

**12-Person Jury**

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

JEREMY RATLIFF, individually and on )  
behalf of similarly situated individuals, )  
  
Plaintiff, )  
  
v. )  
  
PENSKE LOGISTICS, LLC, )  
  
Defendant. )  
  
\_\_\_\_\_ )

Case No. 2024CH07582  
  
CLASS ACTION COMPLAINT

**NATURE OF THE ACTION**

Plaintiff JEREMY RATLIFF (“Plaintiff”), individually and on behalf of other similarly situated individuals, brings this Class Action Complaint against Defendant Penske Logistics, LLC, (“Defendant”) for its violations of the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, *et seq.* (“BIPA”), and to obtain redress for persons injured by its conduct. Plaintiff alleges the following based on personal knowledge as to his own experiences, and as to all other matters, upon information and belief, including an investigation conducted by his attorneys.

**INTRODUCTION**

1. BIPA defines a “biometric identifier” as any personal feature that is unique to an individual, including face geometry, retina scans, and iris scans. “Biometric information” is any information based on a biometric identifier, regardless of how it is converted or stored. 740 ILCS § 14/10. Collectively, biometric identifiers and biometric information are known as “biometrics.”

2. This case concerns the misuse of individuals’ biometrics by Defendant, a major transportation logistics company that operates trucks and tractor-trailers throughout the United States on behalf of its customers. Using biometric cameras, Defendant captures, collects,

disseminates, or otherwise uses the biometrics of Plaintiff and other Class members, without their informed written consent as required by law, in order to track their employment and work performance.

3. BIPA provides, *inter alia*, that private entities, such as Defendant, may not obtain and/or possess an individual's biometrics unless they first:

- (1) inform the person whose biometrics are to be collected *in writing* that biometric identifiers or biometric information will be collected or stored;
- (2) inform the person whose biometrics are to be collected *in writing* of the specific purpose and the length of term for which such biometric identifiers or biometric information is being collected, stored and used;
- (3) receive a *written release* from the person whose biometrics are to be collected, allowing the capture and collection of their biometric identifiers or biometric information; and
- (4) publish publicly available retention guidelines for permanently destroying biometric identifiers and biometric information. 740 ILCS 14/15(a).

4. Compliance with BIPA is straightforward and may be accomplished through a single, signed sheet of paper. BIPA's requirements bestow a right to privacy in biometrics and a right to make an *informed* decision when electing whether to provide or withhold biometrics.

5. Defendant's biometric cameras work by extracting biometric information from individuals, such as facial geometry, retina scans, or iris scans, to monitor their work performance while driving. The system includes the dissemination of biometrics to third parties, including data storage vendors.

6. The Illinois Legislature has found that “biometrics are unlike other unique identifiers that are used to access finances or other sensitive information. For example, even sensitive information like Social Security numbers can be changed. Biometrics, however, are biologically unique to each individual and, once compromised, such individual has no recourse, is at a heightened risk for identity theft, and is likely to withdraw from biometric facilitated transactions.” 740 ILCS 14/5. The risk is compounded when a person’s biometrics are also associated with their other personally identifiable information.

7. The deprivation of the statutory rights conferred by BIPA constitutes the actual injuries the Illinois Legislature sought to prevent.

8. Plaintiff brings this action for statutory damages and other remedies as a result of Defendant’s conduct in violating his state biometric privacy rights.

9. On behalf of himself and the proposed Class defined below, Plaintiff seeks an injunction requiring Defendant to comply with BIPA, as well as an award of statutory damages to the Class members, together with costs and reasonable attorneys’ fees.

### **PARTIES**

10. Defendant Penske Logistics, LLC is a Pennsylvania corporation that conducts substantial business and markets its transportation logistics services throughout Illinois, including in Cook County, and is registered with and authorized by the Illinois Secretary of State to transact business in Cook County, Illinois.

11. At all relevant times, Plaintiff Jeremy Ratliff has been a resident and citizen of the State of Illinois and has worked for Defendant in Cook County.

### **JURISDICTION AND VENUE**

12. This Court may assert personal jurisdiction over Defendant pursuant to 735 ILCS 5/2-209 in accordance with the Illinois Constitution and the Constitution of the United States, because Defendant is doing business within this State and because Plaintiff's claims arise out of Defendant's unlawful in-state actions, as Defendant captured, collected, stored, and used Plaintiff's biometric identifiers and/or biometric information in this State.

13. Venue is proper in Cook County pursuant to 735 ILCS 5/2-101, because Defendant is doing business in Cook County and thus resides there under § 2-102, and because the transaction out of which this cause of action arises occurred in Cook County as Plaintiff was driver for Defendant in Cook County and had his facial biometrics collected by Defendant in Cook County.

### **FACTS SPECIFIC TO PLAINTIFF**

14. Defendant is a transportation logistics company that, among other business offerings, provides transportation services through its fleet of trucks and tractor-trailers.

15. Plaintiff worked for Defendant as a truck driver in Illinois from November 2021 until April 2024 as part of a contract that Defendant had with Vim Recyclers, located in Aurora, Illinois.

16. Plaintiff drove for Defendant during his employment throughout the Chicagoland area, including regularly driving through Cook county.

17. Defendant uses AI powered biometric cameras to monitor its drivers while they work.

18. Defendant has a separate biometric camera for each driver, allowing Defendant to associate the information from these cameras with particular employees.

19. Upon information and belief, these cameras collect and store the biometric data of Defendant's employees by scanning their facial geometry to determine what they are doing while they are driving and strictly enforce how they performed their job.

20. For example, Defendant's AI powered cameras would scan Plaintiff's facial geometry in order to track his eye movements and would report him for any activities that it determined constituted "distracted" driving, such as looking away from the road. The cameras would also scan Plaintiff's facial geometry to determine if he was eating or drinking.

21. Whenever Defendant's AI powered cameras would detect what they determined were an "unsafe" event, they would transmit an alert to Defendant's office in Naperville, IL and Defendant would then receive a call from Defendant informing him that he had an unsafe driving event.

22. Plaintiff had to undergo biometric monitoring as a requirement for employment and managerial purposes, as each of Defendant's vehicles came equipped with a biometric camera.

23. Plaintiff relied on Defendant to not only provide a legally compliant work environment and related technology for the trucks that he drove, but to also disclose all material information regarding the technology and systems installed on the trucks that he was assigned to drive, including all relevant policies related to the retention, destruction, and dissemination of any private information that may have been collected about him during his employment.

24. Before taking Plaintiff's biometrics, Defendant did not inform Plaintiff in writing that his biometrics were being recorded, stored, used, and/or disseminated, or the purpose and length of term for which his biometric data would be collected, stored, used, and/or disseminated.

25. Nor did Defendant publish any written policy about its collection, retention, use, deletion, or dissemination of biometrics.

26. Defendant did not seek, and Plaintiff never provided, any written consent relating to the collection, use, storage, or dissemination of his facial biometrics through the cameras utilized by Defendant in its trucks.

27. Moreover, Defendant's biometric monitoring regime allows for and resulted in the dissemination of Plaintiff and other Class member's biometrics to third parties, including the vendor(s) that provided the biometric monitoring system and the data storage providers that such vendor(s) used.

28. Defendant did not obtain consent from Plaintiff for any dissemination of his biometrics to third parties, nor did Defendant disclose to Plaintiff the identities of any third parties with whom Defendant was directly or indirectly sharing, disclosing, or otherwise disseminating his and the other class members' biometric data.

29. BIPA vests an individual state right to biometric privacy. Defendant's deprivation of Plaintiff's biometric privacy right constitutes the actual harm the Legislature sought to prevent.

#### **CLASS ALLEGATIONS**

30. Plaintiff brings this action on behalf of himself and similarly situated individuals pursuant to 735 ILCS § 5/2-801. Plaintiff seeks to represent a Class defined as follows:

Class: All individuals employed as drivers for Defendant in Illinois during the relevant statute of limitations who were subject to Defendant's camera monitoring system.

31. Excluded from the Class are any members of the judiciary assigned to preside over this matter; any officer or director of Defendant; and any immediate family member of such officers or directors.

32. Upon information and belief, there are hundreds of members of the Class, making the members of the Class so numerous that joinder of all members is impracticable. Although the

exact number of members of the Class is currently unknown to Plaintiff, the members can be easily identified through Defendant's personnel records.

33. Plaintiff's claims are typical of the claims of the members of the Class he seeks to represent, because the factual and legal bases of Defendant's liability to Plaintiff and the other members are the same, and because Defendant's conduct has resulted in similar injuries to Plaintiff and to the Class. As alleged herein, Plaintiff and the Class have all suffered damages as a result of Defendant's BIPA violations and common law transgressions.

34. There are many questions of law and fact common to the claims of Plaintiff and the Class, and those questions predominate over any questions that may affect individual members. Common questions for the Class include, but are not limited to, the following:

- a. Whether the camera monitoring system utilized by Defendant collected drivers' facial biometrics;
- b. Whether Defendant's conduct is subject to BIPA;
- c. Whether Defendant made available to the public a written policy that establishes a retention schedule and guidelines for destroying biometrics;
- d. Whether Defendant obtained a written release from the Class before capturing, collecting, or otherwise obtaining their biometrics;
- e. Whether Defendant provided a written disclosure that explains the specific purposes, and the length of time, for which biometrics were being collected, stored and used before taking such biometrics;
- f. Whether Defendant disseminated the facial biometrics of its drivers to any third parties;
- g. Whether Defendant's conduct violates BIPA;

- h. Whether Defendant's conduct is negligent;
- i. Whether Defendant's violations of the BIPA are willful or reckless; and
- j. Whether Plaintiff and the Class are entitled to damages and injunctive relief.

35. Absent a class action, most members of the Class would find the cost of litigating their claims to be prohibitively expensive and would thus have no effective remedy. The class treatment of common questions of law and fact is superior to multiple individual actions in that it conserves the resources of the courts and the litigants and promotes consistency of adjudication.

36. Plaintiff will adequately represent and protect the interests of the members of the Class. Plaintiff has retained counsel with substantial experience in prosecuting complex litigation and class actions. Plaintiff and his counsel are committed to vigorously prosecuting this action on behalf of the other members of the Class and have the financial resources to do so. Neither Plaintiff nor his counsel has any interest adverse to those of the other members of the Class.

37. Defendant has acted and failed to act on grounds generally applicable to the Plaintiff and the other members of the Class, requiring the Court's imposition of uniform relief to ensure compatible standards of conduct toward the members of the Class and making injunctive or corresponding declaratory relief appropriate for the Class as a whole.

### **COUNT I**

#### **Violation of the Illinois Biometric Information Privacy Act, 740 ILCS 14/1, *et seq.*, (On behalf of Plaintiff and the Class)**

- 38. Plaintiff incorporates the foregoing allegations as if fully set forth herein.
- 39. Defendant is a private entity under BIPA.
- 40. BIPA requires a private entity, such as Defendant, to obtain informed written consent from individuals before acquiring their biometric information. Specifically, BIPA makes it unlawful to "collect, capture, purchase, receive through trade, or otherwise obtain a person's or



customer's biometric identifiers or biometric information unless [the entity] 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 for which a biometric identifier or biometric information is being captured, 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).

41. BIPA also requires that a private entity in possession of biometric identifiers and/or biometric information establish and maintain a publicly available retention policy. An entity which possesses biometric identifiers or information must (i) make publicly available a written policy establishing a retention schedule and guidelines for permanent deletion of biometric information (entities may not retain biometric information longer than three years after the last interaction with the individual); and (ii) adhere to the publicly posted retention and deletion schedule.

42. Defendant collected, captured, or otherwise obtained Plaintiff's and the other Class members' facial "biometric identifiers" every day they drove in the employment of Defendant.

43. Each instance Plaintiff and the other Class members were required to use a biometric camera while driving, Defendant captured, collected, stored, and/or used Plaintiff's and the other Class members' biometric identifiers or biometric information without valid consent and without complying with and, thus, in violation of BIPA.

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

- a. Defendant failed to inform Plaintiff and the members of the Class in writing that their biometrics were being collected and stored, prior to such collection or storage, as required by 740 ILCS 14/15(b)(1);

- b. Defendant failed to inform Plaintiff and Class in writing of the specific purpose for which their biometrics were being captured, collected, stored, and used, as required by 740 ILCS 14/15(b)(2);
- c. Defendant failed to inform Plaintiff and the Class in writing the specific length of term their biometrics were being captured, collected, stored, and used, as required by 740 ILCS 14/15(b)(2);
- d. Defendant failed to obtain a written release, as required by 740 ILCS 14/15(b)(3);
- e. Defendant failed to provide a publicly available retention schedule detailing the length of time for which the biometrics are stored and/or guidelines for permanently destroying the biometrics they store, as required by 740 ILCS 14/15(a); and
- f. Defendant failed to obtain informed consent to disclose or disseminate the Class' biometrics, as required by 740 ILCS 14/15(d)(1).

45. By operating a biometric monitoring system for efficient employee management without the privacy protections required by BIPA, Defendant profited from Plaintiff's and the Class members' biometric identifiers and biometric information in violation of 740 ILCS 14/15(c). Defendant knew, or was reckless in not knowing, that the biometric systems it used would be subject to the provisions of BIPA, yet wholly failed to comply with the statute.

46. By capturing, collecting, storing, using, and disseminating Plaintiff's and the Class' biometrics as described herein, Defendant denied Plaintiff and the Class their right to statutorily-required information and violated their respective rights to biometric information privacy, as set forth in BIPA.

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

48. Defendant's violations of BIPA, as set forth herein, were knowing and willful, or were at least in reckless disregard of the statutory requirements. Alternatively, Defendant negligently failed to comply with BIPA.

49. Accordingly, with respect to Count I, Plaintiff, on behalf of himself and the proposed Class, prays for the relief set forth below.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, on behalf of himself and the proposed Class, respectfully requests that this Court enter an Order:

- a. Certifying the Class as defined above, appointing Plaintiff as class representative and the undersigned as class counsel;
- b. Declaring that Defendant's actions, as set forth herein, violate BIPA;
- c. Awarding injunctive and equitable relief as necessary to protect the interests of Plaintiff and the Class by requiring Defendant to comply with the BIPA requirements for the capture, collection, storage, use, and dissemination of biometric identifiers and biometric information;
- d. Awarding statutory damages of \$5,000 for each willful and/or reckless violation of the BIPA, pursuant to 740 ILCS 14/20(1);
- e. Awarding statutory damages of \$1,000 for each negligent violation of the BIPA, pursuant to 740 ILCS 14/20(3);

- f. Awarding reasonable attorneys' fees, costs, and other litigation expenses pursuant to 740 ILCS 14/20(3);
- g. Awarding pre- and post-judgment interest, as allowable by law; and
- h. Awarding such further and other relief as the Court deems just and equitable.

**JURY DEMAND**

Plaintiff requests trial by jury of all claims that can be so tried.

Dated: August 13, 2024

Respectfully Submitted,

JEREMY RATLIFF, individually and on behalf of  
similarly situated individuals

By: /s/ Eugene Y. Turin  
*One of Plaintiff's Attorneys*

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