

Kelly v. Business Information Group, Inc.

Notice of Class Action Settlement

INJUNCTIVE RELIEF CLASS

Civil Action No. 2:15-cv-6668

A federal court authorized this notice. This is not a solicitation from a lawyer.

You have received this notice because records indicate that you were the subject of a consumer report prepared by Business Information Group, Inc. (BIG), provided to a third-party between December 17, 2010 to June 28, 2018, and that contained at least one public record sourced from Trans Union.

Your legal rights will be affected by the Settlement of this Lawsuit. Please read this notice carefully. It explains the Lawsuit, the Settlement, and your legal rights

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

DO NOTHING	If you do nothing, you will receive the benefits of changes made to how BIG reports public records for the next five years. BIG has agreed to provide notice to all consumers whose consumer report includes a public record obtained from Trans Union. You will not receive any payment.
IF YOU OBJECT	You may write to the Court and tell it what you don't like about the Settlement. You will remain a part of the Class and may submit a claim. The Court will consider your views when deciding whether the Settlement is fair.

ADDITIONAL INFORMATION ABOUT THE LAWSUIT, THE SETTLEMENT, AND YOUR RIGHTS IS ON THE SETTLEMENT WEBSITE
www.kellyvbigsettlement.com

You can call (800) 687-0139, or write to the Class Counsel, **James A. Francis**, Francis & Mailman, P.C., 100 S. Broad Street, Suite 1902, Philadelphia, PA 19110 or by e-mail at info@consumerlawfirm.com.

PLEASE, DO NOT CALL THE COURT OR BIG'S COUNSEL REGARDING THIS SETTLEMENT.

1. WHY DID I RECEIVE THIS NOTICE?

You are a member of the Injunctive Relief Class and are affected by the Settlement because BIG's records indicate that you were the subject of a consumer report prepared by BIG and that contained public record information sourced from Trans Union that was sold to a third party between December 17, 2010 and June 28, 2018. A public record is a civil judgment, tax lien or bankruptcy.

Specifically, for the purposes of settlement only, the Court has provisionally certified a Settlement Class defined as follows:

- All natural persons residing in the United States (including all territories and other political subdivisions of the United States) (i) who were subject to at least one BIG consumer report from December 17, 2010 to the date of the order for preliminary approval of the Settlement is entered by the Court, (ii) whose report contained a public record sourced from Trans Union.

If you fall within the foregoing Settlement Class definition, you will be a Settlement Class Member.

A Court authorized the notice because you have a right to know about a proposed settlement of this class action lawsuit and about all of your options before the Court decides whether to give "final approval" to the settlement.

2. WHAT IS THIS LAWSUIT ABOUT?

Plaintiff Michael Kelly alleged that he was required by his prospective employers to submit to a background check as a condition of employment. BIG obtained information from Trans Union, a third-party, and prepared a consumer report for Mr. Kelly for the employer. Plaintiff claimed that the consumer report prepared about him contained inaccurate or incomplete public record information, here a civil judgment..

Plaintiff sued BIG because he believes that BIG violated the Fair Credit Reporting Act (FCRA), a federal law. The FCRA requires BIG to provide notice to a consumer when it furnishes a report to an employer that contains a public record item, or otherwise maintain strict procedures to ensure its reports are complete and up to date. 15 U.S.C. § 1681k(a).

BIG has denied all claims and allegations of wrongdoing asserted in the Lawsuit and contends that it acted lawfully and in compliance with the FCRA. Notwithstanding that BIG denies liability and any alleged unlawful conduct, BIG has decided it is in its best interest to settle the Lawsuit to avoid the burden, expense, risk and uncertainty of continuing the Lawsuit.

3. WHAT IS A CLASS ACTION AND WHO IS INVOLVED?

In a class action lawsuit, a person who is called a "Class Representative" (in this case, Michael Kelly) sues on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." The person who sued – Mr. Kelly – is called the Plaintiff or the Named Plaintiff. The company he sued (BIG) is called the Defendant. One court resolves the issues for everyone in the Class.

4. WHAT DOES THE SETTLEMENT PROVIDE?

If the settlement is approved by the Court, you will receive:

The Right to Sue for Damages. You retain your right to sue individually for actual or punitive damages to which you may be entitled, such as loss of employment, embarrassment or distress.

New Notice Requirements. As part of the Settlement, BIG has agreed to provide contemporaneous notice for all consumer reports with public records sourced from Trans Union for five (5) years.

5. CAN I EXCLUDE MYSELF FROM THE SETTLEMENT?

Because this Settlement is only for injunctive relief and does not affect your right to bring any claim for damages, Injunctive Relief Class Members are not able to exclude themselves.

6. DO I HAVE A LAWYER IN THIS CASE AND HOW WILL THE LAWYERS BE PAID?

The Class Representative retained **Leonard A. Bennett and Matthew J. Erausquin**, Consumer Litigation Associates, P.C., 763 J. Clyde Morris Blvd., Suite 1-A, Newport News, VA 23601; **Kristi Kelly**, Kelly & Crandall, PLC, 4084 University Dr. #202a, Fairfax, VA 22030; **James A. Francis**, Francis & Mailman, P.C., 100 South Broad Street, Suite 1902, Philadelphia, PA 19110, to represent them. In connection with the preliminary approval of the Settlement, the Court appointed these attorneys to represent you and other Class Members. Together, the lawyers are called Class Counsel. You will not be separately charged by these lawyers for their work on the case. If you want to be represented by your own lawyer, you may hire one at your own expense.

Class Counsel will ask the Court for an award of attorneys’ fees and costs of an amount not to exceed 33% of the Settlement Fund to be paid by BIG, which BIG has agreed not to oppose. However, the Court may ultimately award less than the amount requested. The costs of this notice to you and the costs of administering the settlement are paid by BIG and will be paid from the Settlement Fund. Additionally, the Class Representatives will ask the Court to approve a payment to Michael Kelly in an amount not to exceed \$15,000, as a service award for his effort and time expended in prosecuting this case. However, the Court may ultimately award less than this amount or nothing at all.

7. HOW DO I TELL THE COURT THAT I DO NOT LIKE THE SETTLEMENT?

You can object if you think any part of the Settlement is unfair, unreasonable, and/or inadequate. If you choose to object, you can and should explain the detailed reasons why you think the Court should not approve the Settlement. The Court and Class Counsel will consider your views carefully. To object, you must send a letter by mail stating that you object to the Settlement in the *Kelly v. Business Information Group, Inc.* case. Be sure to include (1) the name of this Lawsuit, *Kelly v. Business Information Group, Inc.*; (2) the fact you are a member of the Injunctive Relief Class; (3) your full name, current address and telephone number; (4) a sentence stating that to the best of your knowledge, you are a member of the settlement class; and (5) the factual basis and legal grounds for the objection to the Settlement. Mail this Objection to the Court at the address below so that it is postmarked no later than October 9, 2018. Objections to the Class Counsel’s attorneys’ fees or the requested service award may be supplemented up to seven (7) days after the filing of a motion for such fees or awards to address additional information or materials in that motion.

There are additional requirements necessary for your attorney if you retain one. These requirements are stated in the Settlement Agreement and Preliminary Approval Order available at the Settlement website.

COURT	CLASS COUNSEL	DEFENSE COUNSEL
United States District Court Eastern District of Pennsylvania U.S. Court House 601 Market Street Philadelphia, PA 19106	James A. Francis Francis & Mailman, P.C. 100 S. Broad Street, Suite 1902 Philadelphia, PA 19110	Rod M. Fliegel William J. Simmons LITTLER MENDELSON, P.C. Three Parkway 1601 Cherry Street, Suite 1400 Philadelphia, PA 19102-1321

8. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

The Court will hold a Final Approval Hearing at 10:00 a.m. on November 1, 2018, in Courtroom 3-H, Third Floor, United States District Court, 601 Market Street, Philadelphia, PA 19106.

At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate and whether the requested payments to Class Counsel and Class Representatives are proper. If there are objections, the Court will consider them. The Court will also listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

ADDITIONAL INFORMATION ABOUT THE LAWSUIT, THE SETTLEMENT, AND YOUR RIGHTS IS ON THE SETTLEMENT WEBSITE

www.kellyvbigsettlement.com

You can call (800) 687-0139, or write to the Class Counsel, **James A. Francis** at the address above or by e-mail at info@consumerlawfirm.com.

PLEASE DO NOT CALL THE COURT, THE CLERK, OR BIG’S COUNSEL REGARDING THIS SETTLEMENT.