


UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA
Anthony Reed v. Balfour Beatty Rail, Inc., et al., No. 21 Civ. 1846

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT AND HEARING

If Balfour Beatty Infrastructure, Inc.’s (“Balfour’s”) records show that at any time between August 13, 2019 and February 28, 2022, you applied for employment with Balfour and were subject to a background check for employment purposes, you are entitled to a payment from this Settlement.

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

- You are receiving this notice because Balfour’s records indicate that you are a member of the Settlement Class as described below.
- This notice relates to a settlement in a class action lawsuit alleging that Balfour violated the Fair Credit Reporting Act (“FCRA”) and California Investigative Consumer Reporting Agencies Act (“ICRAA”), based on the form Balfour used to disclose to employment applicants that Balfour sought to run a background check. Balfour denies that it violated the law. The two sides disagree as to whether Balfour’s conduct was permitted under the law. The parties, however, have agreed to resolve the lawsuit through a Court-supervised settlement.
- Balfour has agreed to pay \$330,000, which will be used to cover payments to Settlement Class Members, any applicable employer payroll taxes, Class Counsel’s attorneys’ fees and costs, and a service payment to the Plaintiff who brought the lawsuit and assisted with it. Separately, Balfour has agreed to pay an additional amount up to \$20,000 to cover the costs of administering the Settlement.
- Payments to Settlement Class Members will vary based on a number of factors described in the settlement documents. Depending on those factors, it is presently estimated that if you applied for employment in California, you could be eligible for a payment of up to approximately \$1,300. If you applied for employment outside of California, you could be eligible for a payment of up to approximately \$130. It is also possible payments could exceed these figures depending on the factors described in the settlement documents, such as the amount of court-approved expenses and fees and the number of Settlement Class Members who file claims.
- Visit the Settlement Website at www.balfourfcrasettlement.com for additional details about the Settlement. You may also get additional information by contacting the Settlement Administrator at the address, e-mail address, or phone number identified in Paragraphs 9-10 below.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
SUBMIT A CLAIM FORM	<p>You must submit a Claim Form by April 25, 2023, to receive payment under the Settlement. You will release the claims summarized in response to Question 8 below, and as more fully described in the settlement documents, which you can review at the Settlement Website or at the Court.</p> <p>You can submit a claim form in the following ways: mail the attached claim form, e-mail it, fax it, or scan this QR code to submit via the Settlement Website:</p> <div style="text-align: center;">  </div> <p>Should you submit a timely claim form, payments will be sent by mail unless you select electronic payment. You can select electronic payment either via the attached claim form or on the Settlement Website.</p>
DO NOTHING	<p>If you do not submit a Claim Form, you get no payment. You will release the claims summarized in response to Question 8 below, and as more fully described in the settlement documents, which you can review at the Settlement Website or at the Court.</p>
EXCLUDE YOURSELF	<p>If you wish to exclude yourself (“opt out”) from the Settlement, you must follow the directions outlined in Paragraph 9 below. If you request exclusion, <u>you will receive no money from the Settlement</u>. Your exclusion request must be postmarked or otherwise received no later than April 25, 2023.</p>
OBJECT	<p>If you wish to tell the Court that you believe the Settlement is not fair and reasonable, you may object to the settlement, following the directions outlined in Paragraph 10 below. You must object in writing in order to appear at the Fairness Hearing to speak to the Court about the fairness of the Settlement. Your written Objection must be postmarked no later than April 25, 2023.</p>

These rights and options – **and deadlines** – are explained in this notice.

The Court in charge of this case still has to decide whether to give final approval to the Settlement. Class Member relief in the form of injunctive relief and/or payments will be made if the Court approves the Settlement and after appeals, if any, are resolved. Please be patient.

BASIC INFORMATION

1. Why did I receive this Notice, and what is this lawsuit about?

You are receiving this Notice because Balfour's records indicate that at some time between August 13, 2019 and February 28, 2022, you applied for employment with Balfour, and during the application process, Balfour provided you with a form disclosing that it sought to run a background check and you were subject to a background check. ("Settlement Class"). Plaintiff alleged that this form did not comply with the FCRA and the ICRAA. This Notice has been sent because members of the Settlement Class have a right to know about the proposed Settlement of the class action lawsuit in which they are putative class action members, and about all of their options, before the Court decides whether to approve the Settlement.

2. Why is there a Settlement?

The Court did not decide in favor of the Plaintiffs or in favor of Balfour. Both sides believe they would have prevailed but there was no ruling in favor of either party. Instead, both sides agreed to a settlement. The parties engaged in lengthy and arm's length negotiations to reach this Settlement. That way, they avoid the delays and uncertainties associated with a trial, and the people affected will get compensation. The Plaintiff and Class Counsel think the Settlement is fair, reasonable, and adequate.

WHO IS IN THE SETTLEMENT

3. How do I know if I am part of the Settlement?

You are part of the Settlement if you are a U.S. resident individual who was subject to a consumer report prepared for employment with Balfour Beatty Infrastructure, Inc. between August 13, 2019, and February 28, 2022. Based on Balfour's records, at some time between August 13, 2019, and February 28, 2022, you applied for employment with Balfour, and during the application process, Balfour provided you with a form disclosing that it sought to run a background check. If you are not sure about whether you are a member of the Settlement Class, you can contact the Settlement Administrator at the address, e-mail address, or phone number identified in Paragraphs 9-10 of this Notice.

WHAT YOU GET

4. What does the Settlement provide?

Balfour has agreed to pay \$330,000, which will be used to cover payments to Settlement Class Members, any applicable employer payroll taxes, Class Counsel's attorneys' fees and costs, and a service payment to the Plaintiff who brought the lawsuit and assisted with it. Separately, Balfour has agreed to pay an additional amount up to \$20,000 to cover the costs of administering the Settlement.

5. How much will my payment be?

The amount of money you individually receive will depend both on where you applied for employment with Balfour and how many people submit a Claim Form in total. Each Settlement Class Member who submits a timely Claim Form will receive a certain number of shares of the Net Settlement Fund. Each Settlement Class Member who applied for employment with Balfour in California will receive 10 shares, and each Settlement Class Member who applied for employment with Balfour outside of California will receive 1 share. The value of each share will be determined by dividing the total amount of the Net Settlement Fund by the total number of shares, and the total number of shares in turn depends on the number of Claim Forms submitted.

Based on Balfour's estimate of the number of Settlement Class Members in and outside of California, assuming every Settlement Class Member submits a Claim Form, you could be eligible for a payment of approximately \$1,300 if you applied for employment in California, and a payment of approximately \$130 if you applied for employment outside of California. These numbers could vary based on the Court's approval of various items in the settlement and the number of Claim Forms submitted.

HOW YOU GET A PAYMENT

6. How can I get my payment?

In order to receive a payment, you **must** submit a Claim Form postmarked or otherwise submitted by April 25, 2023. If you choose to exclude yourself (as explained in Paragraph 9 below), then you will not receive a payment and will not be part of the Settlement. If you do not submit a timely and fully completed Claim Form you will not receive a payment.

7. How will my payment be taxed?

Your payment will be allocated as non-wage income and may be reported on an IRS Form 1099 depending on the amount. Neither Class Counsel nor Balfour makes any representations concerning the tax consequences of this Settlement and you are advised to seek your own personal tax advice regarding the tax implications of the Settlement.

8. What claims will I be releasing?

If the Court grants final approval of the Settlement, then all Settlement Class Members who submitted a Claim Form are giving up (also called "releasing") all claims of any kind including all damages, injunctive relief, and any possible attorney's fees or costs under the under FCRA or similar state and local laws that could have been brought based on the allegations in Plaintiff's Complaint, including but not limited to the ability to bring class action, mass action, representative or other similar joint or collective claims against Balfour or any related entity. Settlement Class Members who applied for employment with Balfour in California will additionally release claims arising out of or relating to any alleged conduct of Balfour or related entities arising out of or relating to a failure to hire based on their background screening, including but not limited to the ability to bring class action, mass action, representative or other similar joint or collective claims.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you want to be able to sue Balfour on your own, then you must exclude yourself from the Settlement Class. This process is sometimes also referred to as “opting out.”

9. How do I opt out of the Settlement?

To exclude yourself from the Settlement, you must send a letter by First Class U.S. mail, an e-mail, or a fax with a statement of your intention to opt-out, such as: “I opt out of the Balfour background check settlement.” Be sure to include your name, email, address, telephone number, and your signature. Your exclusion request must be postmarked or otherwise received no later than April 25, 2023, and must be sent to:

Reed v Balfour Beatty
c/o Settlement Administrator
PO BOX 23489
Jacksonville, FL 32241-3489

If you ask to be excluded, you will not receive a settlement payment, and you cannot object to the Settlement, but you will be able to separately sue Balfour. If you wish to exclude yourself in order to file an individual lawsuit against Balfour, you should speak to a lawyer as soon as possible because your claims are subject to a statute of limitations.

OBJECTING TO THE SETTLEMENT

10. How do I tell the Court that I do not like the Settlement?

You can object to the Settlement if you do not like any part of it. To object, you must send a letter via First Class U.S. Mail saying that you object to *Anthony Reed v. Balfour Beatty Infrastructure, Inc.*, 21 Civ. 1846. In your Objection, be sure to include your name, address, email, telephone number, your signature, and the reasons why you object to the Settlement. Your exclusion request must be postmarked no later than April 25, 2023, and must be mailed to:

Reed v Balfour Beatty
c/o Settlement Administrator
PO BOX 23489
Jacksonville, FL 32241-3489

If you choose to object, you have the right to appear at the Fairness Hearing either on your own behalf or through counsel, should you retain your own counsel. If you wish to appear at the Fairness Hearing, you must state your intention to do so in writing in your Objection.

THE LAWYERS REPRESENTING YOU

11. Do I have a lawyer in this case?

The Court has appointed Plaintiff Anthony Reed as Class Representative. The Court has appointed Outten & Golden, LLP to represent you and all Class Members. These lawyers are called “Class

Counsel.” Unless you elect to exclude yourself from the Settlement, you will continue to be represented by Class Counsel in connection with the implementation of the Settlement throughout the duration of the terms of the Settlement at no cost to you. Class counsel may be contacted here:

Ossai Miazad
Christopher M. McNerney
Outten & Golden, LLP
685 Third Avenue, 25th Floor
New York, New York 10071
Telephone: (212) 245-1000
BalfourSettlement@outtengolden.com

12. How will the lawyers be paid?

Class Counsel will ask the Court to approve payment of up to \$110,000 for their attorneys’ fees, plus reimbursement of actual litigation expenses and costs.

13. How will the Plaintiff be paid?

Class Counsel will seek a \$10,000 Service Award for Plaintiff Anthony Reed, for his work representing the Settlement Class.

THE COURT’S FAIRNESS HEARING

14. Where and when will the Court decide whether to approve the Settlement?

The Court is currently scheduled to conduct a Final Approval Hearing regarding the proposed Settlement on **Friday, June 16, 2023, at 10:30 AM**, in the United States District Court for the Central District of California, located at Courtroom 8A, First Street U.S. Courthouse, 350 West First Street, Los Angeles, California 90012. You do not need to attend the hearing, but you may attend if you would like at your own expense. You may ask the Court for permission to speak at the Final Approval Hearing.

At this hearing, the Court will consider the fairness, reasonableness, and adequacy of the terms of the Settlement. If there are objections, the Court will consider them. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long the Court’s decision will take.

Please note that the Court can continue the Final Approval Hearing to another date without notice.

15. Are there more details about the Settlement?

The full Settlement Agreement and certain pleadings filed are available on the website created for this settlement by the Settlement Administrator, available at www.balfourfcrsettlement.com.

16. How do I get more information?

You can contact the Settlement Administrator, identified in Paragraph 9-10 above, or Class Counsel, identified in Paragraph 11 above.

This notice summarizes the proposed settlement. For the precise terms and conditions of the settlement, please see the settlement agreement available at www.balfourcrassettlement.com, by contacting class counsel at the address identified in Paragraph 11, by accessing the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Central District of California, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

PLEASE DO NOT TELEPHONE THE COURT OR THE OFFICE OF THE CLERK FOR INFORMATION REGARDING THIS SETTLEMENT.