

**IN THE COURT OF COMMON PLEAS  
FOR LEXINGTON COUNTY  
STATE OF SOUTH CAROLINA**

GEORGE BOSKIE, HADEL TOMA, and  
TERRY KELLER, individually and as  
representatives of the Class,

Plaintiffs,

v.

Backgroundchecks.com LLC,

Defendant.

No. 2019CP3200824

DECLARATION OF JENNIFER M.  
KEOUGH REGARDING NOTICE  
ADMINISTRATION

I, JENNIFER M. KEOUGH, declare as follows:

1. I am the Chief Executive Officer (“CEO”) at JND Legal Administration (“JND”). The following statements are based on my personal knowledge and information provided to me by other JND employees working under my supervision and, if called on to do so, I could and would testify competently thereto.

2. JND is serving as the Settlement Administrator in the above-captioned litigation (“Action”) for the purposes of administering the Settlement Agreement (“Settlement Agreement”) preliminarily approved by the Court on May 17, 2019 in its Preliminary Approval Order (“Order”).

### **NOTICE PLAN OVERVIEW**

3. JND administered the Notice Program for the two separate settlements in this Action. The Notice Program for the HomeAdvisor Class consisted of a Direct Notice Program. Because contact information was not readily available for the Injunctive Relief Class, JND designed a consumer media campaign to effectively reach unknown Injunctive Relief Class Members.

### **CLASS MEMBER DATA**

4. On May 3, 2019, Counsel for Defendant provided JND with an electronic file containing, among other information, the names of individuals identified as HomeAdvisor Class Members. The file contained a total of 5,385 Class Members, with 5,353 of these records identified as unique individuals. The Class Member data was promptly loaded into a database established for this Action.

### **DIRECT NOTICE**

5. On June 6, 2019, JND sent HomeAdvisor Class Mail Notice (“Mail Notice”) via first-class regular U.S. mail to 5,353 unique HomeAdvisor Class Members.

6. Prior to mailing, JND updated the addresses of 791 HomeAdvisor Class Members using the United States Postal Service National Change of Address database<sup>1</sup>.

7. As of September 27, 2019, 796 Postcard Notices were returned to JND as undeliverable. JND performed advanced research and re-mailed Mail Notice to 236 HomeAdvisor Class Members. Ten (10) Mail Notices from the initial mailing were returned to JND as undeliverable with a forwarding address. Pursuant to the Settlement Agreement at Subsection 4.3.3(a), JND promptly re-mailed these within five (5) days to the forwarding address.

8. A copy of the Mail Notice is attached as **Exhibit A**.

### **PUBLICATION NOTICE**

9. For the unknown Injunctive Relief Class, JND caused a summarized version of the publication notice (“Injunctive Relief Publication Notice”) to appear in *People and Sports*

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<sup>1</sup> The NCOA database is the official United States Postal Service (“USPS”) technology product which makes change of address information available to mailers to help reduce undeliverable mail pieces before mail enters the mail stream. This product is an effective tool to update address changes when a person has completed a change of address form with the USPS. The address information is maintained on the database for 48 months.

*Illustrated*. The Injunctive Relief Publication Notice appeared in *People* on July 8, 2019 and in *Sports Illustrated* on July 15, 2019. Copies of the Injunctive Relief Publication Notice as they appeared in both magazines are attached as **Exhibit B**.

### **DIGITAL NOTICE**

10. On May 22, 2019, JND implemented an internet advertising campaign to inform potential Class Members about the Injunctive Relief Settlement, which included a court-approved banner advertisement (“Digital Notice”) on the Google Display Network, Facebook, and ESPN.com, as well as paid keywords through the Google/Bing search engines. The campaign concluded on August 21, 2019, delivering over 579,138,193 impressions on Google Display Network, Facebook, and ESPN, along with an additional 28,334 impressions on Google/Bing search engines. Overall, the digital effort delivered 25,166,527 impressions more than originally planned. Impressions targeted adults 18 years of age and older, with Google Display Network also skewing impressions to Spanish speakers and Men 18-34 years of age who were fans of rap and hip-hop music. Copies of the Digital Notice as they appeared are attached as **Exhibit C**.

### **SETTLEMENT WEBSITE**

11. On May 20, 2019, JND established settlement-specific websites to allow class members to learn more about each case.

12. As of September 27, 2019, there were a total of 479 unique visitors and 2,714 page-views to the HomeAdvisor Settlement Website, [www.dismissedchargesfcrasettlement.com](http://www.dismissedchargesfcrasettlement.com).

13. As of September 27, 2019, there were a total of 150,600 unique visitors and 233,274 page-views to the Injunctive Relief Settlement Website, [www.criminalrecorddatasettlement.com](http://www.criminalrecorddatasettlement.com).

14. Viewers of the Settlement Websites can download copies of the First Amended Complaint; Settlement Agreement; Long-Form Notice (available in English and Spanish); Preliminary Approval Order; and other case-related documents for their respective Settlement Classes.

15. JND will continue to maintain the Settlement Websites throughout the administration process.

**SETTLEMENT EMAIL ADDRESS**

16. On May 20, 2019, JND established settlement-specific email addresses for each class to obtain additional information.

17. As of September 27, 2019, JND received and responded to three (3) HomeAdvisor emails. The HomeAdvisor settlement email address is info@dismissedchargesfcra settlement.com.

18. As of September 27, 2019, JND received and responded to 98 Injunctive Relief emails. The Injunctive Relief settlement email address is info@criminalrecorddatasettlement.com.

19. JND will continue to maintain the settlement email addresses throughout the administration process.

**SETTLEMENT PHONE NUMBER**

20. On or before May 23, 2019, JND established settlement-specific dedicated toll-free numbers for each class.

21. As of September 27, 2019, the HomeAdvisor toll-free phone number (833-222-1172) received 172 calls.

22. As of September 27, 2019, the Injunctive Relief toll-free phone number (833-222-1168) received 345 calls.

23. JND will continue to maintain the settlement phone numbers throughout the administration process.

**OBJECTIONS**

24. Notice for both classes informed Class Members that anyone who wanted to object to the Settlement could do so by submitting a written statement to JND on or before September 10, 2019.

25. As of September 27, 2019, JND received three objections from Injunctive Relief Class Members and has not received any objections from HomeAdvisor Class Members.

**REQUESTS FOR EXCLUSION**

26. The Mail Notice informed HomeAdvisor Class Members that anyone who wanted to be excluded from the Settlement could do so by submitting a written request for exclusion (“opt-out”) to JND, postmarked on or before September 10, 2019.

27. As of September 27, 2019, JND has not received any opt-outs.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 3, 2019 at Seattle, WA.



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JENNIFER M. KEOUGH

# EXHIBIT A

# COURT ORDERED NOTICE

## *Boskie v. Backgroundchecks.com LLC*

### Class Action Notice

A settlement has been reached in a class action lawsuit against backgroundchecks.com LLC (“BGC”) for alleged violations of the Fair Credit Reporting Act (“FCRA”). Plaintiff claims that in consumer reports provided to HomeAdvisor Inc. BGC improperly included adverse information other than convictions of crimes that antedated the reports by more than seven years. BGC vigorously denies that it violated any law but has agreed to the settlement to avoid the uncertainties and expenses associated with continuing the litigation. This Notice summarizes the proposed settlement. For the precise terms and conditions of the settlement, please review the Settlement Agreement, available at [www.dismissedchargesfcraSettlement.com](http://www.dismissedchargesfcraSettlement.com).

*Boskie v. Backgroundchecks.com LLC*  
c/o JND Legal Administration  
PO Box 91131  
Seattle, WA 98111-9231



Postal Service: Please do not mark barcode

2019CP3200824

First Last  
Address1  
Address2  
City, State, Zip Code

**Am I a Class Member?** BGC's records indicate you are a Class Member. The Settlement Class consists of all natural persons residing in the United States or the District of Columbia who were the subject of one or more consumer reports that BGC prepared and furnished directly to HomeAdvisor, Inc. during the period from September 8, 2014 to May 17, 2019, which report or reports contained one or more criminal records where the reported disposition in the incident was (a) either blank or something other than a conviction of a crime; and (b) antedates the date of the report by more than seven years. Excluded from the Settlement Class are any Released Party, any person who has previously released his or her claims against BGC, any person who validly opts out of the settlement pursuant to section 4.6, and the Judge overseeing the Litigation.

**What Can I Get?** If the settlement is approved by the Court and you do not exclude yourself from the settlement, you will receive a settlement payment and release BGC over the legal issues in this litigation. The estimated per class member amount is \$95, but the actual amount will depend on the amount of attorneys' fees, Named Plaintiff service award, and administration costs approved by the Court. The total settlement fund is \$834,675. **You do not have to do anything to receive a payment.**

**What Are My Other Options?** If you do not wish to be part of the settlement, you may exclude yourself from the Settlement Class by mailing a written notice to the Settlement Administrator postmarked by **September 10, 2019**. If you exclude yourself, you cannot receive a settlement payment, but you keep any rights you may have to sue BGC over the legal issues in this litigation. If you do not exclude yourself, you and/or your lawyer have the right to appear before the Court and/or object to the settlement. Your written objection must be filed with the Court no later than **September 10, 2019**. Specific instructions on how to object to or exclude yourself from the settlement are available at [www.dismissedchargesfcrsettlement.com](http://www.dismissedchargesfcrsettlement.com). If you do not exclude yourself from the settlement, you will be bound to the Court's judgment, including the release of claims contained in the Settlement Agreement.

**Who Represents Me?** The Court has appointed a team of lawyers from Berger Montague, PC and Willig Williams and Davidson to serve as Class Counsel. They will petition the Court to be paid legal fees up to \$2,100,000, as well as expenses, from the settlement fund, and a Named Plaintiff service award of up to \$3,500, but they may ask for less. The attorneys representing the class have handled this case on a contingency basis. To date, they have not been paid anything for their work. Class counsel will be required to submit a fee request to the court demonstrating why the fee they are seeking is reasonable. You may hire your own lawyer at your expense if you so choose.

**When Will the Court Consider the Settlement?** The Court will hold a Final Fairness Hearing on October 25, 2019 at **9:00 AM ET**, at 205 East Main Street, Lexington, SC 29072. At that hearing, the Court will hear any objections concerning the fairness of the settlement, decide whether to approve the requested attorneys' fees, Named Plaintiff service award, and administration costs, and determine the final fairness of the settlement.

**More Information?** For more information on the Settlement, to view the Settlement Agreement, and to learn more about how to exercise your options under this Settlement, visit the Settlement Website at [www.dismissedchargesfcrsettlement.com](http://www.dismissedchargesfcrsettlement.com) or call 1-833-222-1172.

LEGATIONALLY FILED-2019 OCT 10 10:41 AM - JEXIN

# EXHIBIT B

**MISSING MOM OF 5**  
Where is Jennifer Dulos?



Exclusive  
**Blake Shelton**  
MY HAPPY  
LIFE WITH  
GWEN!



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# Red Table Talk

ONLY IN  
**People**

## Our Family's Untold Story

**Jada Pinkett Smith,  
mom Adrienne  
& daughter Willow**

Three generations of powerful women open up about marriage, addiction and how their show *Red Table Talk* brought them closer than ever

July 8, 2019

\$5.99

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LEGAL NOTICE

Adults 18 Years and Older with Criminal Records

Your Rights Could Be Affected by a Class Action Settlement Involving Criminal Record Data

A Settlement has been reached in a class action lawsuit involving criminal record data sold by Backgroundchecks.com LLC to consumer reporting agencies.

What is This Case About?

The lawsuit claims that BGC sold criminal record data to consumer reporting agencies that were "consumer reports" under the Fair Credit Reporting Act ("FCRA").

Who is Included?

If BGC's criminal record database at any time between September 8, 2014 and May 17, 2019 contained information about a criminal record belonging to you (even if it did not result in a conviction), you are in the Class.

What does the Settlement Provide?

BGC has agreed to implement and maintain heightened specific and substantial procedures to address the concerns raised in the lawsuit regarding the provision of data to consumer reporting agencies.

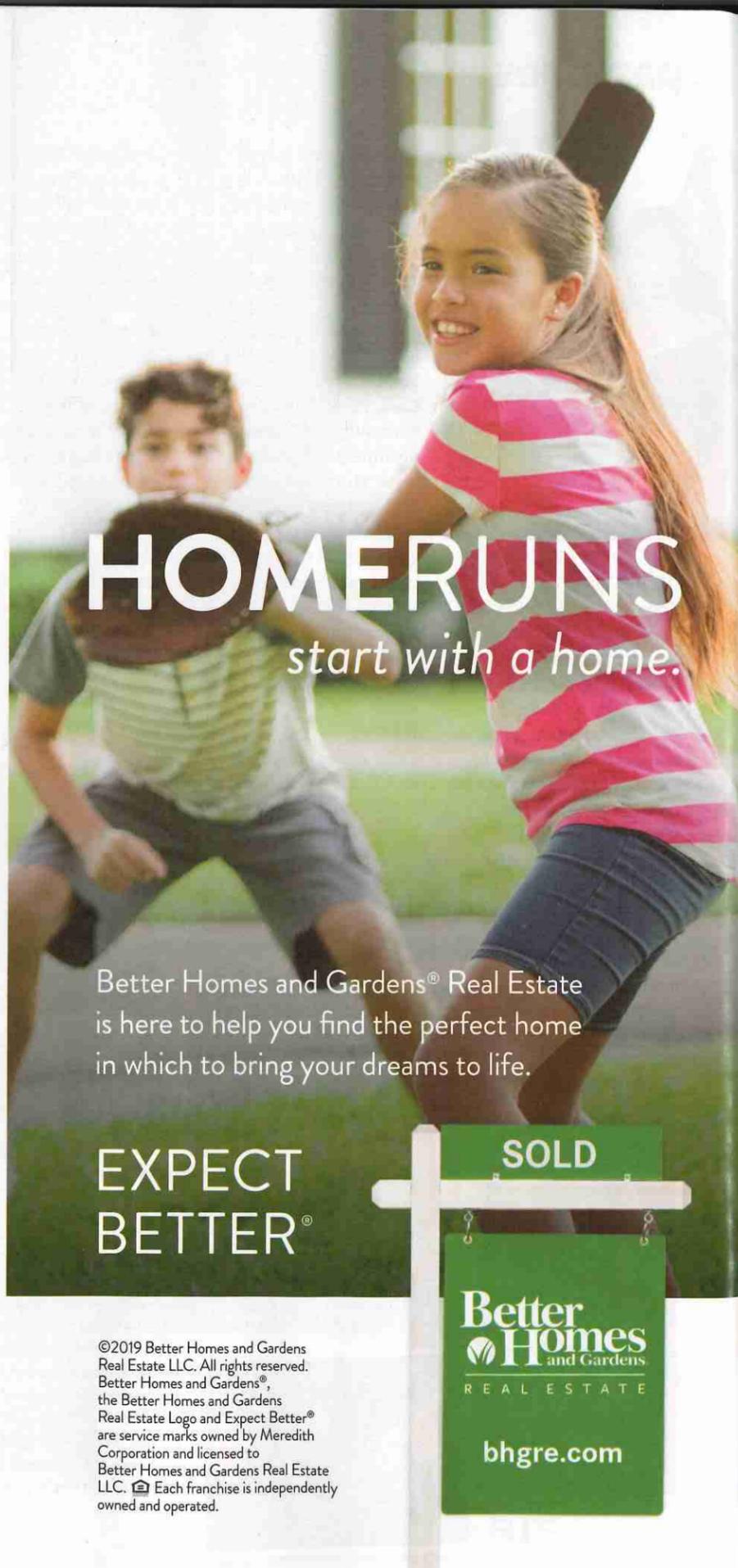
Your Options

If the Court approves the proposed Settlement, then you will be bound by the Court's decisions - you cannot exclude yourself from the class. You will not be able to sue, or continue to sue, BGC for statutory or punitive damages.

The Court will hold a hearing on October 25, 2019 at 9:00 AM ET, to consider any objections, whether to approve the Settlement, and to award attorneys' fees and expenses up to \$2.1 million.

For more information: 1.833.222.1168

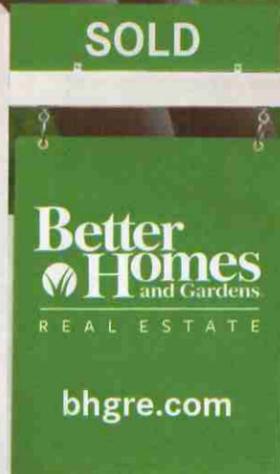
www.CriminalRecordDataSettlement.com



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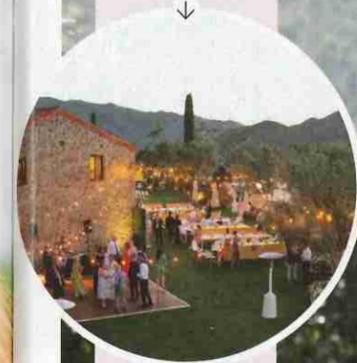
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ALL THE DETAILS!

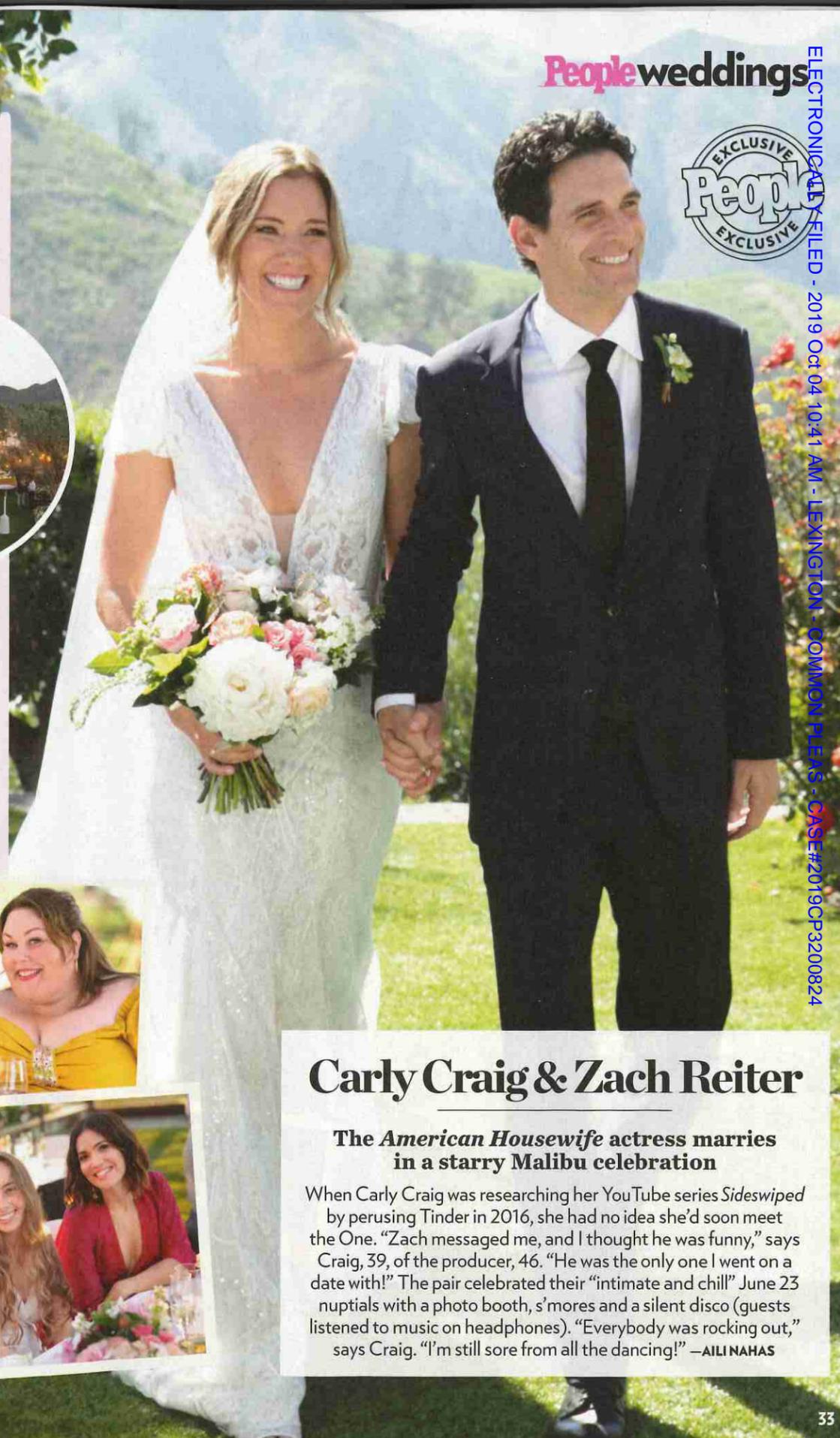
The Venue Orange Blossom Special Events planned the nuptials at Cielo Farms in Malibu.



The Guests "We wanted everyone to have fun," says Craig of the attendees, including pal Chrissy Metz (below, with manager Lena Roklin) and stepsister Mandy Moore (bottom right, with Craig's brother Kyle and niece Kylie.)



MICHAEL LEGAL PHOTOGRAPHY (4)



Carly Craig & Zach Reiter

The American Housewife actress marries in a starry Malibu celebration

When Carly Craig was researching her YouTube series Sideswiped by perusing Tinder in 2016, she had no idea she'd soon meet the One. "Zach messaged me, and I thought he was funny," says Craig, 39, of the producer, 46. "He was the only one I went on a date with!"

JULY 15, 2019  
VOLUME 130 | NO. 19  
SI.COM @SINOW

# Sports Illustrated

Special Flip Cover

GATORADE HIGH SCHOOL  
ATHLETES OF THE YEAR

Bobby Witt Jr.  
Kelley Lynch



# WORLD CLASS



A TEAM. A CUP.  
THEIR CAUSE.

By GRANT WAHL

P. 26

PHOTOGRAPH BY JEFFREY M. HARRIS - 2019 Oct 04 10:41 AM - LEXINGTON - COMMON PLEAS - CASE#201909CP3200824

WOMEN'S WORLD CUP

creative maestro in both the semifinal and the final. Watching her in full flight on the ball is exhilarating, one of the elemental thrills of the sport, not just for what it reveals in the present but also for what it portends of her limitless future. In the 69th minute of Sunday's final she found herself with a half-acre of space in the middle of the field and went to work, bamboozling Dutch defender Stefanie van der Gragt to create room for her left-footed knockout punch.

In becoming the first coach to win back-to-back World Cups in the women's game, Ellis had to use nearly all the capital



**T**HE 19ERS, like the 91ers and the 99ers and the 15ers, will be known for far more than what they accomplished on a soccer field. "The fabric of this team," Foudy says, "has always been, It's more than soccer." This World Cup has produced record numbers of viewers for women's soccer around the world, including in Brazil (where 35 million people watched their round of 16 game against France), China, England, France, Italy, the Netherlands and Spain. The USWNT now has had an impact there, too.

"In '99 we envisioned our win as a catalyst that would spark a global movement, but I think it was a domestic one," says Foudy. "I see the 19ers as responsible for a global movement. They set an example for women on standards of expectations. There are so many countries finally standing up and saying, 'This [treatment of women's soccer] isn't right.' Players have the courage to stand up and say, 'This needs to be better, not just for us but for the next generation.' A lot of that comes from them seeing this U.S. group [fight for change]."

“There was a wry smile,” Rapinoe said, with a grin of her own, on her exchange with the new FIFA head. “He did say he’d like to have a conversation, and I said I’d love to.”

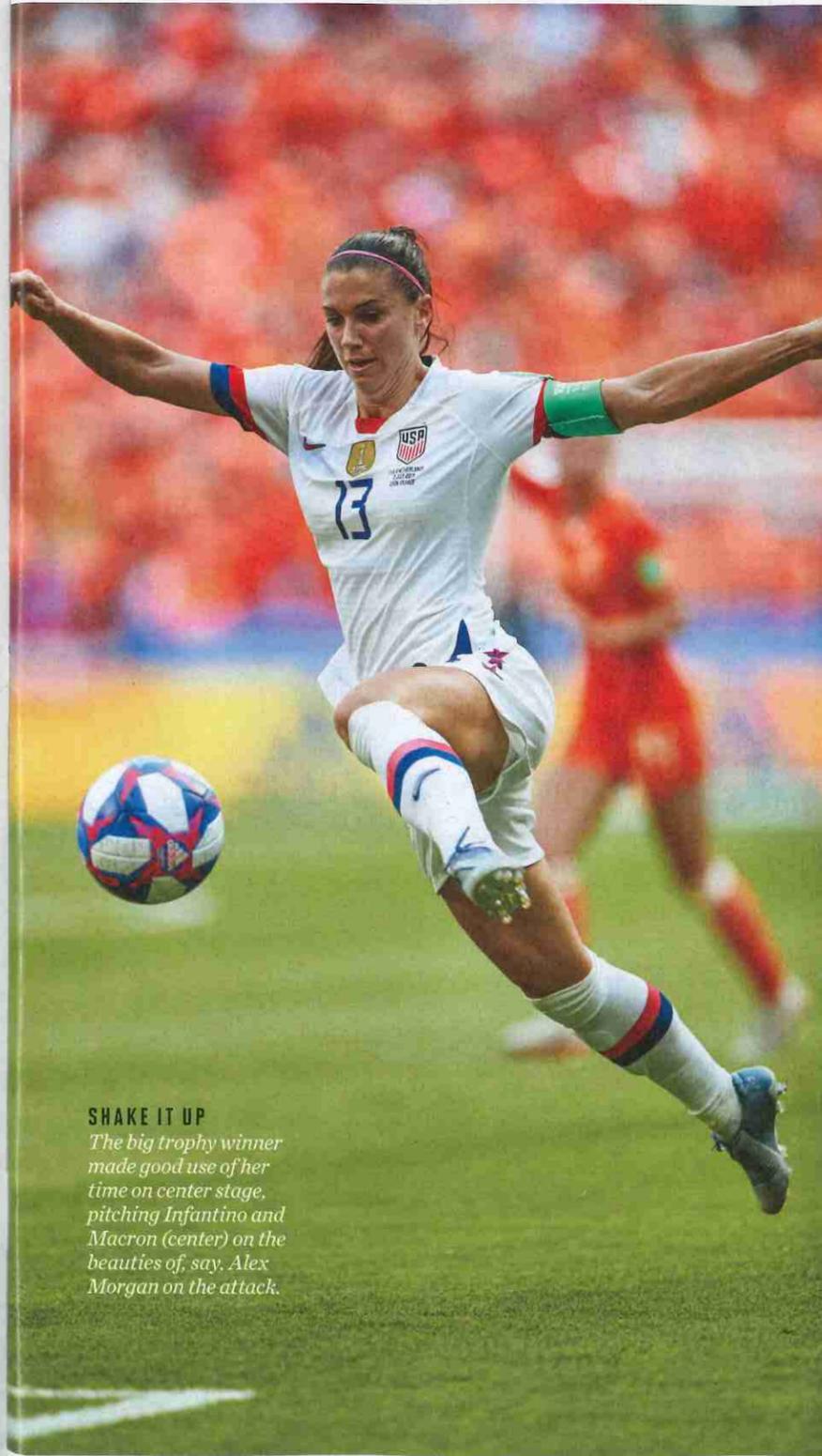
she'd won in 2015 to remake her U.S. team. "Coming out of the Olympics, it was a moment to kind of reflect and look at making sure we played competitive games and increased our roster in terms of finding players like Rose Lavelle," she said last week. "Sometimes it's part of the growing pains when you want to shift something. But full credit to the players. You build the system around them. They're the gasoline that makes it work. That process was to get to this point with players in their right spots."

Along the way Ellis has been especially supportive of her most Promethean talents, even through long periods of injuries, whether that's been Lavelle (hamstring), Heath (back) or Rapinoe (knee). "Her most creative players, she has had a commitment to them—I'm going to have patience. You're going to get back," says Foudy. "As a player that's everything, especially at that level where it's so cutthroat, where it's hard to feel confidence when you're injured and away from the group. And Jill was willing to tinker. Sometimes you would hammer her for it, but you have to live through those moments to learn and grow. I think she's been courageous in that way."

Meanwhile, the pressure on FIFA—from Rapinoe and from others—to invest more of its \$2.7 billion in reserves in the women's game appears to be having an effect. Infantino announced last week a proposal to expand the Women's World Cup from 24 to 32 teams; double the prize money, to \$60 million; double FIFA's grassroots global investment in the women's game, to \$1 billion; and start a FIFA World League for women's national teams and a FIFA Women's Club World Cup. Rapinoe said that while this was all promising, Infantino's proposal would mean that the gap in prize money between the women and the men (whose haul is slated to increase even more significantly) is actually widening, not closing.

After calling out the FIFA president last Saturday, Rapinoe and Infantino had a brief conversation at the awards podium on Sunday. "There was a wry smile," Rapinoe said afterward, with a grin of her own. "He did say he'd like to have a conversation, and I said I'd love to."

That's power. And after a World Cup that will put her performance in the canon of American athletic achievements, that's Pinooe. □



**SHAKE IT UP**  
The big trophy winner made good use of her time on center stage, pitching Infantino and Macron (center) on the beauties of, say, Alex Morgan on the attack.

LEGAL NOTICE

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A Settlement has been reached in a class action lawsuit involving criminal record data sold by Backgroundchecks.com LLC to consumer reporting agencies.

What is This Case About?

The lawsuit claims that BGC sold criminal record data to consumer reporting agencies that were "consumer reports" under the Fair Credit Reporting Act ("FCRA"). The lawsuit claims that BGC failed to follow certain FCRA requirements that apply only to "consumer reports." BGC denies that it has violated the FCRA. Both sides have agreed to the Settlement to resolve the case and provide benefits to consumers.

Who is Included?

If BGC's criminal record database at any time between September 8, 2014 and May 17, 2019 contained information about a criminal record belonging to you (even if it did not result in a conviction), you are in the Class.

What does the Settlement Provide?

BGC has agreed to implement and maintain heightened specific and substantial procedures to address the concerns raised in the lawsuit regarding the provision of data to consumer reporting agencies.

Your Options

If the Court approves the proposed Settlement, then you will be bound by the Court's decisions – you cannot exclude yourself from the class. You will not be able to sue, or continue to sue, BGC for statutory or punitive damages. You will still be able to file a lawsuit on your own to pursue claims for actual damages. In addition, you will not be able to pursue (or be a member of) any mass action or class action lawsuit against BGC. If you do not like the proposed Settlement, you must object by September 10, 2019, as discussed further at [www.CriminalRecordDataSettlement.com](http://www.CriminalRecordDataSettlement.com).

The Court will hold a hearing on October 25, 2019 at 9:00 AM ET, to consider any objections, whether to approve the Settlement, and to award attorneys' fees and expenses up to \$2.1 million. You can appear at the hearing, but you do not have to. You can hire your own attorney, at your expense, to appear or speak for you at the hearing. You must let the Court know by September 10, 2019, if you intend to do so.

For more information:  
1.833.222.1168  
[www.CriminalRecordDataSettlement.com](http://www.CriminalRecordDataSettlement.com)

# EXHIBIT C

ESPN

NFL | Home | Draft | Free Agency | Scores | S

**LEGAL NOTICE**  
If you are 18 years or older and have a criminal record, your rights may be affected by a class action. JND



### Pass blocking matters more than pass rushing, and we can prove it

The stars might all be defensive linemen, but the numbers say good pass blocking correlates to wins more than good pass rushing.

1:35

2

Like Comment

**JND Legal Administration**  
Sponsored (demo)

Adults with criminal records who are 18 years or older may be affected by a class action.



CRIMINALRECORDDATASETTLEMENT.COM  
**Criminal Record Holders** [Learn More](#)

Like Comment Share

TO REGISTER YOURSELF

The House passed legislation that would bring substantial changes to the retirement system, making it easier for employers to offer plans and include annuities as options for workers.



'American Taliban' John Walker Lindh Released After 17 Years

John Walker Lindh, the American captured in Afghanistan in 2001 and later convicted of providing support to the Taliban, was released Thursday.



commissions to employees who see political ads, as it overhauls how it engages with campaigns ahead of elections in 2020. Once seen as a growth area, political ads are now viewed within Facebook as more of a headache.

- Facebook Combats Political Interference (Jan. 28)
Russia-Linked Ads Show Sophistication (May 2018)

Hedge Fund Titan David Tepper Plans to Return Investors' Money

Famed hedge-fund manager David Tepper plans to turn Appaloosa LP into a family office managing his personal wealth as he spends more time focused on running the Carolina Panthers football team.



The Heavyweight King Is Ready to Conquer America



THE A-HED

LEGAL NOTICE
If you are 18 years or older and have a criminal record, your rights may be affected by a class action.
LEARN MORE
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WSJ Readers Diverge Over SAT Adversity Score

wework HEARD ON THE STREET
Public Markets Expose the Myth of the Unicorn

THE FUTURE OF EVERYTHING
The Move to Make Hypertoon Travel a Reality

WSJ PROMOTION
Memorial Day Sale: Try 2 Months for \$1
VIEW MEMBERSHIP OPTIONS

Duras críticas al alcalde porque no asistirá a desfile puertorriqueño debido a "gira presidencial"

NUEVA YORK
FBI arrestó a potencial terrorista de Queens que planeaba lanzar granadas en Times Square

NUEVA YORK
Demócratas en riesgo por ala de 'extrema izquierda' en Nueva York

NACIONAL
44 estados y Puerto Rico demandan a 20 farmacéuticas por manipular precios en EEUU

AVISO LEGAL
Si usted tiene 18 años o más y posee antecedentes penales, sus derechos pueden verse afectados por una demanda colectiva.
MÁS INFORMACIÓN
JND

NURX. Birth Control. Delivered. Lowest Prices. Get Yours

NOTICIAS



Últimas noticias
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