

**IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS**

RACHEL BRAMMER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

CEDARHURST OF EDWARDSVILLE
OPERATOR, LLC; CEDARHURST OF
COLLINSVILLE OPERATOR, LLC;
CEDARHURST OF GREENVILLE
OPERATOR, LLC; CEDARHURST OF
JACKSONVILLE OPERATOR, LLC;
CEDARHURST OF SHILOH OPERATOR,
LLC; CEDARHURST OF SPARTA
OPERATOR, LLC; and DOE
DEFENDANTS 1-100,

Defendants.

Case No. ~~17~~^X-L-19L0932

CLASS ACTION COMPLAINT

NOW COMES Plaintiff Rachel Brammer, individually, and on behalf of all others similarly situated, by and through her attorneys, JOHN J. DRISCOLL and THE DRISCOLL FIRM, P.C., and brings this class action complaint pursuant to 735 ILCS 5/2-801, *et seq.*, and alleges as follows:

NATURE OF THE ACTION

1. This is a Class Action for money damages arising from Defendants' violations of the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, *et. seq.*, ("BIPA") in that Defendants illegally collected, stored and used Plaintiff's and other similarly situated individuals' biometric identifiers and biometric information ("biometrics") without informed written consent, in direct violation of BIPA.

2. Our legislature has recognized that "[b]iometrics are unlike other unique identifiers that are used to access finances or other sensitive information." 740 ILCS 14/5(c). "For example, social security numbers, when compromised, can be changed. Biometrics, however, are biologically unique to the individual; therefore, once compromised, the individual has no recourse, is at heightened risk for identity theft, and is likely to withdraw from biometric facilitated transactions." *Id.*

3. In response to these concerns over the security of individuals' biometrics, (740 ILCS 14/5(b)) our legislature enacted BIPA, which provides, *inter alia*, that a private entity may not obtain and/or possess an individual's biometrics unless it: (1) informs that person in writing that biometric identifiers or information will be collected or stored, *see id.*; (2) informs that person in writing of the specific purpose and length of term for which such biometric identifiers or biometric information is being collected, stored and used, *see id.*; (3) receives a written release from the person for the collection of his or her biometric identifiers or information, *see id.*; and (4) publishes publicly available written retention schedules and guidelines for permanently destroying biometric identifiers and biometric information. 740 ILCS 14/15(a) and (b).

4. In violation of each of the foregoing provisions of §15(a) and (b) of BIPA, the Defendants are actively collecting, storing, and using – without providing notice, obtaining informed written consent or publishing data retention policies – the biometrics of hundreds or more unwitting Illinois resident citizens.

5. Defendants are also violating additional provisions of BIPA, as further described herein.

6. Plaintiff seeks class certification pursuant to 735 ILCS 5/2-801, *et seq.* Rachel Brammer, individually, and on behalf of all others similarly situated (“the Class”), brings this action against the Cedarhurst Defendants and the Doe Defendants described in further detail below (collectively, “Defendants”), for claims relating to the violation of Plaintiff’s privacy rights and to recover statutory damages for Defendants’ unauthorized collection, storage, and use of Plaintiff’s and the Class members’ respective biometric information in violation of BIPA.

PARTIES

I. PLAINTIFF

7. Cedarhurst collected, captured, stored and used plaintiff’s biometric information for the purpose of tracking time and attendance while she worked at Cedarhurst.

8. Plaintiff Rachel Brammer is, and at all times relevant to this action was, a resident citizen of St. Clair County, Illinois. Brammer is a former worker at a Cedarhurst location in Shiloh, Illinois. Brammer was required to submit her biometric information at the direction of and for use by Cedarhurst. At no time while working at Cedarhurst was Brammer informed in writing that her biometric information was being collected or stored or of the specific purpose and length of term for which her biometric information was being collected, stored, and used. At no time did Brammer execute a writing releasing or permitting Defendants to utilize her biometric information. Brammer was never provided

with a publicly available written policy regarding a schedule or guideline for the retention and permanent destruction of her biometric information.

II. DEFENDANTS

9. Defendants to this action undertake an interlocking web of business activities, many of which center around nursing homes.

10. This integrated course of conduct includes a one or more of a series of related transactions to undertake a biometrics capture and collection program at all relevant Cedarhurst nursing homes.

11. Defendants Cedarhurst of Edwardsville Operator, LLC; Cedarhurst of Collinsville Operator, LLC; Cedarhurst of Greenville Operator, LLC; Cedarhurst of Jacksonville Operator, LLC; Cedarhurst of Shiloh Operator, LLC; and Cedarhurst of Sparta Operator, LLC (collectively, jointly, and severally, “Cedarhurst”) are all citizens of the State of Illinois.

12. Cedarhurst owns, operates, manages, controls, and/or conducts business at several Illinois nursing homes and/or similar facilities. This includes (but is not limited to) collecting, capturing, purchasing, receiving through trade, or otherwise obtaining biometric identifiers or biometric information at such locations. Such locations include (but are not limited to) the Illinois facilities where the Named Plaintiff worked. Many further relevant Illinois locations will undoubtedly continue to be revealed in discovery.

13. Each of the foregoing Defendants shares the same registered agent for service of process. That registered agent is Joshua R. Jennings, 7108 Marine Rd., Edwardsville IL 62025.

14. Plaintiff is unaware of the true names or capacities, whether individual, corporate, associate or otherwise, of those defendants fictitiously sued as Doe Defendants 1 through 100 inclusively and therefore Plaintiff sues them by these fictitious names. Plaintiff names only the Doe Defendants 1

through 100 that are citizens of Illinois, and specifically refrains from and does not include herein any non-Illinois citizen whether individual, corporate, associate or otherwise. Doe Defendants 1 through 100 are in some manner responsible for the conduct alleged herein. Upon discovering the true names and capacities of these fictitiously named defendants, Plaintiff will amend the Complaint to show the true names and capacities of these fictitiously named defendants.

III. DEFENDANTS' COMMON LIABILITY

15. Defendants and each of them are all “offending parties” within the meaning of the Illinois Biometric Information Privacy Act, 740 ILCS 14/20 (“BIPA”), as to all Cedarhurst workers or, in the alternative, some portion thereof.

16. The Cedarhurst network of nursing homes is a collaborative business entity or entities involving mutual ownership, management, and/or control.

17. BIPA does not require an employer-employee relationship in order for liability to arise. Indeed, quite to the contrary, the General Assembly specifically pointed out BIPA’s applicability in entirely non-work contexts, such as “finger-scan technologies at grocery stores, gas stations, and school cafeterias.” 740 ILCS 14-5(b) (2019).

18. Accordingly, whether Plaintiff and the class had an employer-employee relationship with any of these Defendants, or someone else, is irrelevant as to whether Plaintiff may recover from these Defendants. The actions and omissions of these Defendants violated BIPA as to Plaintiff and the class.

19. Stating further, and/or in the alternative, there exists, and at all times relevant to this action there existed, a unity of control and/or ownership between the foregoing Defendants such that any individuality and separateness between them has ceased. These Defendants are the alter-egos of one another and exerted control over each other. At all times pertinent to this action, these Defendants shared officers, directors, managers, members, and in some cases, even employees. These Defendants made

decisions in a uniform voice. Adherence to the fiction of the separate existence of these certain Defendants as entities distinct from one another will permit an abuse of process and of the corporate privilege, would sanction fraud and promote injustice.

20. Stating further, and/or in the alternative, Defendants, and each of them, exercised, and continue to exercise, control over the Cedarhurst network, including the facts and circumstances giving rise to this case, such that each of them, and all of them, are liable jointly and severally for the acts of each other and the acts of the Doe Defendants, or otherwise equally liable for the action/omissions of each other, in whole or in part, whether through operation of *respondeat superior*, the law of agency, common law joint and several liability, joint enterprise / civil conspiracy, joint employer, or other grounds.

JURISDICTION AND VENUE

21. This is a Class Action Complaint for violations of the Illinois Biometric Information Privacy Act (740 ILCS 14/1 *et seq.*) seeking statutory and actual damages.

22. This Court has subject matter and personal jurisdiction over the parties to this cause of action. All named parties are citizens of Illinois. Accordingly, there is no complete diversity of citizenship as contemplated by 28 U.S.C. §1332(a), nor is there minimal diversity as contemplated by 28 U.S.C. §1332(d). No federal question is presented by this complaint. Plaintiff brings this complaint solely under state law and not under federal law, and specifically not under the United States Constitution, nor any of its amendments, nor under 42 U.S.C. § 1981 or 1982, nor any other federal statute, law, rule, or regulation. Federal jurisdiction does not exist. Plaintiff believes and alleges that a cause of action exists under state law for the conduct complained of herein. If this Court or the Appellate Courts of Illinois were to rule that Plaintiff has no cause of action under state law for the conduct set out herein, then Plaintiff seeks no remedy. Accordingly, Plaintiff expressly waives and hereby disavows any claim for any relief whatsoever

under any federal law or any federal question concerning the allegations of this complaint, whether said allegations are pled or not.

23. This Class Action is brought on behalf of only Illinois citizens within the State of Illinois who submitted their respective biometric information to the Defendants within the State of Illinois.

24. Consistent with the Due Process Clauses of the Fifth and Fourteenth Amendments, this Court has *in personam* jurisdiction over the Cedarhurst Defendants because these defendants are citizens of Illinois, and are therefore present in the State of Illinois such that requiring an appearance does not offend traditional notions of fair play and substantial justice. Defendants are Illinois citizens because they have their principal place of business in Illinois, were organized under the laws of Illinois, and/or have a member that has its principal place of business in Illinois or was organized under the laws of Illinois.

25. Plaintiff and certain Class members worked at various Cedarhurst locations in Illinois, including in St. Clair County, Illinois. Accordingly, venue is proper under 735 ILCS 5/1-108 and 2-101 of the Illinois Code of Civil Procedure.

26. Plaintiff and each member of the Class have individually incurred actual damages in an amount less than \$75,000.00. Neither the Plaintiff nor any member of the Class seeks damages exceeding \$75,000, nor do their damages individually exceed \$75,000.00, inclusive of interest and attorneys' fees and all relief of any nature sought hereunder. Plaintiffs do not seek any form of "common" recovery, but rather individual recoveries not to exceed \$75,000.00, for any Class member, inclusive of interest and attorneys' fees and all relief of any nature sought hereunder.

FACTS COMMON TO ALL COUNTS

I. Illinois' Biometric Information Privacy Act

27. In 2008, our state enacted BIPA due to the "very serious need [for] protections for the citizens of Illinois when it [comes to their] biometric information." Illinois House Transcript, 2008 Reg.

Sess. No. 276. BIPA makes it unlawful for a company to, *inter alia*, “collect, capture, purchase, receive through trade, or otherwise obtain a person’s or a customer’s biometric identifiers or biometric information, unless it 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 term for which a biometric identifier or biometric information is being collected, stored, and used: and

(3) receives a written release executed by the subject of the biometric identifier or biometric information or the subject’s legally authorized representative.

740 ILCS 14/15(b).

28. Section 15 (a) of BIPA also provides:

A private entity in possession of biometric identifiers or biometric information must 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).

29. As alleged herein, Cedarhurst’s practices of collecting, storing, and using individuals’ biometric identifiers without informed written consent violate all three prongs of § 15(b) of BIPA. The Defendants’ failure to provide a publicly available written policy regarding their schedule and guidelines for the retention and permanent destruction of individuals’ biometric information also violates §15(a) of BIPA.

30. As further alleged herein, Cedarhurst’s practices in mishandling workers’ biometric information and/or biometric identifiers violates other provisions of BIPA as well.

II. Defendants’ Utilization of Biometric Information To Advance Their Commercial Interests

31. Cedarhurst has implemented biometric scanners in Illinois to track time and attendance of Cedarhurst workers, in an effort to combat time and attendance fraud and/or for other purposes of advancing Cedarhurst's commercial interests.

32. The named plaintiff's biometric information was collected, captured, stored and used by Cedarhurst for the purpose of tracking time and attendance while she worked at Cedarhurst.

III. Defendants' Violations of Illinois' Biometric Information Privacy Act

33. Cedarhurst utilizes a finger or handprint reader/scanner for the purposes of measuring workers' time and attendance; this is a primary method to "clock-in" at Defendants' locations, all of which are in Illinois. Defendants required all present and past workers that have worked at these locations to provide biometric information, specifically a scan of their finger and/or handprints.

34. Upon investigation and belief, the Defendants are violating BIPA in collecting and storing the biometric information of their workers at the locations that utilize biometric scanners (finger / hand print readers), as they are not first informing workers in writing that their biometric information is or will be collected and stored; they are not first informing workers in writing of the specific purpose and length of term for which their respective biometric identifiers or biometric information will be collected, stored, and/or used; nor are they first securing written releases from each respective worker.

35. Defendants are further failing to appropriately handle worker's biometric information / biometric identifiers, as also alleged herein.

36. The Defendants' violations of BIPA are not occurring at just one location, nor are they being perpetrated in only one geography. The Defendants' violations of BIPA are occurring at multiple locations in the state of Illinois, and have been occurring since Defendants' implementation of biometric scanners/readers.

CLASS ACTION ALLEGATIONS

37. This action is brought by the named Plaintiff on her own behalf and on behalf of a proposed Class of all other persons similarly situated, pursuant to 735 ILCS 5/2-801, defined as follows: *All Illinois citizens who had their biometric identifiers, information or data captured, collected, stored or used by the Defendants.*

38. All members of the proposed Class are citizens of Illinois. The principal injuries resulting from the alleged conduct or any related conduct of each Defendant were incurred in Illinois. On information and belief, during the three-year period preceding the filing of this action, no other class action has been filed asserting the same or similar factual allegations against any of the defendants on behalf of the same or other persons.

39. At least one defendant herein is a defendant from whom significant relief is sought by members of the plaintiff Class; whose alleged conduct forms a significant basis for the claims asserted by the proposed plaintiff Class; and is a citizen of the State of Illinois. Stating in the alternative, the primary defendants are citizens of the state of Illinois.

40. The Plaintiff is the master of her complaint and cause. Plaintiff specifically excludes from the proposed class the claims of any non-Illinois citizen; any and all claims against any non-Illinois citizens; any other claims, including claims for personal injury, wrongful death, or other property damage sustained by the Class; and any Judge conducting any proceeding in this action and members of their immediate families.

41. The Class is so numerous that the individual joinder of all members is impracticable. While the exact number of Class members is unknown at this time, it is generally ascertainable by appropriate discovery, is in the exclusive control of the Defendants, and it is believed that the Class may include hundreds or thousands of members.

42. Common questions of law or fact arising from the defendants' conduct exist as to all members of the Class, as required by 735 ILCS 5/2-801. These common questions include, but are not limited to, the following:

- a. Whether the Defendants captured, collected, stored or used the biometric information of the Plaintiff and the Class?
- b. If the Defendants captured, collected, stored or used the biometric information of the Plaintiff and the Class, did the Defendants inform the Plaintiff and the Class in writing that a biometric identifier or biometric information was being collected or stored?
- c. If the Defendants captured, collected, stored or used the biometric information of the Plaintiff and the Class, did the Defendants inform the Plaintiff and the Class in writing of the specific purpose and length of term for which a biometric identifier or biometric information was being collected, stored, and used?
- d. If the Defendants captured, collected, stored or used the biometric information of the Plaintiff and the Class, did the Defendants receive a written release executed by the Plaintiff and the Class of the biometric identifier or biometric information or the Plaintiff's or Class' legally authorized representative?
- e. If the Defendants captured, collected, stored or used the biometric information of the Plaintiff and the Class, did the Defendants 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?
- f. Whether Defendants required workers to provide biometric information?
- g. Whether the Defendants captured, collected, stored or used the biometric information of customers?

43. Class action treatment provides a fair and efficient method for the adjudication of the controversy herein described, affecting a large number of persons, joinder of whom is impracticable. The Class action device provides an appropriate and effective method whereby the enforcement of the rights

of Plaintiff and members of the Class can be fairly managed without unnecessary expense or duplication. The expense and burden of individual litigation of a case of this magnitude makes it impracticable for individual Class members to seek redress for the wrongs worked upon them.

44. Individual litigation of all claims which might be asserted by all Class members would produce such a multiplicity of cases that the judicial system having jurisdiction of the claims would remain congested for years. The certification of a Class would allow litigation of claims that, in view of the expenses of litigation, may be insufficient in amounts to support separate actions. Concentrating this litigation in one forum would aid judicial economy and efficiency, promote parity among the claims of individual Class members, and result in judicial consistency.

45. Plaintiff will fairly and adequately protect the interests of the Class Plaintiff represents. The interests of Plaintiff, as the Class representative, are consistent with those of the members of the Class. In addition, Plaintiff is represented by counsel experienced in complex and class action litigation.

46. The prosecution of separate actions by individual members of the Class would create a risk of:

- a. Inconsistent or varying adjudications with respect to individual members of the Class; and
- b. Adjudication with respect to individual members of the Class which would, as a practical matter, be dispositive of the interests of other members not parties to the adjudication or substantially impair or impede their ability to protect their interest.

47. Plaintiff and Class members envision no unusual difficulty in the management of this action as a Class action.

COUNT I– CEDARHURST OF EDWARDSVILLE OPERATOR, LLC
Violation of 740 ILCS 14/15(a)
Failure to Properly Establish Publicly-Available Policy
(On Behalf of Plaintiffs and the Class)

1. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

2. Defendant Cedarhurst of Edwardsville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Edwardsville Operator, LLC is therefore a “private entity” pursuant to BIPA.

3. Defendant Cedarhurst of Edwardsville Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

4. BIPA requires private entities in possession of 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).

5. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst / Defendant Cedarhurst of Edwardsville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints / palm scans and possibly other individual biometric data points.

6. Defendant Cedarhurst of Edwardsville Operator, LLC did not properly 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 was satisfied or within 3 years of the individual’s last interaction with the private entity, whichever occurred first.

7. Defendant Cedarhurst of Edwardsville Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Edwardsville Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Edwardsville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Edwardsville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT II– CEDARHURST OF EDWARDSVILLE OPERATOR, LLC
Violation of 740 ILCS 14/15(a)
Failure to Comply with Established Retention Schedule and Destruction Guidelines
(On Behalf of Plaintiffs and the Class)

8. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.
9. Defendant Cedarhurst of Edwardsville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Edwardsville Operator, LLC is therefore a "private entity" pursuant to BIPA.
10. Defendant Cedarhurst of Edwardsville Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.
11. BIPA requires private entities in possession of 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).

12. BIPA further provides that "Absent a valid warrant or subpoena issued by a court of competent jurisdiction, a private entity in possession of biometric identifiers or biometric information must comply with its established retention schedule and destruction guidelines." 735 ILCS 14/15(a).

13. The plaintiffs and the Class are Illinois citizens that had their "biometric information" collected and stored by Cedarhurst's / Defendant Cedarhurst of Edwardsville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints / palm scans and possibly other individual biometric data points.

14. Defendant Cedarhurst of Edwardsville Operator, LLC did not comply with its established retention schedule and destruction guidelines.

15. Defendant Cedarhurst of Edwardsville Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Edwardsville Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Edwardsville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages

of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Edwardsville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT III- CEDARHURST OF EDWARDSVILLE OPERATOR, LLC

**Violation of 740 ILCS 14/115(b)(1)
Failure to Inform of Collection and/or Storage
(On Behalf of Plaintiffs and the Class)**

16. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

17. Defendant Cedarhurst of Edwardsville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Edwardsville Operator, LLC is therefore a "private entity" pursuant to BIPA.

18. Defendant Cedarhurst of Edwardsville Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

19. BIPA makes it unlawful for any private entity to, inter alia, "collect, capture, purchase, receive through trade, or otherwise obtain a person's or a customer's biometric identifiers or biometric information, unless it first: (1) informs the subject . . . in writing that a biometric identifier or biometric information is being collected or stored" 740 ILCS 14/15(b)(1) (emphasis added).

20. The plaintiffs and the Class are Illinois citizens that had their "biometric information" collected and stored by Cedarhurst's / Defendant Cedarhurst of Edwardsville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

21. Defendant Cedarhurst of Edwardsville Operator, LLC's collection and storage of the plaintiffs' and class member's biometric data was done without properly informing the plaintiffs and class members in writing that a biometric identifier or biometric information was being collected or stored.

22. Defendant Cedarhurst of Edwardsville Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Edwardsville Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Edwardsville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Edwardsville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT IV– CEDARHURST OF EDWARDSVILLE OPERATOR, LLC
Violation of 740 ILCS 14/15(b)(2)
Failure to Inform of the Specific Purpose and Length of Term
(On Behalf of Plaintiffs and the Class)

23. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

24. Defendant Cedarhurst of Edwardsville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Edwardsville Operator, LLC is therefore a “private entity” pursuant to BIPA.

25. Defendant Cedarhurst of Edwardsville Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

26. BIPA makes it unlawful for any private entity to, inter alia, “collect, capture, purchase, receive through trade, or otherwise obtain a person’s or a customer’s biometric identifiers or biometric information, unless it first: (2) informs the subject . . . in writing of the specific purpose and length of term for which a biometric identifier or biometric information is being collected, stored, and used.” 740 ILCS 14/15(b)(2) (emphasis added).

27. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Edwardsville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

28. Defendant Cedarhurst of Edwardsville Operator, LLC failed to properly inform the plaintiffs or the class members in writing of the specific purpose and length of terms for which their biometric data was to be stored and used, as they were required to do under 740 ILCS 14/15(b)(2).

29. Defendant Cedarhurst of Edwardsville Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Edwardsville Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Edwardsville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Edwardsville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT V– CEDARHURST OF EDWARDSVILLE OPERATOR, LLC

**Violation of 740 ILCS 14/15(b)(3)
Failure to Obtain Written Release
(On Behalf of Plaintiffs and the Class)**

30. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

31. Defendant Cedarhurst of Edwardsville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Edwardsville Operator, LLC is therefore a "private entity" pursuant to BIPA.

32. Defendant Cedarhurst of Edwardsville Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

33. BIPA makes it unlawful for any private entity to, inter alia, "collect, capture, purchase, receive through trade, or otherwise obtain a person's or a customer's biometric identifiers or biometric information, unless ***it first***: . . . (3) receives a written release executed by

the subject of the biometric identifier or biometric information” 740 ILCS 14/15(b)(3) (emphasis added).

34. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Edwardsville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

35. Defendant Cedarhurst of Edwardsville Operator, LLC’s collection and storage of the plaintiffs’ and class members’ biometric data was systematic and done without first obtaining the written release required by 740 ILCS 14/15(b)(3).

36. Defendant Cedarhurst of Edwardsville Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Edwardsville Operator, LLC actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Edwardsville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Edwardsville Operator, LLC violations of BIPA

were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT VI- CEDARHURST OF EDWARDSVILLE OPERATOR, LLC

Violation of 740 ILCS 14/15(d)

Unauthorized Disclosure / Redisclosure / Dissemination

(On Behalf of Plaintiffs and the Class)

37. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

38. Defendant Cedarhurst of Edwardsville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Edwardsville Operator, LLC therefore a "private entity" pursuant to BIPA.

39. Defendant Cedarhurst of Edwardsville Operator, LLC is a private entity that collects biometric information from many associated workers.

40. BIPA makes it unlawful for any private entity in possession of a biometric identifier or biometric information to, inter alia, "disclose, redisclose, or other disseminate a person's or customer's biometric identifier or biometric information" 740 ILCS 114/15(d).

41. The plaintiffs and the Class are Illinois citizens that had their "biometric information" collected and stored by Cedarhurst's / Defendant Cedarhurst of Edwardsville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

42. On information and belief, Defendant Cedarhurst of Edwardsville Operator, LLC disclosed, redisclosed, or disseminated the biometric information of plaintiffs and the class members to, through, and/or among others, including but not limited to other Cedarhurst entities or persons associated with Cedarhurst.

43. Stating further, while not necessary to pleading these claims, Cedarhurst of Edwardsville Operator, LLC did not have consent to such disclosure, redisclosure, or dissemination as discussed by BIPA. 740 ILCS 14/15(d)(1).

44. Defendant Cedarhurst of Edwardsville Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Edwardsville Operator, LLC actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Edwardsville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Edwardsville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT VII– CEDARHURST OF EDWARDSVILLE OPERATOR, LLC

Violation of 740 ILCS 14/15(e)(1)

Failure to Use Reasonable Standard of Care

(On Behalf of Plaintiffs and the Class)

45. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

46. Defendant Cedarhurst of Edwardsville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Edwardsville Operator, LLC is therefore a “private entity” pursuant to BIPA.

47. Defendant Cedarhurst of Edwardsville Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

48. BIPA requires a private entity to, inter alia, “store, transmit, and protect from disclosure all biometric identifiers and biometric information using the reasonable standard of care within the private entity’s industry” 740 ILCS 14/15(e).

49. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Edwardsville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

50. Defendant Cedarhurst of Edwardsville Operator, LLC collection and storage of the plaintiffs’ and class members’ biometric data was systematic and done without storing, transmitting, and/or protecting from disclosure all biometric identifiers and biometric information using the reasonable standard of care within its industry as required by 740 ILCS 14/15(e)(1).

51. Defendant Cedarhurst of Edwardsville Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst

of Edwardsville Operator, LLC actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Edwardsville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Edwardsville Operator, LLC violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT VIII– CEDARHURST OF EDWARDSVILLE OPERATOR, LLC
Violation of 740 ILCS 14/15(e)(2)
Failure to Use Same Standard as Other Confidential and Sensitive Information
(On Behalf of Plaintiffs and the Class)

52. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

53. Defendant Cedarhurst of Edwardsville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Edwardsville Operator, LLC is therefore a “private entity” pursuant to BIPA.

54. Defendant Cedarhurst of Edwardsville Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

55. BIPA requires a private entity to, inter alia, “store, transmit, and protect from disclosure all biometric identifiers and biometric information in a manner that is the same as or more protective than the manner in which the private entity stores, transmits, and protects other confidential and sensitive information.” 740 ILCS 14/15(e)(2).

56. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Edwardsville

Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

57. Defendant Cedarhurst of Edwardsville Operator, LLC's collection and storage of the plaintiffs' and class members' biometric data was not done in a manner that was the same as or more protective than the manner in which it stores, transmits, and protects other confidential and sensitive information, as required by 740 ILCS 14/15(e)(2).

58. Defendant Cedarhurst of Edwardsville Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Edwardsville Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Edwardsville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Edwardsville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT IX– CEDARHURST OF COLLINSVILLE OPERATOR, LLC
Violation of 740 ILCS 14/15(a)

**Failure to Properly Establish Publicly-Available Policy
(On Behalf of Plaintiffs and the Class)**

59. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

60. Defendant Cedarhurst of Collinsville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Collinsville Operator, LLC is therefore a “private entity” pursuant to BIPA.

61. Defendant Cedarhurst of Collinsville Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

62. BIPA requires private entities in possession of 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).

63. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst / Defendant Cedarhurst of Collinsville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints / palm scans and possibly other individual biometric data points.

64. Defendant Cedarhurst of Collinsville Operator, LLC did not properly 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 was satisfied or within 3 years of the individual’s last interaction with the private entity, whichever occurred first.

65. Defendant Cedarhurst of Collinsville Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described herein,

aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Collinsville Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Collinsville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Collinsville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT X– CEDARHURST OF COLLINSVILLE OPERATOR, LLC

Violation of 740 ILCS 14/15(a)

**Failure to Comply with Established Retention Schedule and Destruction Guidelines
(On Behalf of Plaintiffs and the Class)**

66. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

67. Defendant Cedarhurst of Collinsville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Collinsville Operator, LLC is therefore a "private entity" pursuant to BIPA.

68. Defendant Cedarhurst of Collinsville Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

69. BIPA requires private entities in possession of 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).

70. BIPA further provides that “Absent a valid warrant or subpoena issued by a court of competent jurisdiction, a private entity in possession of biometric identifiers or biometric information must comply with its established retention schedule and destruction guidelines.” 735 ILCS 14/15(a).

71. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Collinsville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints / palm scans and possibly other individual biometric data points.

72. Defendant Cedarhurst of Collinsville Operator, LLC did not comply with its established retention schedule and destruction guidelines.

73. Defendant Cedarhurst of Collinsville Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Collinsville Operator, LLC’s actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3)

injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Collinsville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Collinsville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XI– CEDARHURST OF COLLINSVILLE OPERATOR, LLC
Violation of 740 ILCS 14/115(b)(1)
Failure to Inform of Collection and/or Storage
(On Behalf of Plaintiffs and the Class)

74. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

75. Defendant Cedarhurst of Collinsville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Collinsville Operator, LLC is therefore a “private entity” pursuant to BIPA.

76. Defendant Cedarhurst of Collinsville Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

77. BIPA makes it unlawful for any private entity to, inter alia, “collect, capture, purchase, receive through trade, or otherwise obtain a person's or a customer's biometric identifiers or biometric information, unless **it first**: (1) informs the subject . . . in writing that a biometric identifier or biometric information is being collected or stored” 740 ILCS 14/15(b)(1) (emphasis added).

78. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst's / Defendant Cedarhurst of Collinsville Operator,

LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

79. Defendant Cedarhurst of Collinsville Operator, LLC's collection and storage of the plaintiffs' and class member's biometric data was done without properly informing the plaintiffs and class members in writing that a biometric identifier or biometric information was being collected or stored.

80. Defendant Cedarhurst of Collinsville Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Collinsville Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Collinsville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Collinsville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XII- CEDARHURST OF COLLINSVILLE OPERATOR, LLC
Violation of 740 ILCS 14/15(b)(2)

**Failure to Inform of the Specific Purpose and Length of Term
(On Behalf of Plaintiffs and the Class)**

81. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

82. Defendant Cedarhurst of Collinsville Operator, LLC is a company organized under the laws of the State of Illinois. Cedarhurst of Collinsville Operator, LLC is therefore a “private entity” pursuant to BIPA.

83. Defendant Cedarhurst of Collinsville Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

84. BIPA makes it unlawful for any private entity to, inter alia, “collect, capture, purchase, receive through trade, or otherwise obtain a person’s or a customer’s biometric identifiers or biometric information, unless **it first**: (2) informs the subject . . . in writing of the specific purpose and length of term for which a biometric identifier or biometric information is being collected, stored, and used.” 740 ILCS 14/15(b)(2) (emphasis added).

85. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Collinsville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

86. Defendant Cedarhurst of Collinsville Operator, LLC failed to properly inform the plaintiffs or the class members in writing of the specific purpose and length of terms for which their biometric data was to be stored and used, as they were required to do under 740 ILCS 14/15(b)(2).

87. Defendant Cedarhurst of Collinsville Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described herein,

aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Collinsville Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Collinsville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Collinsville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XIII– CEDARHURST OF COLLINSVILLE OPERATOR, LLC

**Violation of 740 ILCS 14/15(b)(3)
Failure to Obtain Written Release
(On Behalf of Plaintiffs and the Class)**

88. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

89. Defendant Cedarhurst of Collinsville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Collinsville Operator, LLC is therefore a "private entity" pursuant to BIPA.

90. Defendant Cedarhurst of Collinsville Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

91. BIPA makes it unlawful for any private entity to, inter alia, “collect, capture, purchase, receive through trade, or otherwise obtain a person’s or a customer’s biometric identifiers or biometric information, unless it first: . . . (3) receives a written release executed by the subject of the biometric identifier or biometric information” 740 ILCS 14/15(b)(3) (emphasis added).

92. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Collinsville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

93. Defendant Cedarhurst of Collinsville Operator, LLC’s collection and storage of the plaintiffs’ and class members’ biometric data was systematic and done without first obtaining the written release required by 740 ILCS 14/15(b)(3).

94. Defendant Cedarhurst of Collinsville Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Collinsville Operator, LLC actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Collinsville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00

for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Collinsville Operator, LLC violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XIV– CEDARHURST OF COLLINSVILLE OPERATOR, LLC
Violation of 740 ILCS 14/15(d)
Unauthorized Disclosure / Redisclosure / Dissemination
(On Behalf of Plaintiffs and the Class)

95. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

96. Defendant Cedarhurst of Collinsville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Collinsville Operator, LLC therefore a “private entity” pursuant to BIPA.

97. Defendant Cedarhurst of Collinsville Operator, LLC is a private entity that collects biometric information from many associated workers.

98. BIPA makes it unlawful for any private entity in possession of a biometric identifier or biometric information to, inter alia, “disclose, redisclose, or other disseminate a person’s or customer’s biometric identifier or biometric information” 740 ILCS 14/15(d).

99. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Collinsville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

100. On information and belief, Defendant Cedarhurst of Collinsville Operator, LLC disclosed, redisclosed, or disseminated the biometric information of plaintiffs and the class

members to, through, and/or among others, including but not limited to other Cedarhurst entities or persons associated with Cedarhurst.

101. Stating further, while not necessary to pleading these claims, Cedarhurst of Collinsville Operator, LLC did not have consent to such disclosure, redisclosure, or dissemination as discussed by BIPA. 740 ILCS 14/15(d)(1).

102. Defendant Cedarhurst of Collinsville Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Collinsville Operator, LLC actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Collinsville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Collinsville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XV– CEDARHURST OF COLLINSVILLE OPERATOR, LLC
Violation of 740 ILCS 14/15(e)(1)
Failure to Use Reasonable Standard of Care
(On Behalf of Plaintiffs and the Class)

103. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

104. Defendant Cedarhurst of Collinsville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Collinsville Operator, LLC is therefore a “private entity” pursuant to BIPA.

105. Defendant Cedarhurst of Collinsville Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

106. BIPA requires a private entity to, inter alia, “store, transmit, and protect from disclosure all biometric identifiers and biometric information using the reasonable standard of care within the private entity’s industry” 740 ILCS 14/15(e).

107. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Collinsville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

108. Defendant Cedarhurst of Collinsville Operator, LLC collection and storage of the plaintiffs’ and class members’ biometric data was systematic and done without storing, transmitting, and/or protecting from disclosure all biometric identifiers and biometric information using the reasonable standard of care within its industry as required by 740 ILCS 14/15(e)(1).

109. Defendant Cedarhurst of Collinsville Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*,

appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Collinsville Operator, LLC actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Collinsville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Collinsville Operator, LLC violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XVI– CEDARHURST OF COLLINSVILLE OPERATOR, LLC

Violation of 740 ILCS 14/15(e)(2)

**Failure to Use Same Standard as Other Confidential and Sensitive Information
(On Behalf of Plaintiffs and the Class)**

110. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

111. Defendant Cedarhurst of Collinsville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Collinsville Operator, LLC is therefore a “private entity” pursuant to BIPA.

112. Defendant Cedarhurst of Collinsville Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

113. BIPA requires a private entity to, inter alia, “store, transmit, and protect from disclosure all biometric identifiers and biometric information in a manner that is the same as or more protective than the manner in which the private entity stores, transmits, and protects other confidential and sensitive information.” 740 ILCS 14/15(e)(2).

114. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Collinsville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

115. Defendant Cedarhurst of Collinsville Operator, LLC’s collection and storage of the plaintiffs’ and class members’ biometric data was not done in a manner that was the same as or more protective than the manner in which it stores, transmits, and protects other confidential and sensitive information, as required by 740 ILCS 14/15(e)(2).

116. Defendant Cedarhurst of Collinsville Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Collinsville Operator, LLC’s actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Collinsville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Collinsville Operator, LLC’s violations of BIPA were

negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XVII– CEDARHURST OF GREENVILLE OPERATOR, LLC
Violation of 740 ILCS 14/15(a)
Failure to Properly Establish Publicly-Available Policy
(On Behalf of Plaintiffs and the Class)

117. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

118. Defendant Cedarhurst of Greenville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Greenville Operator, LLC is therefore a “private entity” pursuant to BIPA.

119. Defendant Cedarhurst of Greenville Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

120. BIPA requires private entities in possession of 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).

121. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst / Defendant Cedarhurst of Greenville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints / palm scans and possibly other individual biometric data points.

122. Defendant Cedarhurst of Greenville Operator, LLC did not properly 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 was

satisfied or within 3 years of the individual's last interaction with the private entity, whichever occurred first.

123. Defendant Cedarhurst of Greenville Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Greenville Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Greenville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Greenville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XVIII– CEDARHURST OF GREENVILLE OPERATOR, LLC
Violation of 740 ILCS 14/15(a)
Failure to Comply with Established Retention Schedule and Destruction Guidelines
(On Behalf of Plaintiffs and the Class)

124. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

125. Defendant Cedarhurst of Greenville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Greenville Operator, LLC is therefore a “private entity” pursuant to BIPA.

126. Defendant Cedarhurst of Greenville Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

127. BIPA requires private entities in possession of 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).

128. BIPA further provides that “Absent a valid warrant or subpoena issued by a court of competent jurisdiction, a private entity in possession of biometric identifiers or biometric information must comply with its established retention schedule and destruction guidelines.” 735 ILCS 14/15(a).

129. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Greenville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints / palm scans and possibly other individual biometric data points.

130. Defendant Cedarhurst of Greenville Operator, LLC did not comply with its established retention schedule and destruction guidelines.

131. Defendant Cedarhurst of Greenville Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as

described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Greenville Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Greenville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Greenville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XIX– CEDARHURST OF GREENVILLE OPERATOR, LLC
Violation of 740 ILCS 14/115(b)(1)
Failure to Inform of Collection and/or Storage
(On Behalf of Plaintiffs and the Class)

132. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

133. Defendant Cedarhurst of Greenville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Greenville Operator, LLC is therefore a "private entity" pursuant to BIPA.

134. Defendant Cedarhurst of Greenville Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

135. BIPA makes it unlawful for any private entity to, inter alia, “collect, capture, purchase, receive through trade, or otherwise obtain a person’s or a customer’s biometric identifiers or biometric information, unless it first: (1) informs the subject . . . in writing that a biometric identifier or biometric information is being collected or stored” 740 ILCS 14/15(b)(1) (emphasis added).

136. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Greenville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

137. Defendant Cedarhurst of Greenville Operator, LLC’s collection and storage of the plaintiffs’ and class member’s biometric data was done without properly informing the plaintiffs and class members in writing that a biometric identifier or biometric information was being collected or stored.

138. Defendant Cedarhurst of Greenville Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Greenville Operator, LLC’s actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Greenville

Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Greenville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XX– CEDARHURST OF GREENVILLE OPERATOR, LLC

Violation of 740 ILCS 14/15(b)(2)

**Failure to Inform of the Specific Purpose and Length of Term
(On Behalf of Plaintiffs and the Class)**

139. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

140. Defendant Cedarhurst of Greenville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Greenville Operator, LLC is therefore a "private entity" pursuant to BIPA.

141. Defendant Cedarhurst of Greenville Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

142. BIPA makes it unlawful for any private entity to, inter alia, "collect, capture, purchase, receive through trade, or otherwise obtain a person's or a customer's biometric identifiers or biometric information, unless it first: (2) informs the subject . . . in writing of the specific purpose and length of term for which a biometric identifier or biometric information is being collected, stored, and used." 740 ILCS 14/15(b)(2) (emphasis added).

143. The plaintiffs and the Class are Illinois citizens that had their "biometric information" collected and stored by Cedarhurst's / Defendant Cedarhurst of Greenville

Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

144. Defendant Cedarhurst of Greenville Operator, LLC failed to properly inform the plaintiffs or the class members in writing of the specific purpose and length of terms for which their biometric data was to be stored and used, as they were required to do under 740 ILCS 14/15(b)(2).

145. Defendant Cedarhurst of Greenville Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Greenville Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Greenville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Greenville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XXI– CEDARHURST OF GREENVILLE OPERATOR, LLC

**Violation of 740 ILCS 14/15(b)(3)
Failure to Obtain Written Release
(On Behalf of Plaintiffs and the Class)**

146. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

147. Defendant Cedarhurst of Greenville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Greenville Operator, LLC is therefore a “private entity” pursuant to BIPA.

148. Defendant Cedarhurst of Greenville Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

149. BIPA makes it unlawful for any private entity to, inter alia, “collect, capture, purchase, receive through trade, or otherwise obtain a person’s or a customer’s biometric identifiers or biometric information, unless **it first**: . . . (3) receives a written release executed by the subject of the biometric identifier or biometric information” 740 ILCS 14/15(b)(3) (emphasis added).

150. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Greenville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

151. Defendant Cedarhurst of Greenville Operator, LLC’s collection and storage of the plaintiffs’ and class members’ biometric data was systematic and done without first obtaining the written release required by 740 ILCS 14/15(b)(3).

152. Defendant Cedarhurst of Greenville Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as

described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Greenville Operator, LLC actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Greenville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Greenville Operator, LLC violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XXII– CEDARHURST OF GREENVILLE OPERATOR, LLC
Violation of 740 ILCS 14/15(d)
Unauthorized Disclosure / Redisclosure / Dissemination
(On Behalf of Plaintiffs and the Class)

153. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

154. Defendant Cedarhurst of Greenville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Greenville Operator, LLC therefore a “private entity” pursuant to BIPA.

155. Defendant Cedarhurst of Greenville Operator, LLC is a private entity that collects biometric information from many associated workers.

156. BIPA makes it unlawful for any private entity in possession of a biometric identifier or biometric information to, inter alia, “disclose, redisclose, or other disseminate a person’s or customer’s biometric identifier or biometric information” 740 ILCS 114/15(d).

157. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Greenville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

158. On information and belief, Defendant Cedarhurst of Greenville Operator, LLC disclosed, redisclosed, or disseminated the biometric information of plaintiffs and the class members to, through, and/or among others, including but not limited to other Cedarhurst entities or persons associated with Cedarhurst.

159. Stating further, while not necessary to pleading these claims, Cedarhurst of Greenville Operator, LLC did not have consent to such disclosure, redisclosure, or dissemination as discussed by BIPA. 740 ILCS 14/15(d)(1).

160. Defendant Cedarhurst of Greenville Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Greenville Operator, LLC actions, as pled herein, violate BIPA,

740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Greenville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Greenville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XXIII– CEDARHURST OF GREENVILLE OPERATOR, LLC

Violation of 740 ILCS 14/15(e)(1)

**Failure to Use Reasonable Standard of Care
(On Behalf of Plaintiffs and the Class)**

161. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

162. Defendant Cedarhurst of Greenville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Greenville Operator, LLC is therefore a “private entity” pursuant to BIPA.

163. Defendant Cedarhurst of Greenville Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

164. BIPA requires a private entity to, inter alia, “store, transmit, and protect from disclosure all biometric identifiers and biometric information using the reasonable standard of care within the private entity's industry” 740 ILCS 14/15(e).

165. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst's / Defendant Cedarhurst of Greenville

Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

166. Defendant Cedarhurst of Greenville Operator, LLC collection and storage of the plaintiffs' and class members' biometric data was systematic and done without storing, transmitting, and/or protecting from disclosure all biometric identifiers and biometric information using the reasonable standard of care within its industry as required by 740 ILCS 14/15(e)(1).

167. Defendant Cedarhurst of Greenville Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Greenville Operator, LLC actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Greenville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Greenville Operator, LLC violations of BIPA were negligent; (5)

reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XXIV– CEDARHURST OF GREENVILLE OPERATOR, LLC
Violation of 740 ILCS 14/15(e)(2)
Failure to Use Same Standard as Other Confidential and Sensitive Information
(On Behalf of Plaintiffs and the Class)

168. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

169. Defendant Cedarhurst of Greenville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Greenville Operator, LLC is therefore a “private entity” pursuant to BIPA.

170. Defendant Cedarhurst of Greenville Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

171. BIPA requires a private entity to, inter alia, “store, transmit, and protect from disclosure all biometric identifiers and biometric information in a manner that is the same as or more protective than the manner in which the private entity stores, transmits, and protects other confidential and sensitive information.” 740 ILCS 14/15(e)(2).

172. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Greenville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

173. Defendant Cedarhurst of Greenville Operator, LLC’s collection and storage of the plaintiffs’ and class members’ biometric data was not done in a manner that was the same as or more protective than the manner in which it stores, transmits, and protects other confidential and sensitive information, as required by 740 ILCS 14/15(e)(2).

174. Defendant Cedarhurst of Greenville Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Greenville Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Greenville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Greenville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XXV– CEDARHURST OF JACKSONVILLE OPERATOR, LLC
Violation of 740 ILCS 14/15(a)
Failure to Properly Establish Publicly-Available Policy
(On Behalf of Plaintiffs and the Class)

175. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

176. Defendant Cedarhurst of Jacksonville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Jacksonville Operator, LLC is therefore a "private entity" pursuant to BIPA.

177. Defendant Cedarhurst of Jacksonville Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

178. BIPA requires private entities in possession of 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).

179. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst / Defendant Cedarhurst of Jacksonville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints / palm scans and possibly other individual biometric data points.

180. Defendant Cedarhurst of Jacksonville Operator, LLC did not properly 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 was satisfied or within 3 years of the individual's last interaction with the private entity, whichever occurred first.

181. Defendant Cedarhurst of Jacksonville Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Jacksonville Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Jacksonville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Jacksonville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XXVI– CEDARHURST OF JACKSONVILLE OPERATOR, LLC

Violation of 740 ILCS 14/15(a)

**Failure to Comply with Established Retention Schedule and Destruction Guidelines
(On Behalf of Plaintiffs and the Class)**

182. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

183. Defendant Cedarhurst of Jacksonville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Jacksonville Operator, LLC is therefore a "private entity" pursuant to BIPA.

184. Defendant Cedarhurst of Jacksonville Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

185. BIPA requires private entities in possession of 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).

186. BIPA further provides that "Absent a valid warrant or subpoena issued by a court of competent jurisdiction, a private entity in possession of biometric identifiers or biometric information must comply with its established retention schedule and destruction guidelines." 735 ILCS 14/15(a).

187. The plaintiffs and the Class are Illinois citizens that had their "biometric information" collected and stored by Cedarhurst's / Defendant Cedarhurst of Jacksonville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints / palm scans and possibly other individual biometric data points.

188. Defendant Cedarhurst of Jacksonville Operator, LLC did not comply with its established retention schedule and destruction guidelines.

189. Defendant Cedarhurst of Jacksonville Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Jacksonville Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect

the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Jacksonville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Jacksonville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XXVII- CEDARHURST OF JACKSONVILLE OPERATOR, LLC

Violation of 740 ILCS 14/115(b)(1)

**Failure to Inform of Collection and/or Storage
(On Behalf of Plaintiffs and the Class)**

190. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

191. Defendant Cedarhurst of Jacksonville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Jacksonville Operator, LLC is therefore a "private entity" pursuant to BIPA.

192. Defendant Cedarhurst of Jacksonville Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

193. BIPA makes it unlawful for any private entity to, inter alia, "collect, capture, purchase, receive through trade, or otherwise obtain a person's or a customer's biometric identifiers or biometric information, unless it first: (1) informs the subject . . . in writing that a biometric identifier or biometric information is being collected or stored" 740 ILCS 14/15(b)(1) (emphasis added).

194. The plaintiffs and the Class are Illinois citizens that had their "biometric information" collected and stored by Cedarhurst's / Defendant Cedarhurst of Jacksonville

Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

195. Defendant Cedarhurst of Jacksonville Operator, LLC's collection and storage of the plaintiffs' and class member's biometric data was done without properly informing the plaintiffs and class members in writing that a biometric identifier or biometric information was being collected or stored.

196. Defendant Cedarhurst of Jacksonville Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Jacksonville Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Jacksonville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Jacksonville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XXVIII– CEDARHURST OF JACKSONVILLE OPERATOR, LLC
Violation of 740 ILCS 14/15(b)(2)
Failure to Inform of the Specific Purpose and Length of Term
(On Behalf of Plaintiffs and the Class)

197. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

198. Defendant Cedarhurst of Jacksonville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Jacksonville Operator, LLC is therefore a “private entity” pursuant to BIPA.

199. Defendant Cedarhurst of Jacksonville Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

200. BIPA makes it unlawful for any private entity to, inter alia, “collect, capture, purchase, receive through trade, or otherwise obtain a person’s or a customer’s biometric identifiers or biometric information, unless it first: (2) informs the subject . . . in writing of the specific purpose and length of term for which a biometric identifier or biometric information is being collected, stored, and used.” 740 ILCS 14/15(b)(2) (emphasis added).

201. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Jacksonville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

202. Defendant Cedarhurst of Jacksonville Operator, LLC failed to properly inform the plaintiffs or the class members in writing of the specific purpose and length of terms for which their biometric data was to be stored and used, as they were required to do under 740 ILCS 14/15(b)(2).

203. Defendant Cedarhurst of Jacksonville Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as

described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Jacksonville Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Jacksonville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Jacksonville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XXIX– CEDARHURST OF JACKSONVILLE OPERATOR, LLC

**Violation of 740 ILCS 14/15(b)(3)
Failure to Obtain Written Release
(On Behalf of Plaintiffs and the Class)**

204. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

205. Defendant Cedarhurst of Jacksonville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Jacksonville Operator, LLC is therefore a "private entity" pursuant to BIPA.

206. Defendant Cedarhurst of Jacksonville Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

207. BIPA makes it unlawful for any private entity to, inter alia, “collect, capture, purchase, receive through trade, or otherwise obtain a person’s or a customer’s biometric identifiers or biometric information, unless it first: . . . (3) receives a written release executed by the subject of the biometric identifier or biometric information” 740 ILCS 14/15(b)(3) (emphasis added).

208. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Jacksonville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

209. Defendant Cedarhurst of Jacksonville Operator, LLC’s collection and storage of the plaintiffs’ and class members’ biometric data was systematic and done without first obtaining the written release required by 740 ILCS 14/15(b)(3).

210. Defendant Cedarhurst of Jacksonville Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Jacksonville Operator, LLC actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Jacksonville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and

use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Jacksonville Operator, LLC violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XXX– CEDARHURST OF JACKSONVILLE OPERATOR, LLC

Violation of 740 ILCS 14/15(d)

Unauthorized Disclosure / Redisclosure / Dissemination

(On Behalf of Plaintiffs and the Class)

211. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

212. Defendant Cedarhurst of Jacksonville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Jacksonville Operator, LLC therefore a “private entity” pursuant to BIPA.

213. Defendant Cedarhurst of Jacksonville Operator, LLC is a private entity that collects biometric information from many associated workers.

214. BIPA makes it unlawful for any private entity in possession of a biometric identifier or biometric information to, inter alia, “disclose, redisclose, or other disseminate a person’s or customer’s biometric identifier or biometric information” 740 ILCS 114/15(d).

215. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Jacksonville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

216. On information and belief, Defendant Cedarhurst of Jacksonville Operator, LLC disclosed, redisclosed, or disseminated the biometric information of plaintiffs and the class members to, through, and/or among others, including but not limited to other Cedarhurst entities or persons associated with Cedarhurst.

217. Stating further, while not necessary to pleading these claims, Cedarhurst of Jacksonville Operator, LLC did not have consent to such disclosure, redisclosure, or dissemination as discussed by BIPA. 740 ILCS 14/15(d)(1).

218. Defendant Cedarhurst of Jacksonville Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Jacksonville Operator, LLC actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Jacksonville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Jacksonville Operator, LLC's violations of BIPA were negligent;

(5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XXXI– CEDARHURST OF JACKSONVILLE OPERATOR, LLC

Violation of 740 ILCS 14/15(e)(1)

**Failure to Use Reasonable Standard of Care
(On Behalf of Plaintiffs and the Class)**

219. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

220. Defendant Cedarhurst of Jacksonville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Jacksonville Operator, LLC is therefore a “private entity” pursuant to BIPA.

221. Defendant Cedarhurst of Jacksonville Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

222. BIPA requires a private entity to, inter alia, “store, transmit, and protect from disclosure all biometric identifiers and biometric information using the reasonable standard of care within the private entity’s industry” 740 ILCS 14/15(e).

223. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Jacksonville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

224. Defendant Cedarhurst of Jacksonville Operator, LLC collection and storage of the plaintiffs’ and class members’ biometric data was systematic and done without storing, transmitting, and/or protecting from disclosure all biometric identifiers and biometric information using the reasonable standard of care within its industry as required by 740 ILCS 14/15(e)(1).

225. Defendant Cedarhurst of Jacksonville Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Jacksonville Operator, LLC actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Jacksonville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Jacksonville Operator, LLC violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XXXII– CEDARHURST OF JACKSONVILLE OPERATOR, LLC

Violation of 740 ILCS 14/15(e)(2)

**Failure to Use Same Standard as Other Confidential and Sensitive Information
(On Behalf of Plaintiffs and the Class)**

226. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

227. Defendant Cedarhurst of Jacksonville Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Jacksonville Operator, LLC is therefore a "private entity" pursuant to BIPA.

228. Defendant Cedarhurst of Jacksonville Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

229. BIPA requires a private entity to, inter alia, "store, transmit, and protect from disclosure all biometric identifiers and biometric information in a manner that is the same as or more protective than the manner in which the private entity stores, transmits, and protects other confidential and sensitive information." 740 ILCS 14/15(e)(2).

230. The plaintiffs and the Class are Illinois citizens that had their "biometric information" collected and stored by Cedarhurst's / Defendant Cedarhurst of Jacksonville Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

231. Defendant Cedarhurst of Jacksonville Operator, LLC's collection and storage of the plaintiffs' and class members' biometric data was not done in a manner that was the same as or more protective than the manner in which it stores, transmits, and protects other confidential and sensitive information, as required by 740 ILCS 14/15(e)(2).

232. Defendant Cedarhurst of Jacksonville Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Jacksonville Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect

the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Jacksonville Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Jacksonville Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XXXIII– CEDARHURST OF SHILOH OPERATOR, LLC
Violation of 740 ILCS 14/15(a)
Failure to Properly Establish Publicly-Available Policy
(On Behalf of Plaintiffs and the Class)

233. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

234. Defendant Cedarhurst of Shiloh Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Shiloh Operator, LLC is therefore a “private entity” pursuant to BIPA.

235. Defendant Cedarhurst of Shiloh Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

236. BIPA requires private entities in possession of 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).

237. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst / Defendant Cedarhurst of Shiloh Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints / palm scans and possibly other individual biometric data points.

238. Defendant Cedarhurst of Shiloh Operator, LLC did not properly 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 was satisfied or within 3 years of the individual’s last interaction with the private entity, whichever occurred first.

239. Defendant Cedarhurst of Shiloh Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Shiloh Operator, LLC’s actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Shiloh Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per

violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Shiloh Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XXXIV– CEDARHURST OF SHILOH OPERATOR, LLC

Violation of 740 ILCS 14/15(a)

**Failure to Comply with Established Retention Schedule and Destruction Guidelines
(On Behalf of Plaintiffs and the Class)**

240. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

241. Defendant Cedarhurst of Shiloh Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Shiloh Operator, LLC is therefore a "private entity" pursuant to BIPA.

242. Defendant Cedarhurst of Shiloh Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

243. BIPA requires private entities in possession of 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).

244. BIPA further provides that "Absent a valid warrant or subpoena issued by a court of competent jurisdiction, a private entity in possession of biometric identifiers or biometric information must comply with its established retention schedule and destruction guidelines." 735 ILCS 14/15(a).

245. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Shiloh Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints / palm scans and possibly other individual biometric data points.

246. Defendant Cedarhurst of Shiloh Operator, LLC did not comply with its established retention schedule and destruction guidelines.

247. Defendant Cedarhurst of Shiloh Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Shiloh Operator, LLC’s actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Shiloh Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Shiloh Operator, LLC’s violations of BIPA were negligent; (5) reasonable attorneys’ fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XXXV– CEDARHURST OF SHILOH OPERATOR, LLC
Violation of 740 ILCS 14/115(b)(1)
Failure to Inform of Collection and/or Storage
(On Behalf of Plaintiffs and the Class)

248. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

249. Defendant Cedarhurst of Shiloh Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Shiloh Operator, LLC is therefore a “private entity” pursuant to BIPA.

250. Defendant Cedarhurst of Shiloh Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

251. BIPA makes it unlawful for any private entity to, inter alia, “collect, capture, purchase, receive through trade, or otherwise obtain a person’s or a customer’s biometric identifiers or biometric information, unless **it first**: (1) informs the subject . . . in writing that a biometric identifier or biometric information is being collected or stored” 740 ILCS 14/15(b)(1) (emphasis added).

252. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Shiloh Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

253. Defendant Cedarhurst of Shiloh Operator, LLC’s collection and storage of the plaintiffs’ and class member’s biometric data was done without properly informing the plaintiffs and class members in writing that a biometric identifier or biometric information was being collected or stored.

254. Defendant Cedarhurst of Shiloh Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described

herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Shiloh Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Shiloh Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Shiloh Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XXXVI– CEDARHURST OF SHILOH OPERATOR, LLC
Violation of 740 ILCS 14/15(b)(2)
Failure to Inform of the Specific Purpose and Length of Term
(On Behalf of Plaintiffs and the Class)

255. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

256. Defendant Cedarhurst of Shiloh Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Shiloh Operator, LLC is therefore a "private entity" pursuant to BIPA.

257. Defendant Cedarhurst of Shiloh Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

258. BIPA makes it unlawful for any private entity to, inter alia, “collect, capture, purchase, receive through trade, or otherwise obtain a person’s or a customer’s biometric identifiers or biometric information, unless it first: (2) informs the subject . . . in writing of the specific purpose and length of term for which a biometric identifier or biometric information is being collected, stored, and used.” 740 ILCS 14/15(b)(2) (emphasis added).

259. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Shiloh Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

260. Defendant Cedarhurst of Shiloh Operator, LLC failed to properly inform the plaintiffs or the class members in writing of the specific purpose and length of terms for which their biometric data was to be stored and used, as they were required to do under 740 ILCS 14/15(b)(2).

261. Defendant Cedarhurst of Shiloh Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Shiloh Operator, LLC’s actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Shiloh Operator, LLC

to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Shiloh Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XXXVII– CEDARHURST OF SHILOH OPERATOR, LLC

**Violation of 740 ILCS 14/15(b)(3)
Failure to Obtain Written Release
(On Behalf of Plaintiffs and the Class)**

262. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

263. Defendant Cedarhurst of Shiloh Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Shiloh Operator, LLC is therefore a “private entity” pursuant to BIPA.

264. Defendant Cedarhurst of Shiloh Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

265. BIPA makes it unlawful for any private entity to, inter alia, “collect, capture, purchase, receive through trade, or otherwise obtain a person's or a customer's biometric identifiers or biometric information, unless **it first**: . . . (3) receives a written release executed by the subject of the biometric identifier or biometric information” 740 ILCS 14/15(b)(3) (emphasis added).

266. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst's / Defendant Cedarhurst of Shiloh

Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

267. Defendant Cedarhurst of Shiloh Operator, LLC's collection and storage of the plaintiffs' and class members' biometric data was systematic and done without first obtaining the written release required by 740 ILCS 14/15(b)(3).

268. Defendant Cedarhurst of Shiloh Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Shiloh Operator, LLC actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Shiloh Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Shiloh Operator, LLC violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XXXVIII– CEDARHURST OF SHILOH OPERATOR, LLC
Violation of 740 ILCS 14/15(d)

**Unauthorized Disclosure / Redisclosure / Dissemination
(On Behalf of Plaintiffs and the Class)**

269. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

270. Defendant Cedarhurst of Shiloh Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Shiloh Operator, LLC therefore a “private entity” pursuant to BIPA.

271. Defendant Cedarhurst of Shiloh Operator, LLC is a private entity that collects biometric information from many associated workers.

272. BIPA makes it unlawful for any private entity in possession of a biometric identifier or biometric information to, inter alia, “disclose, redisclose, or other disseminate a person’s or customer’s biometric identifier or biometric information” 740 ILCS 114/15(d).

273. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Shiloh Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

274. On information and belief, Defendant Cedarhurst of Shiloh Operator, LLC disclosed, redisclosed, or disseminated the biometric information of plaintiffs and the class members to, through, and/or among others, including but not limited to other Cedarhurst entities or persons associated with Cedarhurst.

275. Stating further, while not necessary to pleading these claims, Cedarhurst of Shiloh Operator, LLC did not have consent to such disclosure, redisclosure, or dissemination as discussed by BIPA. 740 ILSC 14/15(d)(1).

276. Defendant Cedarhurst of Shiloh Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Shiloh Operator, LLC actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Shiloh Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Shiloh Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XXXIX– CEDARHURST OF SHILOH OPERATOR, LLC
Violation of 740 ILCS 14/15(e)(1)
Failure to Use Reasonable Standard of Care
(On Behalf of Plaintiffs and the Class)

277. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

278. Defendant Cedarhurst of Shiloh Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Shiloh Operator, LLC is therefore a "private entity" pursuant to BIPA.

279. Defendant Cedarhurst of Shiloh Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

280. BIPA requires a private entity to, inter alia, "store, transmit, and protect from disclosure all biometric identifiers and biometric information using the reasonable standard of care within the private entity's industry" 740 ILCS 14/15(e).

281. The plaintiffs and the Class are Illinois citizens that had their "biometric information" collected and stored by Cedarhurst's / Defendant Cedarhurst of Shiloh Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

282. Defendant Cedarhurst of Shiloh Operator, LLC collection and storage of the plaintiffs' and class members' biometric data was systematic and done without storing, transmitting, and/or protecting from disclosure all biometric identifiers and biometric information using the reasonable standard of care within its industry as required by 740 ILCS 14/15(e)(1).

283. Defendant Cedarhurst of Shiloh Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Shiloh Operator, LLC actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests

of the plaintiffs and the class by requiring Defendant Cedarhurst of Shiloh Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Shiloh Operator, LLC violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XL– CEDARHURST OF SHILOH OPERATOR, LLC

Violation of 740 ILCS 14/15(e)(2)

**Failure to Use Same Standard as Other Confidential and Sensitive Information
(On Behalf of Plaintiffs and the Class)**

284. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

285. Defendant Cedarhurst of Shiloh Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Shiloh Operator, LLC is therefore a “private entity” pursuant to BIPA.

286. Defendant Cedarhurst of Shiloh Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

287. BIPA requires a private entity to, inter alia, “store, transmit, and protect from disclosure all biometric identifiers and biometric information in a manner that is the same as or more protective than the manner in which the private entity stores, transmits, and protects other confidential and sensitive information.” 740 ILCS 14/15(e)(2).

288. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Shiloh

Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

289. Defendant Cedarhurst of Shiloh Operator, LLC's collection and storage of the plaintiffs' and class members' biometric data was not done in a manner that was the same as or more protective than the manner in which it stores, transmits, and protects other confidential and sensitive information, as required by 740 ILCS 14/15(e)(2).

290. Defendant Cedarhurst of Shiloh Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Shiloh Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Shiloh Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Shiloh Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XLI– CEDARHURST OF SPARTA OPERATOR, LLC

Violation of 740 ILCS 14/15(a)

Failure to Properly Establish Publicly-Available Policy

(On Behalf of Plaintiffs and the Class)

291. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

292. Defendant Cedarhurst of Sparta Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Sparta Operator, LLC is therefore a “private entity” pursuant to BIPA.

293. Defendant Cedarhurst of Sparta Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

294. BIPA requires private entities in possession of 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).

295. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst / Defendant Cedarhurst of Sparta Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints / palm scans and possibly other individual biometric data points.

296. Defendant Cedarhurst of Sparta Operator, LLC did not properly 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 was

satisfied or within 3 years of the individual's last interaction with the private entity, whichever occurred first.

297. Defendant Cedarhurst of Sparta Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Sparta Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Sparta Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Sparta Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XLII– CEDARHURST OF SPARTA OPERATOR, LLC

Violation of 740 ILCS 14/15(a)

**Failure to Comply with Established Retention Schedule and Destruction Guidelines
(On Behalf of Plaintiffs and the Class)**

298. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

299. Defendant Cedarhurst of Sparta Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Sparta Operator, LLC is therefore a “private entity” pursuant to BIPA.

300. Defendant Cedarhurst of Sparta Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

301. BIPA requires private entities in possession of 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).

302. BIPA further provides that “Absent a valid warrant or subpoena issued by a court of competent jurisdiction, a private entity in possession of biometric identifiers or biometric information must comply with its established retention schedule and destruction guidelines.” 735 ILCS 14/15(a).

303. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Sparta Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints / palm scans and possibly other individual biometric data points.

304. Defendant Cedarhurst of Sparta Operator, LLC did not comply with its established retention schedule and destruction guidelines.

305. Defendant Cedarhurst of Sparta Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described

herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Sparta Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Sparta Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Sparta Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XLIII– CEDARHURST OF SPARTA OPERATOR, LLC
Violation of 740 ILCS 14/115(b)(1)
Failure to Inform of Collection and/or Storage
(On Behalf of Plaintiffs and the Class)

306. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

307. Defendant Cedarhurst of Sparta Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Sparta Operator, LLC is therefore a "private entity" pursuant to BIPA.

308. Defendant Cedarhurst of Sparta Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

309. BIPA makes it unlawful for any private entity to, inter alia, “collect, capture, purchase, receive through trade, or otherwise obtain a person’s or a customer’s biometric identifiers or biometric information, unless it first: (1) informs the subject . . . in writing that a biometric identifier or biometric information is being collected or stored” 740 ILCS 14/15(b)(1) (emphasis added).

310. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Sparta Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

311. Defendant Cedarhurst of Sparta Operator, LLC’s collection and storage of the plaintiffs’ and class member’s biometric data was done without properly informing the plaintiffs and class members in writing that a biometric identifier or biometric information was being collected or stored.

312. Defendant Cedarhurst of Sparta Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Sparta Operator, LLC’s actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Sparta Operator, LLC

to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Sparta Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XLIV– CEDARHURST OF SPARTA OPERATOR, LLC

Violation of 740 ILCS 14/15(b)(2)

**Failure to Inform of the Specific Purpose and Length of Term
(On Behalf of Plaintiffs and the Class)**

313. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

314. Defendant Cedarhurst of Sparta Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Sparta Operator, LLC is therefore a "private entity" pursuant to BIPA.

315. Defendant Cedarhurst of Sparta Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

316. BIPA makes it unlawful for any private entity to, inter alia, "collect, capture, purchase, receive through trade, or otherwise obtain a person's or a customer's biometric identifiers or biometric information, unless it first: (2) informs the subject . . . in writing of the specific purpose and length of term for which a biometric identifier or biometric information is being collected, stored, and used." 740 ILCS 14/15(b)(2) (emphasis added).

317. The plaintiffs and the Class are Illinois citizens that had their "biometric information" collected and stored by Cedarhurst's / Defendant Cedarhurst of Sparta

Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

318. Defendant Cedarhurst of Sparta Operator, LLC failed to properly inform the plaintiffs or the class members in writing of the specific purpose and length of terms for which their biometric data was to be stored and used, as they were required to do under 740 ILCS 14/15(b)(2).

319. Defendant Cedarhurst of Sparta Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Sparta Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Sparta Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Sparta Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XLV– CEDARHURST OF SPARTA OPERATOR, LLC
Violation of 740 ILCS 14/15(b)(3)
Failure to Obtain Written Release
(On Behalf of Plaintiffs and the Class)

320. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

321. Defendant Cedarhurst of Sparta Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Sparta Operator, LLC is therefore a “private entity” pursuant to BIPA.

322. Defendant Cedarhurst of Sparta Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

323. BIPA makes it unlawful for any private entity to, inter alia, “collect, capture, purchase, receive through trade, or otherwise obtain a person’s or a customer’s biometric identifiers or biometric information, unless **it first**: . . . (3) receives a written release executed by the subject of the biometric identifier or biometric information” 740 ILCS 14/15(b)(3) (emphasis added).

324. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Sparta Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

325. Defendant Cedarhurst of Sparta Operator, LLC’s collection and storage of the plaintiffs’ and class members’ biometric data was systematic and done without first obtaining the written release required by 740 ILCS 14/15(b)(3).

326. Defendant Cedarhurst of Sparta Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described

herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Sparta Operator, LLC actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Sparta Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Sparta Operator, LLC violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XLVI– CEDARHURST OF SPARTA OPERATOR, LLC
Violation of 740 ILCS 14/15(d)
Unauthorized Disclosure / Rediscovery / Dissemination
(On Behalf of Plaintiffs and the Class)

327. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

328. Defendant Cedarhurst of Sparta Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Sparta Operator, LLC therefore a “private entity” pursuant to BIPA.

329. Defendant Cedarhurst of Sparta Operator, LLC is a private entity that collects biometric information from many associated workers.

330. BIPA makes it unlawful for any private entity in possession of a biometric identifier or biometric information to, inter alia, “disclose, redisclose, or otherwise disseminate a person’s or customer’s biometric identifier or biometric information” 740 ILCS 114/15(d).

331. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Sparta Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

332. On information and belief, Defendant Cedarhurst of Sparta Operator, LLC disclosed, redisclosed, or disseminated the biometric information of plaintiffs and the class members to, through, and/or among others, including but not limited to other Cedarhurst entities or persons associated with Cedarhurst.

333. Stating further, while not necessary to pleading these claims, Cedarhurst of Sparta Operator, LLC did not have consent to such disclosure, redisclosure, or dissemination as discussed by BIPA. 740 ILCS 14/15(d)(1).

334. Defendant Cedarhurst of Sparta Operator, LLC’s collection, storage and use of the plaintiffs’ and class members’ biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Sparta Operator, LLC actions, as pled herein, violate BIPA, 740

ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Sparta Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Sparta Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XLVII– CEDARHURST OF SPARTA OPERATOR, LLC
Violation of 740 ILCS 14/15(e)(1)
Failure to Use Reasonable Standard of Care
(On Behalf of Plaintiffs and the Class)

335. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

336. Defendant Cedarhurst of Sparta Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Sparta Operator, LLC is therefore a “private entity” pursuant to BIPA.

337. Defendant Cedarhurst of Sparta Operator, LLC is a private entity that collects biometric information from Cedarhurst's workers.

338. BIPA requires a private entity to, inter alia, “store, transmit, and protect from disclosure all biometric identifiers and biometric information using the reasonable standard of care within the private entity's industry” 740 ILCS 14/15(e).

339. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst's / Defendant Cedarhurst of Sparta

Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

340. Defendant Cedarhurst of Sparta Operator, LLC collection and storage of the plaintiffs' and class members' biometric data was systematic and done without storing, transmitting, and/or protecting from disclosure all biometric identifiers and biometric information using the reasonable standard of care within its industry as required by 740 ILCS 14/15(e)(1).

341. Defendant Cedarhurst of Sparta Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Sparta Operator, LLC actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Sparta Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Sparta Operator, LLC violations of BIPA were negligent; (5) reasonable

attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XLVIII– CEDARHURST OF SPARTA OPERATOR, LLC
Violation of 740 ILCS 14/15(e)(2)
Failure to Use Same Standard as Other Confidential and Sensitive Information
(On Behalf of Plaintiffs and the Class)

342. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

343. Defendant Cedarhurst of Sparta Operator, LLC is a company organized under the laws of the State of Illinois. Defendant Cedarhurst of Sparta Operator, LLC is therefore a “private entity” pursuant to BIPA.

344. Defendant Cedarhurst of Sparta Operator, LLC is a private entity that collects biometric information from Cedarhurst’s workers.

345. BIPA requires a private entity to, inter alia, “store, transmit, and protect from disclosure all biometric identifiers and biometric information in a manner that is the same as or more protective than the manner in which the private entity stores, transmits, and protects other confidential and sensitive information.” 740 ILCS 14/15(e)(2).

346. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Cedarhurst’s / Defendant Cedarhurst of Sparta Operator, LLC or its agents through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

347. Defendant Cedarhurst of Sparta Operator, LLC’s collection and storage of the plaintiffs’ and class members’ biometric data was not done in a manner that was the same as or more protective than the manner in which it stores, transmits, and protects other confidential and sensitive information, as required by 740 ILCS 14/15(e)(2).

348. Defendant Cedarhurst of Sparta Operator, LLC's collection, storage and use of the plaintiffs' and class members' biometric identifiers, information or data as described herein, aggrieved each plaintiff and class member as provided in BIPA and further violated the rights of each plaintiff and class member to control this information.

WHEREFORE, individually, and on behalf of the proposed class members, the plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, *et seq.*, appointing the undersigned counsel as class counsel; (2) a declaration that Defendant Cedarhurst of Sparta Operator, LLC's actions, as pled herein, violate BIPA, 740 ILCS 14/1 *et seq.*; (3) injunctive and equitable relief as is necessary to protect the interests of the plaintiffs and the class by requiring Defendant Cedarhurst of Sparta Operator, LLC to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that Defendant Cedarhurst of Sparta Operator, LLC's violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

COUNT XLIX– DOE DEFENDANTS
Violation of 740 ILCS 14/1 et seq.
(On Behalf of Plaintiffs and the Class)

349. Plaintiffs incorporate the foregoing allegations as if fully set forth herein.

350. Plaintiffs are unaware of the true names or capacities, whether individual, corporate, associate or otherwise, of those defendants fictitiously sued as Does 1 through 100 inclusively and therefore Plaintiffs sue them by these fictitious names. Plaintiffs name

only the Doe defendants 1 through 100 who are citizens of Illinois, and specifically refrain from and do not include any non-Illinois citizen whether individual, corporate, associate or otherwise. Doe defendants 1 through 100 are in some manner responsible for the conduct alleged herein. Upon discovering the true names and capacities of these fictitiously named defendants, Plaintiffs will amend this Complaint to show the true names and capacities of these fictitiously named defendants.

351. BIPA makes it unlawful for any private entity to, inter alia, “collect, capture, purchase, receive through trade, or otherwise obtain a person’s or a customer’s biometric identifiers or biometric information, unless it 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 term for which a biometric identifier or biometric information is being 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) (emphasis added).

352. The Plaintiffs and the class are Illinois citizens that had their “biometric information” collected and stored by the Doe Defendants or their agents or employers through, inter alia, copying/recording of their respective fingerprints and possibly other individual biometric data points.

353. The Doe Defendants’ receipt, collection, storage, and/or trading of the Plaintiffs’ and class members’ biometric data was systematic and done without first obtaining the written release required by 740 ILCS 14/15(b)(3).

354. Also, the Doe Defendants failed to properly inform the Plaintiffs or the class members in writing of the specific purpose and length of terms for which their biometric

data was to be stored and used, as they were required to do under 740 ILCS 14/15(b)(1)-(2).

355. Similarly, the Doe Defendants failed to publicly provide a retention schedule or guidelines for permanently destroying the biometric data of the Plaintiffs or class members, as they were required to do pursuant to 740 ILCS 14/15(a).

356. The Doe Defendants' collection, storage, trading, and/or use of the Plaintiffs' and class members' biometric identifiers, information or data as described herein, violates the rights of each plaintiff and class member to keep private this information, as provided in BIPA.

WHEREFORE, individually, and on behalf of the proposed class members, the Plaintiffs pray for: (1) certification of this case as a class action pursuant to 735 ILCS 5/2-801, et seq., appointing the undersigned counsel as class counsel; (2) a declaration that the Doe Defendants' actions, as pled herein, violate BIPA, 740 ILCS 14/1 et seq.; (3) injunctive and equitable relief as is necessary to protect the interests of the Plaintiff and the Class by requiring the Doe Defendants to comply with the requirements of BIPA as to the collection, storage and use of biometric data; (4) statutory damages of \$5,000.00 for the intentional and reckless violation of BIPA pursuant to 740 ILCS 14/20(2), or alternatively, statutory damages of \$1,000.00 per violation pursuant to 740 ILCS 14/20(1) in the event the court finds that the Doe Defendants' violations of BIPA were negligent; (5) reasonable attorneys' fees and costs and other litigation expense pursuant to 740 ILCS 14/20(3); and (6) for any other relief deemed appropriate in the premises.

Respectfully submitted,
THE DRISCOLL FIRM, P.C.

BY: /s/ John J. Driscoll
JOHN J. DRISCOLL (6276464)
CHRISTOPHER J. QUINN (6310758)
THE DRISCOLL FIRM, P.C.
211 North Broadway, Suite 4050
St. Louis, Missouri 63012
Telephone No. (314) 932-3232
Fax No. (314) 932-3233
john@thedriscollfirm.com
chris@thedriscollfirm.com