

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ALVARO AMIGON,	)	
	)	
Plaintiff,	)	
	)	Case No. 1:24-cv-01934
v.	)	
	)	
OLD DOMINION FREIGHT LINE INC.,	)	District Judge Elaine E. Bucklo
	)	
Defendant.	)	Magistrate Judge Young B. Kim

**JOINT STATUS REPORT**

Plaintiff Alvaro Amigon and Defendant Old Dominion Freight Line, Inc., by their undersigned counsel, and pursuant to the Court’s Minute Entries dated March 21, 2024 and April 4, 2025 (Dkt. Nos. 66, 69), submit this Joint Status Report.

1. On March 7, 2024, Plaintiff filed this action against Defendant alleging violations of the Illinois Biometric Information Privacy Act (“BIPA”), 740 ILCS § 14/1. (Dkt. 1.)
2. Thereafter, Defendant moved to stay proceedings in this matter pending resolution of the related putative class action lawsuit pending in this District, styled *Kararo et al. v. Old Dominion Freight Line, Inc.*, Case No. 23-cv-02187 (“Kararo”). (Dkt. 14.)
3. On November 15, 2024, the Court entered an order holding that P.A. 103-0769 applies to this matter and dismissing this action for lack of subject matter jurisdiction. (Dkt. Nos. 46, 47.) The Court’s Order further denied Defendant’s Motion to Stay without prejudice in light of the dismissal. (*Id.*)
4. On December 5, 2024, Plaintiff filed a Motion to Reconsider, Alter or Amend a Judgment Under Rule 59(e) and for Relief from a Judgment or Order Under Rule 60(b) (the “Motion to Reconsider,” Dkt. 48).

5. On March 21, 2025, the Court entered an Order granting Plaintiff's Motion to Reconsider and vacating its November 15, 2024 Order. (Dkt. 66.) The Court directed the parties to file a joint written status report on April 14, 2025, after which the Court indicated it would enter a scheduling order in response to the status report. (*Id.*)

6. On April 4, 2024, the Court entered an Order extending Defendant's deadline to answer or otherwise respond to Plaintiff's complaint to May 5, 2025. (Dkt. 69.)

7. The parties have since conferred, and jointly request a referral to the designated Magistrate Judge Young B. Kim for the purposes of conducting a settlement conference.

8. The parties further request that the Court enter a stay of all proceedings in this matter pending the outcome of the settlement conference with Magistrate Judge Kim.

9. The requested stay would include a stay of the Defendant's deadline to answer or otherwise respond to Plaintiff's Complaint and any other case deadlines, including, but not limited to, all discovery and times to file requests for relief relative to the Court's March 21, 2025 Order.

10. With regard to Defendant's pending Motion to Stay (Dkt. 14):

A. **Defendant's Position:** Defendant states that Defendant recognizes the likelihood that the factual bases for its Motion to Stay may soon become moot. In the *Kararo* matter, the parties are moving toward final settlement approval. For now, Defendant requests that its Motion to Stay be entered and continued pending the outcome of the parties' settlement conference before Magistrate Judge Kim.

B. **Plaintiff's Position:** Plaintiff objects to Defendant's request and states that Defendant's Motion for Stay was not only mooted on November 15, 2024 by the Court's Order dismissing the case for lack of subject-matter

jurisdiction and holding that “Defendant’s opposed motion to stay proceedings pending resolution of related class action lawsuit . . . moot”, Dkt. # 46, Defendant’s motion to stay was further mooted on March 31, 2025 when Plaintiff opted out of the proposed settlement and settlement class in the *Kararo* matter by the mailing of Plaintiff’s exclusion from the settlement class to the settlement administrator pursuant to the terms of the *Kararo* court’s order permitting opt outs from the proposed settlement class, notice of which was served on Defendant’s counsel who also represents the defendant in the *Kararo* proceeding. Plaintiff takes the position that there is no non-frivolous argument that Defendant can make that its motion to stay is not mooted by Plaintiff’s opt out as Plaintiff is aware of no authority which would support an argument that a party who has opted out of a class action must await its outcome prior to being allowed to prosecute their own case. Plaintiff’s position is that if the settlement conference fails to produce a settlement and Defendant wishes to renew its motion to stay at that time, that, subject to the dictates of Rule 11, Defendant may do so at that time.

Dated: April 14, 2025

Respectfully submitted,

**PLAINTIFF ALVARO AMIGON**

**DEFENDANT OLD DOMINION  
FREIGHT LINE, INC.**

By: /s/ David Bizar (with consent)  
One of His Attorneys

By: /s/ Jody Kahn Mason  
One of Its Attorneys

David Bizar  
Andres Pereira  
DJC LAW, PLLC  
1012 W Anderson Ln  
Austin, Texas 78757  
(512) 220-1800  
[dbizar@teamjustice.com](mailto:dbizar@teamjustice.com)  
[apereira@teamjustice.com](mailto:apereira@teamjustice.com)

Jody Kahn Mason  
Hannah Griffin Garlough  
Jackson Lewis P.C.  
150 North Michigan Avenue, Suite 2500  
Chicago, IL 60601  
Phone: (312) 787-4949  
Facsimile (312) 787-4995

Samuel L. Eirinberg  
DJC Law, PLLC  
140 S. Dearborn Street, Ste. 1610  
Chicago, Illinois 60603  
(872) 804-3400  
[sam@teamjustice.com](mailto:sam@teamjustice.com)

[Jody.Mason@jacksonlewis.com](mailto:Jody.Mason@jacksonlewis.com)  
[Hannah.Garlough@jacksonlewis.com](mailto:Hannah.Garlough@jacksonlewis.com)

**CERTIFICATE OF SERVICE**

I, Jody Kahn Mason, an attorney, certify that on this 14<sup>th</sup> day of April, 2025, I caused a true and correct copy of the attached *Joint Status Report* to be filed with the Clerk of Court using the Electronic Filing System, which will send notification of such filing to all counsel of record.

/s/ Jody Kahn Mason