

**THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION**

LONITA JOHNSON,

Plaintiff,

CASE NO.: 21-CA-005587

v.

DIVISION: J

G4S SECURE SOLUTIONS (USA), INC.,

Defendant.

_____ /

**UNOPPOSED MOTION FOR FINAL APPROVAL OF SETTLEMENT, PAYMENT OF
PLAINTIFF'S SERVICE AWARD, AND ATTORNEYS' FEES AND COSTS**

COMES NOW, Plaintiff Lonita Johnson ("Plaintiff"), on her own behalf and on behalf of the settlement class and, pursuant to Florida Rule of Civil 1.220, files her Unopposed Motion for Final Approval of Class Action Settlement, for Attorneys' Fees and Costs, and an Incentive Award. In support thereof, Plaintiff respectfully states as follows:

Brief Summary of Motion

On June 30, 2022, the Court granted preliminary approval of the Parties' class action settlement. Since that time, and as attested to in the attached sworn declaration from the Settlement Administrator, American Legal Claims ("ALC"), notice went out to the approximately 66,704 class members. *See* Exhibit B, Declaration of Claims Administrator, Mark Unkefer from ALC, ¶¶ 1-6. It is estimated that a remarkable 98.89% of the class notices were deemed delivered to class members. *Id.* at ¶ 6. There have been zero objections, only three opt-outs received, and 7,136 claims filed. *Id.* at ¶ 7-9. Based on these outstanding results, and considering the class members' overwhelming positive reactions, Plaintiff now respectfully moves this Honorable Court for final approval of the proposed settlement. In sum, the proposed settlement is fair and reasonable,

warranting the Court's final approval. Defendant does not oppose this Motion. A proposed Order is attached as Exhibit A.

I. THE CLAIMS, PROCEEDINGS, AND SETTLEMENT

Named Plaintiff, Lonita Johnson, filed a Class Action Complaint styled *Lonita Johnson, on behalf of herself and on behalf of all others similarly situated, v. G4S Secure Solutions (USA), Inc.*, in the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida ("the Action") on July 21, 2021, asserting claims against Defendant under the Fair Credit Reporting Act ("FCRA"), on behalf of herself and on behalf of a proposed class of similarly-situated individuals.

The Action generally alleges that Defendant violated the FCRA by failing to comply with the FCRA's disclosure and authorization requirements related to consumer reports procured for "employment purposes." Specifically, the Action alleges that Defendant's inclusion of extraneous information in its FCRA Disclosure violated Section 604(b)(2)(A) of the FCRA, 15 U.S.C. § 1681b(b)(2)(A)(i), and, as a result, Defendant lacked authorization to procure consumer reports on the class members in violation of 15 U.S.C. § 1681b(b)(2)(A)(ii).

After the lawsuit was filed, on August 9, 2021, Defendant filed its Notice of Removal. Litigation then commenced in federal court in the United States District Court for the Middle District of Florida, Tampa Division. On September 13, 2021, Plaintiff filed her First Amended Complaint as a matter of right in federal court. Soon thereafter, the Parties filed their joint Case Management Report. The federal court entered its Scheduling Order on September 27, 2021. Plaintiff filed her Second Amended Complaint on September 27, 2021. Plaintiff then immediately propounded class-wide discovery on Defendant.

Litigation continued in federal court for the next seven months. Defendant filed its Motion to Dismiss on October 12, 2021, arguing, among other things, that any alleged violations were not willful. On November 30, 2021, the Parties filed a Joint Motion to Stay the federal court proceedings pending completion of a class-wide mediation scheduled for April 4, 2022. The federal court granted the Parties' Motion, and the federal litigation was stayed.

On April 5, 2022, the parties participated in a mediation session with highly respected and nationally recognized mediator, Carlos J. Burruezo. Mediation lasted all day (and well into the evening). With Mr. Burruezo's assistance the Parties reached an agreement in principle ("Settlement") to resolve this action, on a class basis, under the following key terms:

1. Class Defined - The Parties agreed to resolve a Class consisting of "All of Defendant's employees and job applicants who applied for or worked in a position with the Defendant, to whom Defendant provided an FCRA disclosure and authorization forms in the same or substantially the same form as those provided to Plaintiff, within two years of the filing of the Complaint through the date of final judgment";
2. Maximum Settlement Amount - This is a common fund class action settlement based on a putative class size totaling 70,345 over a two-year period. In exchange for the promises set forth in the Class Action Settlement Agreement, Defendant shall pay up to the total gross sum of One Million Seven Hundred Fifty-Eight Thousand Six Hundred Twenty Five Dollars and No Cents (\$1,758,625) ("Maximum Settlement Amount"). The Maximum Settlement Amount includes payment of Settlement Administration Expenses; Attorneys' Fees; Plaintiff's Service Award; and the Participating FCRA Class Member individual settlement payments. Class Counsel costs will not be paid by Defendant or paid from the Maximum Settlement Amount. Each class member shall be responsible for paying any taxes due on his or her settlement. The Maximum Settlement Amount shall be "claims-made." Defendant is under no obligation to pay those class members who do not submit timely valid claims;
3. Net Settlement Amount - The Net Settlement Amount is the amount remaining after deduction of the court-approved Settlement Administration Expenses; Attorneys' Fees; and Service Award as approved by the Court calculated from the Maximum Settlement Amount;

4. Class Member Settlement Payments – From the Net Settlement Amount, Participating FCRA Class Members, subject to timely opt-in, shall receive a settlement payment of \$25 each;
5. Service Award – Plaintiff shall request Court approval of a service award from the Maximum Settlement Amount in the amount of up to Five Thousand Dollars (\$5,000.00), which is in addition to the Plaintiff's individual settlement payment under the settlement.
6. Settlement Administration Expenses – The Settlement Administrator shall be a third-party settlement administrator mutually agreed to by the Parties. Based on a review of bids from two or more administrators, the Parties have selected American Legal Claims as the administrator. Settlement Administration Expenses shall not exceed One Hundred Twenty Thousand Dollars (\$120,000.00), including mailing out compliant postcard notices to all FCRA Class Members and attorneys general of every state where FCRA Class Members reside according to Defendant's records pursuant to the Class Action Fairness Act ("CAFA") and issuing paper settlement checks. Any settlement administrative expenses above \$120,000.00 will be paid by Class Counsel and not paid from the Maximum Settlement Amount.
7. Attorneys' Fees – Class Counsel shall request Court approval of Five Hundred Forty-Five Thousand Dollars (\$545,000.00) paid from Maximum Settlement Amount. Defendant does not oppose Class Counsel's request for Attorneys' Fees. The Court-approved amount shall be taken from the Maximum Settlement Fund and shall not increase the agreed-upon amount of the Maximum Settlement Fund. The Parties agree that Class Counsel's attorneys' fees were negotiated separately after the amount paid to the class had been agreed upon.

Following mediation, the Parties filed a Joint Motion to Remand. The federal court granted that Motion and on April 11, 2022, the case was remanded to this court. If the Settlement is approved, Settlement Class Members will be able to obtain monetary benefits without undertaking the risks of litigation and without the substantial delay that would occur if the case instead proceeded through class certification, trial, and appeal proceedings, which could take several years. Plaintiff and her counsel believe the Settlement is in the best interests of the Settlement Class and seek final approval and entry of the Proposed Order attached hereto.

II. STATEMENT OF ISSUES

The issue before the Court is whether to grant final approval of the settlement, which includes payment of Plaintiff's service award, payment for costs of notice and administration, and payment of attorneys' fees and costs to Class Counsel.

III. FINAL APPROVAL OF CLASS ACTION SETTLEMENTS

Explicit in Fla. R. Civ. P. 1.220(e) is that claims, issues or defenses of a certified class may be settled only with the court's approval. Fla. Rule Civ. P. 1.220 is based on Fed. R. Civ. P. 23 and follows its case law. The Eleventh Circuit has recognized that "[p]ublic policy strongly favors the pretrial settlement of class action lawsuits." *In re United States Oil & Gas Litig.*, 967 F.2d 489, 493 (11th Cir. 1992); *see also Gevaerts v. TD Bank, N.A.*, 2015 WL 6751061, at *4 (S.D. Fla. Nov. 5, 2015) ("Federal courts have long recognized a strong policy and presumption in favor of class action settlements."). Settlement "has special importance in class actions with their notable uncertainty, difficulties of proof, and length. Settlements of complex cases contribute greatly to the efficient utilization of scarce judicial resources, and achieve the speedy resolution of justice...." *Behrens v. Wometco Enters., Inc.*, 118 F.R.D. 534, 538 (S.D. Fla. 1988), *aff'd*, 899 F.2d 21 (11th Cir. 1990) (citations omitted). As a general matter, "unless the settlement is clearly inadequate, its acceptance and approval are preferable to lengthy and expensive litigation with uncertain results." 4 ALBA CONTE & HERBERT NEWBERG, *NEWBERG ON CLASS ACTIONS* §11.50, at 155 (4th ed. 2002).

Pursuant to Federal Rule of Civil Procedure 23(e), which sets forth the same standards as Florida law, the "claims, issues, or defenses of a certified class may be settled, voluntarily dismissed, or compromised only with the court's approval." Fed. R. Civ. P. 23. "In determining whether a proposed settlement is fair, reasonable, and adequate, the Court should consider several factors,

including: (1) the likelihood of success at trial; (2) the range of possible recovery; (3) the point on or below the range of possible recovery at which a settlement is fair, adequate, and reasonable; (4) the complexity, expense and duration of litigation; (5) the substance and amount of opposition to the settlement; and (6) the stage of proceedings at which the settlement was achieved. *Waters*, 2012 U.S. Dist. LEXIS 99129, at *33 (citing *In re CP Ships Ltd. Secs. Litig.*, 578 F.3d 1306, 1317–18 (11th Cir. 2009)). “[D]etermining the fairness of a [class action] settlement is a discretionary decision for the trial court, though it should be ‘informed by the strong judicial policy favoring settlement as well as by the realization that compromise is the essence of settlement.’” *United States ex rel. Balko v. Senior Home Care, Inc.*, No. 8:13-CV-3072-T-17TBM, 2017 WL 9398654, at *8 (M.D. Fla. May 2, 2017), *report and recommendation adopted*, No. 8:13CV03072EAKTBM, 2017 WL 3268200 (M.D. Fla. Aug. 1, 2017).

The Court has already preliminarily found these six factors are present. Notice has gone out to the class members. None objected while only three asked to be excluded. *See* Exhibit B, Declaration of Claims Administrator, Mark Unkefer from ALC, ¶¶ 6-8. Additionally, 7,136 claims were filed. *Id.* at 9. Thus, final approval is warranted.

A. The Likelihood of Success at Trial Confirms Settlement is Appropriate.

The Settlement Class Members face multiple risks if this case were to continue to a litigated resolution. As a threshold matter, to prevail on their claim, Plaintiff and the Settlement Class Members must prove a “willful” violation of the FCRA to recover statutory damages. However, proving willfulness is no certainty. *See, e.g., Schoebel v. Am. Integrity Ins. Co.*, 2015 WL 3407895, at *7 (M.D. Fla. May 27, 2015) (dismissing FCRA stand-alone disclosure case seeking statutory damages because alleged violation was not willful); 15 U.S.C. § 1681n(a). If the litigation continued, Defendant would contest the element of willfulness on several bases. First,

Defendant has asserted the disclosure form did not violate the FCRA. Second, Defendant has asserted that even if there were a violation, it was a bare procedural violation of the FCRA's technical requirements. Third, Defendant has asserted that the evidence forecloses a finding of willfulness. *Lewis v. Southwest Airlines Co.*, 2018 U.S. Dist. LEXIS 5576 (N.D. Tex. Jan. 11, 2018) (summary judgment for Defendants on issue of willfulness).

Defendant has also asserted that there was no binding case law the Courts of Appeals or Supreme Court holding that the inclusion of the extraneous information in Defendant's forms violated the FCRA. While Plaintiff certainly would argue that Defendant's positions are incorrect, the Settlement Class must acknowledge the risk from those positions that could negate any recovery. *See, e.g., James v. JPMorgan Chase Bank, N.A.*, 2017 WL 2472499, at **1–2 (M.D. Fla. June 5, 2017) (Merryday, J.) (granting approval where, *inter alia*, the Defendants "asserts several defenses... which might preclude or reduce recovery"); *Holman*, 2009 WL 4015573, at *5 ("Success at trial is uncertain because the Defendants possesses legal and factual defenses to the plaintiffs' claims as well as several grounds for challenging class certification."). This factor therefore favors a finding that the Settlement is fair, reasonable, and adequate. *Youngman v. A&B Ins. & Fin., Inc.*, No. 616CV1478ORL41GJK, 2018 WL 1832992, at *7 (M.D. Fla. Mar. 22, 2018), *report and recommendation adopted*, No. 616CV1478ORL41GJK, 2018 WL 1806588 (M.D. Fla. Apr. 17, 2018) (approving settlement where plaintiffs faced similar difficulties of proof at trial).

B. Range of Possible Recovery.

With regard to this factor, the range of statutory damage awards for violations of the FCRA is \$100 to \$1000. 15 U.S.C. § 1682n(a). And, of course, a verdict of zero is possible if the jury finds no violation or that any violations of the FCRA were not willful. Given the nature of the FCRA violations alleged here and Defendant's contentions, discussed *supra*, the Settlement Class

Members face a risk that even if they successfully establish a violation of the FCRA at trial, they would receive an award on the low end of the range of possible recovery. The Settlement compensation and structure appropriately reflect a discount for that risk and the early and certain resolution of the class claims.

The compensation provided by the Settlement—\$25 per Settlement Class Member who files a valid claim—is similar (if not greater) than the compensation provided in numerous other court-approved settlements of FCRA stand-alone disclosure cases. The district court in *Hillson v. Kelly Services Inc.*, summarized the results of such settlements as follows:

The results counsel achieved for the class were good. The gross recovery (i.e., recovery before fees and other expenses are taken from the fund) is \$30 per class member (on average). This appears to be in line with the average per-class-member gross recovery in other settlements of stand-alone disclosure claims. *See Moore v. Aerotek, Inc.*, No. 2:15-CV-2701, 2017 WL 2838148, at *4 (S.D. Ohio June 30, 2017) (per-capita gross recovery of \$25 in case involving a stand-alone disclosure claim and a claim that employer did not provide a copy of consumer report), *report and recommendation adopted*, 2017 WL 3142403 (S.D. Ohio July 25, 2017); *Lagos v. Leland Stanford Junior Univ.*, No. 15-CV-04524-KAW, 2017 WL 1113302, at *2 n.1 (N.D. Cal. Mar. 24, 2017) (per-capita gross recovery of \$26); *Lengel v. HomeAdvisor, Inc.*, No. CV 15-2198, 2017 WL 364582, at *9 (D. Kan. Jan. 25, 2017) (citing FCRA disclosure cases with per-capita gross recoveries of \$33, \$40, and \$44).

2017 WL 3446596, at *3 (E.D. Mich. Aug. 11, 2017); *see, e.g., Cathey v. Heartland Dental, LLC*, Case No.: 2019-CA-000568 (Fla. 4th Judicial Circuit, Nov. 13, 2018 (court approved FCRA settlement of \$25 per class member); *Blaney v. Aimbridge Hospitality, LLC*, No. 18-CA-001358 (Fla. 13th Cir. Ct. July 23, 2018) (court approved FCRA settlement of \$32 per class member); *Pitt v. Kmart Corp.*, No. 3:11-cv-00697 (E.D. Va. 2013) (\$18 or \$38 per class member depending on date of FCRA violation); *Harake v. Trace Staffing, Inc.* (8:19-cv-00243-CEH-CPT) (Doc. 55) (Judge Honeywell approved \$33 per-class member recovery in FCRA case); *Twardosky v. Waste Management, Inc. of Florida, et al* 8:19-cv-02467-CEH-TGW (Doc. 57) (Judge Honeywell oral

order granting final approval of \$18.00 net recovery). Thus, the recovery here is well within the range of reasonableness, particularly considering the risks the Settlement Class Members face in this case.¹

C. The Recovery in the Settlement is Fair, Adequate, and Reasonable.

Settlement Class Counsel believes that the minimum individualized Settlement Payment of \$25.00 to each Settlement Class member submitting a claim is a good recovery, providing equivalent and, in comparison to the other cases, more relief to Settlement Class members than other recently approved settlements. *See, e.g. Cathey v. Heartland Dental, LLC*, Case No.: 2019-CA-000568 (Fla. 4th Judicial Circuit, Nov. 13, 2018 (court approved FCRA settlement of \$25 per class member); *Landrum v. Acadian Ambulance Serv., Inc.*, No. 4:14-cv-01467 (S.D. Tex. June 29, 2015) (Doc. 37) (granting final approval of settlement that provides \$10 per class member); *Twardosky v. Waste Management, Inc. of Florida, et al* 8:19-cv-02467-CEH-TGW (Doc. 57) (Judge Honeywell granted final approval of \$18.00 net recovery in FCRA class action); *Fernandez v. Home Depot, U.S.A. Inc.*, No. 8:13-cv-00648-DOC (C.D. Cal. April 20, 2015) (Doc. 59) (class members to receive \$10.00 in FCRA class case).

Here, if the Court approves the Settlement, Settlement Class members will quickly monetize their FCRA claims. Thus, Class Members submitting claims stand to receive payments without any further risk, expense, or even the need to prove their claims and willfulness. Unquestionably, continuing to litigate would not guarantee a better outcome.

D. Continued Litigation will be Complex, Expensive and Resource-Consuming.

¹ “[T]he fact that a proposed settlement amounts to only a fraction of the potential recovery does not mean the settlement is unfair or inadequate.” *Behrens*, 118 F.R.D. at 542-43 (approving settlement equal to 3 to 5% of the per share recovery sought by plaintiffs), *aff’d*, 899 F.2d 21 (11th Cir. 1990); *see also Strube*, 226 F.R.D. at 698 (approving settlement equal to about 2% of expert’s damages calculation).

There is an inherent and substantial expense to continued litigation. As set forth above, the element of willfulness involves complexity as it requires a detailed examination of the state of the law and regulatory guidance, and any changes to that law and guidance, during the entire Class Period. With regard to expense and duration, Defendant has made clear that it intends to vigorously defend this case, including by opposing class certification, moving for an interlocutory appeal of any certification order, moving for summary judgment, and appealing any judgment against it. In short, “full litigation of this case would be lengthy, expensive, and highly complex.” *Holman*, 2009 WL 4015573, at *5.

In sum, the action was aggressively litigated from the onset. In the absence of settlement, the parties would have continued expending time, money and judicial resources litigating the case. Thus, this factor weighs in favor of approving the settlement.

E. There is No Opposition to Any Aspect of the Settlement.

Nearly all Class Members were notified of the Settlement (*see* Exhibit B, Declaration of Claims Administrator, Mark Unkefer from ALC, ¶¶ 7-9). None objected, only three asked to be excluded, while 7,136 filed claims. *Id.* Class Counsel is not surprised at a lack of objections nor by the high number of claims filed - the Settlement is a very good result for the Class. The complete absence of opposition to the Settlement favors a finding that it is fair, reasonable, and adequate. *James v. JPMorgan Chase Bank, N.A.*, No. 8:15-CV-2424-T-23JSS, 2017 WL 2472499, at *1 (M.D. Fla. June 5, 2017) (“The absence of opposition to the settlement militates heavily toward approval.”).

F. The Settlement was Reached at an Appropriate Stage of Proceedings.

This factor focuses on assuring that “the plaintiffs have access to sufficient information to adequately evaluate the merits of the case and weigh the benefits of the settlement against further

litigation.” *United States ex rel. Balko*, 2017 WL 9398654, at *12. In this case, Plaintiff certainly did. As set forth above, once this case was removed to federal court, litigation commenced in federal court in the United States District Court for the Middle District of Florida, Tampa Division. On September 13, 2021, Plaintiff filed her First Amended Complaint as a matter of right in federal court. Soon thereafter, the Parties filed their joint Case Management Report. The federal court entered its Scheduling Order on September 27, 2021. Plaintiff filed her Second Amended Complaint on September 27, 2021. Plaintiff then immediately propounded class-wide discovery on Defendant.

Litigation continued in federal court for the next seven months. Defendant filed its Motion to Dismiss on October 12, 2021, arguing, among other things, that any alleged violations were not willful. On November 30, 2021, the Parties filed a Joint Motion to Stay the federal court proceedings pending completion of a class-wide mediation scheduled for April 4, 2022. The federal court granted the Parties’ Motion, and the federal litigation was stayed.

On April 5, 2022, the parties participated in a mediation session with highly respected and nationally recognized mediator, Carlos J. Burruezo. Mediation lasted all day (and well into the evening). Finally, at the conclusion of mediation, the parties were able to reach the class-wide settlement for which they now seek final court approval. Thus, the Court should conclude that this factor also favors granting final approval. See *Poertner v. Gillette Co.*, No. 6:12-CV-803-ORL-31DA, 2014 WL 4162771, at *4 (M.D. Fla. Aug. 21, 2014), *aff’d*, 618 F. App’x 624 (11th Cir. 2015) (finding similar facts weighed in favor of approval of settlement).

IV. ATTORNEYS’ FEES AND COSTS

Pursuant to the Parties’ Settlement Agreement and the Court’s Order preliminarily approving the settlement, the Court should enter the attached Final Order granting Plaintiffs’

counsel attorneys' fees and costs of one-third of the gross settlement fund, totaling \$545,000, because the award is within the range contemplated for a case of this complexity and type, is supported by the procedural history.

V. COST OF ADMINISTRATION

Additionally, and pursuant to the Parties' Settlement Agreement and the Court's Order preliminarily approving the settlement, the Court should award the settlement administrator, American Legal Claims, \$120,000 from the settlement fund.

VI. PLAINTIFF'S SERVICE AWARD

The Court should also approve Plaintiff's modest \$5,000 service award contemplated by the Settlement Agreement. "At the conclusion of a successful class action case, it is common for courts, exercising their discretion, to award special compensation to the class representatives in recognition of the time and effort they have invested for the benefit of the class." *Smith v. Krispy Kreme Doughnut Corp.*, 2007 U.S. Dist. LEXIS 2392, at *4 (N.D.N.C. Jan. 10, 2007) (approving \$15,000 service award); *Spicer v. Chi. Bd. Options Exchange, Inc.*, 844 F. Supp. 1226, 1267-68 (N.D. Ill. 1993) (collecting cases approving awards from \$5,000 to \$100,000). Named Plaintiff, Lonita Johnson, provided a great deal of value to the Class, including attending mediation. Thus, the requested award is reasonable

VII. CONCLUSION

The Court should grant Final Approval because the Settlement is fair, reasonable, and adequate. Notice has been provided to class members, ensuring class members have been afforded due process, and none objected.

WHEREFORE, Plaintiff respectfully requests that the Court grant this Motion and enter the proposed Order of Final Approval attached as Exhibit "A," and dismiss this case with prejudice.

DATED this 14th day of September, 2022.

Respectfully submitted,

/s/Brandon J. Hill

BRANDON J. HILL

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided via electronic transmission on this 14th day of September, 2022, to the following:

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/s/Brandon J. Hill

BRANDON J. HILL

EXHIBIT A

Proposed Final Order

**THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION**

LONITA JOHNSON,

Plaintiff,

CASE NO.: 21-CA-005587

v.

DIVISION: J

G4S SECURE SOLUTIONS (USA), INC.,

Defendant.

**[PROPOSED] ORDER GRANTING FINAL
APPROVAL OF CLASS ACTION SETTLEMENT**

THIS MATTER came before the Court upon the Plaintiff's Unopposed Motion for Final Approval of Settlement, Attorneys' Fees and Costs, and Dismissal with Prejudice. Having considered the settlement, all papers and proceedings held herein, having heard the argument of counsel, and reviewed the record in this action, the Court finds the Motion is due to be **GRANTED**. Further, the Court finds as follows:

I. Final Approval of the Settlement

1. Based on a review of the motion for final approval and all other papers submitted in connection with the motion, the Court finds it has jurisdiction over this action and that the named Plaintiff and class members have standing.

2. The settlement memorialized in the Settlement Agreement is granted final approval. The settlement fair, reasonable, and adequate.

3. The settlement is within the range of possible final settlement approval, and the Court-approved notice mailed to the class was adequate.

4. The settlement was the result of a good-faith, arm's-length negotiation by attorneys well-versed in the prosecution of Fair Credit Reporting Act actions.

II. Final Certification of the Rule 1.220 Settlement Classes

5. For settlement purposes only, the Settlement Class consists of all G4S employees and job applicants in the United States who were subject of a consumer report that was procured by G4S during the Covered Period of September 16, 2019 to August 29, 2021.

6. For settlement purposes only, the Settlement Class meets the requirements for class certification under Rules 1.220(a) and (b)(3), Florida Rules of Civil Procedure.

7. For settlement purposes only, the Settlement Class satisfies Rule 1.220(a)(1) because the joinder of approximately 67,000 class members is impracticable.

8. For settlement purposes only, the Settlement Class satisfies Rule 1.220(a)(2) because the class members' claims share common questions of fact and law.

9. For settlement purposes only, the Settlement Class satisfies Rule 1.220(a)(3) because the Plaintiff's claims and those of the class arise out of the same practice and are based on the same legal theories.

10. For settlement purposes only, Rule 1.220(a)(4) is satisfied because no conflict of interest exists between the plaintiff and the Settlement Class, and the plaintiff has retained competent counsel to represent her and the Settlement Class. Plaintiff's counsel, Luis A. Cabassa and Brandon J. Hill of Wenzel Fenton Cabassa, P.A., regularly engage in FCRA lawsuits and are capable of adequately representing the Settlement Class members' interests in this action.

11. For settlement purposes only, Rule 1.220(b)(3) is satisfied because common legal and factual issues predominate over individualized issues. Resolution of the common issues for the members of the Settlement Class in a single, coordinated proceeding is superior to individual lawsuits addressing the same legal and factual issues.

III. Appointment of Class Counsel and Class Representative

12. Luis A. Cabassa and Brandon J. Hill of Wenzel Fenton Cabassa, P.A., shall remain

as Class Counsel for the Settlement Class.

13. Class Counsel performed substantial work identifying, investigating, prosecuting, and settling Plaintiff's and the settlement Class members' claims and have knowledge of the applicable law.

14. Lonita Johnson shall remain Class Representative.

IV. Additional Findings

15. The Court makes the following findings on notice to the Settlement class:

(a) The Court finds that the distribution of the Class Notice, as provided for in the Settlement Agreement, (i) constituted the best practicable notice under the circumstances to Settlement Class Members, (ii) constituted notice that was reasonably calculated, under the circumstances, to apprise Settlement Class Members of, among other things, the pendency of the Action, the nature and terms of the proposed Settlement, their right to object or to exclude themselves from the proposed Settlement, and their right to appear at the Final Approval Hearing, (iii) was reasonable and constituted due, adequate, and sufficient notice to all persons entitled to be provided with notice, and (iv) complied fully with the requirements of the Florida Rules of Civil Procedure, the United States Constitution, and the Rules of this Court.

(b) The Court finds that the Class Notice and methodology set forth in the Settlement Agreement, the Preliminary Approval Order, and this Final Order and Judgment (i) constitute the most effective and practicable notice of the Final Order and Judgment, the relief available to Settlement Class Members pursuant to the Final Order and Judgment, and applicable time periods; (ii) constitute due, adequate, and sufficient notice for all other purposes to all Settlement Class Members; and (iii) comply fully with the requirements of the Florida Rules of Civil Procedure, the United States Constitution, and the Rules of this Court.

16. The Settlement Agreement is finally approved in all respects as fair, reasonable and adequate. The terms and provisions of the Settlement Agreement, including all Exhibits thereto, have been entered into in good faith and are hereby fully and finally approved as fair, reasonable, and adequate as to, and in the best interests of, each of the Parties and the Settlement Class Members.

17. The Court approves the distribution of the Settlement Fund, as described in the Settlement Agreement, as fair, reasonable, and adequate, and the Settlement Administrator is authorized to distribute the Settlement Fund in accordance with the terms of the Settlement Agreement.

18. The Parties are hereby directed to implement and consummate the Settlement Agreement according to its terms and provisions.

19. The Court hereby awards Class Counsel Attorneys' Fees and Costs in the amount of one-third of the Maximum Settlement Amount, totaling \$545,000. The Court also awards a service award in the amount of \$5,000 to Lonita Johnson payable from the Maximum Settlement Amount. Finally, the settlement administrator, American Legal Claims, is awarded \$120,000 payable from the Maximum Settlement Amount.

20. The terms of the Settlement Agreement and of this Final Order and Judgment, including all Exhibits thereto, shall be forever binding on, and shall have *res judicata* and preclusive effect in, all pending and future lawsuits maintained by the Plaintiff and all other Settlement Class Members, as well as their heirs, executors and administrators, successors, and assigns. However, those class members who timely submitted opt-out requests are not bound by the settlement. Specifically, those class members who opted-out include: Leonel A. Valenzuela-Savala, Warren Jackson, and Rebekah M. Bernadel.

21. Without further order of the Court, the Settling Parties may agree to reasonably necessary extensions of time to carry out any of the provisions of the Settlement Agreement.

22. This Action, including all individual claims and class claims presented herein, is hereby dismissed on the merits and with prejudice against Plaintiff and all other Settlement Class Members, without fees or costs to any party except as otherwise provided herein.

23. The Court maintains jurisdiction over this case to enforce the terms and conditions of the settlement agreement if needed.

SO ORDERED, this _____ day of _____, 2022.

THE HONORABLE REX BARBAS
CIRCUIT COURT JUDGE

Copies furnished to all counsel of record.

EXHIBIT B

Declaration of American
Legal Claim Services, LLC
Regarding Due Diligence in
Noticing

**THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION**

LONITA JOHNSON,

Plaintiff,

v.

G4S SECURE SOLUTIONS (USA)
INC.,

Defendant.

CASE NO.: 21-CA-005587

DIVISION: J

**DECLARATION OF AMERICAN LEGAL CLAIM SERVICES, LLC
REGARDING DUE DILIGENCE IN NOTICING**

I, Mark Unkefer, declare as follows:

1. I am a competent adult, over the age of eighteen, and this declaration is based on my personal knowledge.
2. I am a Case Manager for American Legal Claim Services, LLC ("ALCS").
3. **Class List Receipt and Processing:** On or about June 21, 2022, ALCS processed the mailing list ("Class List") containing names and street addresses, where available. ALCS reviewed and processed the data and identified a total of 66,717 rows in the class data. The final Noticing List contained 66,704 class members as 13 duplicates were removed. Throughout the noticing process, ALCS utilized several means of ensuring the most accurate mailing addresses for class members. These methods included National Change of Address through the USPS, skip-tracing, and manual updates from class members.
4. **Initial Class Notice:** On July 12, 2022, ALCS mailed the Notice of Class Action with the Claim Form, substantially in the form approved by the Court (attached hereto as Exhibit A), to 66,704 class members.
5. **Returned Mail Handling:** ALCS processed all Class Notices returned by USPS. A minority of the mail included an updated address provided by USPS ("FOE"). For these, the class member addresses were updated, and the Class Notice were re-mailed to the updated address provided. The remainder of the mail returned by the USPS did not contain an updated address ("UAA"). For these, ALCS conducted address searches using a nationally recognized location service to attempt to locate new addresses for these class members. Of the 66,704 Initial Notices mailed, 9,416 were returned by USPS as of the date of this declaration. Of those 9,416 returned, 8,677 were remailed to updated addresses. 739 Notices were deemed undeliverable.

6. **Noticing Campaign Summary:** The following is a summary of the noticing, as of the date of this Declaration¹:
- Total Class Members: 66,704
 - Initial Notice of Class Action Settlement mailed via USPS: 66,704
 - Notice of Class Action Settlement returned by USPS: 9,416
 - Notice of Class Action Settlement remailed via USPS: 8,677
 - Notice of Class Action Settlement deemed undeliverable: 739
 - Percentage of Notice of Class Action Settlement deemed delivered: **98.89%**
7. **Exclusions:** The Notice instructed those who wish to opt out of the proposed settlement to mail a request for exclusion to the Settlement Administrator. It further states that an opt out request must be received by September 10, 2022. ALCS received 3 exclusion requests for this case. A copy of each exclusion is attached hereto as Exhibit B.
8. **Objections:** The Notice instructed those who wish to object to the proposed settlement to file a timely written statement of objection with the Clerk of Court, and mail a copy of that objection with the requisite postmark to Class Counsel and Defense Counsel, no later than the Objection Deadline of September 10, 2022. ALCS did not receive objections to the proposed settlement. ALCS did not receive any objections and is unaware of any being filed in accordance with the procedures set forth.
9. **Claims:** The Notice instructed that those who wish to receive a settlement payment must submit their claim online or mail the claim form to the Settlement Administrator, so it is postmarked by September 10, 2022. The claim form was included with the Notice as a tear-off postcard. As of the date of this declaration ALCS has received 7,136 claims, which is a 10.7 % claims filing rate.
10. **Toll-Free Telephone:** ALCS established a toll-free telephone line 866-473-1091 for Class member to contact with questions about the settlement or updating their information.
11. **Website:** ALCS created a case website www.johnsonfcraclassaction.com that provided further information as stated in the Notice. The website contained sections for important Court documents, key dates, and answers to frequently asked questions. Class members also had an opportunity to update their address and/or submit their claim online.

I declare under penalty of perjury pursuant to the laws of the State of Florida that the foregoing is true and correct to the best of my knowledge. Executed on September 8, 2022, in Jacksonville, Florida.


Mark Unkefer

¹ ALCS continues to receive and process mail, for which no forwarding address is available. The number of pieces of this type of mail will likely increase and the presumed delivery rate will be reduced as processing continues.

Exhibit A

double postcard (6 x 4.25 inch) template

outside top/front

COURT-ORDERED

NOTICE

*Lonita Johnson v. G4S Secure
Solutions (USA), Inc.*

A settlement has been reached in a class action lawsuit against G4S Secure Solutions (USA), Inc. ("Defendant") for alleged violations of the Fair Credit Reporting Act ("FCRA"). Named Plaintiff Lonita Johnson claims that Defendant's Background Check forms allegedly contained extraneous information that violated the FCRA.

Defendant denies that it violated any law or regulation, and has affirmatively asserted that its Background Check forms complied with applicable law, but has agreed to the settlement to avoid the uncertainties and expenses of continuing the case. There are approximately 70,345 class members all of whom are eligible to receive a check for \$25.00 if they timely return a claim form. More information on the settlement is available on the back of this claim form, and at the following website:

www.johnsonfcraclassaction.com

Johnson v. G4S
c/o Settlement Administrator
PO Box 23309
Jacksonville, FL 32241-3309



To update your name or address please visit
www.johnsonfcraclassaction.com
Notice ID: <<noticeid>>
PIN: <<pin>>

PRST-STD
U.S. POSTAGE
PAID
JACKSONVILLE, FL
PERMIT NO. XXX

«fname» «lname»
«addrline1» «addrline2»
«addrline3»
«addrcity», «addrstate» «addrzip»
«country»

Class Action Settlement Claim Form

IF you wish to receive payment, you **MUST** either submit your claim online at www.johnsonfcraclassaction.com by September 10, 2022, *or* mail/email this completed postcard **POSTMARKED NO LATER THAN September 10, 2022.**

(Do not submit both an online claim and claim by mail.) email: info@johnsonfcraclassaction.com.

First _____ Last _____

Address: _____

City: _____ State: _____ Zip Code: _____

I want to receive a portion of the settlement fund. I understand that if I timely return the attached Claim Form to the Settlement Administrator, and the Court grants final approval of the Class Settlement, I will be sent a Settlement Check for \$25.00.

Signature: _____ Date: _____

Administrator Use Only – Do Not Write Below This Line

557

NID: «noticeid»

PIN: «pin»



outside
bottom/back

Am I a Class Member? Company records indicate you are a member of the class. The class of which you are a member is defined as follows: "All of Defendant's employees and job applicants who applied for or worked in a position with the Defendant, to whom Defendant provided an FCRA disclosure and authorization forms in the same or substantially the same form as those provided to Plaintiff, within two years of the filing of the Complaint through the date of final judgment."

What Do I Need to Do to Receive a Payment? To receive a settlement payment, you must file a claim no later than September 10, 2022. Claims may be made through a portal on the Settlement Website or by mailing the tear-off postcard below after entering your name and address and affixing proper postage. Claims through the portal are deemed made when the claim form on the portal has been fully completed. Claims by mail are deemed made when postmarked. A settlement check must be cashed within 180 days of the date of the check.

What Are the Key Settlement Terms? This is a common fund class action settlement based on a putative class size totaling 70,345 over a two-year period. In exchange for the promises set forth in the Class Action Settlement Agreement, Defendant shall pay up to the total gross sum of One Million Seven Hundred Fifty-Eight Thousand Six Hundred Twenty Five Dollars and No Cents (\$1,758,625) ("Maximum Settlement Amount"). The Maximum Settlement Amount includes payment of Settlement Administration Expenses; Attorneys' Fees; Plaintiff's Service Award; and the Participating FCRA Class Member individual settlement payments. Plaintiff shall request Court approval of a service award from the Maximum Settlement Amount in the amount of up to Five Thousand Dollars (\$5,000.00). Settlement Administration Expenses shall not exceed One Hundred Twenty Thousand Dollars (\$120,000.00) and will be paid from the common fund. Class Counsel shall request Court approval of Five Hundred Forty-Five Thousand Dollars (\$545,000.00) paid from the Maximum Settlement Amount.

When Will the Court Consider the Proposed Settlement? The Court will hold the Final Approval hearing at 1:30 p.m. on September 28, 2022 Circuit Court of the Thirteenth Judicial Circuit, in and for Hillsborough County, Florida, 800 E Twiggs St, Tampa, FL 33602, in Courtroom #5 14. The hearing will be held via Zoom. Zoom Credentials shown below:
URL: <https://zoom.us/j/5765425279?pwd=aDJtb3EzcmRGWVRoaXB3SEdkUk9vdz09>

Meeting ID: 576 542 5279
Password: donna

Opting out or objecting.

If you want to opt-out from the settlement, send a letter asking to be excluded from the settlement to the mailing address on this claim form on or before September 10, 2022. Any Settlement Class Member who wishes to object to the Settlement must file a timely written statement of objection with the Clerk of Court, and mail a copy of that objection with the requisite postmark to Class Counsel and Defense Counsel, no later than the Objection Deadline of September 10, 2022. You cannot object if you opt out.

Who Represents Me? The Court appointed lawyers Luis A. Cabassa and Brandon J. Hill from Wenzel Fenton Cabassa, P.A. as Class Counsel, whose telephone number is (813) 224-0431. You may also hire and pay for a lawyer at your expense.

How Do I Get More Information? For more information, contact the settlement administrator at (888) 262-6044 or via e-mail at info@johnsonfcraclassaction.com, or visit the following website www.johnsonfcraclassaction.com.

Your Personal Notice ID: «noticeid»
Your Confidential PIN: «pin»

Please use this section or visit

www.johnsonfcraclassaction.com to update your address

<<noticeid>>

<<keyline>>

NAME _____

ADDRESS _____

CITY, STATE, ZIP _____

**PLACE
STAMP
HERE**

**Lonita Johnson v. G4S Secure
Solutions (USA), Inc.
PO BOX 23309
JACKSONVILLE FL 32241-3309**

Exhibit B

Johnson vs. G4S

From: Leonel A Valenzuela Zavala

I do not want to be part of class in
Johnson vs. G4S Secure solutions
(USA) inc. case number 21CA005587.

Valenzuela Zavala, Leonel Antonio

Leonel Valenzuela Zavala

I was not employed for the company
long therefore I want to opt out.

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JOHNSON v G4S SECURE



EXCLUSION 900001

RECEIVED

JUL 25 2022

America...



***Please use this section or visit
www.johnsonfcraclassaction.com to update your address***
21905082 45402-FC-060817

NAME _____

ADDRESS _____

CITY, STATE, ZIP _____

**PLACE
STAMP
HERE**

**Lonita Johnson v. G4S Secure
Solutions (USA), Inc.
PO BOX 23309
JACKSONVILLE FL 32241-3309**

Class Action Settlement Claim Form

IF you wish to receive payment, you **MUST** either submit your claim online at www.johnsonfcraclassaction.com by September 10, 2022, *or* mail/email this completed postcard **POSTMARKED NO LATER THAN September 10, 2022.**

(Do not submit both an online claim and claim by mail.) email: info@johnsonfcraclassaction.com.

First _____ Last _____

Address: _____

City: _____ State: _____ Zip Code: _____

I want to receive a portion of the settlement fund. I understand that if I timely return the attached Claim Form to the Settlement Administrator, and the Court grants final approval of the Class Settlement, I will be sent a Settlement Check for \$25.00.

Signature: _____ Date: _____

Administrator Use Only – Do Not Write Below This Line

557

NID: 21905082

PIN: 709 417 755

PLEASE PRINT NAME AND ADDRESS EXACTLY AS ON MAIL

1. SIGNATURE MUST BE IN INK AND MATCH SIGNATURE ON MAIL

Leonel Valenzuela

SEATTLE WA 980

19 JUL 2022 PM 7 L



RECEIVED

JUL 25 2022

American Legal Clinic

JOHNSON V. G45
C/O Settlement

Administrator

PO BOX 23309

Jacksonville, FL 32241-

32241-330909



I do not want to be part
of the class in Johnson v. G4S
Secure Solutions USA Incorporated
Case # 21CA005587

Warren Jackson
Warren Jackson

557

JOHNSON v G4S SECURE



EXCLUSION 900002

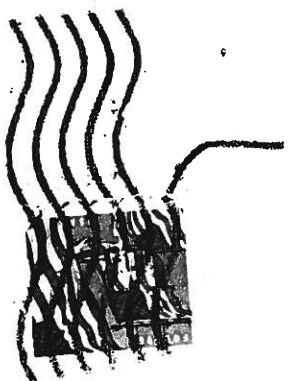
RECEIVED

JUL 27 2022

Att: [illegible]

Marion Jackson

WEST PALM BCH FL 334
21 JUL 2022 PM 2 L



RECEIVED

JUL 27 2022

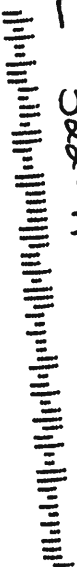
American Legal Clinic

Johnson V. GHS Secure Solutions
C/O Settlement Administrators

PO Box 23304

Jacksonville, FL 32241-3304


32241-330404



08/03/2022

To whomever this may concern,

I, Rebekah M.W Bernadel would like to be opted out from the settlement of *Johnson v. G4S*. I would NOT like to receive a settlement payment, and would love to not be contacted in regards to this matter.

557
JOHNSON v G4S SECURE

EXCLUSION 900003

RECEIVED

AUG 09 2022

EXHIBIT 1

**THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION**

LONITA JOHNSON,

Plaintiff,

CASE NO.: 21-CA-005587

v.

DIVISION: J

G4S SECURE SOLUTIONS (USA), INC.,

Defendant.

_____/

DECLARATION OF BRANDON J. HILL

I, Brandon J. Hill, declare under penalty of perjury as follows:

1. Unless otherwise indicated, the facts set forth below are based on my personal knowledge and the opinions set forth herein are my own. I understand that this declaration under oath may be filed in the above captioned action.

2. I am a partner at Wenzel Fenton & Cabassa, P.A., and counsel in the above-styled case.

3. I have been a member of the Florida Bar since April of 2007, the Illinois Bar since 2010, and District of Columbia Bar since 2011. I have an LL.M. from George Washington University School of Law, a J.D. from Florida State University College of Law, and two Bachelor's degrees from the University of Kansas.

4. I am admitted in the United States District Courts for the Northern, Middle, and Southern District Courts of Florida, the Northern District of Illinois, the Eastern District of Michigan, and the United States Court of Appeals for the Eleventh Circuit.

5. I have represented employers and employees in all stages of litigation in federal and state courts throughout Florida, and beyond. In the Middle District of Florida alone I have served as co-counsel or lead counsel in 500+ federal cases.

6. I possess the requisite experience necessary to serve as class counsel in this case. I have been appointed as class counsel in multiple class actions, including cases involving a few hundred class members up to nearly half a million class members.

7. Below is a list of class action cases where I have been appointed as class counsel by the Court. In each case the Court found my firm or me to be adequate class counsel. In each of these cases, I served in a lead or co-lead role and litigated each to a successful conclusion:

- *Brown, et al. v. Lowe's Companies, Inc., and LexisNexis Screening Solutions, Inc.*, Case No.: 5:13-CV-00079-RLV-DSC (W.D.N.C) (appointed as co-class counsel in national FCRA class action matter involving 451,000 class members);
- *Speer v. Whole Foods Market Group, Inc.*, 8:14-cv-03035-RAL- TBM (M.D. Fla.) (Fair Credit Reporting Act class action settlement involving 20,000 individuals presided over by Judge Lazzara);
- *Kohler, Kimberly v. SWF Operations, LLC and Domino's Pizza, LLC*, Case No. 8:14-cv-2568-T-35TGH (appointed class counsel in Fair Credit Reporting Act case involving several hundred class members);
- *Hargrett, et al. v. Amazon.com, DEDC, LLC*, 8:15-cv-02456-WFJ-AAS, M.D. Fla. Case No.: 8:15-cv-02456 (appointed as class counsel in FCRA case with 480,000+ class members);
- *Smith, et al. v. QS Daytona, LLC*, Case No.: 6:15-cv-00347-GAP-KRS (M.D. Fla.) (Doc. 45) (appointed as class counsel in FCRA class action involving several hundred class members);
- *Patrick, Nieyshia v. Interstate Management Company, LLC*, Case No. 8:15-cv-1252-T-33AEP (M.D. Fla.) (appointed as class counsel in FCRA class action with approximately 32,000 class members);
- *Molina et al v. Ace Homecare LLC*, 8:16-cv-02214-JDW-TGW (M.D. Fla) (appointed as class counsel in WARN Act case with approximately 500 class members);
- *Moody, et al v. Ascenda, et al.*, Case No. 0:16-cv-60364-WPD (S.D. Fla.) (appointed as class counsel in FCRA class action with approximately 12,000 class members);
- *Mahoney v. TT of Pine Ridge, Inc.*, Case No.: 9:17-cv-80029-DMM (S.D. Fla. Nov. 20, 2017) (served as class counsel in TCPA case with 300,000+ class members).

- *George v. Primary Care Holding Inc.*, Case No. 0:17-cv-60217-BB (S.D. Fla.) (appointed as class counsel in FCRA class action);
- *Vazquez v. Marriott International, Inc.*, Case No.: 8:17-cv-00116-MSS-SPF (M.D. Fla) (appointed as class counsel in deficient COBRA notice case with 20,000 class members);
- *Figueroa v. Baycare Healthcare System, Inc.*, Case No.: 8:17-cv-01780-JSM-AEP (M.D. Fla) (served as class counsel in FCRA case involving approximately 2,009 class members);
- *Valdivieso v. Cushman & Wakefield Inc.*, Case No.: 8:17-cv-00118-SDM-JSS (M.D. Fla) (appointed as class counsel in deficient COBRA notice case with 2,000+ class members);
- *Dukes v. Air Canada*, Case No.: 8:18-cv-02176-TPB-JSS (M.D. Fla) (served as class counsel in FCRA case involving approximately 1,300 class members);
- *Rivera v. Aimbridge Hospitality, LLC*, Case No.: 8:18-cv-02192-EAK-JSS (M.D. Fla) remanded to *Rivera v. Aimbridge Hospitality, LLC*, 18-CA-007870, Thirteenth Judicial Circuit in and for Hillsborough County, Florida (served as class counsel in data breach case with 320,000 class members).
- *Blaney v. Aimbridge Hospitality, LLC*, 18-CA-007870, Thirteenth Judicial Circuit in and for Hillsborough County, Florida (served as class counsel in Fair Credit Reporting Act case with 17,00 class members);
- *Cathey v. Heartland Dental, LLC*, 2019-CA-000568, Fourth Judicial Circuit in and for Pasco County, Florida (served as class counsel in Fair Credit Reporting Act case with 9,800 class members);
- *Harake v. Trace Staffing Solutions, LLC*, Case No.: 8:19-cv-00243-CEH-CPT (M.D. Fla) (served as class counsel in Fair Credit Reporting Act case with 8,700 class members);
- *Hicks v. Lockheed Martin Corporation*, Case No.: 8:19-cv-00261-JSM-TGW (M.D. Fla) (appointed as class counsel in deficient COBRA notice case with 54,000+ class members);
- *Holly-Taylor v. Acadia Healthcare Company, Inc., et al.*, Case No.: 18-CA-007870, Thirteenth Judicial Circuit in and for Hillsborough County, Florida (served as class counsel in Fair Credit Reporting Act case with 25,00 class members);
- *Ali v. Laser Spine Institute, LLC*, Case No.: 8:19-cv-00261-JSM-TGW (M.D. Fla) (appointed as class counsel WARN Act case involving 500 class members);
- *Rigney et al v. Target Corporation*, Case No.: 8:19-cv-01432-MSS-JSS (M.D. Fla) (served as class counsel in deficient COBRA notice case with 92,000+ class members)
- *Luker v. Cognizant Technologies Solutions U.S. Corporation*, Case No.: 8:19-cv-01448-WFJ-JSS (M.D. Fla) (served as class counsel in wage case with 308 class members);
- *Lyttle v. Trulieve, Inc., et al.*, Case No.: 8:19-cv-02313-CEH-TGW (M.D. Fla) (appointed as class counsel in Fair Credit Reporting Act case involving 1,300 class members);

- *Twardosky v. Waste Management, Inc. of Florida, et al.*, 8:19-cv-02467-CEH-TGW(M.D. Fla) (appointed as class counsel in Fair Credit Reporting Act case involving 29,295 class members);
- *Silberstein v. Petsmart, Inc.*, 8:19-cv-02800-SCB-AAS (M.D. Fla) (appointed as class counsel in deficient COBRA notice case with 12,000+ class members);
- *Benson v. Enterprise Holdings, Inc. et al.*, Case No.: 6:20-cv-00891-RBD-LRH (M.D. Fla) (appointed as class counsel in WARN Act class action involving 900+ class members);
- *Morris et al v. US Foods, Inc.*, Case No.: 8:20-cv-00105-SDM-CPT (M.D. Fla) (appointed as class counsel in deficient COBRA notice case with 19,000+ class members);
- *Forsyth v. Lucky's Market GP2, LLC et al*, Case No.: 20-10166 (JTD); Adv. Pro. No. 20-50449 (JTD) (Del. Bk.) (served as class counsel in WARN Act class action pursued in Bankruptcy court adversarial proceeding involving hundreds of former employees);
- *Taylor v. Citizens Telecom Services Company, LLC*, Case No.: 8:20-cv-00509-CEH-CPT (M.D. Fla) (appointed as class counsel in deficient COBRA notice case with 16,137 class members);
- *Holmes et al v. WCA Waste Systems, Inc.*, Case No.: 8:20-cv-00766-SCB-JSS (M.D. Fla) (served as class counsel in deficient COBRA notice case with 1,720 class members);
- *Boyd v. Task Management, Inc.*, Case No.: 8:20-cv-00780-MSS-JSS (M.D. Fla.) (appointed as class counsel in Fair Credit Reporting Act case involving 5,500 class members);
- *In re The Hertz Corporation, et al*, Case No.: 20-11218 (MFW) (Del. Bk.) (served as class counsel in WARN Act class action pursued in Bankruptcy court involving 6,000+ class members);
- *Kaintz v. The Goodman Group, Inc.*, 8:20-cv-02115-VMC-AAS (appointed as class counsel in deficient COBRA notice case with 2,889 class members);
- *Gorman v. Whelan Event Staffing Services, Inc., et al.*, Case No.: 8:20-cv-02275-CEH-AEP (appointed as class counsel in Fair Credit Reporting Act case involving 29,000+ class members);
- *Benitez v. FGO Delivers, LLC*, Case No.: 8:21-cv-00221-KKM-TGW (M.D. Fla.) (appointed as class counsel in Fair Credit Reporting Act case involving 9,000+ class members);
- *Lopez v. Ollie's Bargain Outlet, Inc.*, 2020-CA-002511-OC, Ninth Judicial Circuit in and for Pasco County, Florida (served as class counsel in Fair Credit Reporting Act case with 3,500 class members);
- *McNamara v. Brenntag Mid-South, Inc.*, Case No.: 8:21-cv-00618-MSS-JSS (M.D. Fla.) (appointed as class counsel in deficient COBRA notice case with 800+ class members);
- *Santiago et al v. University of Miami*, 1:20-cv-21784-DPG (appointed as class counsel in ERISA class action involving university retirement plan and approximately 20,000 class members).

8. I have been retained by Plaintiff as counsel in the instant case. I am confident that the proposed Class Representative, Lonita Johnson (“Ms. Johnson”), will adequately represent the putative class members in this case.

10. At all times Ms. Johnson actively participated in this case and represented the interests of the class members. She provided critical information utilized to draft the Complaint, Amended Complaint, and even to the draft discovery propounded in this case. She attended mediation via Zoom, participated in settlement discussions, and was otherwise available to answer questions from counsel and participate in this litigation. No conflicts, disabling or otherwise, exist between Ms. Johnson and the class members.

11. My law partner, Luis Cabassa, and I have the desire, intention, financial resources, and ability to prosecute these claims in the face of strenuous opposition by Defendant. I have no conflicts with any class members.

12. The decision to mediate this case, and resolve this case, on a class basis was well informed. Prior to settling this case we obtained from Defendant substantive information on the class, along with information on Defendant’s FCRA background check process and forms.

13. Furthermore, a settlement was only reached with the assistance of one of the nation’s most respected mediators, Carlos J. Burruezo.

14. Named Plaintiff, Lonita Johnson, filed a Class Action Complaint styled *Lonita Johnson, on behalf of herself and on behalf of all others similarly situated, v. G4S Secure Solutions (USA), Inc.*, in the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida (“the Action”) on July 21, 2021, asserting claims against Defendant under the Fair Credit Reporting Act (“FCRA”), on behalf of herself and on behalf of a proposed class of similarly-situated individuals.

15. The Action generally alleges that Defendant violated the FCRA by failing to comply with the FCRA's disclosure and authorization requirements related to consumer reports procured for "employment purposes." Specifically, the Action alleges that Defendant's inclusion of extraneous information in its FCRA Disclosure violated Section 604(b)(2)(A) of the FCRA, 15 U.S.C. § 1681b(b)(2)(A)(i), and, as a result, Defendant lacked authorization to procure consumer reports on the class members in violation of 15 U.S.C. § 1681b(b)(2)(A)(ii).

16. After the lawsuit was filed, on August 9, 2021, Defendant filed its Notice of Removal. Litigation then commenced in federal court in the United States District Court for the Middle District of Florida, Tampa Division.

17. On September 13, 2021, Plaintiff filed her First Amended Complaint as a matter of right in federal court. Soon thereafter, the Parties filed their joint Case Management Report. The federal court entered its Scheduling Order on September 27, 2021.

18. Plaintiff filed her Second Amended Complaint on September 27, 2021.

19. Plaintiff then immediately propounded class-wide discovery on Defendant.

20. Litigation continued in federal court for the next seven months.

21. Defendant filed its Motion to Dismiss on October 12, 2021, arguing, among other things, that any alleged violations were not willful.

22. On November 30, 2021, the Parties filed a Joint Motion to Stay the federal court proceedings pending completion of a class-wide mediation scheduled for April 4, 2022. The federal court granted the Parties' Motion and the federal litigation was stayed.

23. On April 4, 2022, the parties participated in a mediation session with highly-respected and nationally recognized mediator, Carlos J. Burruezo. Mediation lasted all day (and well into the evening).

24. With Mr. Burruezo's assistance the Parties reached an agreement in principle to resolve this action, on a class basis.

25. In this case, all Parties face the prospect of continued litigation through the completion of a trial and jury deliberations, followed by an appeal. That of course would have followed a contested motion for class certification, along with a likely attempted interlocutory appeal of that decision.

26. Taken as a whole, there is little doubt that the decision to settle was adequately informed. This action was on the path for aggressive litigation by the Parties and sufficient discovery has been obtained by both Plaintiff and Defendant to assess the strengths of their respective claims and defenses. Class Counsel endorses the Settlement as fair and adequate under the circumstances

27. Based upon my involvement in many, many class actions over the last few years, including in the multiple FCRA disclosure cases our firm filed and settled in state and federal courts over the several years, which are cited in Plaintiff's Motion, the Parties' proposed settlement is fair, reasonable, and adequate.

28. In fact, this settlement tracks settlements approved by other Florida courts in very similar cases, including by Judge Holder in *Blaney v. Aimbridge Hospitality, LLC*, No. 18-CA-001358 (Fla. 13th Cir. Ct. July 23, 2018) (Judge Holder granted final approval of the FCRA settlement of \$32 per class member as to 16,000 nationwide class); *see also Cathey v. Heartland Dental, LLC*, Case No.: 2019-CA-000568 (Fla. 4th Judicial Circuit) (Nov. 13, 2018)(Florida court granted final approval of the FCRA settlement of \$25 per class member as to 8,900 nationwide class); *Twardosky v. Waste Management, Inc. of Florida, et al* 8:19-cv-02467-CEH-TGW (M.D.

Fla., June 28, 2021) (court granted final approval of the FCRA settlement of \$18.50 per class member as to 29,295 nationwide class).

26. The recovery here is well within the range of reasonableness, particularly in light of the risks the Settlement Class Members face in this case.

29. In sum, as Plaintiff's counsel I was well-positioned to evaluate the strengths and weaknesses of Plaintiff's claims, as well as the appropriate basis upon which to settle them, as a result of similar class action cases I've brought in the past. I fully support the settlement.

30. On June 30, 2022, the Court granted preliminary approval of the Parties' class action settlement.

31. Since that time, and as attested to by the Settlement Administrator, American Legal Claims ("ALC"), notice went out to the approximately 66,704 class members.

32. Thus, it is estimated that 98.89% of the class notices were deemed delivered to class members.

33. More importantly, to date there have been zero objections, only three opt-outs received, and 7,136 claims filed.

34. Based on my class action-related experience, the data provided above represents an excellent response from the class members.

35. For the reasons set forth above, I respectfully submit that this settlement is fair, reasonable, and adequate and should be granted final approval.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 14th day of September, 2022.

A handwritten signature in black ink, appearing to read "Brandon J. Hill". The signature is written in a cursive, flowing style.

Brandon J. Hill

EXHIBIT 2

**THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION**

LONITA JOHNSON,

Plaintiff,

v.

CASE NO.: 21-CA-005587

DIVISION: J

G4S SECURE SOLUTIONS (USA), INC.,

Defendant.

_____/

DECLARATION OF LUIS A. CABASSA

1. I, along with my law partner, Brandon J. Hill, represent the Named Plaintiff in this case.

2. Regarding my relevant educational and professional background, I have been engaged in the practice of law for approximately twenty-six (26) years. The corresponding state and federal bar admissions are:

- Supreme Court of Florida (1995)
- United States Court of Appeals for the Eleventh Circuit (1998)
- United States District Court for the Northern District of Florida (1995)
- United States District Court for the Middle District of Florida (1997)
- United States District Court for the Southern District of Florida (2003)

3. I obtained a *Juris Doctor* in 1995 from the Florida State University College of Law (With Honors) and a B.S. in Industrial Labor Relations from Cornell University in 1992 (With Honors).

4. For over twenty years, my practice has been devoted almost exclusively to Labor and Employment Law. I have extensive trial experience in State and Federal Court, including several collective and class actions.

5. Since 2005, I have been Board Certified by the Florida Bar as a Specialist in Labor and Employment Law. I am also AV rated by Martindale Hubbell and a Fellow of the American Bar Foundation.

6. I have served on the Board Certification Committee for the Labor and Employment Section of the Florida Bar.

7. During my career I have been lead counsel, or co-counsel, more than 600 federal and state court lawsuits.

8. I have been retained by Plaintiff as counsel in the instant case.

9. I possess the experience required to represent the proposed class, and my firm has the resources and experience to prosecute this case.

10. I possess the requisite experience necessary to serve as class counsel in this case. I have been appointed as class counsel in multiple class actions, including cases involving a few hundred class members up to nearly half a million class members. Below is a list of class action cases I have been appointed as class counsel by the Court:

- *Brown, et al. v. Lowe's Companies, Inc., and LexisNexis Screening Solutions, Inc.*, Case No.: 5:13-CV-00079-RLV-DSC (W.D.N.C) (appointed as co-class counsel in national FCRA class action matter involving 451,000 class members);
- *Speer v. Whole Foods Market Group, Inc.*, 8:14-cv-03035-RAL- TBM (M.D. Fla.) (served as class counsel in Fair Credit Reporting Act class case involving 20,000 individuals);
- *Banks v. Alorica, Inc.*, Case No.: 8:13-cv-00985-JDW-TBM (M.D. Fla.) (served as class counsel in WARN Act class action in a case involving hundreds of class members);
- *Kohler, Kimberly v. SWF Operations, LLC and Domino's Pizza, LLC*, Case No. 8:14-cv-2568-T-35TGH (appointed class counsel in Fair Credit Reporting Act case involving several hundred class members);
- *Hargrett, et al. v. Amazon.com, DEDC, LLC*, 8:15-cv-02456-WFJ-AAS, M.D. Fla. Case No.: 8:15-cv-02456 (appointed as class counsel in FCRA case with 480,000+ class members);
- *Smith, et al. v. QS Daytona, LLC*, Case No.: 6:15-cv-00347-GAP-KRS (M.D. Fla.) (Doc. 45) (appointed as class counsel in FCRA class action involving several hundred class members);

- *Patrick, Nieyshia v. Interstate Management Company, LLC*, Case No. 8:15-cv-1252-T-33AEP (M.D. Fla.) (appointed as class counsel in FCRA class action with approximately 32,000 class members);
- *Molina et al v. Ace Homecare LLC*, 8:16-cv-02214-JDW-TGW (M.D. Fla) (appointed as class counsel in WARN Act case with approximately 500 class members);
- *Moody, et al v. Ascenda, et al.*, Case No. 0:16-cv-60364-WPD (S.D. Fla.) (appointed as class counsel in FCRA class action with approximately 12,000 class members);
- *Mahoney v. TT of Pine Ridge, Inc.*, Case No.: 9:17-cv-80029-DMM (S.D. Fla. Nov. 20, 2017) (served as class counsel in TCPA case with 300,000+ class members).
- *George v. Primary Care Holding Inc.*, Case No. 0:17-cv-60217-BB (S.D. Fla.) (appointed as class counsel in FCRA class action);
- *Vazquez v. Marriott International, Inc.*, Case No.: 8:17-cv-00116-MSS-SPF (M.D. Fla) (appointed as class counsel in deficient COBRA notice case with 20,000 class members);
- *Valdivieso v. Cushman & Wakefield Inc.*, Case No.: 8:17-cv-00118-SDM-JSS (M.D. Fla) (appointed as class counsel in deficient COBRA notice case with 2,000+ class members);
- *Dukes v. Air Canada*, Case No.: 8:18-cv-02176-TPB-JSS (M.D. Fla) (served as class counsel in FCRA case involving approximately 1,300 class members);
- *Figueroa v. Baycare Healthcare System, Inc.*, Case No.: 8:17-cv-01780-JSM-AEP (M.D. Fla) (served as class counsel in FCRA case involving approximately 2,009 class members);
- *Rivera v. Aimbridge Hospitality, LLC*, Case No.: 8:18-cv-02192-EAK-JSS (M.D. Fla) remanded to *Rivera v. Aimbridge Hospitality, LLC*, 18-CA-007870, Thirteenth Judicial Circuit in and for Hillsborough County, Florida (served as class counsel in data breach case with 320,000 class members).
- *Blaney v. Aimbridge Hospitality, LLC*, 18-CA-007870, Thirteenth Judicial Circuit in and for Hillsborough County, Florida (served as class counsel in Fair Credit Reporting Act case with 17,00 class members);
- *Cathey v. Heartland Dental, LLC*, 2019-CA-000568, Fourth Judicial Circuit in and for Pasco County, Florida (served as class counsel in Fair Credit Reporting Act case with 9,800 class members);
- *Harake v. Trace Staffing Solutions, LLC*, Case No.: 8:19-cv-00243-CEH-CPT (M.D. Fla) (served as class counsel in Fair Credit Reporting Act case with 8,700 class members);
- *Hicks v. Lockheed Martin Corporation*, Case No.: 8:19-cv-00261-JSM-TGW (M.D. Fla) (appointed as class counsel in deficient COBRA notice case with 54,000+ class members);
- *Holly-Taylor v. Acadia Healthcare Company, Inc., et al.*, Case No.: 18-CA-007870, Thirteenth Judicial Circuit in and for Hillsborough County, Florida (served as class counsel in Fair Credit Reporting Act case with 25,00 class members);

- *Ali v. Laser Spine Institute, LLC*, Case No.: 8:19-cv-00261-JSM-TGW (M.D. Fla) (appointed as class counsel WARN Act case involving 500 class members);
- *Rigney et al v. Target Corporation*, Case No.: 8:19-cv-01432-MSS-JSS (M.D. Fla) (served as class counsel in deficient COBRA notice case with 92,000+ class members)
- *Luker v. Cognizant Technologies Solutions U.S. Corporation*, Case No.: 8:19-cv-01448-WFJ-JSS (M.D. Fla) (served as class counsel in wage case with 308 class members);
- *Lyttle v. Trulieve, Inc., et al.*, Case No.: 8:19-cv-02313-CEH-TGW (M.D. Fla) (appointed as class counsel in Fair Credit Reporting Act case involving 1,300 class members);
- *Twardosky v. Waste Management, Inc. of Florida, et al.*, 8:19-cv-02467-CEH-TGW (M.D. Fla) (appointed as class counsel in Fair Credit Reporting Act case involving 29,295 class members);
- *Silberstein v. Petsmart, Inc.*, 8:19-cv-02800-SCB-AAS (M.D. Fla) (appointed as class counsel in deficient COBRA notice case with 12,000+ class members);
- *Benson v. Enterprise Holdings, Inc. et al.*, Case No.: 6:20-cv-00891-RBD-LRH (M.D. Fla) (appointed as class counsel in WARN Act class action involving 900+ class members);
- *Morris et al v. US Foods, Inc.*, Case No.: 8:20-cv-00105-SDM-CPT (M.D. Fla) (appointed as class counsel in deficient COBRA notice case with 19,000+ class members);
- *Forsyth v. Lucky's Market GP2, LLC et al*, Case No.: 20-10166 (JTD); Adv. Pro. No. 20-50449 (JTD) (Del. Bk.) (served as class counsel in WARN Act class action pursued in Bankruptcy court adversarial proceeding involving hundreds of former employees);
- *Taylor v. Citizens Telecom Services Company, LLC*, Case No.: 8:20-cv-00509-CEH-CPT (M.D. Fla) (appointed as class counsel in deficient COBRA notice case with 16,137 class members);
- *Holmes et al v. WCA Waste Systems, Inc.*, Case No.: 8:20-cv-00766-SCB-JSS (M.D. Fla) (served as class counsel in deficient COBRA notice case with 1,720 class members);
- *Boyd v. Task Management, Inc.*, Case No.: 8:20-cv-00780-MSS-JSS (M.D. Fla.) (appointed as class counsel in Fair Credit Reporting Act case involving 5,500 class members);
- *In re The Hertz Corporation, et al*, Case No.: 20-11218 (MFW) (Del. Bk.) (served as class counsel in WARN Act class action pursued in Bankruptcy court involving 6,000+ class members);
- *Kaintz v. The Goodman Group, Inc.*, 8:20-cv-02115-VMC-AAS (appointed as class counsel in deficient COBRA notice case with 2,889 class members);
- *Gorman v. Whelan Event Staffing Services, Inc., et al.*, Case No.: 8:20-cv-02275-CEH-AEP (appointed as class counsel in Fair Credit Reporting Act case involving 29,000+ class members);

- *Benitez v. FGO Delivers, LLC*, Case No.: 8:21-cv-00221-KKM-TGW (M.D. Fla.) (appointed as class counsel in Fair Credit Reporting Act case involving 9,000+ class members);
- *Lopez v. Ollie's Bargain Outlet, Inc.*, 2020-CA-002511-OC, Ninth Judicial Circuit in and for Pasco County, Florida (served as class counsel in Fair Credit Reporting Act case with 3,500 class members);
- *McNamara v. Brenntag Mid-South, Inc.*, Case No.: 8:21-cv-00618-MSS-JSS (M.D. Fla.) (appointed as class counsel in deficient COBRA notice case with 800+ class members);
- *Santiago et al v. University of Miami*, 1:20-cv-21784-DPG (appointed as class counsel in ERISA class action involving university retirement plan and approximately 20,000 class members).

11. I have been retained by Plaintiff as counsel in the instant case. I am confident that the proposed Class Representative, Lonita Johnson ("Ms. Johnson"), will adequately represent the putative class members in this case.

12. Ms. Johnson provided critical information utilized to draft the Complaint, Amended Complaint, and even to the draft discovery propounded in this case. No conflicts, disabling or otherwise, exist between Ms. Johnson and the class members.

13. Additionally, Ms. Johnson attended mediation via Zoom, participated in settlement discussions, and was otherwise available to answer questions from counsel and participate in this litigation.

14. My law partner, Brandon Hill, and I have the desire, intention, financial resources, and ability to prosecute these claims in the face of strenuous opposition by Defendant.

15. I have no conflicts with any class members.

16. The decision to mediate this case, and resolve this case, on a class basis was well informed.

17. Prior to settling this case we obtained from Defendant substantive information on the class, along with information on Defendant's FCRA background check process and forms.

18. Furthermore, a settlement was only reached with the assistance of one of Florida's most respected mediators, Carlos J. Burruezo.

19. With Mr. Burruezo's assistance, on April 4, 2022, the Parties reached an agreement in principle to resolve this action on a class basis.

20. In this case, all Parties face the prospect of continued litigation through the completion of a trial and jury deliberations, followed by an appeal.

21. The recovery here is well within the range of reasonableness, particularly considering the risks the Settlement Class Members face in this case.

22. On June 30, 2022, the Court granted preliminary approval of the Parties' class action settlement.

23. Since that time, and as attested to by the Settlement Administrator, American Legal Claims ("ALC"), notice went out to the approximately 66,704 class members.

24. Thus, it is estimated that 98.89% of the class notices were deemed delivered to class members.

25. More importantly, to date there have been zero objections, only three opt-outs received, and 7,136 claims filed. Based on my class action-related experience, the data provided above represents an excellent response from the class members.

26. In sum, as Plaintiff's counsel I was well-positioned to evaluate the strengths and weaknesses of Plaintiff's claims, as well as the appropriate basis upon which to settle them, because of similar class action cases I've brought in the past. I fully support the settlement.

27. Based upon my involvement in many, many class actions over the last few years, including in the multiple FCRA disclosure cases our firm filed and settled in state and federal courts over the several years, which are cited in Plaintiff's Motion, the Parties' proposed settlement is fair, reasonable, and adequate and should be approved.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 14th day of September, 2022.

/s/ Luis A. Cabassa
Luis A. Cabassa