

This is a court-authorized website notice of a proposed settlement in a class action lawsuit regarding background reports that Sterling Infosystems, Inc. produced regarding certain individuals. Payments to participating Settlement Class Members<sup>1</sup> will be approximately \$45, as explained in paragraph 6 below.

Settlement Class Members are entitled to automatic payments. Settlement Class Members do not have to submit anything in order to receive a payment.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:</b>	
<b>Do Nothing</b>	If you do nothing, you will receive an automatic payment. The amount of the payment will be at approximately \$45. You will release claims against Sterling and other Released Parties that relate to this lawsuit that exist as of the Effective Date.
<b>Exclude Yourself</b>	If you exclude yourself from the Settlement, you will not receive any monetary payment. By excluding yourself, you will not release any claims you may have against Sterling and other Released Parties.
<b>Object</b>	You may tell the Court why you believe the Settlement should not be approved. If the Settlement is not approved, no one will be paid.

Your rights and options—and the deadlines to exercise them—are explained in this notice.

This notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, you may view the Agreement at [www.AddressClassAction.com](http://www.AddressClassAction.com). You may also contact the Settlement Administrator at 1-844-718-9778. Para una notificación en español, visitar [www.AddressClassAction.com](http://www.AddressClassAction.com).

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<sup>1</sup> Capitalized terms are defined in the Class Action Settlement Agreement and Release, which is available on the settlement website, [www.AddressClassAction.com](http://www.AddressClassAction.com).

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## Basic Information

### 1. Why am I receiving this Notice?

The Court in this case has approved the posting of this notice on a website so that it could be viewed by Class Members. The Class Members are:

All natural persons about whom Sterling prepared a background report from December 14, 2013 and continuing through December 19, 2019 whose background report contains a social security trace which includes at least one address where both the “first” and “last” seen dates antedate the report by more than seven years and where at least one of the addresses includes a “high risk” indicator.

Class membership is determined on the basis of Sterling’s records. If you are unsure of whether you are a Class Member, you can contact the Settlement Administrator via email at [info@addressclassaction.com](mailto:info@addressclassaction.com) or by telephone at 1-844-718-9778.

This notice has been posted because class members have a right to know about a proposed settlement of a lawsuit in which they are class members, and about all 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.

If you are a Class Member, you should have received a Postcard Notice in the mail informing you that you are a Class Member.

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 Agreement may be reviewed at the settlement website: [www.AddressClassAction.com](http://www.AddressClassAction.com). This notice contains only a summary of the Agreement.

The Court in charge of this case is the United States District Court for the Southern District of New York. The lawsuit is called *Gambles v. Sterling Infosystems, Inc.*, Case No. 15-cv-9746 (the “Litigation”). Ralph Gambles, the person who filed this lawsuit, is called Plaintiff, and Sterling is called Defendant—they are referred to collectively as the Parties.

### 2. What is the lawsuit about?

Defendant Sterling is a background screening company. Plaintiff alleges that Sterling violated the Fair Credit Reporting Act (“FCRA”) by including information in its background reports about addresses where the subject of the report had not lived in at least seven years. Plaintiff alleges that this reporting caused him and Class Members harm and violated the law.

Sterling vigorously denies Plaintiff’s claim and denies all liability to Plaintiff and the Class Members. Sterling denies that it has violated the FCRA in any manner whatsoever, and has raised a number of defenses to the claims asserted.

The Parties are settling the lawsuit to avoid the risks, uncertainties and expenses associated with contested litigation. No court has found Sterling to have violated the law in any way. No court has found that Plaintiff or the Settlement Class could recover any amount in this lawsuit.

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 litigation.

### **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, a representative plaintiff is called a “Class Representative.” That plaintiff seeks to assert claims on behalf of all similarly situated people. The plaintiff can thus conserve resources by asserting all the claims in one lawsuit. Class actions often involve circumstances where claimed individual damages are too small for people to proceed on their own, but where the defendant’s alleged conduct possibly affected a number of people in the same way.

Lawyers who represent people who file class actions are called “class counsel.” The lawyers who brought this case (“Class Counsel”) have been working on the case since 2015. They not yet been paid any money for their work on this lawsuit and they have paid all litigation expenses out of pocket. They will be paid only if they win the lawsuit or if the Court approves the Settlement.

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

The Court did not decide this case in favor of Plaintiff or in favor of Sterling. If approved, the Settlement will stop the Parties from continuing the litigation. If the lawsuit continued, Sterling would oppose class certification, and argue it did not break the law. Continued litigation might mean that members of the Settlement Class would receive nothing. There also is the possibility that Sterling would be required to pay more than it has agreed to pay as a result of the Settlement.

The Parties engaged in extensive and arms-length negotiations to reach this Settlement. Plaintiff and Class Counsel believe that the proposed Settlement is fair, reasonable, and adequate, and in the best interests of the Settlement Class.

Both sides agree that, by settling, Sterling 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 Included In The Settlement**

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

You are a Class Member if—based on data that Sterling provided to Class Counsel, and analysis of that data by Class Counsel—you are a person about whom Sterling prepared a background report in the period from December 14, 2013 to December 19, 2019 and the report includes at least one address where both the “first” and “last” seen dates are more than seven years before the date of the report and where at least one of the addresses includes a “high risk” indicator.

If you are not certain as to whether you are a Class Member, you may contact the Settlement Administrator to find out. The Settlement Administrator can be reached at 1-844-718-9778 or [info@AddressClassAction.com](mailto:info@AddressClassAction.com).

## Settlement Payments

### 6. What will I receive if the Settlement is approved?

If approved, the Settlement will provide money for Settlement Class Members. Sterling will provide a settlement fund of \$15,000,000. This money will be available for payment to 200,423 Class Members, and will also be used to pay for any court-approved attorneys' fees, Class Representative Service Payment, and Administration Costs.

The exact amount each Settlement Class Member will receive will depend on the amount of fees, service payments and costs. Each Settlement Class Member should receive approximately \$45.

### 7. How can I receive a payment?

If you are a Class Member, you do not need to do anything to get a payment. You will receive a check at the address to which your Postcard Notice was mailed.

Your interest as a Class Member will be represented by Plaintiff and Class Counsel. You will be bound by any judgment arising from the Settlement.

If you change your address, you must mail a notification of your new address to the Settlement Administrator or submit a change of address online at [www.AddressClassAction.com](http://www.AddressClassAction.com).

### 8. When will I get my check?

The Court will hold a Final Fairness Hearing on September 22, 2020 at 2 pm to decide whether to finally approve the Settlement. If the Settlement is approved, there may be appeals. Payments to members of the Settlement Class will be made only if the Settlement is finally approved. The settlement website will be updated to reflect the status of litigation and, when applicable, payment dates. This may take some time, so please be patient. Checks must be cashed within 90 days of the date on the check. If you do not cash your check within that time period, half of the funds will be donated to the Salvation Army and the other half to the Center for Employment Opportunities.

### 9. What am I giving up if I stay in the class?

Upon the Court's approval of the Settlement, all Class Members who have not timely and properly opted out will fully release Sterling and the Released Parties from any claims of liability that were asserted or could have been asserted against Sterling (and the Released Parties) in this Action as of the Effective Date of the Settlement.

This release may affect your rights. To view the full terms of the release, which are contained in the Agreement, please visit [www.AddressClassAction.com](http://www.AddressClassAction.com).

### 10. How do I exclude myself from the Settlement?

If you choose to be excluded from the Settlement (or "opt out"), you will not be bound by any judgment or other final disposition of the lawsuit. However, you will not receive any settlement payment. You will retain any claims against Defendant you might have. To opt out, you must state in writing your desire to be excluded. To be valid, your submission must be signed and dated, must provide your full name (and former names, if

applicable), current address, and the last four digits of your social security number. You also must include an express statement that you wish to be excluded from the terms of the Agreement.

**Your Request for Exclusion must be sent by first class mail, postmarked on or before August 11, 2020, addressed to:**

*Gambles v. Sterling Infosystems, Inc.*  
c/o Sterling Settlement Administrator  
Attn: Exclusion Request  
P.O. Box 58220  
Philadelphia, PA 19102

**If the request is not postmarked on or before August 11, 2020, your Request for Exclusion will be invalid, and you will be bound by the terms of the Settlement approved by the Court, including the judgment ultimately rendered in the case, and you will be subject to the release referenced in paragraph 9 above.**

**11. 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 claims that this Settlement resolves. If you have a pending lawsuit, you should speak to your lawyer in that case.

**12. If I exclude myself, can I get money from this Settlement?**

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

**The Lawyers Representing You**

**13. Do I have a lawyer in this case?**

The Court has appointed Berger & Montague, P.C., Terrell Marshall Law Group PLLC, and Towards Justice, as Class Counsel:

E. Michelle Drake  
Berger & Montague, P.C.  
43 SE Main Street, Suite 505  
Minneapolis, MN 55414

Beth Terrell  
Terrell Marshall Law Group PLLC  
936 North 34th Street, Suite 300  
Seattle, WA 98103

David Seligman  
Towards Justice  
1535 High Street, Suite 300  
Denver, CO 80218

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.

**14. How will the lawyers and Class Representatives be paid?**

Class Counsel have been litigating this case since 2015. They have paid all court filing fees, have hired expert witnesses and consultants, have taken and defended depositions, have demanded and reviewed documents from Sterling and third-parties, and have appeared for court hearings. To date, Class Counsel have not been paid anything for their representation of the Settlement Class to date. They have paid all the expenses of litigation, including expert witnesses, out of their own pockets.

In connection with this Settlement, Class Counsel intend to apply to the Court for payment of attorneys' fees and costs, in an amount not to exceed \$5 million, plus reimbursement for their out of pocket costs, which are

approximately \$365,000. The Court will evaluate whether this fee request is reasonable in light of Class Counsel's skill and the risk they undertook in bringing the lawsuit. The Court may award less.

The Court has appointed Plaintiff, Ralph Gambles, as the Class Representative. Mr. Gambles has participated in this lawsuit since 2015 and has not been paid anything for his service to the class. He has produced documents to Sterling, responded to written discovery requests, and sat for a deposition where he was examined by Sterling's lawyers. Mr. Gambles has also communicated with his attorneys about this lawsuit and about the Settlement.

Class Counsel also will seek compensation for Mr. Gambles, in an amount not to exceed \$7,500, to be paid from the Gross Settlement Amount. This compensation is intended to pay the Class Representative for the time and effort put into bringing this lawsuit on behalf of everyone in the Settlement Class.

The costs of settlement administration are expected not to exceed \$275,000. If awarded by the Court, all of these amounts will be paid directly out of the settlement fund.

## **Objecting To The Settlement**

### **15. How do I tell the Court that I don't like the Settlement?**

You can ask the Court to deny approval of the Settlement by filing an objection. You cannot ask the Court to order a larger settlement; the Court can only approve or deny the Settlement as proposed. If the Court denies approval, then no settlement payments will be sent out and the litigation will continue. If that is what you want to happen, you must object.

You may object to the proposed Settlement in writing. If you submit a written objection, you may also appear at the final approval hearing, either in person, or through your own attorney. If you appear through your own attorney, you are responsible for paying that attorney.

All written objections and supporting papers must include (1) the Objector's full name and current mailing address, (2) the last four digits of the Objector's social security number, (3) the specific reason(s) for the Objection, (4) all evidence and supporting papers (including, without limitation, all briefs, written evidence, and declarations) for the Court to consider, and (5) identification of all counsel representing or assisting the Objector, if any. Objections must be submitted to the Settlement Administrator, Sterling Settlement Administrator, Attn: Objection, P.O. Box 58220, Philadelphia, PA 19102. Your objection must be submitted with a postmark on or before **August 11, 2020**.

Any Class Members who does not submit an objection in the time and manner described above will not be permitted to raise that objection later.

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

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

### **17. Where and when will the Court decide whether to approve the Settlement?**

There will be a final approval hearing to consider approval of the proposed Settlement on September 22, 2020 at 2 pm in the United States District Court for the Southern District of New York at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007. The hearing may be postponed to a later date without further notice. As appropriate, the Court may also allow telephonic or remote participation at the hearing. Class Members should check [www.AddressClassAction.com](http://www.AddressClassAction.com) regularly for any changes to this date, or other details about how to attend or participate in the hearing.

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 Representatives and Class Counsel; and whether a Final Approval Order and Judgment should be entered finally approving the proposed Settlement. The Court also will consider Class Counsel's application for payment of attorneys' fees and expenses and the Class Representative's compensation.

You do not need to appear at the hearing. You will be represented at the Final Approval Hearing by Class Counsel, 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 hearing.

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

No. Class Counsel will represent the Settlement Class at the Final Approval Hearing, but you are welcome to come or participate at your own expense. If you send any Objection, you do not have to come to Court to talk about it, but you may if you wish. As long as you timely submitted your written objection, the Court will consider it. You may also pay your own lawyer to attend/participate, if you wish.

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

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must send with your objection a notice of intention to appear at the hearing as described in Paragraph 15 above. You cannot speak at the hearing if you excluded yourself.

### **Getting More Information**

### **20. 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 business hours at the office of the Clerk of the Court, United States District Court for the Southern District of New York at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007, File: *Gambles v. Sterling Infosystems, Inc.*, Case No. 15-cv-9746. The full Agreement and certain pleadings filed in the case are also available at [www.AddressClassAction.com](http://www.AddressClassAction.com) or can be requested, in writing or by phone, from the Settlement Administrator.

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

You can visit [www.AddressClassAction.com](http://www.AddressClassAction.com) or contact the lawyers representing the Settlement Class, identified in Paragraph 13 above. **Please do not contact the Court for information.**