

## **Exhibit A**



**Service of Process  
Transmittal**

03/10/2022  
CT Log Number 541199742

**TO:** Julie Coletti  
ALIGN TECHNOLOGY, INC.  
2820 ORCHARD PKWY  
SAN JOSE, CA 95134-2019

**RE: Process Served in Illinois**

**FOR:** Align Technology, Inc. (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Re: ALLANA HUDSON, individually and on behalf of other persons similarly situated  
// To: Align Technology, Inc.

**DOCUMENT(S) SERVED:** --

**COURT/AGENCY:** None Specified  
Case # 2022CH01870

**NATURE OF ACTION:** Product Liability Litigation - Personal Injury

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Chicago, IL

**DATE AND HOUR OF SERVICE:** By Process Server on 03/10/2022 at 12:23

**JURISDICTION SERVED :** Illinois

**APPEARANCE OR ANSWER DUE:** None Specified

**ATTORNEY(S) / SENDER(S):** None Specified

**ACTION ITEMS:** CT will retain the current log  
Image SOP  
Email Notification, Michelle Wright mwright@aligntech.com  
Email Notification, Paul Katawicz pkatawicz@aligntech.com  
Email Notification, Julie Coletti jcoletti@aligntech.com  
Email Notification, Thao Fisher tfisher@aligntech.com  
Email Notification, Jeff Comeau jcomeau@aligntech.com  
Email Notification, jake hill jhill@aligntech.com

**REGISTERED AGENT ADDRESS:** C T Corporation System  
208 South LaSalle Street  
Suite 814  
Chicago, IL 60604  
866-539-8692  
CorporationTeam@wolterskluwer.com



**Service of Process  
Transmittal**

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2820 ORCHARD PKWY  
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The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

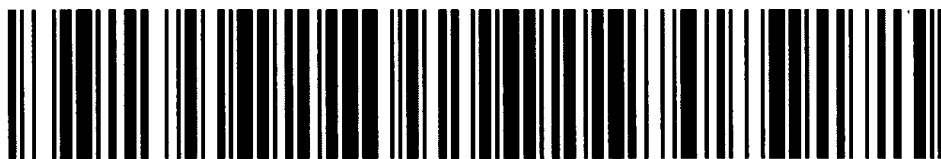


## PROCESS SERVER DELIVERY DETAILS

**Date:** Thu, Mar 10, 2022

**Server Name:** Sheriff Drop

Entity Served	ALIGN TECHNOLOGY, INC.
Case Number	2022CH01870
Jurisdiction	IL



Location: Court Room 2503  
 Judge: Demacopoulos, Anna Helen

STATE OF ILLINOIS,  
 CIRCUIT COURT

SUMMONS

For Court Use Only

Cook COUNTY

FILED  
 3/4/2022 10:56 AM  
 IRIS Y. MARTINEZ  
 CIRCUIT CLERK  
 COOK COUNTY, IL  
 2022CH01870  
 Calendar, 13  
 16950190

- Instructions** ▼
- 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.

Allana Hudson  
**Plaintiff / Petitioner** (First, middle, last name)

v.

Align Technology, Inc.  
**Defendant / Respondent** (First, middle, last name)

**Alias Summons** (Check this box if this is not the 1<sup>st</sup> Summons issued for this Defendant.)

**Case Number**  
 2022CH01870

**IMPORTANT INFORMATION:**

There may be court fees to start or respond to a case. If you are unable to pay your court fees, you can apply for a fee waiver. You can find the fee waiver application at: [illinoiscourts.gov/documents-and-forms/approved-forms/](http://illinoiscourts.gov/documents-and-forms/approved-forms/).

E-filing is now mandatory with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit [efile.illinoiscourts.gov/service-providers.htm](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 [illinoiscourts.gov/faq/gethelp.asp](http://illinoiscourts.gov/faq/gethelp.asp) or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit [illinoislegalaid.org](http://illinoislegalaid.org).

Call or text Illinois Court Help at 833-411-1121 for information about how to go to court including how to fill out and file forms. You can also get free legal information and legal referrals at [illinoislegalaid.org](http://illinoislegalaid.org).

**Plaintiff/Petitioner:**

Do not use this form in an eviction, small claims, detinue, divorce, or replevin case. Use the *Eviction Summons, Small Claims Summons, or Summons Petition for Dissolution of Marriage / Civil Union* available at [illinoiscourts.gov/documents-and-forms/approved-forms](http://illinoiscourts.gov/documents-and-forms/approved-forms). If your case is a detinue or replevin, visit [illinoislegalaid.org](http://illinoislegalaid.org) for help.

If you are suing more than 1 Defendant/Respondent, fill out a *Summons* form for each Defendant/Respondent.

In 1a, enter the name and address of a Defendant/ Respondent. If you are serving a Registered Agent, include the Registered Agent's name and address here.

In 1b, enter a second address for Defendant/ Respondent, if you have one.

In 1c, check how you are sending your documents to Defendant/ Respondent.

- Defendant/Respondent's address and service information:**
  - Defendant/Respondent's primary address/information for service:
 

Name (First, Middle, Last): Align Technology, Inc.

Registered Agent's name, if any: CT Corporation System

Street Address, Unit #: 208 So LaSalle St

City, State, ZIP: Suite 814 Chicago, IL 60604

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_
  - If you have more than one address where Defendant/Respondent might be found, list that here:
 

Name (First, Middle, Last): \_\_\_\_\_

Street Address, Unit #: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_
  - Method of service on Defendant/Respondent:
 

Sheriff                       Sheriff outside Illinois: \_\_\_\_\_

*County & State*

Special process server                       Licensed private detective

In 2, enter the amount of money owed to you.

In 3, enter your complete address, telephone number, and email address, if you have one.

**2. Information about the lawsuit:**

Amount claimed: \$ \_\_\_\_\_

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

Name (First, Middle, Last): William H. Beaumont

Street Address, Unit #: 107 W. Van Buren, Suite 209

City, State, ZIP: Chicago, IL 60605

Telephone: (773) 831-8000 Email: whb@beaumontcostales.com

**GETTING COURT DOCUMENTS BY EMAIL:** You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

**Important information for the person getting this form**

You have been sued. Read all of the documents attached to this *Summons*. To participate in the case, you must follow the instructions listed below. If you do not, the court may decide the case without hearing from you and you could lose the case. *Appearance* and *Answer/Response* forms can be found at: [illinoiscourts.gov/documents-and-forms/approved-forms/](http://illinoiscourts.gov/documents-and-forms/approved-forms/).

Check 4a or 4b. If Defendant/Respondent only needs to file an *Appearance* and *Answer/Response* within 30 days, check box 4a. Otherwise, if the clerk gives you a court date, check box 4b.

**4. Instructions for person receiving this Summons (Defendant):**

a. To respond to this *Summons*, you must file *Appearance* and *Answer/Response* forms with the court within 30 days after you have been served (not counting the day of service) by e-filing or at:  
 Address: 50 West Washington - Suite 1001  
 City, State, ZIP: Chicago, IL 60602

b. Attend court:  
 On: \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m. in \_\_\_\_\_  
Date Time Courtroom

**In-person at:**  
 \_\_\_\_\_  
Courthouse Address City State ZIP

**OR**  
**Remotely** (You may be able to attend this court date by phone or video conference. This is called a "Remote Appearance"):  
 By telephone: \_\_\_\_\_  
Call-in number for telephone remote appearance  
 By video conference: \_\_\_\_\_  
Video conference website  
 \_\_\_\_\_  
Video conference log-in information (meeting ID, password, etc.)

Call the Circuit Clerk at: \_\_\_\_\_ or visit their website  
Circuit Clerk's phone number  
 at: \_\_\_\_\_ to find out more about how to do this.  
Website

In 4a, fill out the address of the court building where the Defendant may file or e-file their *Appearance* and *Answer/Response*.

In 4b, fill out:  
 • The court date and time the clerk gave you.  
 • The courtroom and address of the court building.  
 • The call-in or video information for remote appearances (if applicable).  
 • The clerk's phone number and website. All of this information is available from the Circuit Clerk.

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

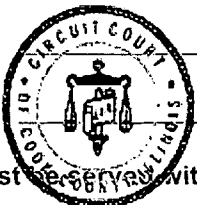
**STOP!**  
 The officer or process server will fill in the Date of Service.

3/4/2022 10:56 AM IRIS Y. MARTINEZ

Witness this Date: \_\_\_\_\_

Seal of Court

Clerk of the Court: \_\_\_\_\_



This *Summons* must be served within 30 days of the witness date.

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

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  Cook _____ COUNTY	<b>PROOF OF SERVICE OF SUMMONS AND COMPLAINT/PETITION</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.	Allana Hudson <b>Plaintiff / Petitioner</b> (First, middle, last name)  v.  Align Technology, Inc. <b>Defendant / Respondent</b> (First, middle, last name)  <input type="checkbox"/> <b>Alias Summons</b> (Check this box if this is not the 1 <sup>st</sup> Summons issued for this Defendant.)	_____ <b>Case Number</b>

**\*\*Stop. Do not complete the form. The sheriff or special process server will fill in the form.\*\***

My name is \_\_\_\_\_ and I state  
*First, Middle, Last*

I served the **Summons and Complaint/Petition** on the Defendant/Respondent

as follows:

*First, Middle, Last*

Personally on the Defendant/Respondent:

Male  Female  Non-Binary  Approx. Age: \_\_\_\_\_ Race: \_\_\_\_\_

On this date: \_\_\_\_\_ at this time: \_\_\_\_\_  a.m.  p.m.

Address, Unit#: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

On someone else at the Defendant/Respondent's home who is at least 13 years old and is a family member or lives there:

On this date: \_\_\_\_\_ at this time: \_\_\_\_\_  a.m.  p.m.

Address, Unit#: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

And left it with: \_\_\_\_\_

*First, Middle, Last*

Male  Female  Non-Binary  Approx. Age: \_\_\_\_\_ Race: \_\_\_\_\_

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*

Male  Female  Non-Binary  Approx. Age: \_\_\_\_\_ Race: \_\_\_\_\_

On this date: \_\_\_\_\_ at this time: \_\_\_\_\_  a.m.  p.m.

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

I was not able to serve the **Summons** and **Complaint/Petition** on **Defendant/Respondent**:

\_\_\_\_\_  
*First, Middle, Last*

I made the following attempts to serve the *Summons* and *Complaint/Petition* on the *Defendant/Respondent*:

1. On this date: \_\_\_\_\_ at this time: \_\_\_\_\_  a.m.  p.m.  
Address: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_  
Other information about service attempt: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. On this date: \_\_\_\_\_ at this time: \_\_\_\_\_  a.m.  p.m.  
Address: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_  
Other information about service attempt: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. On this date: \_\_\_\_\_ at this time: \_\_\_\_\_  a.m.  p.m.  
Address: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_  
Other information about service attempt: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**If you are a special process server, sheriff outside Illinois, or licensed private detective, your signature certifies that everything on the *Proof of Service of Summons* is true and correct to the best of your knowledge. You understand that making a false statement on this form could be perjury.**

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

**By:** \_\_\_\_\_  
*Signature by:*  Sheriff  
 Sheriff outside Illinois:  
\_\_\_\_\_  
*County and State*  
 Special process server  
 Licensed private detective

**FEEES**

Service and Return:	\$	_____
Miles	\$	_____
Total	\$	0.00

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

If *Summons* is served by licensed private detective or private detective agency:  
License Number: \_\_\_\_\_



FILED  
3/4/2022 10:56 AM  
IRIS Y. MARTINEZ  
CIRCUIT CLERK  
COOK COUNTY, IL  
2022CH01870  
Calendar, 13  
16950190

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

ALLANA HUDSON, individually and on  
behalf of other persons similarly situated,

Plaintiff,

v.

ALIGN TECHNOLOGY, INC.,

Defendant.

Case No.:  
2022CH01870

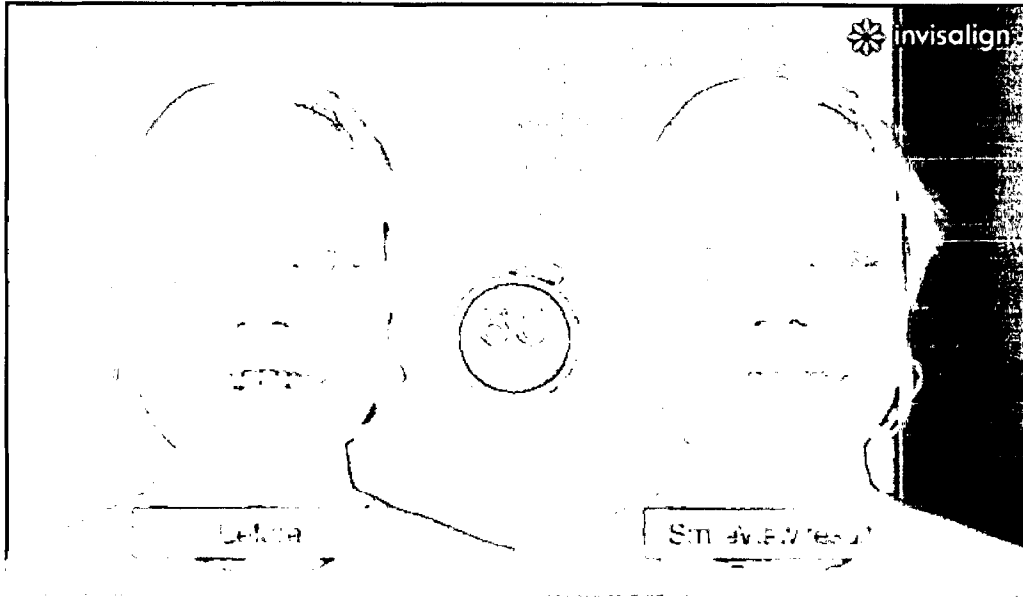
CLASS ACTION COMPLAINT

Plaintiff Allana Hudson files the following Class Action Complaint against Align Technology, Inc. Plaintiff alleges the following based on personal knowledge as to her own acts and experiences, and as to all other matters upon information and belief, including an investigation conducted by her attorneys.

**NATURE OF THE ACTION**

1. This is an action by Allana Hudson (“Plaintiff”) individually and on behalf of others similarly situated (“class members”) to obtain damages and other equitable relief under the Illinois Biometric Information Privacy Act, 740 ILCS § 14/1 *et seq.* (“BIPA” or “the Act”).
2. Plaintiff and class members are subject to the unlawful biometric scanning and storage practices of Align Technology, Inc. (“Defendant”).
3. Defendant Align Technology manufactures and sells teeth-straightening products.
4. Defendant provides a feature on its mobile app called “SmileView,” which allows a user to preview how Defendant’s teeth-straightening products would change that user’s teeth.
5. SmileView works by requiring users to take a “selfie” photo and then, using facial recognition technology, SmileView generates a preview of the user’s face after teeth-straightening

treatment.<sup>1</sup> The following photo is an example of the preview generated by Defendant's SmileView feature.



6. Facial recognition technology measures the physiological characteristics of a human face. In the process of utilizing facial recognition technology, Defendant collects and stores users' personalized biometric identifiers<sup>3</sup> and the biometric information<sup>4</sup> derived therefrom ("biometric data"). Specifically, Defendant collects and stores individual's facial geometries.

7. Plaintiff and class members have not been notified where their biometric data is being stored, for how long Defendant will keep the biometric data, and what might happen to this valuable information.

---

<sup>1</sup> <https://www.techrepublic.com/article/my-invisalign-app-uses-machine-learning-and-facial-recognition-to-sell-the-benefits-of-dental-work/> (last accessed January 27, 2022)

<sup>3</sup> A "biometric identifier" is any personal feature that is unique to an individual, including handprints, iris scans, DNA and "face geometry", among others.

<sup>4</sup> "Biometric information" is any information captured, converted, stored or shared based on a person's biometric identifier used to identify an individual.

8. Defendant failed to clearly and conspicuously inform its potential customers, including Plaintiff, of the nature of the face scanning system in which they would be required to participate in or knowingly be subjected to, thus (1) failing to obtain the necessary consent to collect their biometrics, (2) failing to maintain a lawful biometric storage program which deletes biometric information in the proscribed period, and (3) failing to provide the required disclosures at the time of collection; and (4) failing to provide a retention and destruction schedule.

9. To the extent Defendant is still retaining Plaintiff's biometrics, such retention is unlawful and an ongoing infringement of her right to privacy as afforded by the BIPA.

10. On behalf of herself and the proposed Class defined below, Plaintiff seeks an injunction requiring Defendant to comply with the BIPA, as well as the greater of actual or statutory damages to the Class, together with costs and reasonable attorneys' fees.

### **PARTIES**

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

12. Defendant Align Technology, Inc. is a Delaware corporation that conducts business throughout Illinois, including in Cook County, Illinois.

### **JURISDICTION AND VENUE**

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

14. Venue is proper in Cook County, Illinois pursuant to 735 ILCS 5/2-101, because Defendant conducts business in Cook County, Illinois and thus reside there under § 2-102.

**FACTS SPECIFIC TO PLAINTIFF**

15. Plaintiff downloaded and used Defendant's mobile app during the relevant time period and used Defendant's SmileView technology to preview the effect of Defendant's teeth-straightening products on her smile.

16. Using its facial recognition technology, Defendant captured biometric scans of Plaintiff's face and facial geometry.

17. Defendant did not inform Plaintiff in writing that her biometric data was being recorded, obtained, collected, used and/or stored.

18. Defendant did not inform Plaintiff in writing the specific purpose and length of term for which their biometric data would be captured, collected, stored, and/or used.

19. Defendant did not obtain Plaintiff's written consent to record, collect, obtain, and/or store Plaintiff and class members' biometric data. Likewise, Defendant never provided Plaintiff with the requisite statutory disclosures nor an opportunity to prohibit or prevent the collection, storage or use of Plaintiff's unique biometric identifiers and/or biometric information.

**CLASS ACTION ALLEGATIONS**

20. Plaintiff seek to certify a class action pursuant to 735 ILCS § 5/2-801 on behalf of the following class:

All individuals within the state of Illinois whose biometric data Defendant Align Technology collected, captured, stored, disseminated, transmitted or otherwise used during the applicable statute of limitations period.

21. Class treatment in this case is appropriate because:

(a) Pursuant to 735 ILCS 5/2-801 (1), the number of persons within the classes are substantial, believed to amount to thousands of persons. It is, therefore, impractical to join each member of the classes as a named Plaintiff. Further, the

size and relatively modest value of the claims of the individual members of the classes renders joinder impractical. Accordingly, utilization of the class action mechanism is the most economically feasible means of determining and adjudicating the merits of this litigation. Moreover, the classes are ascertainable and identifiable from Defendants' records.

(b) There are questions of fact or law common to the classes, which common questions predominate over any questions affecting only individual members; these common questions of law and fact include, without limitation:

- i. whether Defendant properly informed Plaintiff and class members that it collected, used, and stored their biometric identifiers and/or biometric information;
- ii. whether Defendant obtained a written release (as defined in 740 ILCS § 14/10) to collect, use, and store Plaintiff's and class members' biometric identifiers and/or biometric information;
- iii. whether Defendant used Plaintiff's and class members' biometric identifiers and/or biometric information to identify them;
- iv. whether Defendant's violations of BIPA were committed intentionally, recklessly, or negligently.

(c) The Plaintiff, class members, and the Defendant have a commonality of interest in the subject matter and remedies sought. If individual actions were required to be brought by each class member injured or affected, the result would be a multiplicity of actions creating a hardship on the class members, the Defendant, and the Court. Plaintiff has retained and is represented by qualified and

competent counsel who are highly experienced in complex consumer class action litigation. Plaintiff and her counsel are committed to vigorously prosecuting this class action. Moreover, Plaintiff is able to fairly and adequately represent and protect the interests of the class. Neither Plaintiff nor her counsel have any interest adverse to, or in conflict with, the interests of the absent members of the class.

(d) The class action provides a superior method for fairly and efficiently adjudicating this controversy because many class members cannot feasibly vindicate their rights by individual suit because the value of their recoveries are outweighed by the burden and expense of litigating against the Defendant. Even if every class member could afford to pursue individual litigation, the Court system could not. It would be unduly burdensome to the courts in which individual litigation of numerous cases would proceed. Individualized litigation would also present the potential for varying, inconsistent or contradictory judgments, and would magnify the delay and expense to all parties and to the court system resulting from multiple trials of the same factual issues. By contrast, the maintenance of this action as a class action, with respect to some or all of the issues presented herein, presents few management difficulties, conserves the resources of the parties and of the court system and protects the rights of each member of the classes. Plaintiff anticipates no difficulty in the management of this action as a class action. Class-wide relief is essential to compliance with the BIPA.

22. Therefore, a class action is an appropriate method for the fair and efficient adjudication of this lawsuit.

**COUNT I**  
**Violations of the Illinois Biometric Information Privacy Act, 740 ILCS 14/15(a)**  
**(On behalf of the Plaintiff and Class)**

23. Plaintiff incorporates by reference each of the preceding allegations as though fully set forth herein.

24. As discussed above, Defendant obtained and possessed Plaintiff's and class members' biometric identifiers and biometric information as defined by 740 ILCS § 14/10.

25. Section 15(a) of BIPA requires any entity in possession of biometric identifiers or biometric information to "develop a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying biometric identifiers and biometric information when the initial purpose for collecting or obtaining such identifiers or information has been satisfied or within 3 years of the individual's last interaction with the private entity, whichever occurs first." 740 ILCS 14/15(a).

26. Defendant has failed to make publicly available any policy addressing its biometric retention and destruction practices.

27. As a result, Defendant has violated Section 15(a) of the BIPA.

28. Defendant knew, or was reckless in not knowing, that its utilization of biometric identity practices would be subject to 15(a), a statutory provision passed in 2008, yet failed to comply with the statute.

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

30. Defendant's violations of Section 15(a), which has been in effect since 2008, was knowing and willful, or was at least in reckless disregard of the statutory requirements. Alternatively, Defendant negligently failed to comply with Section 15(a).

WHEREFORE, Plaintiff, on behalf of herself and 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 the BIPA;
- c. Awarding injunctive and equitable relief as necessary to protect the interests of Plaintiff and the Class by requiring Defendant to comply with the BIPA;
- d. Awarding statutory damages of \$5,000 for each willful and/or reckless violation of the BIPA, pursuant to 740 ILCS 14/20(2);
- e. Awarding statutory damages of \$1,000 for each negligent violation of the 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.

**COUNT II**

**Violations of the Illinois Biometric Information Privacy Act, 740 ILCS 14/15(b)  
(On behalf of the Plaintiff and Class)**

31. Plaintiff incorporates by reference each of the preceding allegations as though fully set forth herein.



32. As discussed above, Defendant recorded, collected, and stored Plaintiff's and class members' biometric identifiers and biometric information as defined by 740 ILCS § 14/10.

33. Each instance where Defendant extracted, captured, collected or otherwise obtained Plaintiff's and other class members' facial biometric identifiers and/or information without their valid written consent and without complying with, and thus, in violation of, the BIPA constitutes a violation of the Act.

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

- (a) Defendant failed to inform Plaintiff and class members in writing that their biometrics were being collected, prior to such collection, as required by 740 ILCS 14/15(b)(1);
- (b) Defendant failed to inform Plaintiff and class members 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 class members 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); and
- (d) Defendant failed to obtain a written release, as required by 740 ILCS 14/15(b)(3).

35. As a result, Defendant has violated Section 15(b) of the BIPA.

36. Defendant knew, or was reckless in not knowing, that its utilization of a biometric identity practice would be subject to 15(b) of the BIPA, a statutory provision passed in 2008, yet failed to comply with the statute.

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

38. Defendant's violations of Section 15(b), which has been in effect since 2008, was knowing and willful, or was at least in reckless disregard of the statutory requirements. Alternatively, Defendant negligently failed to comply with Section 15(b).

WHEREFORE, Plaintiff, on behalf of herself and 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 the BIPA;
- c. Awarding injunctive and equitable relief as necessary to protect the interests of Plaintiff and the Classes by requiring Defendant to comply with the BIPA;
- d. Awarding statutory damages of \$5,000 for each willful and/or reckless violation of the BIPA, pursuant to 740 ILCS 14/20(2);
- e. Awarding statutory damages of \$1,000 for each negligent violation of the 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.

*Respectfully submitted,*

*/s/ William H. Beaumont*

---

Roberto Luis Costales (#6329085)  
William H. Beaumont (#6323256)  
BEAUMONT COSTALES LLC  
107 W. Van Buren, Suite 209  
Chicago, IL 60605  
Telephone: (773) 831-8000  
rlc@beaumontcostales.com  
whb@beaumontcostales.com  
*Attorneys for the Plaintiff*