

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

TYRONE HENDERSON, et al.,

Plaintiffs,

v.

Civil Action No. 3:12-cv-97

CORELOGIC NATIONAL BACKGROUND
DATA, LLC, f/k/a NATIONAL
BACKGROUND DATA, LLC,

Defendant.

ORDER

This matter is before the Court on PLAINTIFF'S MOTION FOR APPROVAL OF THE FORM OF NOTICE TO THE CLASS MEMBERS (ECF No. 475) ("Plaintiffs' Motion"). For the following reasons, Plaintiffs' Motion is GRANTED.

Having considered the revised Class Notice, attached as Exhibit A to this Order, the Court finds that the proposed form and method for notifying the Hines Settlement Class Members of the settlement and its terms and conditions meet the requirements of Federal Rule of Civil Procedure 23(c)(2) and due process. The revised Class Notice constitutes the best notice that is practicable under the circumstances, shall serve as due and sufficient notice to all persons and entities entitled to notice, and is otherwise appropriate. The revised Class Notice also concisely and clearly states, in plain, easily understood

language, the nature of the action; the definition of the Class certified; the Class claims, issues, and defenses; that a Class Member may enter an appearance through counsel if the Member so desires; that the Court will exclude from the Class any Member entitled to exclude himself or herself who requests exclusion; the time and manner for requesting exclusion, if applicable; and the binding effect of the settlement on Class Members.

Further, the Notice Plan (ECF Nos. 464-1, 476-5) is sufficient to reach a significant number of Class Members and otherwise meets the requirements of Rule 23(e)(1).

Accordingly, Plaintiffs' Motion is GRANTED, and it is hereby ORDERED that the revised Class Notice be disseminated forthwith to the Hines Settlement Class Members.

It is so ORDERED.

/s/ REP
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: October 17, 2017

A FEDERAL COURT ORDERED THIS NOTICE:

Hines, et al. v. CoreLogic National Background Data, LLC

United States District Court, Eastern District of Virginia, Civil Action No. 3:12-cv-97

THIS NOTICE IS IMPORTANT TO YOU BECAUSE AN EMPLOYMENT BACKGROUND CHECK COMPANY MAY HAVE INCORRECTLY REPORTED THAT YOU WERE A SEX OFFENDER.

YOU COULD GET MONEY FROM A CLASS ACTION SETTLEMENT.

A class action lawsuit has settled and we are sending you this to explain how this settlement will affect you.

The Court has ordered this notice be sent to you because records show that when you applied for a job an employer obtained a criminal background check about you from a background screening company. In connection with your employment application, a company called CoreLogic National Background Data, LLC (“Defendant,” “CoreLogic National Background Data”) reported a sex offender record to another background check company, although that sex offender record did not belong to you. You may not have known about the report because it is possible that the record was not ultimately provided to the employer or because the employer may not have acted on that record.

- Defendant sent a sex offender record to another background check company, [Reseller], on [MM/DD/YYYY] and that report included a sex offender record that did not belong to you.
- If you participate in this settlement, you will automatically be paid at least \$150.00.
- You also may have a claim for the payment of actual damages – for example, if an employer acted based on an incorrect sex offender record – but you must act and do so quickly before the statute of limitations expires.
- You should go to www.hinessettlement.com, or call (866) 680-8427 using the following Unique Code [#####] and learn what criminal records could be reported to a background screening company in connection with your future employment background checks.
- You can use a dedicated process to dispute and remove inaccurate criminal-record information from your report, so that an inaccurate record will not be furnished about you in the future.
- You have other important rights in connection with this settlement, as detailed below.

IF YOU WOULD LIKE FURTHER INFORMATION OR HAVE QUESTIONS OR CONCERNS, PLEASE CONTACT YOUR ATTORNEYS (“CLASS COUNSEL”) FOR ADVICE AND INFORMATION AT

(757) 930-3660 OR hines@clalegal.com

**QUESTIONS? CALL (866) 680-8427 TOLL FREE, OR VISIT www.hinessettlement.com
PARA UNA NOTIFICACIÓN EN ESPAÑOL, LLAMAR O VISITAR NUESTRO WEBSITE**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:

<p>DO NOTHING</p>	<p><i>about thirty (30)</i> Within twenty (20) days of the settlement being approved by the court, Defendant will issue a check in the amount of \$100. If you cash the check within sixty-five (65) days, you will then be sent a second check in an amount not less than \$50. NOTE: If you receive the first check and do not cash it within the sixty-five (65) days, it will become stale. If that occurs, you will not be able to cash it; you will not receive a second check; and you will not receive a cash payment.</p>
<p>REVIEW RECORDS THAT COULD BE REPORTED IN YOUR FUTURE BACKGROUND CHECK</p>	<p>You should go to www.hinessettlement.com, or call (866) 680-8427 using the following Unique Code [#####] to learn what criminal records could be reported to a background screening company in connection with a future application for employment.</p>
<p>DISPUTE INACCURATE RECORDS</p>	<p>Defendant will implement an expedited dispute process so you may call to request an expedited correction of inaccurate information. Information about the dispute process can be found at www.hinessettlement.com or you can call (866) 680-8427.</p>
<p>EXCLUDE YOURSELF FROM CASE</p>	<p>If you want to exclude yourself from this case, you must submit an opt-out form. You will not receive any money. Your request to exclude yourself from the settlement must be postmarked by December 23, 2017. Opt-out forms must be submitted individually. Enclosed is an opt-out form for your signature. If you wish to receive money, then do not mail in the card.</p>
<p>BRING YOUR OWN ACTION FOR ACTUAL DAMAGES</p>	<p>This settlement does not compensate you for any actual damages you may have incurred such as loss of employment, embarrassment, or distress. You would have to bring your own claim or new lawsuit to recover such damages, and Defendant could assert any of its defenses in that action. You do not need to exclude yourself to pursue these damages. You may contact the attorney representing the Class for advice at (757) 930-3660, or by emailing hines@clalegal.com.</p>
<p>OBJECT</p>	<p>If you want to object to this settlement, you may write to the Court about why you do not like it. Your objection must be postmarked by December 23, 2017.</p>

- These rights and options – and the deadlines to exercise them – are explained in this notice.
- The Court in charge of this case still must decide whether to approve the settlement. Payments will be made if the Court approves the settlement and after all appeals are resolved. Please be patient.

1. WHY DID I RECEIVE THIS NOTICE?

You and other members of this class action applied for a job sometime between February 2007 and January 2012. The employer obtained a criminal background check from another company, which obtained some of its records from Defendant. However, the information that Defendant sold to the background check company included sex offender records that did not belong to you or other Class members. Plaintiff contends that the sex offender records did not belong to you because the records contain a different age or date of birth than your information. You may not have known about the report because it is possible that the record was not ultimately provided to the employer or because the employer may not have acted on that record.

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The Court ordered this notice because Class members have a right to know about the settlement and their options to remain in the Class or opt-out.

2. WHAT IS THIS LAWSUIT ABOUT?

James Hines (the “Plaintiff”) filed a lawsuit in federal court against Defendant on behalf of everyone like him who had the same incomplete background check information. The lawsuit is called *Hines, et al, v. CoreLogic National Background Data, LLC*, Civil Action No. 3:12-cv-97, which is pending in the United States District Court for the Eastern District of Virginia, Richmond Division. The Plaintiff alleged that Defendant is a “consumer reporting agency” and violated a law titled the Fair Credit Reporting Act, 15 U.S.C. § 1681k(a) (the “FCRA”), in connection with how it was alleged to have prepared employment background reports.

Defendant denies that it is governed by the FCRA, that it violated the FCRA, that it did anything unlawful, or that this Class could be certified. However, after many years in litigation, the lawsuit settled.

3. AM I A MEMBER OF THE “CLASS”?

In connection with the approval of this settlement, the Court decided this lawsuit should be a class action on behalf of a “Class,” or group of people, that could include you. The Class is described as follows:

All persons who were the subject of criminal records search results provided by CoreLogic National Background Data, LLC between February 9, 2007 and January 12, 2012 in connection with an employment purpose, and whose search results included a Sex Offender Registry record that did not match the date of birth or age of that person. The class only includes persons where the sex offender search results were from states using a private company, Watch Systems, to maintain the Sex Offender Registry. The full class definition can be found at www.hinessettlement.com, or by calling (866) 680-8427.

4. WHAT AM I GETTING FROM THIS SETTLEMENT?

If the settlement is approved by the Court, you will receive:

Cash Payments. You and Every Class Member Will Receive at Least \$150.00. If the settlement is approved and if there is no appeal, the first payment of \$100.00 will be automatically mailed in February 2018. In May 2018, a second check of at least \$50.00 will be mailed to all class members who cash the first check. **NOTE: If you receive the first check and do not cash it within the sixty-five (65) days, it will become stale. You will not be able to cash it, and you will not receive a second check.**

The Right to Sue for Actual Damages. This settlement does not compensate you for any actual damages you may have incurred, such as loss of employment, embarrassment or distress. Nothing in this settlement requires Defendant to honor the claim and it may assert any available defenses. You do not need to exclude yourself from the settlement to pursue this option. You may contact Class Counsel for advice or assistance at (757) 930-3660, or by emailing hines@clalegal.com.

If you intend to pursue a claim for actual damages, the time for you to pursue such a claim may run out soon because of the statute of limitations. This lawsuit may have tolled the statute of limitations for your individual claim but, if applicable, this time period will restart after the Effective Date, which in most cases will be fourteen (14) days after final approval of the settlement. If you intend to file your own claim, you should act immediately.

The Right to Find out what Criminal Records could be Reported in Connection with your Employment Application. One or more Sex Offender records were included in information Defendant provided about you to [Reseller 1] on [MM/DD/YYYY] (and [Reseller 2] on [MM/DD/YYYY]). You may enter your unique code [#####] at www.hinessettlement.com, or by calling (866) 680-8427 for assistance in doing so, in order to obtain a copy of the sex offender or criminal records in Defendant’s database that may be provided to a background screening company in the future in connection with a future employment background check.

New Data Matching Criteria. As part of the settlement, CoreLogic National Background Data will implement new data matching criteria that will apply to all records in the employment background check information it sells and will apply these new rules to prevent incomplete and inaccurate records from appearing in any employment background search this company provides in the future.

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A Dedicated Dispute Process. Defendant will implement an expedited dispute process to ensure that criminal records are not linked to your identifying information. Through the dispute process you will be able to contact Defendant to dispute any inaccurate or incomplete information that you obtain as part of this settlement. This expedited dispute process will be available for 100 days after the Effective Date, and can be initiated in writing, by E-mail, or by phone (available 9:00 a.m. to 5:00 p.m. PST). Class Counsel can also initiate a dispute on your behalf. The dispute process will have an average completion time of five (5) business days. Additional information about the dispute process can be found at www.hinessettlement.com or you can call (866) 680-8427.

5. WHAT IF I LOST EMPLOYMENT OR SUFFERED OTHER ACTUAL DAMAGES?

This settlement does not compensate you for any actual damages you may have incurred such as loss of employment, embarrassment or distress. You would have to bring your own claim or new lawsuit to recover such damages and this settlement does not limit your right to do so. Nothing in this settlement requires Defendant to honor the claim and Defendant may assert any available defenses.

You may contact the attorneys representing the Class for advice by emailing hines@clalegal.com, or by calling Class Counsel at (757) 930-3660.

If you intend to pursue a claim for actual damages, the time for you to pursue such a claim may run out soon because of the statute of limitations. This lawsuit may have tolled the statute of limitations for your individual claim but, if applicable, this time period will restart after the Effective Date, which in most cases will be fourteen (14) days after final approval of the settlement. If you intend to file your own claim, you should act immediately to secure legal representation.

6. WHAT DO I GIVE UP BY STAYING IN THE SETTLEMENT?

Unless you exclude yourself from this Class, you will be considered a Class Member, which means you give up your right to sue or continue a lawsuit against Defendant under the FCRA or any state law equivalents where you would be seeking punitive or statutory damages. The full release and list of released parties may be found at www.hinessettlement.com, or by calling (866) 680-8427 for assistance. Class Members are also barred from filing or participating in a putative class action lawsuit based upon the allegations and claims asserted in the lawsuit.

However, even as a Class Member, you can still pursue any individual claim you have for actual damages against Defendant that are recoverable under the FCRA and FCRA state equivalents, other than statutory and punitive damages. Nothing in this settlement requires Defendant to honor the claim and Defendant may assert any available defenses.

7. HOW DO I EXCLUDE MYSELF FROM THE SETTLEMENT?

To completely exclude yourself from the settlement, please sign the enclosed "Opt-Out Form," check the "opt-out" box, and postmark it before the deadline of **December 23, 2017**. To be valid, the form must be personally signed by you. If you opt-out of the settlement, you may be able to bring your own individual claim for any damages. Nothing in this settlement requires the Defendant to honor the claim and it may assert any available defenses. However, you may still be precluded from participating in any later class action against Defendant for the same violations alleged here.

8. DO I HAVE A LAWYER IN THE CASE?

The Court has appointed as "Class Counsel" Consumer Litigation Associates, P.C., 763 J. Clyde Morris Boulevard, Suite 1A, Newport News, Virginia 23601; and Francis & Mailman, P.C., 100 S. Broad Street, 19th Floor, Philadelphia, Pennsylvania 19110. They represent you and other Class Members. You will not be separately charged by these lawyers for their work on this case. If you want to be represented by your own lawyer, you may hire one at your own expense.

9. HOW WILL THE LAWYERS BE PAID?

Class Counsel will ask the Court for an award of attorneys' fees, not to exceed \$3,231,428.57, including reimbursement of costs and expenses incurred by them and by the Plaintiff in litigating this matter. The attorneys' fees are paid separately by

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Defendant and are not paid out of the settlement funds available to the Class Members. Class Members do not have to pay any attorneys' fees in connection with the settlement.

10. IS THE CLASS REPRESENTATIVE ENTITLED TO ANY ADDITIONAL PAYMENT?

In addition to the monetary relief described above, Class Counsel will ask the Court to approve an individual payment to Mr. Hines, the Class Representative, of an amount not to exceed \$10,000.00 as an individual service award for his efforts and time expended in prosecuting the lawsuit. However, the Court may ultimately award less than this amount. Any payment will be made by Defendant and will not be paid by you.

11. HOW DO I TELL THE COURT I DO NOT LIKE THE SETTLEMENT?

If you are a Class Member, you can object to the settlement if you do not like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter stating that you object to *Hines, et al. v. CoreLogic National Background Data, LLC*, Civil Action No. 3:12-cv-97. Be sure to include your name, address, telephone number, your signature, and the reasons you object to the settlement.

Mail the objection to the Court postmarked no later than **December 23, 2017**, and send a copy to Class Counsel and Defendant's Counsel at the following addresses:

COURT

Clerk of the Court
United States District Court
701 East Broad Street
Richmond, VA 23219

CLASS COUNSEL

Leonard A. Bennett
CONSUMER LITIGATION
ASSOCIATES, P.C.
763 J. Clyde Morris Blvd 1A
Newport News, VA 23601

DEFENDANT'S COUNSEL

David N. Anthony
TROUTMAN SANDERS LLP
1001 Haxall Point, Suite 1500
Richmond, VA 23219

12. WHEN AND WHERE WILL THE COURT DECIDE TO APPROVE THE SETTLEMENT?

The Court will hold a hearing to decide whether to approve the settlement as fair, reasonable, and adequate. The hearing is on January 24, 2018, at 10:00 a.m. in the courtroom of Judge Robert E. Payne of the United States District Court for the Eastern District of Virginia, 701 East Broad Street, Richmond, VA 23219.

You may attend and you may ask to speak, but you do not have to.

13. HOW DO I GET MORE INFORMATION?

You can visit the website at www.hinessettlement.com. You may call the Settlement Administrator at (866) 680-8427. Or you can write to Hines v. CoreLogic Settlement, c/o Settlement Administrator, PO Box 10486, Dublin, OH 43017-4086.

You can also contact the attorneys representing the Class. You may send an email to hines@clalegal.com. You can call Leonard A. Bennett or Matthew Erasquin of Consumer Litigation Associates, P.C. at (757) 930-3660. Or write to Leonard A. Bennett, Consumer Litigation Associates, P.C., 763 J. Clyde Morris Blvd., Suite 1A, Newport News, VA 23601.

PLEASE DO NOT CONTACT THE COURT OR CLERK'S OFFICE WITH QUESTIONS.

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IMPORTANT CLASS ACTION SETTLEMENT NOTICE

Please read this notice carefully.

Class Member Name
Address1
Address2
City, State ZIP

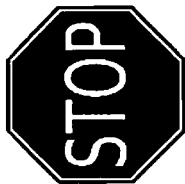
PLACE
STAMP
HERE

Hines v. CoreLogic Settlement – Exclusion Request
c/o Settlement Administrator
P.O. Box 10486
Dublin, OH 43017-4086

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Hines, et al. v. CoreLogic National Background Data, LLC; Case No.: 3:12-cv-97

EXCLUSION REQUEST FORM
Must be postmarked by December 23, 2017



**THIS NOT A CLAIM FORM. THIS FORM REMOVES YOU FROM THE SETTLEMENT.
IF YOU SUBMIT THIS FORM, YOU WILL NOT BE ELIGIBLE TO RECEIVE A PAYMENT
OF AT LEAST \$150.00 FROM THIS SETTLEMENT.**

COMPLETE AND RETURN THIS FORM BY DECEMBER 23, 2017 ONLY IF YOU DO NOT WANT TO BE PART OF THE SETTLEMENT OF THIS CASE, OR IF YOU INTEND TO FILE A SEPARATE LAWSUIT ON YOUR OWN FOR THE CLAIMS ALLEGED IN THIS CLASS ACTION CASE. THE ATTORNEYS WHO REPRESENT THE CLASS WILL NOT REPRESENT YOU WITH RESPECT TO ANY SUCH CLAIMS. YOU MAY ONLY PURSUE SUCH A LAWSUIT ON AN INDIVIDUAL BASIS WITH A DIFFERENT ATTORNEY.

BY COMPLETING THIS FORM, you are excluding yourself from participation in the settlement in this case and you will not receive any money. If you send this card back and want to obtain any money you will then have to file your own lawsuit. You may need to retain your own attorney. You must file your own lawsuit before time runs out to do so and you should consult your own attorney to make certain you file a complaint in the appropriate court within the time provided by the applicable statutes of limitations.

If you submit this form, you will not receive any money under the settlement agreement.

I am opting out of the settlement in *Hines et al. v. CoreLogic National Background Data, LLC*, Case No.: 3:12-cv-97.

Firstname Lastname
Address1
Address2
City, State ZIP
Unique Code: #####

Signature

Date