

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

THE PEOPLE OF THE STATE OF
ILLINOIS, *ex rel.* KWAME RAOUL,
Attorney General of Illinois,

Plaintiff,

vs.

MINO AUTOMATION USA, INC.,
GUANGZHOU MINO EQUIPMENT CO.,
LTD., BIW AUTOMOTIVE SOLUTION,
INC., SDS INDUSTRIALSERVICIO S.A.
DE C.V., and DAVID SEMMELWEIS,

Defendants.

Case No. 2022CH08271

**UNOPPOSED MOTION TO ADOPT CONSENT DECREE
AND TO ENTER PARTIAL FINAL JUDGMENT**

Plaintiff, the People of the State of Illinois, by Kwame Raoul, Attorney General of Illinois (hereafter “State”), moves without opposition for an order adopting the Consent Decree attached to this motion as Exhibit 1 and entering partial final judgment as to the parties to the Consent Decree under Rule 304(a).

The State today filed a Complaint against Defendants MINO Automation USA, Inc. (“MINO USA”), Guangzhou MINO Equipment Co., Ltd. (“MINO China”), BIW Automotive Solution, Inc. (“BIW”), SDS Industrialservicio S.A. de C.V. (“SDS”), and David Semmelweis, alleging that Defendants failed to pay 59 named employees premium overtime wages for time worked in excess of forty hours per week in violation of the Illinois Minimum Wage Law (“IMWL”), 820 ILCS 105/1 *et seq.* After engaging in comprehensive negotiations, the State

reached a settlement agreement with MINO USA, MINO China (collectively, “MINO”), and BIW to resolve the claims against them.

The Consent Decree provides for MINO and BIW to make a total payment of \$315,000 to a settlement fund to resolve the State’s claims against them. A third-party claims administrator will issue notice to 59 employees listed in Exhibit A to the Complaint and Consent Decree via email, and the employees will be invited to submit a claim form to receive their apportioned settlement payments. If any employees cannot be located after a 90-day claim period, their shares will be held by the Illinois Department of Labor after the fund closes.

The employees’ settlement payments will be calculated based on their minimum claimant shares listed in Exhibit A to the Consent Decree. The State derived these claimant shares from time records produced by Defendants and testimony from a number of employees regarding the payment practices at issue. The payments range from approximately \$65 to \$10,840, with an average payment of \$5,339, depending on each individual’s work history at the site.

The settling parties believe they were fully aware and adequately informed of all facts necessary to evaluate the case for settlement. MINO and BIW continue to deny that they employed the individuals in this matter, but they evaluated the risk inherent in proceeding to trial and the costs of extended litigation and determined that the settlement reached was an appropriate compromise. The State likewise believes the settlement reached in this matter is a good outcome for the affected employees.

Exhibit 1 to this Motion is the proposed Consent Decree reached with MINO and BIW. All parties have agreed to the terms of the Consent Decree, as evidenced by their signatures thereon. Entry of the Consent Decree will dispose of the claims raised against MINO and BIW in the Complaint and all those claims that could have been alleged based on the facts in the Complaint

and will most efficiently further the ends of justice in this case. The State accordingly moves, without opposition, to enter the Consent Decree.

The Consent Decree does not resolve the State’s claims against the two remaining Defendants: SDS and Semmelweis. Therefore, the State moves without opposition to enter partial final judgment as to MINO and BIW pursuant to Illinois Supreme Court Rule 304(a). Rule 304(a) provides that “any judgment that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties is not enforceable” unless “the trial court has made an express written finding that there is no just reason for delaying either enforcement or appeal or both.” Ill. Sup. Ct. r. 304(a). “Rule 304(a) explicitly states that in the absence of such a finding by the trial court, a judgment as to fewer than all parties or claims involved ‘is not enforceable.’” *Bank of Matteson v. Brown*, 283 Ill. App. 3d 599, 603 (1st Dist. 1996). There is no just reason for delaying enforcement of the Consent Decree, so the State moves for entry of partial final judgment as to the settling parties in this case.

Respectfully Submitted:

THE PEOPLE OF THE STATE OF ILLINOIS,
ex rel. KWAME RAOUL,
 Attorney General of Illinois

Dated: August 23, 2022

By: /s/ R. Henry Weaver
 R. Henry Weaver
 Assistant Attorney General
 Alvar Ayala
 Chief, Workplace Rights Bureau
 Javier Castro
 Assistant Attorney General
 100 West Randolph Street, 11th Floor
 Chicago, Illinois 60601
 Phone: (773) 590-6838
 alvar.ayala@ilag.gov
 Attorney No. 99000