

**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

**NOTICE OF CLASS ACTION SETTLEMENT**

IF BACKGROUNDCHECKS.COM LLC, PREPARED A CONSUMER REPORT ABOUT  
YOU FOR HOMEADVISOR, INC. ON OR AFTER SEPTEMBER 8, 2014 AND ON OR  
BEFORE MAY 17, 2019, YOU MAY BE ENTITLED TO A CASH PAYMENT FROM A  
CLASS ACTION SETTLEMENT.

A settlement has been proposed in a class action lawsuit against Backgroundchecks.com LLC (the “**Defendant**”) on behalf of consumers who on or after September 8, 2014 but on or before May 17, 2019 were the subject of a background check provided directly to HomeAdvisor, Inc. that contained a record other than a conviction of a crime with a disposition date more than seven years before the date of the report.

DO NOTHING	If the Court approves the settlement, a check in an amount of approximately \$95 will be mailed to you. You will also give up your right to object to the Settlement and you will not be able to be a part of any other lawsuit about the legal claims in this case.
EXCLUDE YOURSELF	You remove yourself from participation in this class action and do not receive a benefit from this settlement. However, you retain any right to file a separate lawsuit against the Defendant. If you choose this option, and wish to pursue an action against the Defendant, it is important that you promptly speak to an attorney because of the time-sensitive nature of claims under the Fair Credit Reporting Act.
OBJECT	You remain a Class Member but you may write to the Court and explain why you don't think the settlement is fair, reasonable, or adequate.

**What This Notice Contains**

**BASIC INFORMATION**.....4

1. Why did I receive this Notice?.....4

2. What is this lawsuit about? .....4

**WHO IS AFFECTED BY THE SETTLEMENT?**.....4

3. How do I know if I am affected by the Settlement? .....4

**WHAT BENEFITS ARE PROVIDED?** .....5

4. What does the Settlement provide?.....5

**HOW YOU GET SETTLEMENT BENEFITS**.....5

5. How can I get a benefit? .....5

6. When would I get my settlement check? .....5

7. What am I giving up to get a benefit or stay in the settlement class? .....6

**EXCLUDING YOURSELF FROM THE SETTLEMENT** .....7

8. How do I exclude myself from the Settlement?.....7

9. If I do not exclude myself, can I sue the Defendant for the same thing later?.....7

10. If I exclude myself, can I get any monetary benefit from the Settlement? .....8

**THOSE REPRESENTING YOU** .....8

11. Do I have a lawyer in the case? .....8

12. How will the lawyers be paid?.....8

13. Is the Plaintiff entitled to a separate payment? .....8

**OBJECTING TO THE SETTLEMENT** .....8

14. How do I tell the Court that I do not like the Settlement? .....8

15. What is the difference between objecting and excluding?.....9

**THE COURT’S FAIRNESS HEARING** .....9

16. When and where will the Court decide to approve the Settlement? .....9

17. Do I have to come to the hearing? .....10

18. May I speak at the hearing? .....10

19. Are there more details about the Settlement? .....10

20. How do I get more information?.....10

Questions? Visit [www.dismissedchargesforasettlement.com](http://www.dismissedchargesforasettlement.com) or call toll-free 1-833-222-1172.

## BASIC INFORMATION

### 1. WHY DID I RECEIVE THIS NOTICE?

A Court authorized the notice because you have a right to know about a proposed settlement in this class action lawsuit and about all of your options before the Court decides whether to give “final approval” to the settlement. This notice explains the lawsuit, the settlement, and your legal rights. Judge J. Walton McLeod, of the Lexington County Court of Common Pleas for the State of South Carolina, is overseeing this class action. The case is known as *Boskie, et al. v. Backgroundchecks.com LLC* (the “**Lawsuit**”).

### 2. WHAT IS THIS LAWSUIT ABOUT?

#### *What the Plaintiff Claims*

One of the Plaintiffs, George Boskie (the “**Plaintiff**”) claims the Defendant violated the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (the “**FCRA**”) in connection with preparing background reports that were provided directly to HomeAdvisor, Inc. Specifically, the Plaintiff contends that the Defendant violated the FCRA by reporting to HomeAdvisor, Inc. records other than convictions of crimes with a disposition date more than seven years before the date of the report. This Notice relates to the settlement of this claim and is referred to as the “**HomeAdvisor Class Settlement**.”

In addition to the claim described above, Plaintiffs Hadel Toma and Terry Keller, and Defendant have reached a class settlement related to other allegations in the complaint. The settlement of these other allegations is referred to as the “**Injunctive Relief Settlement**.” You are also a member of the Injunctive Relief Settlement Class. This Notice does not provide information with respect to the Injunctive Relief Settlement. Information about the Injunctive Relief Settlement can be found at [www.criminalrecorddatasettlement.com](http://www.criminalrecorddatasettlement.com).

#### *How the Defendant Responded*

The Defendant has denied all claims in the Lawsuit and contends that it acted lawfully and in compliance with the FCRA at all times. Despite denying liability and wrongdoing, the Defendant has decided it is in its best interest to settle the Lawsuit to avoid the burden, expense, risk, and uncertainty of continuing the litigation.

## WHO IS AFFECTED BY THE SETTLEMENT?

### 3. HOW DO I KNOW IF I AM AFFECTED BY THE SETTLEMENT?

You are a member of the HomeAdvisor Class and are affected by the settlement if the Defendant provided a background check about you directly to HomeAdvisor, Inc. that contained a record that was something other than a conviction of a crime and the disposition of that record occurred more than seven years before the date of the report.

Specifically, for the purposes of settlement only, the Court has provisionally certified a “**HomeAdvisor Class**” defined as follows:

Questions? Visit [www.dismissedchargesfcraSettlement.com](http://www.dismissedchargesfcraSettlement.com) or call toll-free 1-833-222-1172.

All natural persons residing in the United States or the District of Columbia who were the subject of one or more reports that Defendant 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 Person, any person who has previously released his or her claims against Defendant, any person who validly opts out of the settlement pursuant to Section 4.6 of the settlement agreement, and the judge overseeing the Litigation.

If you fall within the foregoing HomeAdvisor Class definition, you will be a HomeAdvisor Class Member unless you exclude yourself from the HomeAdvisor Class.

## WHAT BENEFITS ARE PROVIDED?

### 4. WHAT DOES THE SETTLEMENT PROVIDE?

The Defendant has agreed to pay \$834,675 (the “**Settlement Fund**”) for the benefit of the HomeAdvisor Class. Payments will be made by check to each class member in the amount of approximately \$95. Because the amount of each check is subject to a *pro rata* deduction from the Settlement Fund for attorneys’ fees and costs approved by the Court, the expected payment is the “net” amount stated above. This is an approximate amount and the amount that you actually receive could be less.

## HOW YOU GET SETTLEMENT BENEFITS

### 5. HOW CAN I GET A BENEFIT?

You do not need to do anything to receive the benefits of the settlement. If the settlement is finally approved, you will automatically receive a payment, unless you have excluded yourself from the HomeAdvisor Class. The check will be mailed to the address appearing in the Defendant’s records. If your address has changed or is changing, you may contact the Settlement Administrator at *Boskie v. Backgroundchecks.com*, c/o JND Legal Administration, PO Box 91131, Seattle, WA 98111-9231.

### 6. WHEN WOULD I GET MY SETTLEMENT CHECK?

The Court will hold a hearing on **October 25, 2019** to decide whether to approve the settlement. If the Court approves the settlement after that, there may be appeals. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year after Court approval. The progress of the settlement will be reported at the Settlement Website: [www.dismissedchargesforsettlement.com](http://www.dismissedchargesforsettlement.com). Please be patient.

Questions? Visit [www.dismissedchargesforsettlement.com](http://www.dismissedchargesforsettlement.com) or call toll-free 1-833-222-1172.

## **7. WHAT AM I GIVING UP TO GET A BENEFIT OR STAY IN THE SETTLEMENT CLASS?**

Unless you exclude yourself, you are staying in the HomeAdvisor Class, which means that you cannot be part of any other lawsuit against the Defendant (or other parties released by the settlement) about the legal claims in this case and legal claims that could have been brought in this case. It also means that all of the Court's orders will apply to you and legally bind you. If you do not exclude yourself from the HomeAdvisor Class, you will agree to a "Release of Claims," stated below, which describes exactly the legal claims that you give up if you get settlement benefits. Basically, you are releasing your right to individually sue for any violation of federal or state law based on the Defendant's reporting to HomeAdvisor, Inc. of non-conviction count information, meaning criminal counts that did not result in convictions but were charged in a criminal case in which a conviction occurred more than seven years before the date of the report.

The "Release" contained in the Settlement Agreement states:

As of the Effective Date, all members of the HomeAdvisor Class fully, finally, completely, and forever release and discharge the Released Persons from any and all Claims, Liabilities, Proceedings, and Relief that arose on or before the Effective Date and that any HomeAdvisor Class Member ever had, now has, or may have in the future for or related to any acts or omissions that were raised or could have been raised in the Litigation. After entering into this settlement agreement, a HomeAdvisor Class Member may discover facts other than, different from, or in addition to those that they know or believe to be true with respect to the matters released and discharged. The foregoing release and discharge applies to Claims, Liabilities, Proceedings, and Relief known or unknown, suspected or unsuspected, contingent or non-contingent, whether or not concealed or hidden, and without regard to the subsequent discovery or existence of such other, different, or additional facts. This release binds each HomeAdvisor Class Member, as well as HomeAdvisor Class Members' executors, representatives, heirs, successors, bankruptcy trustees, guardians, wards, agents and assigns of any of the foregoing, and all those who claim through any of the foregoing or who assert claims on behalf of any of the foregoing.

Each HomeAdvisor Class Member acknowledges that he is familiar with principles of law such as Section 1542 of the Civil Code of the State of California and Section 20-7-11 of the South Dakota Codified Laws, which provide:

**A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.**

This settlement agreement provides a specific release of the HomeAdvisor Released Claims, not a general release in the sense contemplated by these laws. To the extent applicable, the HomeAdvisor Class Members hereby waive the provisions, rights, and benefits of Section 1542 of the Civil Code of the State of California and Section 20-7-11 of the South Dakota Codified Laws and all similar federal or state laws, rights, rules, or legal principles of any other jurisdiction that might apply to the fullest extent permitted by law related to all unknown claims. The

Questions? Visit [www.dismissedchargesforasettlement.com](http://www.dismissedchargesforasettlement.com) or call toll-free 1-833-222-1172.

HomeAdvisor Class Members hereby affirm that this waiver is knowing and voluntary. The HomeAdvisor Class Members hereby acknowledge that they are aware that they may hereafter discover claims presently unknown and unsuspected or facts in addition to or different from those that they now know or believe to be true.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

### 8. HOW DO I EXCLUDE MYSELF FROM THE SETTLEMENT?

If you do not want a benefit from this settlement, but you want to maintain your right to sue or continue to sue the Defendant on your own about the legal issues in this case, you must take steps to exclude yourself from the HomeAdvisor Class. This is sometimes referred to as “opting out” of the Settlement Class. Opting out gives you the right to bring your own lawsuit but does not guarantee that your own lawsuit will be successful.

You may “opt out” or exclude yourself from the settlement as explained below.

**REQUESTS FOR EXCLUSION THAT ARE NOT POSTMARKED ON OR BEFORE SEPTEMBER 10, 2019 WILL NOT BE HONORED.**

You cannot exclude yourself by telephone or by e-mail. You also cannot exclude yourself by mailing a request to any location other than that specified below or by mailing a request after the deadline. You also cannot exclude yourself as part of a group, aggregate, or class involving more than one consumer.

If you exclude yourself, and wish to pursue an action against the Defendant, you should promptly consult your own attorney about your rights as the time to file an individual lawsuit is limited.

To exclude yourself from the settlement, send a letter stating that you want to be excluded from the settlement of *Boskie v. Backgroundchecks.com LLC*. Be sure to include: (1) the name of this lawsuit, *Boskie v. Backgroundchecks.com LLC*, No. 2019CP3200824 (2) your full name, current address, telephone number, and last four digits of your Social Security number; (3) a statement of intention to exclude yourself from the settlement; and (4) your signature. You must mail your Exclusion Request so that it is postmarked no later than **MAY 17, 2019** to:

Exclusion Requests – *Boskie* Settlement Administrator  
c/o JND Legal Administration  
PO Box 91131  
Seattle, WA 98111-9231

### 9. IF I DO NOT EXCLUDE MYSELF, CAN I SUE THE DEFENDANT FOR THE SAME THING LATER?

No. Unless you exclude yourself, you give up the right to sue the Defendant for the claims that this settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You may need to exclude yourself from *this* class action to continue your own lawsuit. Remember, your Exclusion Request must be postmarked by **May 17, 2019**.

Questions? Visit [www.dismissedchargesforasettlement.com](http://www.dismissedchargesforasettlement.com) or call toll-free 1-833-222-1172.

**10. IF I EXCLUDE MYSELF, CAN I GET ANY MONETARY BENEFIT FROM THE SETTLEMENT?**

No.

**THOSE REPRESENTING YOU**

**11. DO I HAVE A LAWYER IN THE CASE?**

The Plaintiffs retained **E. Michelle Drake and John G. Albanese** of Berger Montague, PC, 43 SE Main Street, Suite 505, Minneapolis, MN 55414 and **Ryan Allen Hancock** of Willig, Williams and Davidson, 1845 Walnut Street, 24<sup>th</sup> Floor, Philadelphia, PA 19103 to represent them. In connection with the preliminary approval of the settlement, the Court appointed these attorneys to represent you and other members of the HomeAdvisor Class. Together, the attorneys are called “**Class Counsel.**” These lawyers will not separately charge you for their work on the case. If you want to be represented by your own lawyer, you may hire one at your own expense.

**12. HOW WILL THE LAWYERS BE PAID?**

Class Counsel will ask the Court for an award of attorneys’ fees, which the Defendant has agreed to pay as part of the Settlement Fund, with Class Counsel requesting approximately 33% of the Settlement Fund. However, the Court may ultimately award less than this amount. Class Counsel will also ask the Court to reimburse their costs and expenses incurred by them and by the Plaintiff in litigating this matter. The attorneys representing the class have handled this case on a contingency basis. To date, they have not been paid anything for their work, and they have paid all of the litigation costs out-of-pocket, without any reimbursement. Class Counsel will be required to submit a fee request to the court demonstrating why the fee they are seeking is reasonable. This petition will be available on the Settlement Website no later than August 27, 2019. The Defendant has paid for the costs of this notice to you and the costs of administering the settlement as part of the Settlement Fund.

**13. IS THE PLAINTIFF ENTITLED TO A SEPARATE PAYMENT?**

The Plaintiff will ask the Court to approve a payment of an amount not to exceed \$3,500 as individual settlement and service award for his effort and time expended in prosecuting this case. However, the Court may ultimately award less than this amount.

**OBJECTING TO THE SETTLEMENT**

**14. HOW DO I TELL THE COURT THAT I DO NOT LIKE THE SETTLEMENT?**

If you are a member of the HomeAdvisor Class, you can object to the settlement if you do not think any part of the settlement is fair, reasonable, or adequate. You can and should explain the detailed reasons why you think that the Court should not approve the settlement, if this is the case. The Court and Class Counsel will consider your views carefully. To object, you must send a letter

Questions? Visit [www.dismissedchargesforasettlement.com](http://www.dismissedchargesforasettlement.com) or call toll-free 1-833-222-1172.



stating that you object to the settlement in *Boskie v. Backgroundchecks.com LLC*. Be sure to include: (a) the objecting HomeAdvisor Class Member's name, address, and telephone number; (b) the name of this Litigation and the case number; (c) a statement of each objection; (d) a statement of whether the objecting HomeAdvisor Class Member intends to appear at the Final Fairness Hearing; and (e) a written statement detailing the specific basis for each objection, including any legal and factual support that the objecting HomeAdvisor Class Member wishes to bring to the Court's attention and any evidence the objecting HomeAdvisor Class Member wishes to introduce in support of the objection.

You must file your objection with the Clerk of the Court, 205 East Main Street, Lexington SC 29072 no later than **September 10, 2019**. In addition, you must mail a copy of your objection to the Settlement Administrator at *Boskie v. Backgroundchecks.com*, c/o JND Legal Administration, PO Box 91131, Seattle, WA 98111-9231 no later than **September 10, 2019**.

There are additional requirements necessary for your attorney if you retain one. To be effective, an objection submitted through an attorney must contain, in addition to the information set forth above: the identity, mailing address, email address, fax number, phone number for the counsel by whom the HomeAdvisor Class Member is represented.

Below is the contact information for the Parties' Counsel:

**CLASS COUNSEL**

BERGER MONTAGUE, PC  
Attn: E. Michelle Drake  
43 SE Main St., Suite 505  
Minneapolis, MN 55414

**DEFENSE COUNSEL**

TROUTMAN SANDERS LLP  
Attn: Cindy D. Hanson  
600 Peachtree St. NE, Suite 5200  
Atlanta, GA 30308

**15. WHAT IS 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 remain in the HomeAdvisor Class. Excluding yourself is telling the Court that you do not want to be part of the Class. If you exclude yourself, you have no basis to object to this settlement because the case no longer affects you.

**THE COURT'S FAIRNESS HEARING**

**16. WHEN AND WHERE WILL THE COURT DECIDE TO APPROVE THE SETTLEMENT?**

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

The Court will hold a fairness hearing on **October 25, 2019 at 9:00 AM ET** at the Lexington County Court of Common Pleas, 205 East Main Street, Lexington, SC 29072. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have submitted timely requests

Questions? Visit [www.dismissedchargesforasettlement.com](http://www.dismissedchargesforasettlement.com) or call toll-free 1-833-222-1172.

to speak at the hearing. The Court may also decide the amount that Class Counsel and the Plaintiff will be paid. After the hearing, the Court will decide whether to finally approve the settlement.

#### **17. DO I HAVE TO COME TO THE HEARING?**

No. Class Counsel will answer any questions the Court may have. You are welcome to come at your own expense if you so desire. If you send an objection, you do not 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 is not necessary.

#### **18. MAY I SPEAK AT THE HEARING?**

You may ask the Court for permission to speak at the fairness hearing. To do so, you must send a letter saying that it is your “Notice of Intent to Appear in *Boskie v. Backgroundchecks.com LLC*.” Be sure to include your name, address, telephone number, and your signature. Your Notice of Intent to Appear must be filed with the Court no later than **September 10, 2019** and must be mailed to the Settlement administrator no later than **September 10, 2019**. The addresses are in section 14 above. You cannot speak at the hearing if you have excluded yourself.

#### **19. ARE THERE MORE DETAILS ABOUT THE SETTLEMENT?**

This notice summarizes the proposed settlement. More details can be found on the Settlement Website at [www.dismissedchargesforasettlement.com](http://www.dismissedchargesforasettlement.com), which includes the Complaint, Settlement Agreement, and other governing settlement documents.

#### **20. HOW DO I GET MORE INFORMATION?**

You can visit the website at [www.dismissedchargesforasettlement.com](http://www.dismissedchargesforasettlement.com). If you have questions about the case, you can call toll-free 1-833-222-1172 or write to: *Boskie v. Backgroundchecks.com*, c/o JND Legal Administration, PO Box 91131, Seattle, WA 98111-9231.

**PLEASE DO NOT CALL THE COURT, THE CLERK, OR THE DEFENDANT  
REGARDING THIS SETTLEMENT.**