

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. The BIPA provides, *inter alia*, that a private entity like McDonald’s 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 thousands of unwitting Illinois resident citizens.

5. Plaintiffs seek class certification pursuant to 735 ILCS 5/2-801, *et seq.* Macy Koeneman and Krista Noell (“Plaintiffs”), individually, and on behalf of all others similarly situated (“the Class”), bring this action against McDonald’s USA, LLC, McDonald’s Corporation and the Doe Defendants described below (“Defendants”), for claims relating to the violation of

their privacy rights and to recover statutory damages for Defendants' unauthorized collection, storage, and use of their respective biometric information in violation of BIPA.

PARTIES

I. PLAINTIFFS

6. Each of the named plaintiffs and putative class representatives had their biometric information collected, captured, stored and used by McDonald's for the purpose of tracking time and attendance while they were employees of McDonalds.

7. Plaintiff Macy Koeneman is, and at all times relevant to this action was, a resident citizen of St. Clair County, Illinois. Koeneman is a former McDonald's employee at a location in Mascoutah, Illinois. Koeneman was required to submit her biometric information at the direction of and for use by her employer. At no time during her employment at McDonald's was Koeneman 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 Koeneman execute a writing releasing or permitting McDonald's to utilize her biometric information. Koeneman was never provided with a publicly available written policy regarding a schedule or guideline for the retention and permanent destruction of her biometric information.

8. Plaintiff Krista Noell is, and at all times relevant to this action was, a resident citizen of Madison County, Illinois. Noell is a former McDonald's employee at a location in Collinsville, Illinois. Noell was required to submit her biometric information at the direction of and for use by her employer. At no time during her employment at McDonald's was Noell 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 Noell execute a writing releasing or permitting McDonald's to utilize her biometric information. Noell 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. Defendant McDonald's USA, LLC is a Delaware limited liability company with its principal place of business in Oak Brook, Illinois. It is a wholly-owned subsidiary of its parent and predecessor, McDonald's Corporation, which is a Delaware corporation with its principal place of business in Oak Brook, Illinois. McDonald's is in the business of selling food to customers primarily through independently owned and operated franchise restaurants. It has multiple franchise restaurants throughout Illinois. McDonald's USA, LLC may be served with process via its registered agent, Illinois Corporation Service C, 801 Adlai Stevenson Drive, Springfield IL 62703.

10. Defendant McDonald's Corporation is a Delaware corporation with its principal place of business in Oak Brook, Illinois. Defendant McDonald's Corporation is the parent corporation of McDonald's USA, LLC. McDonald's USA, LLC may be served with process via its registered agent, Illinois Corporation Service C, 801 Adlai Stevenson Drive, Springfield IL 62703.

11. Approximately 90 percent of McDonald's restaurants in the United States are franchised. Ten percent are maintained and managed by McDonald's USA, LLC and McDonald's Corporation. Defendants McDonald's USA, LLC and McDonald's Corporation greatly influence the hiring practices of their franchisees. For example, as part of McDonald's USA, LLC and McDonald's Corporation's systematic and overt control over even the smallest details of its

franchisees' day-to-day operations, franchisees must submit contractually to a "no hire" or "no solicitation" clause in Defendants' franchise agreements that expressly forbids franchisees from "employ[ing] or seek[ing] to employ any person" who at the time is, or within the preceding six months has been, employed by McDonald's, by any of its subsidiaries, or by any other franchisee.

12. Plaintiffs are unaware of the true names or capacities, whether individual, corporate, associate or otherwise, of those defendants fictitiously sued as Does 1 through 600 inclusively and therefore Plaintiffs sue them by these fictitious names. Plaintiffs name only the Doe defendants 1 through 600 that are citizens of Illinois, and specifically refrain from and do not include herein any non-Illinois citizen whether individual, corporate, associate or otherwise. Doe defendants 1 through 600 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 their Complaint to show the true names and capacities of these fictitiously named defendants.

III. DEFENDANTS' JOINT AND SEVERAL LIABILITY

13. McDonald's USA, LLC and/or McDonald's Corporation exercised, and continue to exercise, control over their franchisees and their respective operations, including the facts and circumstances giving rise to this case, such that each of them, and both, are liable jointly and severally for the acts of the Doe Defendants, whether through operation of *respondeat superior*, the law of agency, alter ego, common law joint and several liability, or other grounds.

14. McDonald's USA, LLC and/or McDonald's Corporation mandate and control virtually every aspect of McDonalds' restaurant operations, whether corporate or franchise locations. This includes but is not limited to serving only designated food and beverage products; strict adherence to designated food and beverage specifications and to McDonald's prescribed

standards of quality, service, and cleanliness in the restaurant operation; and the use of only prescribed equipment and building layout and designs.

15. As further detailed below, “prescribed equipment,” the use of which McDonald’s USA, LLC and/or McDonald’s Corporation control in all of their restaurants includes the biometric capture equipment at issue in this case.

JURISDICTION AND VENUE

16. 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.

17. This Court has subject matter and personal jurisdiction over the parties to this cause of action. All named parties are Illinois natural persons or corporate citizens of Illinois, and the Doe parties, by definition, are limited to Illinois natural persons or corporate 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)(ii). No federal question is presented by this complaint. Plaintiffs bring 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. Plaintiffs believe and allege that a cause of action exists under the state law claims for the conduct complained of herein. If this Court or the Appellate Courts of Illinois were to rule that plaintiffs have no cause of action under state law for the conduct set out herein, then plaintiffs seek no remedy. Accordingly, plaintiffs expressly waive and hereby disavow 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.

18. 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.

19. Consistent with the Due Process Clause of the Fifth and Fourteenth Amendments, this Court has *in personam* jurisdiction over the defendants McDonald's USA, LLC and McDonald's Corporation because these defendants are corporate citizens of Illinois, having their respective headquarters and principal places of business in Oak Brook, 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.

20. Defendants employed each named plaintiff and each class member 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.

21. Plaintiffs, and each member of the Class, have individually incurred actual damages in an amount less than \$75,000.00. Neither the Plaintiffs nor any member of the Class seek 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

22. 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).

23. 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).

24. As alleged herein, the Defendants’ 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.

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

25. Defendants have been toying with the capture, collection, storage and use of the biometric information of employees and customers since 2003, testing the technology outside the United States before implementing it here.

26. In fact, on October 21, 2003, IR Recognition Systems, the biometric component of Ingersoll Rand's Security & Safety Group's Electronic Access Control Division (EACD), announced that 85 McDonald's restaurants were cutting payroll costs by up to 22 percent annually after incorporating biometric handpunch terminals to record time and attendance.¹

27. Indeed, as of the beginning of the decade, Ingersoll Rand had already sold 150,000 biometrics capture machines to McDonald's and other corporate interests.²

28. In December of 2015, it was reported that McDonald's was piloting a new biometric authentication technology on its point-of-sale (POS) system at select restaurants, including those in the United States.³ In those locations, a fingerprint scan device was installed on cash registers requiring a fingerprint scan to activate the registers. This biometric scanning was implemented to help detect fraud and aid McDonald's operations and management keep track of which of its employees had access to certain registers.

29. Similarly, in Illinois and throughout the United States, McDonald's has implemented biometric scanners to track time and attendance of its employees, in an effort to combat time and attendance fraud. According to McDonald's USA, LLC's senior director of safety and security, "It's very difficult to manage [fraud] if you've got 60 to 70 employees under one roof in one restaurant..."⁴

¹ *HandPunch Eliminates Expensive "Buddy Punching"; Over 3,00 Employees at 85 Restaurants Have Clocked In and Out Biometrically*, <http://www.businesswire.com/news/home/20031021005312/en/McDonalds-Reduces-Payroll-Costs-22-IR-Recognition>

² *Fingerprint scans replace punch of time clocks*, <http://abcnews.go.com/Technology/story?id=4543655>

³ *McDonald's testing biometrics technology on POS system*, <http://www.biometricupdate.com/201512/mcdonalds-testing-biometrics-technology-on-pos-system>

⁴ *Restaurant Security, A Tale of Turnover and Technology*, Security Management, a publication of ASIS International. <https://sm.asisonline.org/Pages/Restaurant-Security---A-Tale-of-Turnover-and-Technology.aspx>

30. Each of the named plaintiffs had their biometric information collected, captured, stored and used by McDonald's for the purpose of tracking time and attendance while they were employees of McDonalds.

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

31. McDonald's restaurant locations throughout Illinois utilize a finger or hand print reader/scanner for the purposes of measuring employees' time and attendance; this is the primary method to "clock-in" at many but not all locations throughout Illinois. For all present and past employees that have worked at these restaurant locations, Defendants required that their employees provide biometric information, specifically a scan of their respective finger and/or hand prints.

32. Upon investigation and belief, the Defendants are violating BIPA in collecting and storing the biometric information of their employees at the restaurant locations that utilize biometric scanners (finger / hand print readers), as they are not first informing employees in writing that their biometric information is or will be collected and stored; they are not first informing employees 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 employee.

33. 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 throughout the state of Illinois, and have been occurring since Defendants' implementation of biometric scanners/readers.

CLASS ACTION ALLEGATIONS

34. This action is brought by Plaintiffs on their 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 in violation of 740 ILCS 14/1, et. seq.*

35. The plaintiffs are the masters of their complaint and cause. They specifically exclude 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.

36. 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 includes thousands of members.

37. 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 plaintiffs and the class?
- b. If the Defendants captured, collected, stored or used the biometric information of the plaintiffs and the class, did the Defendants inform the plaintiffs 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 plaintiffs and the class, did the Defendants inform the plaintiffs 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 plaintiffs and the class, did the Defendants receive a written release executed by the plaintiffs and the class of the biometric identifier or biometric information or the plaintiffs' or class' legally authorized representative?
- e. If the Defendants captured, collected, stored or used the biometric information of the plaintiffs 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 employees to provide biometric information?
- g. Whether the Defendants captured, collected, stored or used the biometric information of customers?

38. 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 Plaintiffs 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.

39. 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.

40. Plaintiffs will fairly and adequately protect the interests of the Class they represent. The interests of Plaintiffs, as the Class representatives, are consistent with those of the members of the Class. In addition, Plaintiffs are represented by counsel experienced in complex and class action litigation.

41. 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.

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

COUNT I – MC DONALD’S USA, LLC
Violation of 740 ILCS 14/1 et seq.
(On Behalf of Plaintiffs and the Class)

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

44. Defendant McDonald’s USA, LLC is a Delaware limited liability company with its principal place of business in Oak Brook, Illinois. It is a wholly-owned subsidiary of its parent and predecessor, McDonald’s Corporation, which is a Delaware corporation with its principal place of business in Oak Brook, Illinois. Defendant McDonald’s USA, LLC is therefore a “private entity” pursuant to BIPA.

45. Defendant McDonald's USA, LLC is a private entity that collects biometric information from many of its employees.

46. 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).

47. The plaintiffs and the class are Illinois citizens that had their "biometric information" collected and stored by Defendant McDonald's USA, LLC or its agents through, *inter alia*, copying/recording of their respective finger prints and possibly other individual biometric data points.

48. Defendant McDonald's USA, 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).

49. Also, Defendant McDonald's USA, 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)(1)-(2).

50. Similarly, Defendant McDonald's USA, LLC 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).

51. Defendant McDonald's USA, LLC's collection, storage and 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 Defendant McDonald's USA, 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 McDonald's USA, 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 McDonald's USA, 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 – MC DONALD'S CORPORATION
Violation of 740 ILCS 14/1 *et seq.*
(On Behalf of Plaintiffs and the Class)

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

53. Defendant McDonald's Corporation is a Delaware limited liability company with its principal place of business in Oak Brook, Illinois. It is the parent and predecessor of its wholly-owned subsidiary, McDonald's USA, LLC. Defendant McDonald's Corporation is therefore a "private entity" pursuant to BIPA.

54. Defendant McDonald's Corporation is a private entity that collects biometric information from many of its employees.

55. 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).

56. The plaintiffs and the Class are Illinois citizens that had their "biometric information" collected and stored by Defendant McDonald's Corporation or its agents through, *inter alia*, copying/recording of their respective finger prints and possibly other individual biometric data points.

57. Defendant McDonald's Corporation's collection and storage of the plaintiffs' and Class member' biometric data was systematic and done without first obtaining the written release required by 740 ILCS 14/15(b)(3).

58. Also, Defendant McDonald's Corporation 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).

59. Similarly, Defendant McDonald's Corporation 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).

60. Defendant McDonald's Corporation's collection, storage and 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 Defendant McDonald's Corporation'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 McDonald's Corporation 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 McDonald's Corporation'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 – DOE DEFENDANTS
Violation of 740 ILCS 14/1 et seq.
(On Behalf of Plaintiffs and the Class)

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

62. Plaintiffs are unaware of the true names or capacities, whether individual, corporate, associate or otherwise, of those defendants fictitiously sued as Does 1 through 600 inclusively and therefore Plaintiffs sue them by these fictitious names. Plaintiffs name only the Doe defendants 1 through 600 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 600 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.

63. Doe Defendants are private entities that collect biometric information from many of their respective employees.

64. 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).

65. The plaintiffs and the Class are Illinois citizens that had their “biometric information” collected and stored by Illinois Doe Defendants through, *inter alia*, copying/recording of their respective finger prints and possibly other individual biometric data points.

66. The Doe Defendants’ 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).

67. 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).

68. 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).

69. The Doe Defendants’ collection, storage and 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 plaintiffs 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

