

# Consumers with Certain Public Records on Their Equifax Credit Reports

## *Could Be Affected by a Class Action Settlement Involving Credit Reporting*

*A federal court authorized this notice. This is not a solicitation from a lawyer. You are not being sued.*

- J **There is a proposed Settlement in class action lawsuits against Equifax involving the reporting of certain public record information on Equifax credit reports.**
- J You are included if between June 28, 2015 and May 14, 2019, Equifax issued your credit report to a third party (such as a lender or employer), and the credit report contained a tax lien or civil judgment where the disposition (or description) was reported inaccurately, or that did not belong to you.
- J Equifax will establish an Alternative Dispute Resolution Program (“ADR Program”) for consumers who were injured by an inaccurate Equifax credit report related to the reporting of a civil judgment or state or federal tax lien. If you are able to provide certain types of proof showing inaccuracy and injury, you can get an automatic payment of \$1,500. You will have 24 months after the Settlement is approved to submit a request for payment.
- J This Settlement does not release your individual claim(s), but you will release your individual claims if you accept a payment under the ADR Program.
- J The Settlement also includes changes to Equifax’s business practices by which Equifax will cease reporting civil judgments and tax liens for a period of time.
- J **Your legal rights are affected by the proposed Settlement even if you do nothing.**
- J **Your rights and options – and the deadlines to exercise them – are explained in this notice. Please read this entire notice carefully.**
- J If you have further questions, you may call 1-855-624-2739 or visit the Settlement website at [www.EquifaxPublicRecordSettlement.com](http://www.EquifaxPublicRecordSettlement.com).
- J You may contact the attorneys representing you for further information or assistance at: [EquifaxClassAction@consumerlawfirm.com](mailto:EquifaxClassAction@consumerlawfirm.com), or write to: *Equifax Settlement Class Counsel*, 1600 Market Street, Suite 2510, Philadelphia, PA 19103.

**Please do not send any questions about the Settlement to the Court or the Clerk’s office. They are not permitted to answer your questions.**

### YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

#### **Do Nothing**

If the Settlement is approved, you will benefit from the proposed Settlement. Equifax will stop reporting civil judgments and tax liens for a

	period of time. You will not release your individual claims unless you accept a payment from Equifax, but you will not be able to sue Equifax on a class action basis for the claims at issue in the Settlement. (See Questions 7 and 9 below.)
<b>Object</b>	You can write to the Court about why you do not like the proposed Settlement. Objections to the proposed Settlement must be submitted by <b>September 6, 2019</b> . Objections to any Motion for attorneys' fees or service awards must be submitted by <b>September 6, 2019</b> . (See Question 13 below.)
<b>Submit a Request for an ADR Payment</b>	If the Settlement is approved, you may be eligible to submit a request for an automatic payment of \$1,500 if you suffered an adverse action because of Equifax's inaccurate reporting of a judgment or tax lien. (See Question 7 below.) If you choose to accept the payment, you will be required to sign a release of claims against Equifax.

### Basic Information

#### 1. What is this notice about?

This Notice has been made available because members of the Settlement Class have a right to know about a proposed Settlement of a class action lawsuit before the Court decides whether to approve the Settlement. This Notice explains the lawsuits, the proposed Settlement, your legal rights, and what benefits are available. A full copy of the Settlement Agreement may be reviewed at the Settlement website: [www.EquifaxPublicRecordSettlement.com](http://www.EquifaxPublicRecordSettlement.com). This Notice contains only a summary of the Settlement Agreement.

The Court in charge of this Settlement is the United States District Court for the Eastern District of Virginia in front of Judge M. Hannah Lauck. The case is called *Thomas v. Equifax Information Services, LLC*, No. 3:18-cv-00684 (E.D. Va.). The people who brought the lawsuits are called the Plaintiffs or Class Representatives, and Equifax Information Services, LLC ("Equifax") is the Defendant.

#### 2. What are the lawsuits about?

The lawsuits claim that Equifax reported inaccurate public record information in violation of the Fair Credit Reporting Act. Equifax has disputed that it has any liability and contends that it acted lawfully and in compliance with the Fair Credit Reporting Act at all times.

The Court did not decide whether Equifax violated the law. Instead, both sides agreed to the Settlement to resolve the cases and provide benefits to consumers.

#### 3. What is a class action?

In a class action lawsuit, one or more people called "Class Representatives" sue on behalf of other people who have similar claims. One court resolves the issues for everyone in the class. The Class Representatives filed the cases as proposed class actions.

#### **4. Why is there a proposed Settlement?**

The Court has not decided which side is right or wrong in the cases. Instead, both sides agreed to a Settlement to avoid the costs and risks of a lengthy trial and appeals process.

#### **Who Is in the Settlement**

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

You are included in the proposed Settlement if between June 28, 2015 and May 14, 2019, Equifax issued your credit report to a third party (such as a lender or employer) and the credit report contained a tax lien or civil judgment that was not accurately described or did not belong to you. The Settlement includes state tax liens, federal tax liens, and civil judgments and includes claims that Equifax misreported those liens or judgments as unpaid, when they had in fact been paid.

#### **6. What if I am not sure whether I am included in the Class?**

If you are still not sure whether you are included in the Class, then you can call 1-855-624-2739 or visit [www.EquifaxPublicRecordSettlement.com](http://www.EquifaxPublicRecordSettlement.com) for more information.

You may contact the attorneys representing you for further information or assistance at: [EquifaxClassAction@consumerlawfirm.com](mailto:EquifaxClassAction@consumerlawfirm.com), or write to: *Equifax Settlement Class Counsel*, 1600 Market Street, Suite 2510, Philadelphia, PA 19103.

#### **The Settlement Benefits — What You Get**

#### **7. What does the Settlement provide?**

The parties agreed to this “Injunctive Relief” Settlement. An injunction occurs when a court orders a person or company to do or not do something – in this case, changes to Equifax’s business practices, including stopping reporting tax liens and judgments through at least December 31, 2019.

The Settlement requires Equifax, at its own expense, to design, implement, and maintain specific and substantial procedures that address the lawsuits’ concerns about how Equifax reports public records. All members of the Class will receive the benefit from these changes in business practices.

The Settlement does not guarantee that you will be paid money, but it does create an opportunity for monetary recovery for some people. You will not give up any rights you have to bring an individual claim against Equifax unless you choose to receive a payment.

##### **A. Right to Automatic Payment of \$1,500 in ADR Program.**

Under the Settlement, Equifax has agreed to create an expedited process (“ADR Program”) for consumers to submit a claim and request for payment if they have suffered “Adverse Action” as a result of an Equifax credit report that contained an inaccurate judgment or tax lien.

Participation in the ADR Program is voluntary. The ADR Program will be available for a 24-month period after the Effective Date of the Settlement. (The Effective Date and commencement of the ADR Program will not occur until September 2019 or later, after Court approval and resolution of any appeals.) This will save you the expense and difficulty of having to file your own lawsuit to obtain damages.

To be eligible to participate in the ADR Program, consumers must not:

- ) Be an employee of Equifax, and/or
- ) Have previously settled, compromised, or otherwise released a claim (as a result of litigation or otherwise) related to Equifax reporting an inaccurate judgment or tax lien on a credit report.

Details for submitting this request for payment and documents needed will be posted at [www.EquifaxPublicRecordSettlement.com](http://www.EquifaxPublicRecordSettlement.com). You may also contact the attorneys representing you for further information, advice, or assistance in making your request at [EquifaxClassAction@consumerlawfirm.com](mailto:EquifaxClassAction@consumerlawfirm.com), or write to: *Equifax Settlement Class Counsel*, 1600 Market Street, Suite 2510, Philadelphia, PA 19103.

Equifax has agreed to pay for the costs of providing notice, implementing the procedures described in the Court's injunction, administration of the ADR Program, and Class Counsel's attorneys' fees and expenses.

## **B. Changes to Equifax's Reporting and Disclosure Practices.**

Specifically, the changes in Equifax's business practices will require Equifax to do the following:

- ) Equifax will stop reporting state and federal tax liens and civil judgments until the later of (a) December 31, 2019 or (b) 18 months following the date the Settlement becomes final ("Effective Date") or such earlier date as Equifax stops reporting such records.
- ) After that date and for five years from the Effective Date, Equifax may only report newly acquired civil judgments and state and federal tax liens after providing Class Counsel with information about the new record collection process.
- ) Any new process must ensure that all public records are collected at a frequency of every 60 days or less, and the collection process must be sufficiently standardized and rigorous to ensure the accuracy and completeness of the records (including updates) obtained.

Because these procedures are being accomplished through a Court injunction, Judge Lauck will retain ongoing supervision of these changes. The specific terms of the changes are included in the Settlement Agreement, a copy of which is available at [www.EquifaxPublicRecordSettlement.com](http://www.EquifaxPublicRecordSettlement.com).

**Class Members do not have to pay or buy anything to benefit from the changes in business practices or the ADR Program provided by the Settlement.**

## **8. When will the proposed Settlement go into effect?**

The Court will hold a fairness hearing on **September 13, 2019**, to decide whether to approve the proposed Settlement. Even if the Court approves the proposed Settlement, there could be appeals to the Court's decision. The time for an appeal varies and could take more than a year. The date when all appeals are completed and the

proposed Settlement becomes final is called the Effective Date. You can visit the Settlement website at [www.EquifaxPublicRecordSettlement.com](http://www.EquifaxPublicRecordSettlement.com) after September 13, 2019, to check on the progress of the Court approval process.

### **9. How does the proposed Settlement affect my rights?**

If the proposed Settlement is finally approved by the Court, then you will be giving up the right to file a class or mass action, or any other aggregate litigation, against Equifax related to Equifax's reporting of public records. You keep your right to bring claims for damages and other relief against Equifax related to public record reporting on an individual basis, unless you accept a monetary payment from Equifax as part of the ADR Program. If you participate in the ADR Program and accept an offer of a monetary payment, you will be required to sign a release of individual claims against Equifax in order to receive your payment.

The precise terms of the release are explained in the Settlement Agreement, which you can view on the Settlement website, [www.EquifaxPublicRecordSettlement.com](http://www.EquifaxPublicRecordSettlement.com).

The Court's decisions in this Settlement will apply to you even if you object to the Settlement or have any other claim, lawsuit, or proceeding pending against Equifax relating to the same claims. If you have any questions about the release, you should visit the Settlement website for more information or consult with a lawyer.

### **10. Can I choose not to be in the proposed Settlement?**

No. This is an Injunctive Relief settlement under Fed. R. Civ. P. 23(b)(2). The proposed Settlement requires Equifax to change their business practices and implement procedures to benefit all members of the Class equally. As explained in Question 7, this type of benefit is injunctive. Therefore, under this type of class action, you cannot exclude yourself from the Class or this proposed Settlement.

However, as explained in Question 9, if you are not paid through the ADR Program, you will retain the right to file an individual lawsuit against Equifax for any damages and have your case and Equifax's defenses heard in court.

### **The Lawyers Representing You**

### **11. Do I have a lawyer in this case?**

Yes. The Court approved the following lawyers as "Class Counsel" to represent you and the Settlement Class:

- J Leonard Bennett and Matthew Erausquin of Consumer Litigation Associates, P.C. in Newport News, Virginia;
- J Jim Francis and John Soumilas of Francis & Mailman, P.C. in Philadelphia, Pennsylvania;
- J Micah Adkins of The Adkins Firm P.C. in Franklin, Tennessee;
- J Kristi Kelly of Kelly & Guzzo, PLC in Fairfax, Virginia; and
- J E. Michelle Drake of Berger & Montague, P.C. in Minneapolis, Minnesota.

You will not be charged for these lawyers. 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.

You may contact the attorneys representing you for further information or assistance at: [EquifaxClassAction@consumerlawfirm.com](mailto:EquifaxClassAction@consumerlawfirm.com), or write to: *Equifax Settlement Class Counsel*, 1600 Market Street, Suite 2510, Philadelphia, PA 19103.

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

The Settlement requires Equifax to pay the attorneys' fees of the five law firms that will serve as Class Counsel and of additional law firms that are counsel in other lawsuits pending against Equifax for the same issues in these cases. Collectively, these law firms will ask the Court for an award of attorneys' fees and expenses for the time, effort, and money they have spent on these cases. Class Counsel will also request service awards for the Class Representatives who helped the lawyers on behalf of the whole Class. Under the terms of the Settlement, Equifax is not obligated to pay any amount for attorneys' fees, expenses, and Class Representative service awards that exceeds \$9.5 million.

Class Counsel and the other settling law firms have worked on these cases entirely on a contingent basis. They have also financed all of the litigation, paying all applicable court fees, as well as all litigation costs and expenses. Thus far, the attorneys have not received any payment for their work. Had the attorneys not succeeded in settling or winning this lawsuit, they would have recovered nothing.

Equifax will pay the approved amount of attorneys' fees and expenses and service awards, and no Class Member will owe or pay anything for the attorneys' fees and expenses or the Class Representative service awards.

### **Objecting to the Settlement**

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

If you are a Settlement Class Member, you can object to the Settlement if you do not think it is fair, reasonable, or adequate.

All written objections must include:

- ) The objector's name, current address, date of birth, and telephone number;
- ) A sentence stating that to their knowledge, the objector believes he or she is a member of the Settlement Class;
- ) The factual basis and legal grounds for the objection to the Settlement;
- ) The identity of witnesses whom the objector may call to testify at the final fairness hearing;
- ) The name and address of any attorney who has drafted or helped draft the objection; and
- ) Copies of exhibits the objector may seek to offer into evidence at the final fairness hearing. Your objection must be signed, filed and/or postmarked on or before **September 6, 2019**.

To object, you must file and/or mail your objection with the Court and mail it to the other two addresses listed here no later than **September 6, 2019**:

COURT	CLASS COUNSEL	EQUIFAX COUNSEL
Clerk's Office United States District Court for the Eastern District of Virginia 701 East Broad Street Richmond, VA 23219	James A. Francis Francis & Mailman, P.C. 1600 Market Street 25th Floor, Suite 2510 Philadelphia, PA 19103	Zachary A. McEntyre King & Spalding LLP 1180 Peachtree St, NE Suite 1600 Atlanta, GA 30309

Objections to any Motion for attorneys' fees and service awards, must be filed and/or postmarked no later than **September 6, 2019**.

You may also appear at the final fairness hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for paying that attorney.

Objectors may be required to answer discovery, including appearing at a deposition, to explain the basis for their objection. 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.

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

The Court will hold a hearing to decide whether to approve the Settlement. The hearing will be held on **September 13, 2019 at 1:00 p.m.**, in Courtroom 6112, at the United States District Court for the Eastern District of Virginia, 701 East Broad Street, Richmond, Virginia 23219 in front of Judge Lauck. The purpose of the hearing is to determine the fairness, reasonableness, and adequacy of the Settlement terms; whether the Settlement Class is adequately represented by the Class Representatives and Class Counsel; and whether an order and Final Judgment should be entered approving the proposed Settlement. The Court also will consider Class Counsel's application for an award of attorneys' fees and expenses and the Class Representatives' compensation.

After the hearing, the Court will decide whether to finally approve the proposed Settlement. There may be appeals after that. We do not know how long these decisions will take.

The hearing may be postponed to a later date without further notice; Settlement Class Members should check [www.EquifaxPublicRecordSettlement.com](http://www.EquifaxPublicRecordSettlement.com) regularly for any changes to this date.

You will be represented at the final fairness 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.

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

No. Class Counsel will represent the Settlement Class at the final 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, but you may if you wish. As long as you filed and mailed your written objection on time, and it complies with Section 8.4 of the Settlement Agreement, as set forth above in Question 13, the Court will consider it. You may also pay your own lawyer to attend, if you wish.

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

You may ask the Court for permission to speak at the final fairness hearing. To do so, you must send with your objection a notice that you or your lawyer would like to speak at the hearing. You cannot speak at the hearing if you do not follow this procedure.

## **17. What happens if I do nothing at all?**

You are not required to do anything to get the benefits of the Settlement. If the Court approves the proposed Settlement, then you will be bound by the Court's final judgment and the release of claims explained in the Settlement Agreement.

### **Getting More Information**

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

This Notice is only a summary of the proposed Settlement. More details about the proposed Settlement, the date when appeals are no longer allowed and when the Settlement is final, deadlines for certain actions, and your options are available in a longer document called the Settlement Agreement. You can get a copy of the Settlement Agreement by visiting [www.EquifaxPublicRecordSettlement.com](http://www.EquifaxPublicRecordSettlement.com).

The website also provides answers to commonly asked questions, plus other information, to help you determine whether you are a member of the Settlement Class. In addition, some of the key documents in the cases will be posted on the website.

You may contact the attorneys representing you for further information or assistance at: [EquifaxClassAction@consumerlawfirm.com](mailto:EquifaxClassAction@consumerlawfirm.com), or write to: *Equifax Settlement Class Counsel*, 1600 Market Street, Suite 2510, Philadelphia, PA 19103.

**Do not write or call the Judge, any Court personnel, or  
Equifax's counsel concerning this lawsuit or notice.**