The Circuit Clerk will fill in this section.

Witness this Date: 3/12/2021  
Clerk of the Court: /S/ Denise L Schreck



**STOP!**  
The officer or process server will fill in the Date of Service.

**This *Summons* must be served within 30 days of its date, listed above.**

Date of Service: \_\_\_\_\_  
*(Date to be entered by an officer or process server on the copy of this Summons left with the Defendant/Respondent or other person.)*

**Plaintiff/Petitioner:** To serve this *Summons*, you must hire the sheriff (or a private process server outside of Cook County) to deliver it and your Complaint/Petition to the Defendant/Respondent. If the sheriff (or private process server outside of Cook County) tries but can't serve the *Summons*, fill out another summons and repeat this process.

**Attention:** E-Filing is now mandatory for documents in civil cases with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/faq/gethelp.asp>, or talk with your local circuit clerk's office.

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  Warren _____ COUNTY	<b>AFFIDAVIT OF SERVICE OF SUMMONS AND COMPLAINT/PETITION</b>	<i>For Court Use Only</i>
<b>Instructions</b> Enter above the county name where the case was filed. Enter your name as Plaintiff/Petitioner. Enter the name of the person you are suing as Defendant/Respondent. Enter the Case Number given by the Circuit Clerk.	Heather Hooks, indiv. and on behalf of a class <b>Plaintiff / Petitioner</b> <i>(First, middle, last name)</i>  v.  Americold Logistics, LLC <b>Defendant / Respondent</b> <i>(First, middle, last name)</i>	2021L4 <b>Case Number</b>

**\*\*Stop. Do not complete the form. The sheriff will fill in the form.\*\***

DO NOT complete this section. The sheriff will complete it.

My name is \_\_\_\_\_ and I swear under oath  
*First, Middle, Last*  
 that I served the **Summons and Complaint/Petition** on the Defendant/Respondent

\_\_\_\_\_ as follows:  
*First, Middle, Last*

Personally on the Defendant/Respondent:  
 Male:  Female:  Approx. Age: \_\_\_\_\_ Hair Color: \_\_\_\_\_  
 Height: \_\_\_\_\_ Weight: \_\_\_\_\_  
 On this date: \_\_\_\_\_ at this time: \_\_\_\_\_  a.m.  p.m.  
 Address: \_\_\_\_\_  
 City, State, ZIP: \_\_\_\_\_

At the Defendant/Respondent's home:  
 On this date: \_\_\_\_\_ at this time: \_\_\_\_\_  a.m.  p.m.  
 Address: \_\_\_\_\_  
 City, State, ZIP: \_\_\_\_\_  
 And left it with: \_\_\_\_\_  
*First, Middle, Last*

Male:  Female:  Approx. Age: \_\_\_\_\_  
 and by sending a copy to this defendant in a postage-paid, sealed envelope to the  
 above address on \_\_\_\_\_, 20 \_\_\_\_\_.

On the Corporation's agent, \_\_\_\_\_  
*First, Middle, Last*  
 On this date: \_\_\_\_\_ at this time: \_\_\_\_\_  a.m.  p.m.  
 Address: \_\_\_\_\_  
 City, State, ZIP: \_\_\_\_\_

Enter the Case Number given by the Circuit Clerk: 2021L4

**DO NOT** complete this section. The sheriff, or private process server will complete it.

**By:**

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Print Name*

**FEES**

By certified/registered \$ \_\_\_\_\_

Service and Return \$ \_\_\_\_\_

Miles: \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
WARREN COUNTY, ILLINOIS**

HEATHER HOOKS, individually and on )	
behalf of all similarly situated )	
individuals, )	
)	No. 2021L4
<i>Plaintiff,</i> )	
)	
v. )	Hon.
)	
AMERICOLD LOGISTICS, LLC, a )	
Georgia limited liability company, )	
)	
<u><i>Defendant.</i></u> )	

**CLASS ACTION COMPLAINT WITH JURY DEMAND**

Plaintiff Heather Hooks (“Plaintiff”), individually and on behalf of all similarly situated individuals, brings this Class Action Complaint against Defendant Americold Logistics, LLC, (“Defendant”) for its violations of the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, *et seq.* (“BIPA”), and to obtain redress for persons injured by its conduct. Plaintiff alleges the following based on personal knowledge as to Plaintiff’s own experiences, and as to all other matters, upon information and belief, including an investigation conducted by Plaintiff’s attorneys.

**INTRODUCTION**

1. BIPA defines a “biometric identifier” as any personal feature that is unique to an individual, including handprints, fingerprints and palm scans. “Biometric information” is any information based on a biometric identifier, regardless of how it is converted or stored. 740 ILCS § 14/10. Collectively, biometric identifiers and biometric information are known as “biometrics.”

2. This case concerns the misuse of individuals’ biometrics by Defendant, a warehousing and transportation company. Using biometric enabled technology, Defendant has captured, collected, disseminated, or otherwise used the biometrics of Plaintiff and other Class

members, without their informed written consent as required by law, in order to track their time at work.

3. BIPA provides, *inter alia*, that private entities, such as Defendant, may not obtain and/or possess an individual's biometrics unless they first:

- (1) inform the person whose biometrics are to be collected *in writing* that biometric identifiers or biometric information will be collected or stored;
- (2) inform the person whose biometrics are to be collected *in writing* of the specific purpose and the length of term for which such biometric identifiers or biometric information is being collected, stored and used;
- (3) receive a *written release* from the person whose biometrics are to be collected, allowing the capture and collection of their biometric identifiers or biometric information; and
- (4) publish publicly available retention guidelines for permanently destroying biometric identifiers and biometric information. 740 ILCS 14/15(a).

4. Compliance with BIPA is straightforward and may be accomplished through a single, signed sheet of paper. BIPA's requirements bestow a right to privacy in biometrics and a right to make an *informed* decision when electing whether to provide or withhold biometrics.

5. Defendant's biometric timekeeping system works by extracting biometric information from individuals, such as handprints, fingerprints or portions thereof, and subsequently using the same for authentication and timekeeping purposes. The system includes the dissemination of biometrics to third parties, such as data storage vendors and payroll services.

6. The Illinois Legislature has found that "biometrics are unlike other unique identifiers that are used to access finances or other sensitive information. For example, even



sensitive information like Social Security numbers can be changed. Biometrics, however, are biologically unique to each individual and, once compromised, such individual has no recourse, is at a heightened risk for identity theft, and is likely to withdraw from biometric facilitated transactions.” 740 ILCS 14/5. The risk is compounded when a person’s biometrics are also associated with their other personally identifiable information.

7. The deprivation of the statutory rights conferred by BIPA constitutes the actual injuries the Illinois Legislature sought to prevent.

8. Plaintiff brings this action for statutory damages and other remedies as a result of Defendant’s conduct in violating Plaintiff’s state biometric privacy rights.

9. On Plaintiff’s own behalf, and on behalf of the proposed Class defined below, Plaintiff seeks an injunction requiring Defendant to comply with BIPA, as well as an award of damages, including statutory damages, to the Class members, together with costs and reasonable attorneys’ fees.

### **PARTIES**

10. At all relevant times, Plaintiff Heather Hooks has been a resident and a citizen of the state of Illinois.

11. Defendant Americold Logistics, LLC is a limited liability company organized under the laws of the state of Georgia that conducts substantial business throughout the state of Illinois, including in Warren County, and is registered with and authorized by the Illinois Secretary of State to transact business in Warren County, Illinois.

### **JURISDICTION AND VENUE**

12. This Court may assert personal jurisdiction over Defendant pursuant to 735 ILCS 5/2-209 in accordance with the Illinois Constitution and the Constitution of the United States,

because Defendant is doing business within this State and because Plaintiff's claims arise out of Defendant's unlawful in-state actions, as Defendant captured, collected, stored, and used Plaintiff's biometric identifiers and/or biometric information in this State.

13. Venue is proper in Warren County pursuant to 735 ILCS 5/2-101, because Defendant is doing business in Warren County and thus resides there under § 2-102.

#### **FACTS SPECIFIC TO PLAINTIFF**

14. Defendant provides logistics services within the state of Illinois.

15. From approximately April 2017 through November 2020, Plaintiff was employed by Defendant at its facility in Monmouth, Illinois.

16. During the relevant time period, Defendant implemented biometric scanning and time-tracking devices and technology to monitor and manage its workers', including Plaintiff's, time on the job. Such devices collect their users' biometric identifiers, i.e. fingerprints, and convert them to an electronic format *derived from* those identifiers, i.e. biometric information. Such conversion is necessary for storing biometrics on the device itself, and to allow Defendant to transmit biometric data to third parties, such as data storage or payroll vendors.

17. Plaintiff was required to provide biometric scans to Defendant each time Plaintiff needed to clock in and clock out of a shift at work.

18. Plaintiff relied on Defendant to not only provide a lawful and legally compliant system, but to also disclose all material information regarding the technology and system, including all relevant retention, destruction, and dissemination policies.

19. However, Defendant disseminated electronic information derived from the scanning of Plaintiff's biometric identifiers to third parties, including vendors for timekeeping, data storage, and payroll purposes without first informing Plaintiff in writing that Plaintiff's

biometrics were being collected, stored, used, or disseminated, or publishing any policy specifically about the collection, retention, use, deletion, or dissemination of biometrics, as required by BIPA.

20. Nor did Defendant seek, and Plaintiff never provided, any written consent relating to the collection, use, storage, or dissemination of Plaintiff's biometrics to third parties.

21. To this day, Plaintiff is unaware of the status of the biometrics obtained by Defendant. Defendant has not informed Plaintiff whether it still retains Plaintiff's biometrics, and if it does, for how long it intends to retain such information without Plaintiff's consent.

22. By failing to comply with BIPA, Defendant has violated Plaintiff's substantive state rights to biometric privacy.

#### **CLASS ALLEGATIONS**

23. Plaintiff brings this action individually and on behalf of all similarly situated individuals pursuant to 735 ILCS § 5/2-801. Plaintiff seeks to represent a Class defined as follows:

Class: All individuals whose biometrics were captured, collected, stored, used, transmitted, or disseminated by or on behalf of Defendant within the state of Illinois at any time within the applicable limitations period.

24. Excluded from the Class are any members of the judiciary assigned to preside over this matter; any officer or director of Defendant; and any immediate family member of such officers or directors.

25. Upon information and belief, there are hundreds of members of the Class, making the members of the Class so numerous that joinder of all members is impracticable. Although the exact number of members of the Class is currently unknown to Plaintiff, the members can be easily identified through Defendant's personnel records.

26. Plaintiff's claims are typical of the claims of the members of the Class Plaintiff seeks to represent, because the factual and legal bases of Defendant's liability to Plaintiff and the other members are the same, and because Defendant's conduct has resulted in similar injuries to Plaintiff and to the Class. As alleged herein, Plaintiff and the Class have all suffered damages as a result of Defendant's BIPA violations.

27. There are many questions of law and fact common to the claims of Plaintiff and the Class, and those questions predominate over any questions that may affect individual members. Common questions for the Class include, but are not limited to, the following:

- a. Whether Defendant's conduct is subject to BIPA;
- b. Whether Defendant made available to the public a written policy that establishes a retention schedule and guidelines for destroying biometrics;
- c. Whether Defendant obtained a written release from the Class before capturing, collecting, or otherwise obtaining their biometrics;
- d. Whether Defendant provided a written disclosure that explains the specific purposes, and the length of time, for which biometrics were being collected, stored and used before taking such biometrics;
- e. Whether Defendant's conduct violates BIPA;
- f. Whether Defendant's violations of the BIPA are willful or reckless; and
- g. Whether Plaintiff and the Class are entitled to damages and injunctive relief.

28. Absent a class action, most members of the Class would find the cost of litigating their claims to be prohibitively expensive and would thus have no effective remedy. The class treatment of common questions of law and fact is superior to multiple individual actions in that it conserves the resources of the courts and the litigants and promotes consistency of adjudication.

29. Plaintiff will adequately represent and protect the interests of the members of the Class. Plaintiff has retained counsel with substantial experience in prosecuting complex litigation and class actions. Plaintiff and Plaintiff's counsel are committed to vigorously prosecuting this action on behalf of the other members of the Class and have the financial resources to do so. Neither Plaintiff nor Plaintiff's counsel has any interest adverse to those of the other members of the Class.

30. Defendant has acted and failed to act on grounds generally applicable to Plaintiff and the other members of the Class, requiring the Court's imposition of uniform relief to ensure compatible standards of conduct toward the members of the Class and making injunctive or corresponding declaratory relief appropriate for the Class as a whole.

**COUNT I**

**Violation of the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, *et seq.*  
(On behalf of Plaintiff and the Class)**

31. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

32. Defendant is a private entity under BIPA.

33. BIPA requires a private entity, such as Defendant, to obtain informed written consent from individuals before acquiring their biometric information. Specifically, BIPA makes it unlawful to "collect, capture, purchase, receive through trade, or otherwise obtain a person's or customer's biometric identifiers or biometric information unless [the entity] first: (1) informs the subject . . . in writing that a biometric identifier or biometric information is being collected or stored; (2) informs the subject . . . in writing of the specific purpose and length of for which a biometric identifier or biometric information is being captured, collected, stored, and used; and (3) receives a written release executed by the subject of the biometric identifier or biometric information . . . ." 740 ILCS 14/15(b).

34. BIPA also requires that a private entity in possession of biometric identifiers and/or biometric information establish and maintain a publicly available retention policy. An entity which possesses biometric identifiers or information must (i) make publicly available a written policy establishing a retention schedule and guidelines for permanent deletion of biometric information (entities may not retain biometric information longer than three years after the last interaction with the individual); and (ii) adhere to the publicly posted retention and deletion schedule.

35. Plaintiff and the other Class members have had their “biometric identifiers,” namely their fingerprints, collected, captured, or otherwise obtained by Defendant. Plaintiff and the other Class members’ biometric identifiers were also used to identify them, and therefore constitute “biometric information” as defined by BIPA. 740 ILCS 14/10.

36. Each instance Plaintiff and the other Class members were required to scan their fingerprints, Defendant captured, collected, stored, and/or used Plaintiff’s and the other Class members’ biometric identifiers or biometric information without valid consent and without complying with and, thus, in violation of BIPA.

37. Defendant’s practice with respect to capturing, collecting, storing, and using biometrics fails to comply with applicable BIPA requirements:

- a. Defendant failed to inform Plaintiff and the members of the Class in writing that their biometrics were being collected and stored, prior to such collection or storage, as required by 740 ILCS 14/15(b)(1);
- b. Defendant failed to inform Plaintiff and the Class in writing of the specific purpose for which their biometrics were being captured, collected, stored, and used, as required by 740 ILCS 14/15(b)(2);

- c. Defendant failed to inform Plaintiff and the Class in writing the specific length of term their biometrics were being captured, collected, stored, and used, as required by 740 ILCS 14/15(b)(2);
- d. Defendant failed to obtain a written release, as required by 740 ILCS 14/15(b)(3);
- e. Defendant failed to provide a publicly available retention schedule detailing the length of time for which the biometrics are stored and/or guidelines for permanently destroying the biometrics they store, as required by 740 ILCS 14/15(a); and
- f. Defendant failed to obtain informed consent to disclose or disseminate the Class' biometrics, as required by 740 ILCS 14/15(d)(1).
- g. By obtaining and operating an employee timekeeping system which uses biometrics that was devoid of the privacy protections required by BIPA, Defendant avoided human-resource management costs and thus profited from Plaintiff's and the Class members' biometric identifiers and biometric information in violation of 740 ILCS 14/15(c). Defendant knew, or was reckless in not knowing, that the biometric systems it used would be subject to the provisions of BIPA yet wholly failed to comply with the statute.

38. By capturing, collecting, storing, using, and disseminating Plaintiff's and the Class's biometrics as described herein, Defendant denied Plaintiff and the Class their right to statutorily required information and violated their respective rights to biometric information privacy, as set forth in BIPA.

39. BIPA provides for statutory damages of \$5,000 for each willful and/or reckless violation of BIPA and, alternatively, damages of \$1,000 for each negligent violation of BIPA. 740 ILCS 14/20(1)-(2).

40. Defendant's violations of BIPA, a statute that has been in effect since 2008, were knowing and willful, or were at least in reckless disregard of the statutory requirements. Alternatively, Defendant negligently failed to comply with BIPA.

41. Accordingly, Plaintiff, individually and on behalf of the proposed Class, prays for the relief set forth below.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, individually and on behalf of the proposed Class, respectfully requests that this Court enter an Order:

- a. Certifying the Class as defined above, appointing Plaintiff as class representative and the undersigned as class counsel;
- b. Declaring that Defendant's actions, as set forth herein, violate BIPA;
- c. Awarding injunctive and equitable relief as necessary to protect the interests of Plaintiff and the Class by requiring Defendant to comply with BIPA;
- d. Awarding statutory damages of \$5,000 for each willful and/or reckless violation of BIPA, pursuant to 740 ILCS 14/20(2);
- e. Awarding statutory damages of \$1,000 for each negligent violation of BIPA, pursuant to 740 ILCS 14/20(1);
- f. Awarding reasonable attorneys' fees, costs, and other litigation expenses pursuant to 740 ILCS 14/20(3);
- g. Awarding pre- and post-judgment interest, as allowable by law; and



h. Awarding such further and other relief as the Court deems just and equitable.

**JURY DEMAND**

Plaintiff requests trial by jury of all claims that can be so tried.

Dated: March 5, 2021

Respectfully submitted,

HEATHER HOOKS, individually and on behalf of  
all similarly situated individuals

By: /s/ Timothy P. Kingsbury  
*One of Plaintiff's Attorneys*

Timothy P. Kingsbury (ARDC #6329936)  
Andrew T. Heldut (ARDC # 6331542)  
MCGUIRE LAW, P.C.  
55 W. Wacker Drive, 9th Fl.  
Chicago, IL 60601  
Tel: (312) 893-7002  
tkingsbury@mcgpc.com  
aheldut@mcgpc.com

*Attorneys for Plaintiff and the Putative Class*

**Exhibit B**

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS  
ROCK ISLAND DIVISION

<b>HEATHER HOOKS, individually and on</b>	)	
<b>behalf of all similarly situated individuals,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No.</b>
	)	
<b>v.</b>	)	
	)	
<b>AMERICOLD LOGISTICS, LLC, a</b>	)	
<b>Georgia limited liability company,</b>	)	
	)	
<b>Defendant.</b>	)	

**DECLARATION OF RHONDA ARCENEUX**

I, Rhonda Arceneaux, state and affirm as follows based on my personal knowledge:

1. My name is Rhonda Arceneaux. I am over the age of 18 years and otherwise competent to give testimony. I have personal knowledge of the matters set forth in this Declaration.

2. I hold the position of HRIS Managers at Americold Logistics, LLC (“Americold”). I am authorized to submit this Declaration on behalf of Americold.

3. As part of my job, I am familiar with and have access to personnel information regarding Americold and its current and former employees, including the type of timekeeping system such employees used.

4. In my position, I am also familiar with the corporate structure of Americold.


5. Americold is a limited liability company organized under the laws of the State of Delaware with its principal place of business in Atlanta, Georgia.

6. From March 5, 2016 through the present, more than 500 current and former Americold employees have used the timekeeping system at issue under conditions the Plaintiff in

the above-captioned action alleges violate the Illinois Biometric Information Privacy Act in her putative Class Action Complaint and Jury Demand.

THE DECLARANT STATES NOTHING FURTHER.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 4/19/2021 .   
Rhonda Arceneaux

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings by other parties as required by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<b>I. (a) PLAINTIFFS</b> Americold Logistics, LLC  <b>(b)</b> County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)  <b>(c)</b> Attorneys (Firm Name, Address, and Telephone Number) Jody Kahn Mason/Jackson Lewis, P.C. 150 N. Michigan Ave., Suite 2500, Chicago, IL 60601	<b>DEFENDANTS</b> Heather Hooks  County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.  Attorneys (If Known) Timothy P. Kingsbury/McGuire Law, P.C. 55 W. Wacker Dr., 9th Fl., Chicago, IL 60601
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<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>																				
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

<b>IV. NATURE OF SUIT</b> (Place an "X" in One Box Only)				<a href="#">Click here for: Nature of Suit Code Descriptions.</a>	
<b>CONTRACT</b>	<b>TORTS</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty  <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding   
 2 Removed from State Court   
 3 Remanded from Appellate Court   
 4 Reinstated or Reopened   
 5 Transferred from Another District (specify)   
 6 Multidistrict Litigation - Transfer   
 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 28 U.S.C. §§ 1332, 1441, and 1446

Brief description of cause:  
 Violation of the Illinois Biometric Information Privacy Act ("BIPA") 740 ILCS 14/1 et seq.

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    **DEMAND \$** \_\_\_\_\_    CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes     No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER 2021 L 4

DATE 04/19/2021    SIGNATURE OF ATTORNEY OF RECORD /s/ Jody Kahn Mason

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Claims Americold Logistics Violated Ill. Privacy Law by Collecting Worker Fingerprint Scans](#)

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