

**IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT  
IN AND FOR VOLUSIA COUNTY, FLORIDA  
CIVIL DIVISION**

**DEONTE BROADY, on behalf of himself and  
on behalf of all others similarly situated,**

**Plaintiff,**

v.

**CASE NO.: 2022 11719 CIDL**

**WASTE PRO USA, INC.,**

**Defendant.**

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT AND HEARING**

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

This notice relates to a proposed settlement in a class action lawsuit which alleges that Defendant Waste Pro USA, Inc. violated the Fair Credit Reporting Act (“FCRA”). Plaintiff Deonte Broady (“Plaintiff”) alleged that Defendant violated the FCRA by inserting extraneous information into forms authorizing the procurement and use of consumer report information in background checks for employment purposes, by not providing him with the required pre-adverse notice to applicants prior to taking adverse action against them, and by obtaining consumer reports without the proper authorization. Defendant denies that it violated the law in any way whatsoever. The two sides disagree as to whether Defendant’s conduct was permitted under the FCRA, whether Defendant would be liable under the FCRA with respect to that conduct and, if so, the extent of any such liability. The parties have, however, agreed to resolve the lawsuit through a Court-supervised settlement.

- Membership in the settlement class will be determined based upon Defendant’s records.
- You are receiving this notice because Defendant’s records indicate that you are a Class Member, so you are eligible to participate in this class action settlement.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

<b>How to Get Paid from the Settlement:</b>	If you timely return the Claim Form, and the Court grants final approval of the Class Settlement, you will be sent a Settlement Check of approximately \$59.74. Depending upon the cost of notice, administration, and other expenses approved by the court, including a general release payment to the Named Plaintiff, the amount of each Settlement Check may be reduced on a pro rata (proportional) basis.  THE CLAIM FORM MUST BE MAILED TO THE CLASS SETTLEMENT ADMINISTRATOR NO LATER THAN OCTOBER 6, 2023
<b>What happens if you do nothing:</b>	If the Court approves the settlement and you do nothing, you will be releasing your claims and you will not receive your share of a class action settlement, up to \$59.74. The Full Release and Released Parties are available on the Settlement Website, <a href="http://www.broadyclassaction.com">www.broadyclassaction.com</a>
<b>How to ask that you be excluded:</b>	You have the right to exclude yourself from the settlement completely (“opt out”). You can opt out by following the instructions on the Settlement website. You will not receive any monetary payments from the Settlement. You will not have any right to object, but you will not be bound by the terms of this Settlement and will retain

	your right to file your own lawsuit. The opt out deadline is OCTOBER 6, 2023.
<b>Object by OCTOBER 6, 2023:</b>	You may write to the Court about why you don't like the settlement. You cannot object if you opt out.
<b>Go to a Hearing on OCTOBER 18, 2023</b>	Ask to speak in Court about the fairness of the settlement.

- Your rights and options—and the deadlines to exercise them—are explained in this Notice; The Court still has to decide whether to approve this settlement, which may take some time.

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**Basic Information**



## **1. Why did I get this notice?**

This notice has been sent for the benefit of potential members of the following Disclosure Settlement Class:

All individuals who applied for or worked in a position with Defendant or any of its affiliates or subsidiaries in the United States and who were the subject of a consumer report that was procured by Defendant or any of its affiliates or subsidiaries from June 5, 2020 through the date of final judgment.

Composition of the Disclosure Settlement Class is based upon records available to Defendant. This Notice has been sent because members of the Disclosure Settlement Class have a right to know about a proposed settlement of a class action lawsuit in which they are class members, and about all of their options, before the Court decides whether to approve the settlement. If the Court approves the settlement, and after objections or appeals relating to that settlement are resolved, the benefits provided for by the settlement will be available to members of the Disclosure Settlement Class.

This Notice explains the lawsuit, the settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them. A full copy of the Settlement Agreement is available to Class Members on a website created by the settlement administrator, available at [www.broadyclassaction.com](http://www.broadyclassaction.com).

## **2. What is the lawsuit about?**

Plaintiff alleges that Defendant's pre-employment Background Check Form, and Defendant's alleged procurement of consumer reports on the basis of that form, violate the Fair Credit Reporting Act ("FCRA"). Plaintiff also alleged Defendant failed to provide him with the required pre-adverse action notice before taking adverse action against him, and that it obtained reports about him and Class Members without proper authorization. Based on this allegation, Plaintiff seeks statutory damages.

Defendant disputes Plaintiff's allegations and denies all liability to Plaintiff and the Disclosure Settlement Class. No court has found Defendant violated the law in any way. No Court has found that the Plaintiff could recover any certain amount in this litigation. Although the Court has authorized Notice to be given of the proposed Settlement, this Notice does not express the opinion of the Court on the merits of the claims or defenses asserted by either side in the lawsuit.

## **3. Why is this case a class action?**

Class actions are lawsuits in which the claims and rights of many people are decided in a single proceeding. In a class action, Representative Plaintiff ("Class Representatives") seek to assert claims on behalf of all members of a class or Class of similarly situated people. In a class action, people with similar claims are treated alike. The court is guardian of the class's interests and supervises the prosecution of the class claims by Counsel for the Disclosure Settlement Class to assure that the representation is adequate. Class members are not individually responsible for the costs or fees of counsel, which are subject to court award.

## **4. Why is there a settlement?**

The Court did not decide this case in favor of the Class Representative or in favor of Defendant. Instead, Counsel for the Disclosure Settlement Class investigated the facts and applicable law regarding the Class Representative's claims and Defendant's defenses. The parties engaged in lengthy and arm's-length negotiations to reach this settlement, and only did so with the help of a mediator. The Class Representative and Counsel for the Disclosure

Settlement Class believe that the proposed settlement is fair, reasonable, and adequate and in the best interests of the class. Both sides agree that, by settling, Defendant is not admitting any liability or that it did anything wrong. Both sides want to avoid the uncertainties and expense of further litigation.

## Who Is In The Settlement

### 5. How do I know if I am part of the settlement?

If you received a postcard notice, records available to Defendant indicate you are a member of the Disclosure Class. If you are not certain as to whether you are a member of the Disclosure Settlement Class, you may contact the Claims Administrator to find out. In all cases, the question of class membership will be determined based on records reasonably available to Defendant.

## The Settlement Benefits—What You Get

### 6. What does the settlement provide?

If you timely return the Claim Form, and the Court grants final approval of the Class Settlement, you will be sent a Settlement Check for UP TO \$59.74. Defendant agrees to create fund a Settlement Fund of up to shall deposit with the Defendant agree to fund a Settlement Fund of up to \$150,000. (“Settlement Fund”). That amount will be allocated among the approximately 2,134 class members as follows: every class member who submits a timely and valid claim shall receive a gross amount of \$70.29. The costs of settlement administration (estimated at \$15,000) and a \$7,500 general release payment to Deonte Broady (in addition to the net amount to which is entitled as a class member) will be paid from the Settlement Fund, subject to Court approval. To the extent the cost of administration exceeds \$15,000, that amount shall be paid from the Settlement Fund, but in no event shall the costs of administration exceed \$18,000. After the cost of administration and the general release payment are taken from the Settlement Fund, it is estimated that net payments to each class member who timely files a valid claim will be \$59.74. In addition to the Settlement Fund amount, Defendant also agrees to pay Plaintiff’s counsel attorneys’ fees and costs in the amount of up to \$100,000.00 subject to final Court approval.

THE CLAIM FORM MUST BE MAILED TO THE CLASS SETTLEMENT ADMINISTRATOR NO LATER THAN OCTOBER 6, 2023.

### 7. When would I get my benefit?

The final Fairness Hearing is scheduled for **OCTOBER 18, 2023**, at **10:00 A.M.** at the Circuit Court of the Seventh Judicial Circuit, in and for Osceola County, Florida, 1769 E. Moody Blvd. Bunnell, FL 32110, before Judge Kathryn D. Weston to decide whether to approve the settlement.

Zoom Audio & Video: <https://zoom.us/j/3869437060>

Meeting ID: 386 943 7060

It is also possible that there may be appeals. Payments to members of the Settlement Class will be made only if the settlement is finally approved and all appeals are resolved. This may take some time, so please be patient.

### 8. What am I giving up to get a benefit or stay in the class?

Upon the Court’s approval of the settlement, all members of the Settlement Class who do not exclude themselves (as well as spouses, heirs, and others who may possess rights on their behalf) will fully release Defendant (and its affiliates, subsidiaries, employees, and others who may be subject to claims with respect to Defendant as specified

in the Settlement Agreement) for all claims under 15 U.S.C §§ 1681b(b)(2) and 1681b(b)(3). If the Court approves the settlement and you do nothing, you will be releasing your claims and you will not receive your share of a class action settlement, up to \$59.74. The Full Release and Released Parties are available on the Settlement Website, [www.broadyclassaction.com](http://www.broadyclassaction.com).

## 9. How do I get out of the Settlement?

If you choose to be excluded from the Settlement, you will not be bound by any judgment or other final disposition of the lawsuit. You will retain any claims against Defendant you might have. To request exclusion, you must state in writing your desire to be excluded from the Disclosure Settlement Class. **Your request for exclusion must be sent by first class mail, postmarked on or before OCTOBER 6, 2023.,** addressed to:

*Broady v. Waste Pro USA, Inc.*  
c/o Settlement Administrator  
P. O. Box 23369  
Jacksonville, FL 32241

**If the request is not postmarked on or before OCTOBER 6, 2023, your request for exclusion will be invalid,** and you will be bound by the terms of the settlement approved by the Court, including without limitation, the judgment ultimately rendered in the case, and you will be barred from bringing any claims which arise out of or relate in any way to the claims in the case as specified in the Release referenced above.

## 10. If I don't exclude myself, can I sue Defendants for the same thing later?

No. Unless you exclude yourself, you give up any right to sue Defendant for the claims that this settlement resolves regarding background check-related claims.

## 11. If I exclude myself, can I get benefits from this settlement?

No. If you exclude yourself, you are not part of the settlement.

## The Lawyers Representing You

## 12. Do I have a lawyer in this case?

The Court has appointed Deonte Broady as Class Representative. The Court has appointed Wenzel Fenton Cabassa, P.A. as Counsel for the Settlement Class:

Luis A. Cabassa, Esq.  
Brandon J. Hill, Esq.  
Amanda E. Heystek, Esq.  
WENZEL FENTON CABASSA, P.A.  
1110 North Florida Ave., Suite 300  
Tampa, Florida 33602  
Telephone: (813) 224-0431

Counsel for the Settlement Class represent the interests of the Settlement Class. You may hire your own attorney to advise you, but if you hire your own attorney, you will be responsible for paying that attorney's fees.

### 13. How will the lawyers be paid?

Class Counsel intend to apply to the Court for an award of attorneys' fees and costs in an amount not to exceed \$100,000. If approved by the Court, this amount will be paid separately by Defendant directly to Class Counsel. The Court may award less. Named Plaintiff Deonte Broady will also ask for a general release payment as consideration for the general release of any and all claims he has, or has ever had, against Defendant, in an amount not to exceed \$7,500. Finally, the cost of the settlement administration will be paid by the Fund. These amounts will be paid by Defendant (as to fees and costs), or from the Settlement Fund (as to the cost of administration and the general release payment), not by you.

## Objecting To The Settlement

### 14. How do I tell the Court that I don't like the settlement?

You can object to any aspect of the proposed settlement by filing and serving a written objection. Your written objection must include: (1) your name, address, telephone number, email address and signature; (2) a detailed statement of the specific factual and legal basis for the objection(s) being asserted; (3) a notice of your intent to appear at the final Fairness Hearing at **OCTOBER 18, 2023, at 10:00 A.M.**, if you intend to appear; and (4) a detailed description of any and all evidence, including copies of any exhibits, which you may offer at the Fairness Hearing. Additional details about objecting are included in the Court's Order Granting Preliminary Approval of the Settlement, which is available on the settlement website [www.broadyclassaction.com](http://www.broadyclassaction.com).

You must file any objection with the Clerk of the Court at the address below by **OCTOBER 6, 2023**:

Clerk of Court  
Circuit Court of the Seventh Judicial Circuit, in and for Osceola County, Florida  
1769 E. Moody Blvd. Bunnell, FL 32110  
*Broady v. Waste Pro USA, Inc.*  
Case No.: 2022 11719 CIDL

Any member of the Settlement Class who does not file and serve an objection in the time and manner described above will not be permitted to raise that objection later.

### 15. What's the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the Settlement. You can object only if you stay in the Settlement. Excluding yourself is telling the Court that you don't want to be part of the Settlement. If you exclude yourself, you have no basis to object because the lawsuit no longer affects you. If you exclude yourself, you will not receive any payment from the Settlement.

### 16. Where and when will the Court decide whether to approve the settlement?

There will be a Fairness Hearing to consider approval of the proposed settlement **OCTOBER 18, 2023, at 10:00 A.M.** at the Circuit Court of the Seventh Judicial Circuit, in and for Osceola County, Florida 1769 E. Moody Blvd. Bunnell, FL 32110, before Judge Kathryn D. Weston.  
Zoom Audio & Video: <https://zoom.us/j/3869437060>  
Meeting ID: 386 943 7060

The hearing may be postponed to a later date without further notice, but that information will be available on the settlement website should the hearing be rescheduled. The purpose of the hearing is to determine the fairness, reasonableness, and adequacy of the terms of settlement; whether the Disclosure Settlement Class is adequately represented by the Class Representative and Counsel for the Disclosure Settlement Class; and whether an order and final judgment should be entered approving the proposed settlement. The Court also will consider Settlement Class Counsel's application on an award of attorneys' fees and expenses and Class Representative's Service Award.

You will be represented at the Fairness Hearing by Counsel for the Disclosure Settlement Class, unless you choose to enter an appearance in person or through your own counsel. The appearance of your own attorney is not necessary to participate in the Fairness Hearing.

#### **17. Do I have to come to the hearing?**

No. Counsel for the Disclosure Settlement Class will represent the Disclosure Settlement Class at the Fairness Hearing, but you are welcome to come at your own expense. If you send any objection, you do not have to come to Court to talk about it. As long as you filed and mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, if you wish.

#### **18. May I speak at the hearing?**

You may ask the Court for permission to speak at the Fairness Hearing.

### **Getting More Information**

#### **19. Are there more details about the settlement?**

This Notice is only a summary. For a more detailed statement of the matters involved in the lawsuit or the settlement, you may refer to the papers filed in this case during regular calendar hours at the office of the Clerk of Court Circuit Court of the Seventh Judicial Circuit, in and for Osceola County, Florida 1769 E. Moody Blvd. Bunnell, FL 32110, Case Name: *Broady v. Waste Pro USA, Inc.*, Case No.: 2022 11719 CIDL.

The full Settlement Agreement and certain pleadings filed in this case can also be requested, in writing, from the Claims Administrator, identified above, and also accessed on the website created for this settlement by the Claims Administrator, available at [www.broadyclassaction.com](http://www.broadyclassaction.com).

#### **20. How do I get more information?**

You can contact the Claims Administrator, identified above, or Class Counsel for Plaintiff, or Defendant's counsel, at the below contact addresses with questions:

Brandon J. Hill, Esq.  
Luis A. Cabassa, Esq  
Amanda E. Heystek  
WENZEL FENTON CABASSA, P.A.  
1110 North Florida Ave., Suite 300  
Tampa, Florida 33602  
Class Counsel for Plaintiff

or

Matthew J. Pearce  
Amy S. Shay  
Lance D. King  
The VUE at Lake Eola  
220 N. Rosalind Avenue  
Orlando, Florida 32801  
Counsel for Defendant