

**THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR GLADES COUNTY, FLORIDA  
CIVIL DIVISION**

**JUAN LOPEZ,**

**Plaintiff,**

v.

**OLDCASTLE APG, INC.,**

**Defendant.**

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**CASE NO.: 23-CA-213**

**DIVISION:**

**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 Oldcastle APG, Inc., violated the Fair Credit Reporting Act (“FCRA”). Plaintiff Juan Lopez (“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, 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.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>How to Get Paid from the Settlement:</b>	You do not need to do anything to receive your payment. Upon final approval of the settlement you will be mailed a check for approximately \$147.
<b>What happens if you do nothing:</b>	If the Court approves the settlement and you do nothing, you will be mailed a check for approximately \$147 and you will be releasing your claims. The Full Release and Released Parties are available at <a href="http://www.lopezfcraSettlement.com">www.lopezfcraSettlement.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 March 10, 2025.
<b>Object by March 10, 2025:</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 March 10, 2025</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.

## Basic Information

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

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

All individuals who Defendant's records show were subject to a background check from ADP for employment with Oldcastle Lawn & Garden, Inc. from December 29, 2021 to the date of the Preliminary Approval Order.

Composition of the Settlement Class is based upon records available to Defendant. This Notice has been sent because members of the 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 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.lopezfcraSettlement.com](http://www.lopezfcraSettlement.com).

### 2. What is the lawsuit about?

Plaintiff alleges that Defendant's Background Check Form, and Defendant's alleged procurement of consumer reports on the basis of that form, violate the Fair Credit Reporting Act ("FCRA"). Based on this allegation, Plaintiff seeks statutory damages. Defendant disputes Plaintiff's allegations and deny all liability to Plaintiff and the Settlement Class. In the lawsuit, Defendant has denied Plaintiff's allegations and has raised a number of defenses to the claims asserted. 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”) seeks 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 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 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. The Class Representative and Counsel for the 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. Both sides want to avoid the uncertainties and expense of further litigation.

### **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 Settlement Class. If you are not certain as to whether you are a member of the 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 do not opt out, you will be mailed a check for approximately \$147.

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

The Court will hold the Final Approval hearing at 10:30 a.m. on March 10, 2025, Circuit Court of the Twentieth Judicial Circuit, in and for Glades County, Florida, 500 Avenue J #101, Moore Haven, Florida 33471, in Second Floor Courtroom. The hearing may also be held via Zoom or by phone without further notice. 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 Fair Credit Reporting Act claims, including claims for statutory damages and actual damages, arising out of or relating directly or indirectly in any manner whatsoever to the facts alleged or which could have been alleged or asserted in this case against a current, prospective, or former employer, including but not limited to any and all claims under the Fair Credit Reporting Act. This release may affect your rights, and may carry obligations, in the future. If the Court approves the settlement and you do nothing, you will be releasing your claims under the Fair Credit Reporting Act against Defendant and you will receive your share of a class action settlement. The Full Release and Released Parties are available at [www.lopezfcraSettlement.com](http://www.lopezfcraSettlement.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 Settlement Class. **Your request for exclusion must be sent by first class mail, postmarked on or before March 10, 2025**, addressed to:

*Lopez v. Oldcastle APG, Inc.*  
c/o Settlement Administrator  
PO Box 23698  
Jacksonville, FL 32241

**If the request is not postmarked on or before March 10, 2025, 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 Defendant for the same thing later?

No. Unless you exclude yourself, you give up any right to sue Defendant for the Fair Credit Reporting Act claims that this settlement resolves against Defendant.

### 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 Juan Lopez 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

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? What about the Class Representative? Administrator?**

Class Counsel shall request Court approval of One Hundred Forty-Eight Thousand Seven Hundred Fifty Dollars (\$148,750.00) paid from Maximum Settlement Amount as fees plus reasonable litigation expenses. Defendant does not oppose Class Counsel's request for Attorneys' Fees. The Court-approved amount shall be taken from the Maximum Settlement Fund and shall not increase the agreed-upon amount of the Maximum Settlement Fund. The Parties agree that Class Counsel's attorneys' fees were negotiated separately after the amount paid to the class had been agreed upon. The Court may award less. Named Plaintiff Juan Lopez will also ask for a general release payment in an amount not to exceed \$10,000 from the Settlement Fund.

The Settlement Administrator shall be a third-party settlement administrator mutually agreed to by the Parties. Based on a review of bids from two or more administrators, the Parties have selected American Legal Claims as the administrator. Settlement Administration Expenses shall not exceed Fifteen Thousand Dollars (\$15,000.00), including mailing out compliant postcard notices to all FCRA Class Members and issuing paper settlement checks. Any settlement administrative expenses above \$15,000.00 be will paid by Class Counsel and not paid from the Maximum Settlement Amount.

## **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 10:30 a.m. on March 10, 2025, 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 at [www.lopezfcasettlement.com](http://www.lopezfcasettlement.com).

You must file any objection with the Clerk at the address below by March 10, 2025: Circuit Court of the Twentieth Judicial Circuit, in and for Glades County, Florida, 500 Avenue J #101, Moore Haven, Florida 33471, File: *Juan Lopez, on behalf of herself and on behalf of all others similarly situated, v. Oldcastle APG, Inc.*, Case No.: 23-CA-213.

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?**

The Court will hold the Final Approval hearing at 10:30 a.m. on March 10, 2025, Circuit Court of the Twentieth Judicial Circuit, in and for Glades County, Florida, 500 Avenue J #101, Moore Haven, Florida 33471 in Second Floor Courtroom. The hearing may also be held via Zoom or by phone without further notice.

The purpose of the hearing is to determine the fairness, reasonableness, and adequacy of the terms of settlement; whether the Settlement Class is adequately represented by the Class Representative and Counsel for the 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 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 Settlement Class will represent the 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 the Court, Circuit Court of the Twentieth Judicial Circuit, in and for Glades County, Florida, 500 Avenue J #101, Moore Haven, Florida 33471, File: *Juan Lopez, on behalf of himself and on behalf of all others similarly situated, v. Oldcastle APG, Inc.*, Case No.: 23-CA-213. Additionally, 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.lopezfcra settlement.com](http://www.lopezfcra settlement.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., and Amanda E. Heystek, Esq. Wenzel Fenton Cabassa, P.A., 1110 North Florida Ave., Suite 300, Tampa, Florida 33602, 813-224-0431, Counsel for Plaintiff and the Class.

or

Nancy A. Johnson, Esq., Littler Mendelson, P.C., 111 N. Orange Avenue, Suite 1750, Orlando, FL 32801, 407-393-2900, Counsel for Defendant.