

Agnew v. Foris DAX Settlement Administrator
PO Box 2775
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Unique ID: <<UniqueID>>

**NOTICE OF PROPOSED CLASS
ACTION SETTLEMENT**

Agnew v. Foris DAX, Inc.,
No. 2024-CH-00435 (Cir. Ct. Cook Cnty., Ill.)

**YOU MAY BE ENTITLED TO A
MONETARY PAYMENT FROM A
CLASS ACTION SETTLEMENT
IF YOUR BIOMETRIC DATA WAS
OBTAINED AND STORED BY
FORIS DAX, INC. WITHIN THE
STATE OF ILLINOIS BETWEEN
AUGUST 1, 2018 AND JUNE 5, 2024.**

*This is a court-authorized notice of a
proposed class action settlement.*

*This is not a solicitation from a lawyer and
is not notice of a lawsuit against you.*

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<<CITY, STATE ZIP>>

<<COUNTRY>>

This is a court-authorized notice of a proposed settlement in a class action lawsuit, *Agnew v. Foris DAX, Inc.*, currently pending in the Circuit Court of Cook County, Illinois. The Settlement would resolve a lawsuit brought on behalf of persons who allege that Foris DAX, Inc. (“Defendant”) obtained and stored individuals’ biometrics in Illinois in connection with those individuals’ creation of Crypto.com accounts without first providing them with legally-required written disclosures and obtaining written consent. The lawsuit alleges that Defendant violated the Illinois Biometric Information Privacy Act (“BIPA”) by collecting individuals’ biometrics by requiring new users to upload self-photographs without first providing the requisite disclosures or obtaining the consent required by BIPA. Defendant denies these claims and denies that it violated BIPA.

You are receiving this notice because Defendant’s records indicate that between August 1, 2018 and June 5, 2024, you created a Crypto.com account either (1) as an Illinois resident; or (2) using an Illinois identification or Illinois telephone number in connection with the account creation.

Defendant has agreed to create a \$1,720,000.00 Settlement Fund for the Class Members. If the Settlement is approved, each Settlement Class Member who submits a timely Claim Form that is deemed valid will be entitled to an equal payment paid out of the Settlement Fund after payment is made for administrative expenses, Class Counsel’s attorneys’ fees and expenses, and a Class Representative Service Award. The amount of each valid claimant’s payment is estimated to be between \$30-\$60 but the exact amount is unknown at this time and depends on several factors, including how many valid claims are submitted and the amount of costs, attorneys’ fees and expenses. To accept the Settlement, you must submit a Claim Form

by **September 3, 2024**. ***Submitting a valid and timely Claim Form is the only way to receive a payment from this Settlement, and is the only thing you need to do to receive a payment.***

If you do nothing, you will receive no money from the Settlement Fund, but you will still be bound by all orders and judgments of the court. Unless you exclude yourself from the Settlement, you will not be able to file or continue a lawsuit against the Defendant and the Released Parties (as that term is defined in the Settlement Agreement) regarding any of the Released Claims. If you do not want to be bound by the Settlement, you must exclude yourself. If you do so, you will not receive any monetary payment, but you will not release any claims you may have against Defendant and the Released Parties and are free to pursue whatever legal rights you may have your own risk and expense. You must exclude yourself from the Class by **September 3, 2024**. If you do not exclude yourself, you may object to the Settlement by **September 3, 2024**. Instructions for excluding yourself or objecting to the Settlement can be found at www.ForisDAXBIPASettlement.com.

The Court will hold the Final Approval Hearing on **September 13, 2024, at 11:00 a.m.** The hearing is subject to being changed by the Court, including taking place remotely via videoconference, so please visit www.ForisDAXBIPASettlement.com for updates. You, or an attorney hired by you, may ask to appear and speak at the Final Approval Hearing, but attendance at the hearing is not necessary.

This Notice is only a summary of the proposed Settlement of this lawsuit. More details are in the Settlement Agreement which, along with other documents, can be obtained at www.ForisDAXBIPASettlement.com. If you have any questions, you can also call the Settlement Administrator at 1-877-375-5787.