

# Consumers with Public Records on Their TransUnion 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.*

- **There is a proposed Settlement in class action lawsuits against TransUnion involving the reporting of certain public record information on TransUnion credit reports.**
- You are included if you: (a) requested and received a copy of your credit report from TransUnion between May 20, 2009 and March 23, 2018 that included a public record (such as a bankruptcy, judgment, or tax lien); or (b) between July 5, 2014 and March 23, 2018 had a credit report communicated by TransUnion to a third party (such as a lender or employer) where the credit report contained a tax lien or civil judgment, and where such lien or judgment was reported inaccurately or did not belong to you.
- TransUnion will establish an Alternative Dispute Resolution Program (“ADR Program”) for consumers who were injured by an inaccurate TransUnion 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 of injury, you can get an automatic payment of at least \$1,500, and in some circumstances, \$2,000. You will have 18 months after the Settlement is approved to submit a request for payment.
- This Settlement does not release your individual claim(s), unless you accept a payment under the ADR Program.
- The Settlement also includes changes to TransUnion’s business practices by which TransUnion will cease reporting civil judgments and tax liens and will provide a means for consumers to determine the vendor from whom it obtained their records.
- **Your legal rights are affected by the proposed Settlement even if you do nothing.**
- **Your rights and options – and the deadlines to exercise them – are explained in this notice. Please read this entire notice carefully.**
- If you have further questions, you may call 1-844-718-2692 or visit the Settlement website at [www.TUPublicRecordSettlement.com](http://www.TUPublicRecordSettlement.com).
- You may contact the attorneys representing you for further information or assistance at: [transunion@clalegal.com](mailto:transunion@clalegal.com), or write to: *TransUnion Settlement Class Counsel*, 763 J. Clyde Morris Blvd., Suite 1A, Newport News, VA 23601.

**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.**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:</b>	
<b>Do Nothing</b>	If the Settlement is approved, you will benefit from the proposed Settlement. TransUnion will remove civil judgments and tax liens from your credit reports for a period of time and will provide a means for you to learn the identity of the vendor who provided TransUnion with such records. You will not release your individual claims, but you will not be able to sue TransUnion 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>July 31, 2018</b> . Objections to any Motion for attorneys' fees or service awards must be submitted by <b>August 10, 2018</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 at least \$1,500, and in some circumstances, \$2,000, if you suffered an adverse action because of TransUnion'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 TransUnion.

### **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.TUPublicRecordSettlement.com](http://www.TUPublicRecordSettlement.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. Two lawsuits settled, *Clark v. Trans Union LLC*, No. 3:15-cv-00391 (E.D. Va.) and *Anderson v. Trans Union LLC*, No. 3:16-cv-00558 (E.D. Va.), and they have now been consolidated. The people who brought the lawsuits are called the Plaintiffs or Class Representatives, and TransUnion is the Defendant.

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

The lawsuits claim that TransUnion failed to disclose its third-party vendor through whom it collected public record information and that TransUnion reported inaccurate and out-of-date public record information in violation of the Fair Credit Reporting Act.

TransUnion 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 TransUnion 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 you:

(a) requested and received a copy of your credit report from TransUnion between May 20, 2009 and March 23, 2018, and the credit report contained a tax lien, civil judgment, or bankruptcy, but the identity of the vendor who provided the information to TransUnion was not disclosed;

AND/OR

(b) between July 5, 2014 and March 23, 2018, TransUnion communicated 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 TransUnion 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 1-844-718-2692 or visit [www.TUPublicRecordSettlement.com](http://www.TUPublicRecordSettlement.com) for more information.

You may contact the attorneys representing you for further information or assistance at: [transunion@clalegal.com](mailto:transunion@clalegal.com), or write to: *TransUnion Settlement Class Counsel*, 763 J Clyde Morris Blvd., Suite 1A, Newport News, VA 23601.

#### **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 TransUnion’s business practices, including stopping reporting tax liens and judgments through at least December 31, 2019, and disclosing the third-party vendor(s) hired by TransUnion to collect those records.

The Settlement requires TransUnion, at its own expense, to design, implement, and maintain specific and substantial procedures that address the lawsuits' concerns about how TransUnion 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 TransUnion unless you choose to receive a payment.

**A. Right to Automatic Payment of \$1,500 or \$2,000 in ADR Program.**

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

Participation in the ADR Program is voluntary and will be available for an 18-month period after the Effective Date of the Settlement. (The Effective Date and commencement of the ADR Program will not occur until September 2018 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.

Details for submitting this request for payment and documents needed will be posted at [www.TUPublicRecordSettlement.com](http://www.TUPublicRecordSettlement.com). You may also contact the attorneys representing you for further information, advice, or assistance in making your request at [transunion@clalegal.com](mailto:transunion@clalegal.com), or write to: *TransUnion Settlement Class Counsel*, 763 J. Clyde Morris Blvd., Suite 1A, Newport News, VA 23601.

TransUnion 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 TransUnion's Reporting and Disclosure Practices.**

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

- TransUnion 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 TransUnion stops reporting such records.
- After that date and for three years from the Effective Date, TransUnion may only report newly acquired civil judgments and state and federal tax liens after providing Class Counsel with the details of the new record collection process. If Class Counsel objects to the new proposal, TransUnion will be required to obtain Court approval.
- At a minimum, any new process must ensure that sufficient information is gathered about public records and their current status so that the records are conclusively matched to a consumer's file. This match must include, at a minimum, first and last name, full date of birth and/or at least the last four digits of the consumer's social security number. Further, all public records must be 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.

- For all consumer file disclosures that contain a civil judgment or state or federal tax lien, TransUnion will provide a website address (“Source Disclosure Webpage”) on the disclosure that will be active for three years following the Effective Date of the Settlement. The Source Disclosure Webpage will disclose the name, mailing address, and web address (if any) for each public records vendor used by TransUnion in a manner that will reasonably permit the consumer to locate and identify the specific vendor for the specific records in their file disclosure.

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.TUPublicRecordSettlement.com](http://www.TUPublicRecordSettlement.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 **August 29, 2018**, 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.TUPublicRecordSettlement.com](http://www.TUPublicRecordSettlement.com) after August 29, 2018, 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 against TransUnion related to TransUnion’s reporting of public records. You keep your right to bring any and all claims for any kinds of damages and other relief against TransUnion related to public record reporting on an individual basis. 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 TransUnion 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.TUPublicRecordSettlement.com](http://www.TUPublicRecordSettlement.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 TransUnion 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 TransUnion 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 TransUnion for any damages and have your case and TransUnion’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:

- Leonard Bennett and Matthew Erausquin of Consumer Litigation Associates, P.C. in Newport News, Virginia;
- Jim Francis and John Soumilas of Francis & Mailman, P.C. in Philadelphia, Pennsylvania;
- Kristi Kelly of Kelly & Crandall, PLC in Fairfax, Virginia; and
- 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: [transunion@clalegal.com](mailto:transunion@clalegal.com), or write to: *TransUnion Settlement Class Counsel*, Consumer Litigation Associates, 763 J. Clyde Morris Blvd, Suite 1A, Newport News, VA 23601.

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

The Settlement requires TransUnion to pay the attorneys’ fees of the four law firms that will serve as Class Counsel and of additional law firms that are counsel in other lawsuits pending against TransUnion 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, TransUnion is not obligated to pay any amount for attorneys’ fees, expenses, and Class Representative service awards that exceed \$16.2 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.

TransUnion 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, address, and telephone number;
- A sentence stating the basis on which the objector believes he or she is a member of the Settlement Class, including a description of the public record that was misreported, if any;
- 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 approval 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 approval hearing. Your objection must be signed, filed and/or postmarked on or before **July 31, 2018**.

To object, you must file and/or mail your objection with the Court and mail to the other two addresses listed here no later than **July 31, 2018**:

COURT	CLASS COUNSEL	TRANSUNION COUNSEL
Clerk's Office United States District Court for the Eastern District of Virginia 701 East Broad Street Richmond, VA 23219	Leonard A. Bennett Consumer Litigation Associates 763 J. Clyde Morris Boulevard Suite 1A Newport News, VA 23601	Stephen J. Newman, Esq. Stroock & Stroock & Lavan LLP 2029 Century Park East Los Angeles, CA 90067

Objections to any Motion for attorneys' fees and service awards, must be filed and/or mailed no later than **August 10, 2018**.

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.

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 **August 29, 2018 at 10:30 a.m.** 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.TUPublicRecordSettlement.com](http://www.TUPublicRecordSettlement.com) regularly for any changes to this date.

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.

#### **15. 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 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 approval 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.TUPublicRecordSettlement.com](http://www.TUPublicRecordSettlement.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: [transunion@clalegal.com](mailto:transunion@clalegal.com), or write to: *TransUnion Settlement Class Counsel*, 763 J. Clyde Morris Blvd., Suite 1A, Newport News, VA 23601.

**Do not write or call the Judge or any Court personnel concerning this lawsuit or notice.**