

You are eligible to get \$300 or more as a result of the settlement in the class action lawsuit captioned:

Damarcus Stewart v. Accurate Background, LLC
No. 5:22-cv-01926-EJD (N.D. Cal.)

A federal court authorized this notice.

This is not a solicitation from a lawyer or notice of a lawsuit against you.

Please read this notice carefully.

It explains your rights and options to participate in a class action settlement.

What are your legal rights and options?

DO NOTHING:	If you do nothing, you will receive a \$300 payment and will not be able to sue Accurate Background for any claim(s) that you have against them related to this case.
FILE A CLAIM:	If you experienced harm as a result of Accurate Background's report about you and submit a Claim Form by January 30, 2024, you will be eligible for a higher payment, up to \$5,000.
EXCLUDE YOURSELF:	If you exclude yourself from the settlement, you will not receive a payment, and you will not release any claims you may have against Defendant.
OBJECT:	You may tell the Court you don't agree with the settlement.

Why is this notice available?

This is a notice of a proposed settlement in a class action lawsuit. The settlement would resolve the lawsuit, which Damarcus Stewart ("Stewart") filed against Accurate Background, LLC ("Defendant"). Please read this notice carefully. It explains the lawsuit, the settlement, and your legal rights, including the process for receiving a payment, excluding yourself from the settlement or objecting to the settlement.

What is this lawsuit about?

Stewart filed this lawsuit against Defendant, alleging that Defendant violated the federal Fair Credit Reporting Act ("FCRA") by preparing reports that contained one or more criminal records that had been (a) expunged, (b) sealed, (c) dismissed pursuant to California Penal Code § 1203.4, or (d) otherwise removed from the public record.

Why is this a class action?

In a class action, one or more people called "class representatives" file a lawsuit on behalf of people who have similar claims. All of these people together are a "class" or "class members." The Court resolves the claim at once for all class members, except for those who exclude themselves from the class.

Why is there a settlement?

Stewart and Defendant have agreed to settle the lawsuit to avoid the time, risk and expense associated with it, and to achieve a final resolution of the disputed claims. Defendant denies any wrongdoing, denies any liability under the FCRA, and denies that class certification would have been appropriate if this case had not been resolved. Under the settlement, participating class members will get a payment of \$300, or more if they make a claim, in settlement of the claims raised in the lawsuit. Stewart and his attorneys think the settlement is best for all class members.

How do you know if your claims are included in the settlement?

This settlement resolves claims on behalf of the following class:

From the period of February 20, 2020 to February 28, 2023, all natural persons residing in the United States and its Territories: (a) about whom Defendant furnished a consumer report for employment purposes; (b) whose report contained one or more items of criminal record information relating to a record that had been (i) expunged, (ii) sealed, (iii) dismissed pursuant to California Penal Code § 1203.4, or (iv) otherwise extinguished from the public record; (c) who disputed information on their report; (d) where an amended report was issued; and (e) where the amendment of the report was related to the reporting of a criminal record(s) that, at some point before the resolution of the dispute, Defendant determined had been expunged, sealed, otherwise extinguished from the public record, or dismissed pursuant to California Penal Code § 1203.4.

Based on Defendant's records, you are a Settlement Class Member.

What does the settlement provide?

Defendant will establish a settlement fund in the amount of \$487,000. Out of the settlement fund, Defendant will pay:

- a. Compensation to Settlement Class Members of at least \$300 each, with the ability to get a higher payment up to \$5,000 for Settlement Class Members who complete a valid Claim Form;
- b. A Service Award to the Class Representative of \$10,000, subject to the Court's approval;
- c. Notice and Administration Costs incurred by Class Counsel, estimated to be \$20,000;
- d. An award of attorneys' fees and reimbursement of costs in the amount of \$184,000, subject to the Court's approval; and
- e. An individual settlement payment to Stewart in the amount of \$20,000, subject to the Court's approval.

Any remaining monies from uncashed payments will be donated to a *cy pres* recipient.

How can you get a payment?

Unless you opt out of the settlement, you will receive a \$300 payment without doing anything. You may also fill out a claim form by January 30, 2024, to receive a higher payment. The amount of the higher payments will depend on how many Settlement Class Members submit a Claim Form and will be capped at \$5,000. The claim form is available at www.StewartFCRASettlement.com.

When will you be paid?

If the Court grants final approval of the settlement, settlement checks will be mailed to class members after the judgment in the lawsuit becomes final. If there is an appeal of the settlement, payment may be delayed.

What rights are you giving up in this settlement?

Unless you exclude yourself from the settlement, you will be considered a Settlement Class Member, which means you give up your right to sue or continue a lawsuit against Defendant over the released claims. This is called a “release.” Unless you formally exclude yourself from the settlement, you will release your claims against Defendant.

For more information on the release, released parties and released claims, you may obtain a copy of the class action settlement agreement from the settlement website, www.StewartFCRASettlement.com.

How can you exclude yourself from the settlement?

You may exclude yourself from the settlement, in which case you will not receive a payment. If you wish to exclude yourself from the settlement, you must mail a written request for exclusion to the settlement administrator, at the address set forth below, **postmarked by January 30, 2024**. You must include in your request for exclusion your:

- a. Full name;
- b. Address; and
- c. A clear and unambiguous statement that you wish to be excluded from the settlement, such as “I request to be excluded from the settlement in the *Stewart* action.”

You must sign the request personally. If any person signs on your behalf, that person must attach a copy of a power of attorney or other official document authorizing that signature.

Settlement Administrator:
Stewart v. Accurate Background
c/o Settlement Administrator
PO Box 23678
Jacksonville, FL 32241-3678

When and where will the Court decide whether to approve the settlement?

The Court will hold a final fairness hearing on **February 22, 2024, at 9:00 a.m.** The hearing will take place in the United States District Court for the Northern District of California, 280 S. 1st Street, Courtroom 4 – 5th Floor, San Jose, California, before the Honorable Edward J. Davila. At the final fairness hearing, the Court will consider whether the settlement is fair, reasonable, and adequate and, if so, whether it should be granted final approval. The Court will also hear objections to the settlement, if any. The Court may make a decision at that time, postpone a decision or continue the hearing.

Do you have to attend the hearing?

No. You are not required to attend the hearing. But you are welcome to attend the hearing at your own expense. You cannot speak at the hearing if you have excluded yourself from the class settlement. Once you have excluded yourself, the class settlement does not affect your legal rights.

What if you want to object to the settlement?

If you do not exclude yourself from the settlement, you can object to the settlement if you do not believe it is fair, reasonable, and adequate. If you wish to object, you must mail a written notice of objection, postmarked by **January 30, 2024**, to Class Counsel, Defendant's attorneys, and to the Court, at the following addresses:

Class Counsel:

Francis Mailman Soumilas, P.C.
John Soumilas
1600 Market Street, Suite 2510
Philadelphia, PA 19103

Defendant's Counsel:

Seyfarth Shaw LLP
Pamela Q. Devata
John W. Drury
233 South Wacker Drive
Suite 8000
Chicago, IL 60606

Court:

U.S. District Court for the
Northern District of
California
280 S. 1st Street
San Jose, CA 95113

You must include in your objection your:

- a. Full name;
- b. Address;
- c. A statement of the specific objection(s);
- d. The grounds for the objection(s); and
- e. A statement noting whether you intend to appear at the fairness hearing.

By when must you enter an appearance?

Any class member who objects to the settlement and wishes to enter an appearance must do so by **January 30, 2024**. To enter an appearance, you must file with the Clerk of the Court a written notice of your appearance and you must serve a copy of that notice, by U.S. mail or hand-delivery,

upon Class Counsel and Defendant's attorneys, at the above addresses.

What will happen if the Court does not approve the settlement?

If the Court does not finally approve the settlement or if it finally approves the settlement and the approval is reversed on appeal, or if the settlement does not become final for some other reason, you will receive no benefits and the lawsuit will continue.

Who are the attorneys for Stewart?

Stewart's attorneys are:

James A. Francis
John Soumilas
Lauren KW Brennan
Erika A. Heath
Francis Mailman Soumilas, P.C.
1600 Market Street, Suite 2510
Philadelphia, PA 19103
Tel: (215) 735-8600
Fax: (215) 940-8000

The Court has appointed these attorneys to act as Class Counsel. You do not have to pay Class Counsel. If you want to be represented by your own lawyer, and have that lawyer appear in Court for you in this case, you must hire one at your own expense.

Who are Defendant's attorneys?

Defendant's attorneys are:

Pamela Q. Devata
John W. Drury
Seyfarth Shaw LLP
233 South Wacker Drive, Suite 8000
Chicago, IL 60606
Tel: (312) 460-5000
Fax: (312) 460-7000

Where can you get additional information?

This notice is only a summary of the settlement. All documents filed with the Court, including the full class action settlement agreement, may be reviewed or copied at the United States District Court for the Northern District of California. In addition, pertinent case materials are available at the settlement web site, www.StewartFCRASettlement.com.

If you would like additional information about this matter, please contact:

Stewart v. Accurate Background, LLC -- Class Counsel
c/o Francis Mailman Soumilas, P.C.
1600 Market Street, Suite 2510
Philadelphia, PA 19103
Tel: (215) 735-8600
Fax: (215) 940-8000

Please do not call the Judge about this case. Neither the Judge, nor the Clerk of Court, will be able to give you advice about this case. Furthermore, neither Defendant nor Defendant's attorneys represent you, and they cannot give you legal advice.