

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SERGIO L. RAMIREZ, on behalf of himself)
and all others similarly situated,)
)
Plaintiff,)
)
v.)
)
TRANS UNION, LLC,)
)
Defendant.)
_____)

Case No. 3:12-cv-00632-JSC

YOU ARE A MEMBER OF A CLASS ACTION

READ THIS NOTICE CAREFULLY

A federal court authorized this notice. This is not a solicitation from a lawyer.

You previously received notice that you were a member of the Class in the case referenced above. In the time since the last notice, the case went to trial, and a jury awarded a judgment in your favor. However, Defendant Trans Union, LLC (“Trans Union”) appealed the result of the trial up to the United States Supreme Court (“Supreme Court”), which reversed the judgment in part. The two sides disagree about what should happen next, including whether there should be another trial, and whether some members of the Class can receive any money at all.

You are receiving this second notice because this case has been settled. The settlement will provide a settlement fund of \$9,000,000.00 to pay people who are members of the Class. The settlement avoids costs and risks to you from continuing the lawsuit; pays money to some members of the Class and releases Defendant from liability.

YOU MUST FILE A CLAIM TO RECEIVE ANY MONEY FROM THE SETTLEMENT

Lawyers for the Class will ask the Court for up to one-half of the settlement fund—as fees and expenses for investigating the facts, litigating the case, taking the case to trial, defending against the appeals after the trial, and negotiating the settlement—and for \$75,000.00 to be paid to the Class Representative, Sergio Ramirez, for his services to the Class including testifying at trial.

QUESTIONS? CALL 833-215-9289 TOLL FREE, OR VISIT www.RamirezTUSettlement.com
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**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:
YOU CAN DO ONE OR MORE OF THE FOLLOWING**

DO NOTHING	You will not receive any money from the settlement, and you will not give up any rights or claims.
FILE A CLAIM	You must file the claim form attached to this Notice to receive any money from the settlement. The payment amount will depend on the number of claims submitted but is expected to be approximately \$1,900.00. THE DEADLINE TO MAKE A CLAIM IS OCTOBER 17, 2022.
OBJECT	Write to the Court about why you don't like the settlement or the lawyers' request for fees.
GO TO A HEARING	Ask to speak in Court about the fairness of the settlement or the lawyers' request for fees.

These rights and options—**and the deadlines to exercise them**—are explained in this Notice.

The Court in charge of this case still has to decide whether to approve the settlement. Payments will be made if the Court approves the settlement and after any appeals are resolved. Please be patient.

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Basic Information

1. What is contained in this notice package?

This package explains the lawsuit, the settlement, your legal rights, what benefits are available to you as a member of the certified Class, and how to get them.

You have a right to know about a proposed settlement of this class action lawsuit, and about all of your options, before the Court decides whether to approve the settlement. If the Court approves the settlement, and after objections and appeals are resolved, an administrator appointed by the Court will make the payments that the settlement allows. You will be informed of the progress of the settlement.

The Court in charge of the case is the United States District Court for the Northern District of California. This class action is captioned as *Ramirez v. Trans Union, LLC*, Case Number 3:12-cv-00632-JSC. The person who sued is called the Plaintiff, and the company he sued is called the Defendant.

2. What is this lawsuit about?

The lawsuit claimed that Defendant failed to comply with the federal Fair Credit Reporting Act by associating consumers with individuals listed on the U.S. government's Office of Foreign Assets Control ("OFAC") Database. The OFAC Database lists persons that are suspected terrorists, drug traffickers, or other enemies of the state. American businesses are prohibited from doing business with persons listed in the OFAC Database, including employing them or giving them credit.

The lawsuit brought two claims. The first claim is that Trans Union uses inadequate procedures to associate consumers with the OFAC Database, and results in Defendant erroneously identifying consumers as being part of the OFAC Database when they are not. Specifically, the claim is that Defendant's procedures violated the Fair Credit Reporting Act by failing to maintain reasonable procedures to assure the "maximum possible accuracy" of the information it associates with consumers.

The second claim is that Defendant misinformed consumers about the contents of their credit reports and failed to tell them about their rights to dispute any inaccurate OFAC information and have it corrected, in violation of another part of the Fair Credit Reporting Act.

3. Why is this a class action?

In a class action, one or more people called Class Representative (in this case Sergio Ramirez), sue on behalf of people who have similar claims. All these people are a Class or Class Members. One court resolves the issues for all Class Members. The Honorable Judge Jacqueline Scott Corley is in charge of this class action. Judge Corley decided that this case should proceed as a class action.

You previously received a notice explaining the suit, informing you that you were a member of the certified Class, and explaining your options and legal rights based on the Court's class certification order.

4. What has happened since the last notice?

The case went to trial in June 2017, and a jury found in favor of the Class Representative and all Class Members, and awarded damages. Trans Union appealed the result of the trial, first to the U.S. Court of Appeals for the Ninth Circuit (which reduced the original jury verdict), and then to the Supreme Court.

The Supreme Court issued its decision in the case in June 2021, under the name *Trans Union, LLC v. Ramirez*. The full decision is available on the settlement website. The Supreme Court reversed the jury's award for some of the Class Members, and sent the case back to Judge Corley. The two sides disagree about whether there should be another trial in the case, and how much (if anything) Class Members could recover.

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5. Why is there a settlement?

Both sides agreed to a settlement after a mediation session in front of the Honorable U.S. Magistrate Judge Morton Denlow (Ret.). By reaching a settlement agreement (available at www.RamirezTUSettlement.com), the parties avoid the cost of further litigation, which could include another trial and more appeals, and the people who were affected as described by the Supreme Court's decision in the case will get compensation. The Class Representative and the attorneys think the settlement is best for all Class Members.

The Certified Class

6. Why am I getting this notice?

Judge Corley decided that everyone who fits this description is a Class Member:

“All natural persons in the United States and its Territories to whom Trans Union sent a letter similar in form to the March 1, 2011 letter Trans Union sent to Plaintiff regarding ‘OFAC (Office of Foreign Assets Control) Database’ from January 1, 2011 to July 26, 2011.”

Trans Union's records indicate that you are a member of the Class. However, the Supreme Court's June 2021 decision stated that Class Members must show that Trans Union sent a credit report about them with an OFAC record to another business in order to recover money in this case.

Accordingly, Judge Corley modified the definition of the Class to be: (1) the 1,853 class members Trans Union identified in its pre-trial stipulation as individuals for whom Trans Union had delivered a credit report containing OFAC data to a third-party, and (2) any class members from the remaining group of 6,332 individuals not identified in the stipulation who submit a claim demonstrating publication of OFAC data to a third-party during the class period.

The Trans Union records in this case have **not** shown that it sent a credit report with an OFAC record to another business about you. Therefore, **you will need to submit a Claim** identifying a time when Trans Union sent a credit report with an OFAC record about you to another business or company in order to recover money from the settlement.

The Settlement Benefits — What You Get

7. What does the settlement provide?

The settlement agreement provides that Defendant will pay the sum of \$9,000,000.00 into a settlement fund.

The settlement fund will be used to make payments to Class Members that Trans Union sent credit reports containing OFAC records to other businesses.

Class Members where Trans Union's records show that it sent an OFAC record to a business do not need to do anything, and will receive an automatic payment.

Other Class Members will need to submit a Claim Form identifying a time when Trans Union sent a credit report containing an OFAC record to a third party, in order to receive a payment from the settlement. You are in this group. **You must make a claim by October 17, 2022 in order to receive a payment from the settlement.**

The payment amount will depend on the number of people who make successful claims, but is expected to be in excess of \$1,900.00 each.

The Court previously approved an individual settlement and service award to the Class Representative in the amount of \$75,000.00, and subject to the Court's approval, the settlement will provide this payment to him. Additionally, and subject to the Court's approval, Class Counsel will seek to recover up to one-half of the settlement fund to cover Class Counsel's fees and expenses incurred in litigating the case. Class Counsel will file a motion giving the details of their fees and expenses by October 20, 2022, and their motion will be available to review at www.RamirezTUSettlement.com.

The settlement fund shall also be used to pay the costs of notice and settlement administration.

No portion of the settlement fund shall revert to Defendant. The settlement provides that uncashed checks will be redistributed to Class Members who cash their first check, or paid to non-profit organizations to be approved by the Court. More details on all of the settlement benefits are set forth in the settlement agreement which is available at www.RamirezTUSettlement.com.

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8. When would I get my payment?

The Court will hold a Fairness Hearing on December 15, 2022 in Courtroom 8, United States District Court, 450 Golden Gate Avenue, San Francisco, CA 94102 at 9:00 a.m. to decide whether to approve the settlement. If Judge Corley approves the settlement after that, there may be appeals. It's always uncertain what the outcome of any appeals will be, and resolving them can take time, perhaps more than a year. **Please be patient.**

The Lawyers Representing You

9. Do I have a lawyer in this case?

James A. Francis, Esq. of the law firm of Francis Mailman Soumilas, P.C. in Philadelphia, Pennsylvania, represents you and other Class Members. The contact information for the law firm is:

FRANCIS MAILMAN SOUMILAS, P.C.

1600 Market Street, Suite 2510

Philadelphia, PA 19103

Tel: (215) 735-8600 or (877) 735-8600

ramirezsettlement@consumerlawfirm.com

You are also represented by Andrew J. Ogilvie and Carol M. Brewer of the law firm Ogilvie & Brewer LLP, Elizabeth Cabraser and Michael W. Sobol of Lieff Cabraser Heimann & Bernstein, LLP, Samuel Issacharoff, and Robert H. Klonoff. These lawyers are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

10. How will the lawyers be paid?

Class Counsel will ask the Court to approve payment to them of up to \$4.5 million from the settlement fund for attorneys' fees and expenses. The attorneys' fees would pay Class Counsel for investigating the facts, litigating the case through trial, defending against Defendant's appeals of the result of the trial and negotiating the settlement. The Court may award less than this amount. Defendant has agreed not to oppose the request for fees and expenses, up to one-half of the settlement fund. **You have the opportunity and right to object or comment on Class Counsel's fee request.** Class Counsel will file a motion giving the details of their fees and expenses by October 20, 2022, and their motion will be available to review at **www.RamirezTUSettlement.com**. The costs of sending notice and administering the settlement will also be paid from the settlement fund.

Objecting to the Settlement

11. How do I tell the Court that I don't like the settlement?

You can comment on, or object to, the Settlement, Class Counsel's request for attorneys' fees, costs and expenses, and/or the request for a service award to the Class Representative.

You can ask the Court to deny approval of the Settlement by filing an objection. You can't ask the Court to order a different settlement; the Court can only approve or reject the settlement. If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object.

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Any objection to the proposed settlement must be in writing. If you file a timely written objection, you may, but are not required to, appear at the Fairness Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney.

All written objections and supporting papers must clearly identify the case name and number *Ramirez v. Trans Union, LLC*, Case Number 3:12-cv-00632-JSC. Be sure to also include your full name, address and telephone number; the reasons you object to the settlement; whether you plan to come to the Fairness Hearing and you (or anyone else) want to speak; if you have a lawyer (who is not one of the lawyers for the Class), the name of the lawyer(s) representing you; and if they exist, any agreements or documents relating to your objection or the process of objecting.

Mail the objection to the three different places shown here, postmarked no later than **November 18, 2022**:

<u>COURT</u> Clerk of the Court Northern District of California U.S. Courthouse 450 Golden Gate Avenue San Francisco, CA 94102	<u>CLASS COUNSEL</u> Francis Mailman Soumilas, P.C. 1600 Market Street Suite 2510 Philadelphia, PA 19103 Attention: James A. Francis, Esq.	<u>DEFENDANT'S COUNSEL</u> Stroock & Stroock & Lavan LLP 2029 Century Park East 18th Floor Los Angeles, CA 90067 Attention: Stephen J. Newman, Esq.
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Instead of mailing objections to the Court, you can file them in person at any location of the United States District Court for the Northern District of California. If you do so, however, you will still need to mail copies to Class Counsel and Defendant's Counsel at the addresses just above.

The Court's Fairness Hearing

The Court will hold a hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you don't have to.

12. When and where will the Court decide whether to approve the settlement?

The Court will hold a Fairness Hearing at 9:00 a.m. on December 15, 2022, in Courtroom 8, United States District Court, 450 Golden Gate Avenue, San Francisco, CA 94102. This date may change without further notice. You should check the settlement website, www.RamirezTUSettlement.com to confirm that the date has not been changed.

At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate and whether the requested payments to Class Counsel and Class Representative are proper. If there are objections, the Court will consider them. Judge Corley will also listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

13. Do I have to come to the hearing?

No. Class Counsel will answer questions Judge Corley may have. But you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

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14. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. If you plan to speak at the hearing because you don't like the settlement, you must send a letter as described in Section 11 above. You must also file a notice of intent to appear at the hearing with the Court Clerk's office no later than **December 1, 2022**. You must send copies of the notice to both Class Counsel and Defendants' counsel at the addresses provided in Section 11 above.

If You Do Nothing

15. What happens if I do nothing at all?

If you do nothing, you will not receive any payment from the settlement and your claims will be dismissed.

Getting More Information

16. How do I get more information?

This notice summarizes the proposed settlement. For the precise terms and conditions of the settlement, please see the settlement agreement available at www.RamirezTUSettlement.com, by contacting Class Counsel at the phone number provided in Section 9, by accessing the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102-3489, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

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