

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

EBONY JONES, on behalf of all others
similarly situated, known and unknown

Plaintiff,

v.

CBC RESTAURANT CORP. d/b/a,
CORNER BAKERY CAFE,

Defendant.

Case No. 19-cv-06736

NOTICE OF REMOVAL

Defendant CBC Restaurant Corp. (“Defendant”), for its Notice of Removal of this action from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois, states as follows:

State Court Action

1. Plaintiff Ebony Jones (“Plaintiff”) commenced a civil action in the Circuit Court of Cook County, Illinois, by filing a Complaint on August 30, 2019, captioned Ebony Jones v. CBC Restaurant Corp. d/b/a, Corner Bakery Cafe, Case No. 2019CH10119. CBC Restaurant Corp. was served with the Summons and Complaint on September 12, 2019. Copies of the Complaint and Summons are attached as Exhibit A.

Timeliness

2. This Notice of Removal is timely filed in accordance with 28 U.S.C. §1446(b) in that it is filed within thirty (30) days after September 12, 2019, the first date on which Defendant was served with a copy of the Complaint, the first pleading from which it could be ascertained that the action is removable.

Nature of Claims

3. Plaintiff brings a Class Action Complaint (“Complaint”) against Defendant pursuant to the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, *et seq.* (“BIPA”). (Complaint, ¶¶ 1, 28, 32). Plaintiff purports to bring this Complaint on behalf of herself and a Class defined as follows: “Defendant’s employees who scanned their fingerprints in Defendant’s biometric time clock system in Illinois between August 30, 2014 and the present.” (Complaint, ¶28).

Bases for Removal

A. Diversity Pursuant to 28 U.S.C. § 1332

4. Pursuant to 28 U.S.C. § 1332, this Court has original jurisdiction over Plaintiff’s claims because of diversity of citizenship and the amount in controversy exceeds \$75,000.

5. At the time Plaintiff filed its action, and to the present date, complete diversity of citizenship exists between Plaintiff and Defendant:

- a. Plaintiff is a resident of Illinois. (Complaint, ¶15)
- b. Defendant is a Delaware corporation, with its principal place of business in Dallas, Texas. (Complaint, ¶¶ 16, 17). Thus Defendant is a citizen of Delaware and Texas.
28 U.S.C. § 1332(c)(1).

6. On behalf of Plaintiff and the Class that Plaintiff purports to represent, Plaintiff is seeking, *inter alia*, “liquidated or actual monetary damages, whichever is higher, to Plaintiff and the Class for each violation of the Biometric Information Privacy Act as provided by 740 ILCS 14/20(1)-(2)” and “reasonable attorneys’ fees and costs.” (Complaint, ¶¶ 47, 54).

7. Under 740 ILCS 14/20, a prevailing party may recover for each violation liquidated damages of at least \$1,000 or actual damages, whichever is greater.

8. Since 2017, when Plaintiff alleges that CBC began requiring employees to use a biometric time clock, CBC has employed over 1000 employees who have used finger-scanning equipment at a Defendant's restaurant in Illinois to clock in and out of work. (Declaration of Denise Clemens attached hereto as Exhibit B, ¶¶ 4, 5).

9. In her Complaint, Plaintiff alleges she and other employees were required to scan their fingerprints each time they clocked in or out of work beginning in 2017. (Complaint, ¶¶ 3, 4). Plaintiff alleges that she was employed by Defendant from "mid-2012 to August 2018." (Complaint ¶2.) Between December 31, 2017—which is the last date encompassed by Plaintiff's allegations—and Plaintiff's separation on July 27, 2018, Plaintiff worked approximately 90 days. (Clemens Declaration, ¶4). Thus, regardless of when in 2017 Plaintiff claims she began to utilize a biometric timeclock, on the face of her Complaint, Plaintiff alleges that she alone scanned her finger more than 75 times during her employment with Defendant.

10. Accordingly, at the time Plaintiff filed her action, and to the present date, the allegations of Plaintiff's Complaint indicate the amount in controversy exceeds \$75,000.

11. This action, therefore, is removable to the Court pursuant to 28 U.S.C. §§ 1332 and 1441 based on the Court's original diversity jurisdiction.

B. Removal Is Proper Under CAFA

12. This Court has jurisdiction under the Class Action Fairness Act ("CAFA") because this is a purported "class action" (Complaint, ¶¶ 1, 28, 32) in which (A) minimal diversity exists; and (B) the amount in controversy exceeds \$5 million. *See* 28 U.S.C. §§ 1332(d)(1)(B) (defining "class action" to include state law class actions); 1332(d)(2) (granting district courts original jurisdiction over purported class actions in which the amount in controversy exceeds \$5 million and "any member of a class of plaintiffs is a citizen of a State different from any defendant").

13. Minimal diversity exists because “any member of a class of plaintiffs is a citizen of a State different from any defendant.” Here, Plaintiff is from Illinois and Defendant is from Delaware and Texas.

14. The amount in controversy “exceeds the sum or value of \$5,000,000, exclusive of interest and costs.” 28 U.S.C. § 1332(d)(2). The Complaint alleges that each class member is entitled to statutory damages of up to \$1,000 “per violation” and CAFA requires “the claims of the individual [purported class] members [to] be aggregated.” 28 U.S.C. §1332(d)(6). Since December 31, 2017, CBC has employed over 1000 employees who scanned their finger in and out for approximately 200 days/year at \$1,000 per violation, which according to Plaintiff’s allegations would equate to more than \$400,000,000 (1000 employees x 2 scans/day = 2000 scans x 200 work days/year = 400,000 x \$1,000 = \$400,000,000). (Clemens Declaration, ¶5). Thus, the maximum amount in controversy is in excess of \$5,000,000. (*Id.*).

Notice

15. Pursuant to 28 U.S.C. 1446(d), a copy of this Notice of Removal is being submitted for filing to the Clerk of the Circuit Court of Cook County, and is being served upon Plaintiff. A copy of Defendant’s Notice of Filing of Notice of Removal is attached as Exhibit C.

16. This action is, therefore, properly removable to this Court, pursuant to 28 U.S.C. §§ 1332 and 1441, and Defendant hereby removes this action to this Court.

WHEREFORE, Defendant respectfully requests that this matter be removed to the United States District Court for the Northern District of Illinois, and requests that this Court assume full jurisdiction over this action as provided by law.

Dated: October 11, 2019

Respectfully submitted,

CBC RESTAURANT CORP. d/b/a,
CORNER BAKERY CAFE,

By: s/ Craig R. Thorstenson
Attorney for the Defendant
Craig R. Thorstenson
IL ARDC#: 6198153

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(312) 332-0777 – Telephone
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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that the foregoing NOTICE OF REMOVAL was filed electronically with the Northern District of Illinois on October 11, 2019, and is available for viewing and downloading from the Electronic Case Filing (ECF) System.

Service of this NOTICE OF REMOVAL was made upon the following NON-ECF user by depositing same in the U.S. Mail depository located at 180 North Stetson Avenue, Chicago, Illinois, with proper first class postage prepaid, before the hour of 5:00 p.m. on October 11, 2019, addressed as follows:

Douglas M. Werman
WERMAN SALAS P.C.
77 W. Washington Street, Suite 1402
Chicago, IL 60602

s/Craig R. Thorstenson
Attorney for Defendant
Craig R. Thorstenson
IL ARDC # 6198153

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WSACTIVE LLP:10868607.1

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

EBONY JONES, on behalf of all others
similarly situated, known and unknown

Plaintiff,

v.

CBC RESTAURANT CORP. d/b/a,
CORNER BAKERY CAFE,

Defendant.

Case No. 19-cv-06736

TABLE OF EXHIBITS TO NOTICE OF REMOVAL

- Exhibit A: Class Action Complaint and Summons
- Exhibit B: Declaration of Denise Clemens
- Exhibit C: Defendant's Notice of Filing of Notice of Removal

Craig R. Thorstenson
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cthorstenson@fordharrison.com
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Chicago, IL 60601
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(312) 332-6130 – Facsimile

EXHIBIT A

Hearing Date: 12/30/2019 10:30 AM - 10:30 AM
Courtroom Number: 2102
Location: District 1 Court
Cook County, IL

FILED
8/30/2019 3:04 PM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL

6404581

2120 - Served
2220 - Not Served
2320 - Served By Mail
2420 - Served By Publication
Summons - Alias Summons

2121 - Served
2221 - Not Served
2321 - Served By Mail
2421 - Served By Publication

(08/01/18) CCG 0001 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

EBONY JONES

(Name all parties)

v.

CBC RESTAURANT CORP. d/b/a CORNER
BAKERY CAFE

Case No. 2019CH10119

SUMMONS ALIAS SUMMONS

To each Defendant: CBC Restaurant Corp. d/b/a Corner Bakery Cafe c/o Registered Agent: IL Corp. Service C
801 Adlai Stevenson Drive, Springfield, IL 62703
YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance and pay the required fee **within thirty (30) days after service of this Summons**, not counting the day of service. To file your answer or appearance you need access to the internet. Please visit www.cookcountyclerkofcourt.org to initiate this process. Kiosks with internet access are available at all Clerk's Office locations. Please refer to the last page of this document for location information.

If you fail to do so, a judgment by default may be entered against you for the relief requested in the complaint.

To the Officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than thirty (30) days after its date.

Dorothy Brown, Clerk of the Circuit Court of Cook County, Illinois
cookcountyclerkofcourt.org

FILED DATE: 8/30/2019 3:04 PM 2019CH10119

Summons - Alias Summons

(08/01/18) CCG 0001 B

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 <https://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.

FILED DATE: 8/30/2019 3:04 PM 2019CH10119

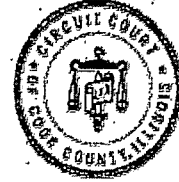
Atty. No.: 42031
Atty Name: Douglas M. Werman
Atty. for: Plaintiff
Address: 77 W. Washington Street, Suite 1402
City: Chicago
State: IL Zip: 60602
Telephone: (312) 419-1008
Primary Email: dwerman@flsalaw.com

Witness: _____

8/30/2019 3:04 PM DOROTHY BROWN

DOROTHY BROWN, Clerk of Court

Date of Service: _____
(To be inserted by officer on copy left with
Defendant or other person):



Dorothy Brown, Clerk of the Circuit Court of Cook County, Illinois

cookcountyclerkofcourt.org

FILED DATE: 8/30/2019 3:04 PM 2019CH10119

CLERK OF THE CIRCUIT COURT OF COOK COUNTY OFFICE LOCATIONS

- Richard J Daley Center
50 W Washington
Chicago, IL 60602
 - District 2 - Skokie
5600 Old Orchard Rd
Skokie, IL 60077
 - District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008
 - District 4 - Maywood
1500 Maybrook Ave
Maywood, IL 60153
 - District 5 - Bridgeview
10220 S 76th Ave
Bridgeview, IL 60455
 - District 6 - Markham
16501 S Kedzie Pkwy
Markham, IL 60428
 - Domestic Violence Court
555 W Harrison
Chicago, IL 60607
 - Juvenile Center Building
2245 W Ogden Ave, Rm 13
Chicago, IL 60602
 - Criminal Court Building
2650 S California Ave, Rm 526
Chicago, IL 60608
 - Domestic Relations Division
Richard J Daley Center
50 W Washington, Rm 802
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
 - Civil Appeals
Richard J Daley Center
50 W Washington, Rm 801
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
 - Criminal Department
Richard J Daley Center
50 W Washington, Rm 1006
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
 - County Division
Richard J Daley Center
50 W Washington, Rm 1202
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
 - Probate Division
Richard J Daley Center
50 W Washington, Rm 1202
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
 - Law Division
Richard J Daley Center
50 W Washington, Rm 801
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
 - Traffic Division
Richard J Daley Center
50 W Washington, Lower Level
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
- Daley Center Divisions/Departments**
- Civil Division
Richard J Daley Center
50 W Washington, Rm 601
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
 - Chancery Division
Richard J Daley Center
50 W Washington, Rm 802
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm

Dorothy Brown, Clerk of the Circuit Court of Cook County, Illinois

cookcountyclerkofcourt.org

Hearing Date: 12/30/2019 10:30 AM - 10:30 AM
Courtroom Number: 2102
Location: District 1 Court
Cook County, IL

FILED
8/30/2019 3:04 PM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL

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

FILED DATE: 8/30/2019 3:04 PM 2019CH10119

EBONY JONES,)		
on behalf of herself and all other)		
persons similarly situated,)	Case No.	2019CH10119
known and unknown,)		6404581
)	Judge	
Plaintiff,)		
)		
v.)		
)		
CBC RESTAURANT CORP. d/b/a)		
CORNER BAKERY CAFE)		
)		
Defendant.)		

CLASS ACTION COMPLAINT

Ebony Jones ("Plaintiff"), files this Class Action Complaint ("Complaint") against CBC Restaurant Corp. d/b/a Corner Bakery Cafe ("Defendant") for violations of the Illinois Biometric Information Privacy Act.

SUMMARY OF CLAIMS

1. Defendant is a casual dining restaurant chain.
2. Plaintiff was employed by Defendant as a cashier at its restaurant located at 200 N. LaSalle in Chicago, Illinois from approximately mid-2012 to August 2018.
3. Starting in 2017, Defendant required employees to use a biometric time clock system to record their time worked.
4. Defendant required Plaintiff and other employees to scan their fingerprints in Defendant's biometric time clock each time they started and finished working, including punching in and out for lunch breaks.
5. Unlike an employee identification number or employee identification card, fingerprints are *unique* and *permanent* identifiers.

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6. By requiring employees to scan their fingerprints to record their time, instead of identification numbers or badges only, Defendant ensured that one employee could not clock in for another.

7. Thus, there's no question that Defendant benefited from using a biometric time clock.

8. But there's equally no question that Defendant placed employees at risk by using their biometric identifiers to "punch the clock."

9. In enacting the Biometric Information Privacy Act, the Illinois legislature recognized that biologically unique identifiers, like fingerprints, can never be changed when compromised, and thus subject a victim of identity theft to heightened risk of loss.

10. As a result, Illinois restricted private entities, like Defendant, from collecting, storing, using, or transferring a person's biometric identifiers and information without adhering to strict informed-consent procedures established by the Biometric Information Privacy Act.

11. Defendant collected, stored, used, and transferred the unique biometric fingerprint identifiers, or information derived from those identifiers, of Plaintiff and others similarly situated without following the detailed requirements of the Biometric Information Privacy Act.

12. As a result, Defendant violated the Biometric Information Privacy Act and compromised the privacy and security of the biometric identifiers and information of Plaintiff and other similarly-situated employees.

JURISDICTION AND VENUE

13. This Court has personal jurisdiction over Defendant because, during the relevant time period, Defendant did business in Illinois, was registered to do business in Illinois, and committed the statutory violations alleged in this Complaint in Illinois.

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14. Cook County is an appropriate venue for this litigation because Defendant is located in Cook County, does business there, and the events giving rise to this lawsuit happened there.

THE PARTIES

15. Plaintiff is an individual who is a citizen of Illinois.

16. Defendant is a Delaware corporation.

17. Defendant's principal office is in Dallas, Texas.

REQUIREMENTS OF THE BIOMETRIC INFORMATION PRIVACY ACT

18. In enacting the Biometric Information Privacy Act, the Illinois legislature recognized that the full ramifications of biometric technology are not yet fully known and so the public will benefit from "regulations on the collection, use, safeguarding, handling, storage retention, and description of biometric identifiers and information." 740 ILCS 14/5(f)-(g).

19. The Biometric Information Privacy Act prohibits a "private entity" from capturing or collecting biometric identifiers or information from an individual unless that private entity first obtains the individual's written consent or employment-related release authorizing the private entity to capture or collect an individual's biometric identifiers and/or biometric information. 740 ILCS 14/15(b)(3).

20. Relatedly, the Biometric Information Privacy Act prohibits a private entity from capturing or collecting biometric identifiers or information from an individual unless that private entity first informs the individual, in writing, of the following: (a) that the private entity is collecting biometric identifiers or information, (b) the purpose of such collection, and (c) the length of time the private entity will retain the biometric identifiers or information. 740 ILCS 14/15(b)(1)(b).

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21. In addition, the Biometric Information Privacy Act prohibits a private entity from possessing biometric identifiers or information unless it first creates a written policy, made available to the public, establishing a retention schedule and destruction guidelines for its possession of biometric identifiers and information. 740 ILCS 14/15(a).

22. Finally, the Biometric Information Privacy Act prohibits a private entity from disclosing or otherwise disseminating biometric identifiers or information without first obtaining an individual's consent for that disclosure or dissemination, unless the disclosure or dissemination was (a) in furtherance of an authorized financial transaction, (b) authorized by law, or (c) pursuant to a valid warrant or subpoena. 740 ILCS 14/15(d).

BACKGROUND FACTS

23. When Plaintiff scanned her fingerprint in Defendant's biometric time clock, Defendant captured and stored Plaintiff's fingerprint, or a representation derived from Plaintiff's fingerprint.

24. When Plaintiff scanned her fingerprint in Defendant's biometric time clock, her fingerprint – or a representation derived from her fingerprint – was disseminated and disclosed by Defendant to Defendant's time-keeping vendor.

25. Defendant never provided Plaintiff any written materials stating that it was collecting, retaining, or disseminating her fingerprint or a representation derived from her fingerprint.

26. Defendant never obtained Plaintiff's written consent, or release as a condition of employment, authorizing the collection, storage, dissemination, or use of her fingerprint or a representation derived from Plaintiff's fingerprint.

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27. Defendant violated Plaintiff's privacy by capturing or collecting her unique biometric identifiers and information and sharing those identifiers and information with its time-keeping vendor, without her consent.

CLASS ACTION ALLEGATIONS

28. Plaintiff seeks to represent a class of Defendant's employees who scanned their fingerprints in Defendant's biometric time clock system in Illinois between August 30, 2014 and the present ("the Class").

29. Plaintiff and the Class are similar to one another because they were all subject to the same allegedly illegal practices: scanning their fingerprints in Defendant's biometric time clock system despite Defendant failing to adhere to the requirements of the Biometric Information Privacy Act.

30. The Class includes more than 75 members.

31. As a result, the Class is so numerous that joining of all class members in one lawsuit is not practical.

32. The issues involved in this lawsuit present common questions of law and fact, including: whether Defendant required the Class to scan their fingerprints to clock in and out during shifts; whether Defendant collected the Class's "biometric identifiers" or "biometric information" under the Biometric Information Privacy Act; and whether Defendant complied with the procedures in 740 ILCS 14/15(a), (b), and (d) of the Biometric Information Privacy Act.

33. These common questions of law and fact predominate over variations that may exist between members of the Class, if any.

34. Plaintiff, the members of the Class, and Defendant have a commonality of interest in the subject matter of the lawsuit and the remedy sought.

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35. If individual actions were required to be brought by each member of the Class injured or affected, the result would be a multiplicity of actions, creating a hardship to the Class, to the Court, and to Defendant.

36. Accordingly, a class action is an appropriate method for the fair and efficient adjudication of this lawsuit and distribution of the common fund to which the Class is entitled.

37. The books and records of Defendant are material to Plaintiff's case as they disclose how and when Plaintiff and the Class scanned their fingerprints in Defendant's biometric time clock system and what information Defendant provided Plaintiff and the Class about the collection, retention, use, and dissemination of their biometric identifiers and information.

38. Plaintiff and her counsel will fairly and adequately protect the interests of the Class.

39. Plaintiff retained counsel experienced in complex class action litigation.

COUNT I

Violation of the Biometric Information Privacy Act (740 ILCS 14/15(b)) (Class Action)

40. Plaintiff realleges and incorporates the previous allegations of this Complaint.

41. Defendant is a "private entity" under the Biometric Information Privacy Act. 740 ILCS 14/10.

42. Plaintiff's and the Class's fingerprints qualify as "biometric identifier[s]" as defined by the Biometric Information Privacy Act. 740 ILCS 14/10.

43. Defendant has "biometric information" from Plaintiff and the Class through its acquisition and retention of information based on Plaintiff's and the Class's fingerprints.

44. Defendant violated the Biometric Information Privacy Act by capturing or collecting Plaintiff's and the Class's fingerprints and information based on their fingerprints without first informing them in writing that Defendant was doing so.

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45. Defendant violated the Biometric Information Privacy Act by capturing or collecting Plaintiff's and the Class's fingerprints and information based on their fingerprints without first informing them in writing of the purpose of Defendant doing so and the length of time Defendant would store and use Plaintiff's and the Class's biometric identifiers and/or biometric information.

46. Defendant violated the Biometric Information Privacy Act by capturing or collecting Plaintiff's and the Class's fingerprints and information based on their fingerprints without first obtaining their written consent or other release authorizing Defendant to capture or collect Plaintiff's and the Class's biometric identifiers and/or biometric information.

47. Defendant knew or should have known of the requirements of the Biometric Information Privacy Act because the law was enacted in 2008 and numerous articles and court filings about the law's requirements were published before Defendant began using a biometric time clock in Illinois.

WHEREFORE, Plaintiff and the Class pray for a judgment against Defendant as follows:

- A. Awarding liquidated or actual monetary damages, whichever is higher, to Plaintiff and the Class for each violation of the Biometric Information Privacy Act as provided by 740 ILCS 14/20(1)-(2);
- B. Enjoining Defendant from committing further violations of the Biometric Information Privacy Act as authorized by 740 ILCS 14/20(4);
- C. Awarding Plaintiff's reasonable attorneys' fees and costs incurred in filing and prosecuting this action as provided by 740 ILCS 14/20(3); and
- D. Such other and further relief as this Court deems appropriate and just as provided by 740 ILCS 14/20(4).

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COUNT II
Violation of the Biometric Information Privacy Act (740 ILCS 14/15(a))
(Class Action)

48. Plaintiff realleges and incorporates the previous allegations of this Complaint.

49. Defendant is a “private entity” under the Biometric Information Privacy Act. 740 ILCS 14/10.

50. Plaintiff’s and the Class’s fingerprints qualify as “biometric identifier[s]” as defined by the Biometric Information Privacy Act. 740 ILCS 14/10.

51. Defendant has “biometric information” from Plaintiff and the Class through its acquisition and retention of information based on Plaintiff’s and the Class’s fingerprints.

52. Defendant violated the Biometric Information Privacy Act by possessing Plaintiff’s and the Class’s fingerprints and information based on their fingerprints without creating a written policy, made available to the public, establishing a retention schedule and destruction guidelines for its possession of biometric identifiers and information.

53. Defendant knew or should have known of the requirements of the Biometric Information Privacy Act because the law was enacted in 2008 and numerous articles and court filings about the law’s requirements were published before Defendant began using a biometric time clock in Illinois.

54. As a result, Defendant’s violations of the Biometric Information Privacy Act were reckless or, in the alternative, negligent.

WHEREFORE, Plaintiff and the Class pray for a judgment against Defendant as follows:

- A. Awarding liquidated or actual monetary damages, whichever is higher, to Plaintiff and the Class for each violation of the Biometric Information Privacy Act as provided by 740 ILCS 14/20(1)-(2);

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- B. Enjoining Defendant from committing further violations of the Biometric Information Privacy Act as authorized by 740 ILCS 14/20(4);
- C. Awarding Plaintiff's reasonable attorneys' fees and costs incurred in filing and prosecuting this action as provided by 740 ILCS 14/20(3); and
- D. Such other and further relief as this Court deems appropriate and just as provided by 740 ILCS 14/20(4).

COUNT III
Violation of the Biometric Information Privacy Act (740 ILCS 14/15(d))
(Class Action)

- 55. Plaintiff realleges and incorporates the previous allegations of this Complaint.
- 56. Defendant is a "private entity" under the Biometric Information Privacy Act. 740 ILCS 14/10.
- 57. Plaintiff's and the Class's fingerprints qualify as "biometric identifier[s]" as defined by the Biometric Information Privacy Act. 740 ILCS 14/10.
- 58. Defendant has "biometric information" from Plaintiff and the Class through its acquisition and retention of information based on Plaintiff's and the Class's fingerprints.
- 59. Defendant violated the Biometric Information Privacy Act by disclosing or otherwise disseminating Plaintiff's and the Class's fingerprints and information based on their fingerprints to Defendant's time-keeping vendor without first obtaining their consent for that disclosure or dissemination.
- 60. Defendant knew or should have known of the requirements of the Biometric Information Privacy Act because the law was enacted in 2008 and numerous articles and court filings about the law's requirements were published before Defendant began using a biometric time clock in Illinois.
- 61. As a result, Defendant's violations of the Biometric Information Privacy Act were reckless or, in the alternative, negligent.

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WHEREFORE, Plaintiff and the Class pray for a judgment against Defendant as follows:

- A. Awarding liquidated or actual monetary damages, whichever is higher, to Plaintiff and the Class for each violation of the Biometric Information Privacy Act as provided by 740 ILCS 14/20(1)-(2);
- B. Enjoining Defendant from committing further violations of the Biometric Information Privacy Act as authorized by 740 ILCS 14/20(4);
- C. Awarding Plaintiff's reasonable attorneys' fees and costs incurred in filing and prosecuting this action as provided by 740 ILCS 14/20(3); and
- D. Such other and further relief as this Court deems appropriate and just as provided by 740 ILCS 14/20(4).

Respectfully submitted,

Dated: August 30, 2019

/s/ Douglas M. Werman
One of Plaintiff's Attorneys

Attorney No. 42031
Douglas M. Werman (dwerman@flsalaw.com)
Maureen A. Salas (msalas@flsalaw.com)
Zachary C. Flowerree (zflowerree@flsalaw.com)
Sarah J. Arendt (sarendt@flsalaw.com)
Jacqueline H. Villanueva (jvillanueva@flsalaw.com)
WERMAN SALAS P.C.
77 West Washington St., Suite 1402
Chicago, Illinois 60602
(312) 419-1008

Attorneys for Plaintiff



Notice of Service of Process

null / ALL
Transmittal Number: 20384640
Date Processed: 09/13/2019

Primary Contact: Kellie Keating
CBC Restaurant Corp.
12700 Park Central Dr
Ste 1300
Dallas, TX 75251-1523

Electronic copy provided to: LJ Roberts

Entity: CBC Restaurant Corp.
Entity ID Number 2415091

Entity Served: CBC Restaurant Corp. d/b/a Corner Bakery Cafe

Title of Action: Ebony Jones vs. CBC Restaurant Corp. d/b/a Corner Bakery Cafe

Document(s) Type: Summons/Complaint

Nature of Action: Class Action

Court/Agency: Cook County Circuit Court, IL

Case/Reference No: 2019CH10119

Jurisdiction Served: Illinois

Date Served on CSC: 09/12/2019

Answer or Appearance Due: 30 Days

Originally Served On: CSC

How Served: Personal Service

Sender Information: Douglas M. Werman
312-419-1008

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

EXHIBIT B

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

EBONY JONES, on behalf of herself and all other persons similarly situated, known and unknown,

Plaintiff,

v.

CBC RESTAURANT CORP. d/b/a CORNER BAKERY CAFE,

Defendant.

Case No. _____

DECLARATION OF DENISE CLEMENS

I, Denise Clemens, declare under oath that I am over the age of eighteen, have personal knowledge of the following facts and can testify to them, if called upon to do so:

1. I am the Senior Vice President People Resources for CBC Restaurant Corp. (“CBC”), the Defendant in this lawsuit, and I make this declaration based on my employment in this capacity and my review of CBC’s business records, maintained in the ordinary course of business.

2. CBC is a Delaware corporation, with its principal place of business located at 12700 Park Central Dr., Suite 1300, Dallas, TX, 75251-1523.

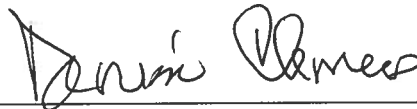
3. Ebony Jones was employed by CBC from July 18, 2012 through July 27, 2018.

4. Plaintiff claims that CBC required her to begin using fingerprint scans for timekeeping purposes in 2017. Between December 31, 2017—the latest date encompassed by Plaintiff’s allegations—and the date of Plaintiff’s separation, Plaintiff worked approximately 90 days. If as alleged by Plaintiff she scanned in and out two times per day and each scan is a violation to be assessed \$1,000, then this would equate to more than \$75,000.

5. Since December 31, 2017, CBC has employed in excess of 1000 employees who scanned their finger in and out for approximately 200 days/year, and if as asserted by Plaintiff each swipe is a violation and each violation is assessed at \$1,000 per violation, this would equate to more than \$400,000,000 (1000 employees x 2 scans/day = 2000 scans x 200 work days/year = 400,000 x \$1,000 = \$400,000,000).

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED this 11th day of October, 2019.



Denise Clemens

WSACTIVE LLP:10868729.1

EXHIBIT C

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

EBONY JONES, on behalf of all others
similarly situated, known and unknown

Plaintiff,

v.

CBC RESTAURANT CORP. d/b/a,
CORNER BAKERY CAFE,

Defendant.

Case No. 2019CH10119

NOTICE OF FILING OF NOTICE OF REMOVAL

To: Chief Deputy Clerk, Chancery Division
Circuit Court of Cook County
Richard J. Daley Center
50 West Washington Street, Room 802
Chicago, IL 60602

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1332, 1441, and 1446,
Defendant CBC Restaurant Corp. filed on October 11, 2019 a Notice of Removal in the above-
captioned matter in the United States District Court for the Northern District of Illinois, Eastern
Division. A copy of the Notice of Removal is attached at Tab 1.

Pursuant to 28 U.S.C. § 1446(d), this shall effect the removal of this case, and the State
Court shall proceed no further unless and until the case is remanded.

Dated: October 11, 2019

Respectfully submitted,

CBC RESTAURANT CORP. d/b/a,
CORNER BAKERY CAFE,

By: s/ Craig R. Thorstenson
Attorney for the Defendant
Craig R. Thorstenson (IL ARDC #:6198153)

Craig R. Thorstenson
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(312) 332-6130 - Facsimile
Cook County Firm ID No. 43346

CERTIFICATE OF FILING AND SERVICE

The undersigned, an attorney, certifies that on October 11, 2019, they electronically filed the foregoing NOTICE OF FILING OF NOTICE OF REMOVAL with the Circuit Court of Cook County, Illinois, Chancery Division, by using the Odyssey EfileIL system.

The undersigned, an attorney, further certifies that they caused a copy of the foregoing NOTICE OF FILING OF NOTICE OF REMOVAL to be served upon the following attorney of record for Plaintiff, by electronic mail to the email address below, on October 11, 2019:

Douglas M. Werman (dwerman@flsalaw.com)
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s/ Craig R. Thorstenson

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ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Corner Bakery Cafe Hit with BIPA Class Action Over Employee Fingerprint Scanning](#)
