

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

KIRAN KUMAR CHANDRA SHEKAR, on
behalf of himself and all others similarly
situated,

Plaintiff,

vs.

ACCURATE BACKGROUND, INC.,

Defendant.

No. 2:17-cv-00585-LA

**ORDER DIRECTING NOTICE TO THE
SETTLEMENT CLASS**

The Court, having reviewed the Plaintiff's Unopposed Motion for an Order Directing Notice to the Settlement Class and the Settlement Agreement entered into by the Parties, hereby ORDERS that:

1. The Court has considered the proposed settlement of the claims asserted in this matter on behalf of the following class (the "Settlement Class"), which it certified for all purposes on July 24, 2020:

During the period beginning April 25, 2015 and continuing to November 15, 2018, all natural persons residing in the United States and its Territories: (i) about whom Defendant furnished a consumer report for employment purposes, (ii) whose report contained one or more items of criminal record information, (iii) to whom Defendant did not send any notice under FCRA section 1681k(a)(1) at the time it furnished the report, (iv) who disputed the description of the charge level of the criminal record included on the report, and (v) whose disputes resulted in a correction to the description of the charge level.

2. Based upon the Court's review, it appears that the settlement is fair, reasonable, and adequate, and that each of the following is true:

a. the Class Representative, Kiran Kumar Chandra Shekar, and Class Counsel, Francis Mailman Soumilas, P.C. and SmithMarco, P.C. have adequately represented the Settlement Class;

- b. the proposed settlement was negotiated at arm's length;
- c. the relief provided for the Settlement Class is adequate, taking into account:
 - i. the costs, risks, and delay of trial and appeal;
 - ii. the monetary amount and effectiveness of the proposed method of providing payments to eligible Settlement Class Members; and
 - iii. the terms of the proposed awards of attorneys' fees and costs and individual settlement and service payment to the named Plaintiff, including timing of payment.
- d. the proposed settlement treats Settlement Class members equally relative to each other.

3. The Court has reviewed the proposed manner of giving notice as set forth in the Settlement Agreement and proposed notices to class members and finds that the proposed method of notice distribution fully satisfies the requirements of FED. R. CIV. P. 23 and due process, constitutes the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

4. No later than fourteen (14) days after the date of this Order, Defendant shall compile and securely deliver to Settlement Administrator and Class Counsel a list of Settlement Class members in accordance with Section 3.2 of the Settlement Agreement.

5. No later than fourteen (14) days after the expiration of the Opt Out Deadline and Objection Deadline, the Settlement Administrator will cause a declaration to be filed with the Court that the notice of the Settlement was given as required by the Settlement Agreement.

6. The Court will hold a Final Approval Hearing pursuant to FED. R. CIV. P. 23(e) on May 28, 2021 (*at least 120 days after entry of Order Directing Notice to the Settlement Classes*) at the United States District Court for the Eastern District of Wisconsin, located at 517 E. Wisconsin Ave., Milwaukee, Wisconsin, Courtroom 390 at 11:15 a.m. for the following purposes:

a. To determine whether the proposed settlement is fair, reasonable and adequate and should be granted final approval by the Court;

b. To determine whether a final judgment should be entered dismissing the claims of the Settlement Class and Shekar's individual claims with prejudice, as required by the Settlement Agreement;

c. To consider the application of Class Counsel for an award of attorney's fees and expenses, and for an individual settlement and service award to the Class Representative; and

d. To rule upon other such matters as the Court may deem appropriate.

7. If a Settlement Class Member chooses to opt out of the Settlement Class, such Settlement Class Member is required to submit a request for exclusion to the Settlement Administrator in the manner described in the Settlement Agreement, submitted no later than sixty (60) days of the date of notice. No later than fourteen (14) days after the Opt-Out Deadline Date, the Settlement Administrator shall provide to Class Counsel and Defendant's Counsel a complete list of all Settlement Class Members who have properly opted out of the Settlement Classes together with copies of the opt out requests.

8. A Settlement Class Member who does not file timely a request for exclusion shall be bound by all subsequent proceedings, orders, and judgments in this action. Any Settlement Class Member who submits a timely request for exclusion may revoke his or her request for exclusion by submitting to the Settlement Administrator a written statement of revocation, postmarked or received no later than fourteen (14) days before the date of the Final Approval Hearing.

9. Any Settlement Class Member who wishes for the Court to consider an objection to the settlement must submit a Notice of Objection via First Class Mail to (a) Class Counsel; (b) Defendants' Counsel; and (c) the Clerk of the Court. Such objection shall be personally signed and state: the caption of the Litigation; the full name, address and telephone number of the Class Member objecting to the Settlement; a detailed statement of each objection asserted, including the grounds for objection and reasons for appearing and being heard, together with any documents such Class Member wishes to be considered in support of the objection; the identity of all counsel who represent the objector, including any former or current counsel who may be entitled to compensation for any reason related to the objection to the Settlement or Fee Petition; any and all agreements that relate to the objection or the process of objecting—whether written or oral—between objector or objector's counsel and any other person or entity; the identity of all counsel representing the objector who will appear at the Final Approval Hearing; and, all relief sought.

10. Any objector who wishes to be heard at the Final Approval Hearing must also file a notice of intent to appear with the Court Clerk's office no later than fourteen

(14) days before the Final Approval Hearing, and must provide both Class Counsel and Defendant's Counsel with copies of the notice of intent to appear.

11. All briefs, memoranda, petitions, and affidavits to be filed in support of an individual settlement and service award to the Class Representative and for an award of attorneys' fees and expenses shall be filed no later than fourteen (14) days prior to the deadline for class members to make objections, or within another time set by the Court.

12. All briefs, memoranda, petitions, and affidavits to be filed in support of final approval of the Settlement shall be filed no later than fourteen (14) days prior to the Final Approval Hearing, or within another time set by the Court.

BY THE COURT:

s/Lynn Adelman
HON. LYNN ADELMAN
United States District Judge

Dated: 12/29/20