



United States District Court for Eastern District of Virginia

McAfee v. CIC Mortgage Credit, Inc.

Case No. 3:22-cv-00772-RCY

Class Action Settlement Notice

Authorized by the U.S. District Court

A proposed class action settlement may affect your rights.

You are not being sued.

This notice explains the Settlement, the Settlement Class, and your legal rights and options.

Please read the entire notice carefully.

You should:

1. Read this notice.
2. If you do not want to remain in the Class, submit an exclusion request by January 29, 2024.
3. If you want to receive a monetary payment, submit a claim form by January 29, 2024.

Important things to know:

- If you remain in the Settlement Class and return a timely and valid Claim Form, and the Court approves the Settlement, you will receive a monetary payment.
- If you take no action, you will still be bound the Settlement and its releases.
- You can learn more at: www.McAfeeFCRASettlement.com.

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About This Notice

Why did I get a notice?

If you received a postcard notice in the mail, you have been identified as a potential member of the Settlement Class in this lawsuit. Specifically, Defendant's records indicate that you were the subject of a consumer report furnished by Defendant to a third party between December 14, 2017, and June 9, 2023, and the report indicated that you were deceased when you were in fact alive at the time of the report. As a Settlement Class Member, you are eligible to receive a payment as part of this class action Settlement.

What is a class action lawsuit?

A class action is a lawsuit in which one or more people sue on behalf of a larger group, called the Class.

This notice describes your rights. Please review it carefully.

What do I do next?

Your Legal Rights & Options:

| | |
|---|---|
| DO NOTHING | If you do nothing, you will not receive a settlement payment but you will be bound by the Court's decisions regarding the Settlement. You will not be able to pursue any potential claims against the Defendant that have been released as part of the Settlement. Review the full release at www.McAfeeFCRASettlement.com . |
| SUBMIT A CLAIM FORM | In order to receive a settlement payment, you must stay in the Settlement Class and return a valid Claim Form by January 29, 2024. Then, once the Settlement is approved, you will be sent a check. |
| EXCLUDE YOURSELF FROM THE SETTLEMENT | You can opt out of the Settlement if you want to maintain any legal rights you may have against Defendant. But if you opt out, you will not receive a settlement payment if the Court grants final approval. To opt out from the Settlement, you must send a written request addressed to the Settlement Administrator and state that you wish to be excluded from the Settlement and include the information discussed in more detail in this Notice. The opt-out deadline is January 29, 2024. |
| OBJECT TO THE SETTLEMENT | You have the right to write to the Court to object to the Settlement if you believe it is unfair. You would remain a part of the Class and be bound by the Court's decisions regarding the Settlement. The objection deadline is January 29, 2024. |

Read on to understand the specifics of the Settlement and what each choice would mean for you. The Court still has to decide whether to grant final approval of the Settlement. Payments will be made if the Court approves the Settlement and after any appeals are resolved.

What are the most important dates?

The Court has scheduled a final approval hearing for February 15, 2024. If there are no appeals, checks will be sent approximately 70 days after the Court finally approves the Settlement. Your deadline to opt out of the Settlement, or to object to the Settlement, is January 29, 2024. To receive a monetary payment, you must complete and return a valid Claim Form by January 29, 2024.

Learning About the Lawsuit and the Settlement

What is this Lawsuit About?

Plaintiff Mary Heather McAfee (“Plaintiff”) filed a class action lawsuit in federal court against CIC Mortgage Credit, Inc. (“Defendant” or “CIC”) alleging that Defendant violated the Fair Credit Reporting Act (“FCRA”) by including notations in consumer reports it prepared, and any associated error messages, that indicated the subject of the report was deceased, when they were in fact alive. The law requires that a consumer reporting agency, like Defendant, follow reasonable procedures to assure maximum possible accuracy. Plaintiff alleged that Defendant violated the law by inaccurately reporting living consumers as deceased.

Defendant denies that it did anything wrong or that it violated any laws. Defendant maintains that it follows reasonable procedures to assure maximum possible accuracy in the information it reports on all consumer reports. The Court has not decided that Defendant violated the FCRA. Nor has the Court made any determination that this lawsuit should proceed as a class action, as opposed to an individual claim brought by Plaintiff. This Notice should not be interpreted as an expression of the Court’s opinion on which side is right or wrong. If the parties had not reached a settlement, Defendant would have vigorously defended the lawsuit and asked for a ruling in its favor.

Within the Settlement, you are a member of the “Settlement Class.” The Settlement Class is all natural persons who were the subject: (1) of a consumer report furnished by the Defendant to a third party between December 14, 2017 and the June 9, 2023, (2) where the report, or any associated error messages, contained a status from Equifax, Experian, or Trans Union indicating that the consumer was deceased, (3) when the consumer was not in fact deceased at the time the report was issued.

What Can I Get Out of the Settlement?

A \$385,000 Settlement Fund will be used to make cash payments to the Class and to pay, if approved by the Court, a service award to the Class Representative and Class Counsel’s attorneys’ fees and costs in the amount of one-third of the Fund (\$128,333.33), and to reimburse the Settlement Administrator for its expenses.

If the Settlement is approved in full, each Settlement Class Member who returns a timely and valid Claim Form will receive a settlement payment.

Depending on the final number of Settlement Class Members who return Claim Forms, and after deduction of the requested amounts to be approved by the Court to be paid from the Settlement Fund for fees, costs, and a service award, it is estimated that each eligible Settlement Class Member will receive approximately \$525.00.

Who Are the Attorneys Representing the Class and How Will They be Paid?

The Court has approved lawyers to represent the Settlement Class (“Class Counsel”). If you prefer to hire your own attorney to represent you in this case, you may do so at your own expense. The attorneys who have been appointed by the Court to represent the Settlement Class are:

E. Michelle Drake
Joseph C. Hashmall
Berger Montague PC
1229 Tyler Street NE, Suite 205
Minneapolis, MN 55413
612-594-5999

Kristi C. Kelly
Andrew Guzzo
Casey Nash
Pat McNichol
Kelly Guzzo PLC
3925 Chain Bridge, Suite 202
Fairfax, VA 22030
703-424-7730
kkelly@kellyguzzo.com

Dale W. Pittman
The Law Office of Dale W. Pittman
112 A West Tabb Street
Petersburg, VA 23803

You will not be charged for these lawyers. Subject to Court approval, Class Counsel will seek attorneys’ fees and costs in the amount of one-third of the Settlement Fund (\$128,333.33). Class Counsel may also seek a service award in an amount not to exceed \$15,000 to be paid to Plaintiff for her services in representing the Settlement Class. The attorneys’ fees, costs, service award, and settlement administration expenses will be paid from the Settlement Fund if approved by the Court.

Deciding What You Want to Do

What Are My Options?

You have four options. You can (1) do nothing, (2) return a Claim Form, (3) exclude yourself (in other words, “opt out”) from the Settlement, or (4) object to the Settlement.

This chart shows the consequences of selecting each option:

| | Do nothing | Return a Claim Form | Opt Out of the Class | Object to the Settlement |
|---|-------------------|----------------------------|-----------------------------|---------------------------------|
| Am I bound by the terms of the Class if I... | Yes | Yes | No | Yes |
| Will I be able to receive money in the Settlement if I ... | No | Yes | No | Yes |

Your options and rights are explained in the following sections, along with the steps you must take if you wish to opt out or object.

Staying in the Class

What Are the Consequences of Doing Nothing?

If you do nothing, you will remain in the Settlement Class and be bound by the Court’s orders, but you will not receive a monetary payment.

You will not be able to pursue claims against Defendant that are covered by the Settlement’s release. All the Court’s decisions regarding the Settlement will apply to you and you will be bound by any judgment entered.

What Happens if I Return a Claim Form?

If you return a completed Claim Form by January 29, 2024, you will remain in the Settlement Class and be bound by the Court’s orders, and you will receive a monetary settlement payment following approval by the Court of the Settlement.

You will not be able to pursue claims against Defendant that are covered by the Settlement’s release. All of the Court’s decisions regarding the Settlement will apply to you and you will be bound by any judgment entered.

Opting Out

What Happens if I Opt Out of The Class?

If you exclude yourself from the Class, you will not receive any money from the Settlement. You will not be bound by any of the Court’s orders regarding the Class, or any judgment or release entered regarding the Class. You will retain any legal rights you may have against Defendant. You will be responsible for the fees and costs of any services provided by your own lawyer.

How Do I Opt Out?

If you wish to be excluded (or “opt out” of the class), you must mail a written request for exclusion addressed to the Settlement Administrator at McAfee v CIC, PO Box 23680, Jacksonville, FL 32241. Your request for exclusion must be in writing, signed by you, and postmarked on or before

Questions? Please visit www.McAfeeFCRASettlement.com for more information.
Para una notificación en Español, llamar o visitar nuestro sitio web.

January 29, 2024. The request must state: “I do not want to be part of the Settlement Class in *McAfee v. CIC*.” The request must also be dated and include your name, address, and telephone number. If you have a new address, please also inform the Administrator of the new address so they can update the appropriate records. If you exclude yourself, you are not eligible to receive a payment.

Objecting to the Settlement

What Happens if I Object to the Settlement?

If you object according to the steps below, the Court will consider your objection. If it overrules your objection, you will be bound by the Court’s decision, and you will remain a part of the Class, but unless you also return a valid and timely Claim Form, you will not receive a monetary payment.

How Do I Object to the Settlement?

You may object to all or part of the Settlement if you think it is not fair, reasonable and/or adequate. To object, you must file with the Court, and send copies to the parties’ counsel, a written explanation of the reasons you think that the Court should not approve the Settlement. Be sure to sign the letter and include your name, address, and current phone number, and the basis of your objection including any documentation, and include a notation that it is for “*McAfee v. CIC Mortgage Credit, Inc.*, No. 3:22-cv-00772 (E.D. Va.)” The deadline to file an objection is January 29, 2024. If you are represented by counsel in your objection, include that attorney’s information.

Additional Information

When and Where Will the Court Decide Whether to Approve the Settlement?

The Court will hold a final approval hearing on February 15, 2024, at 10:00 a.m. before the Honorable Roderick C. Young, in the United States District Court for the Eastern District of Virginia, Robinson-Merhige U.S. Courthouse, 701 East Broad Street, Richmond, Virginia 23219. At the final approval hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and adequate. The Court will also hear objections to the Settlement, if any. We do not know how long the Court will take to make its decision after the hearing. In addition, the hearing may be continued at any time by the Court without further notice to you. You should check the website www.McAfeeFCRASettlement.com after February 15, 2024, to confirm the hearing date, the court approval process, and the Effective Date of the Settlement.

You do not have to appear at the final approval hearing to be eligible to receive a monetary payout. If the Court approves the Settlement, the Court’s judgment as to the Settlement Class will be binding on all Settlement Class Members who do not validly exclude themselves.

Where Can I Get Additional Information?

This notice is only a summary of the proposed settlement. You can review more details about the proposed settlement and access additional documents, including the Complaint and the full Settlement Agreement, at the Settlement Website (www.McAfeeFCRASettlement.com).