

A proposed class action settlement may affect your rights.

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 a class action lawsuit entitled *Terry Brown v. RP On-Site, LLC*, No. 1:20-cv-482, which claims that RP On-Site, LLC (“On-Site”) violated the Fair Credit Reporting Act (“FCRA”). The plaintiff alleges claims on behalf of a “Date of Birth Class,” asserting that On-Site willfully violated the FCRA by using matching criteria that allowed sex offender registry data to be included on tenant screening reports, even though the dates of birth associated with the sex offenders did not ultimately match the applicant’s date of birth. On-Site denies plaintiff’s allegations and denies that On-Site is liable to plaintiff or any of the putative settlement class members.
- **If you do not opt-out of the proposed Settlement, you will receive a cash payment. You also have the right to submit a claim form for an additional payment if your housing application was denied or delayed due to the inclusion of sex offender data on an On-Site report. Whether you act or not, your legal rights are affected by the proposed Settlement. Your rights and options – and the deadlines to exercise them – are explained in this notice. Please read this notice carefully in its entirety.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS PROPOSED SETTLEMENT		
Your Rights and Options	What to Do	Deadlines to Do It
Object to the Settlement	Write to the Court about why you do not like the proposed Settlement; for more information regarding objecting, please read Section 10 below.	Postmarked on or before October 4, 2021
Opt-out of the Settlement	Write to the Settlement Administrator stating that you do not wish to participate in the proposed Settlement. See Section 7 below. If you validly opt-out, you will not receive any monetary payments from the Settlement.	Postmarked on or before October 4, 2021
Submit a Claim Form	Submit a form to the Settlement Administrator for an additional payment from the Settlement. For more information, please read Section 5 below.	Postmarked on or before February 1, 2022
Do Nothing	You are not required to take any action to receive the benefits of the proposed Settlement. If the proposed Settlement is finally approved and you do not opt-out, then you will be bound by the Court’s final judgment and the release of claims in the Settlement Agreement.	None

1. Does this Notice apply to me?

If, from September 1, 2017 to February 10, 2021, you were the subject of a report sold by On-Site that included a record from a sex offender registry where the date of birth of the individual in the sex offender registry did not ultimately match your date of birth, then you are included in this Settlement as a “Date of Birth Settlement Class Member.” Records from On-Site and certain jurisdictions reflect that the sex offender data reported on your report met those criteria.

This notice informs you about the proposed Settlement and your rights. Before any final judgment is entered, the Court will have a hearing to decide whether to approve the proposed Settlement. The proposed Settlement will be only finally approved after any objections or appeals are resolved. If the proposed Settlement is finally approved, then you will benefit from the relief provided by the proposed Settlement. Once the proposed Settlement is final, you will also be bound by the release and other provisions of the proposed Settlement.

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 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.brownssettlement.com.

The class action lawsuit is known as *Terry Brown v. RP On-Site, LLC*, No. 1:20-cv-482, and is pending in the United States District Court for the Eastern District of Virginia, with Judge Anthony Trenga presiding. The individual who sued is called the Plaintiff; the company that he sued is called the Defendant. The Plaintiff is Terry Brown. The Defendant is RP On-Site, LLC.

2. What is this lawsuit about?

The lawsuit alleges that On-Site willfully violated the FCRA by using matching criteria that allowed sex offender registry data to be included on tenant screening reports, even though the dates of birth associated with the sex offenders did not ultimately match the applicant’s date of birth. On-Site denies plaintiff’s allegations and denies that On-Site is liable to plaintiff or any of the putative settlement class members. On-Site has asserted many defenses, including the fact that full dates of birth are not publicly available from many state sex offender registries. The Court has not decided whether either side is right or wrong. Instead, both sides agreed to the Settlement to resolve the case and provide benefits to the class.

The Named Plaintiff here, Terry Brown, filed this case as a proposed class action. When the parties reached this proposed Settlement, the Court had not decided whether the case could be a class action. As part of the proposed Settlement, the Court certified a tentative class action for settlement purposes only, under Rule 23(b)(3). If the proposed Settlement is not finally approved, then the Court may later determine if the case may proceed as a class action.

3. How do I know if I am part of the proposed Settlement?

The Court has decided that everyone who fits the following description is a Date of Birth Settlement Class Member:

All persons residing in the United States of America (including its territories and Puerto Rico) who, from September 1, 2017 through February 10, 2021, were the subject of a report sold by Defendant that included a record from a sex offender registry where, after further review, the date of birth of the individual in the sex offender registry differed from the date of birth of the applicant who was the subject of the report.

Because you have received this notice, you have been identified as a class member based on the business records maintained by On-Site.

Questions -- call toll-free 1-833-215-9289 or visit www.brownssettlement.com

Para una notificación en Español, llamar o visitar nuestro sitio web

4. What benefits does the proposed Settlement provide?

The proposed Settlement benefits include both monetary and injunctive relief. An injunction occurs when a court orders a person to do or not to do something. In particular, the Settlement provides for the following benefits. The Settlement establishes two Settlement Funds for payments to class members.

The first fund, the “Automatic Payment Fund” will contain \$1,050,000 and shall be automatically divided between all Date of Birth Settlement Class Members. Your payment, less all attorneys’ fees, costs and service awards, is estimated to be \$475.00.

The second fund, the “Claims Fund” will contain at least \$1,050,000. A Date of Birth Settlement Class Member can receive a payment from the Claims Fund in one of two ways. First, any Date of Birth Settlement Class Member identified under Section 4.2.1 of the Settlement Agreement, who disputed to On-Site the inclusion of sex offender data on a report during the class period pursuant to the FCRA’s dispute provisions, which resulted in On-Site removing the sex offender data at issue, will be deemed to have submitted a timely and valid claim for payment, without the need to submit a separate Claim Form. Second, each Date of Birth Settlement Class Member who provides proof that he or she was delayed in obtaining or denied a housing opportunity as a result of On-Site’s inclusion of sex offender data on a report during the class period can submit a Claim Form for payment by signing the attached claim form attesting that their housing application was delayed or denied due to On-Site’s inclusion of sex offender data on a report during the class period.

The proposed Settlement also provides that On-Site will agree to make changes to its practice, which are described in the Consent Injunctive Relief Order that is available on the Settlement website.

No class members will have to pay or buy anything to benefit from the relief provided by the Settlement Agreement.

5. How do I submit a claim form for payment from the Claims Fund?

If your housing application was delayed or denied due to On-Site’s inclusion of sex offender data on a report during the class period, please complete the attached Claim Form and mail it to Brown v. RP On-Site, LLC, c/o Settlement Administrator, P.O. Box 16, West Point, PA 19486. Your claim form must be postmarked by February 1, 2022.

6. How does the proposed Settlement affect my rights?

In general terms, if the proposed Settlement is finally approved by the Court, then you will be giving up the right to file a lawsuit against On-Site or its related companies for certain claims regarding the inclusion or accuracy of sex offender data. Specifically, you will be giving up the right to bring any claims resulting from, arising out of, or regarding the inclusion of sex offender data, or the accuracy of sex offender data, in reports published by On-Site during the class period. You will be giving up all such claims whether or not you know about them.

The precise terms of the dismissal and release are explained in the Settlement Agreement, which you can view on the Settlement website, www.brownssettlement.com.

The Court’s order will apply to you even if you object to the Settlement or have any other claim, lawsuit, or proceeding pending against On-Site. If you have any questions about the release, then you should visit www.brownssettlement.com for more information or consult with a lawyer. See Section 8 below for more information regarding your options in seeking legal advice concerning the Settlement.

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7. Can I choose not to be in the proposed Settlement?

Yes. You have the opportunity to opt out of the Settlement by submitting a written Request for Exclusion to Brown v. RP On-Site, LLC, c/o Settlement Administrator, P.O. Box 16, West Point, PA 19486, postmarked no later than October 4, 2021. To be valid, a Request for Exclusion must be personally signed and must include: (1) your name, address and telephone number; and (2) a statement substantially to the effect that: "I request to be excluded from the Date of Birth Settlement Class in *Terry Brown v. RP On-Site, LLC*, No. 1:20-cv-482-AJT-JFA, United States District Court, Eastern District of Virginia." Notwithstanding the foregoing, no person within the Date of Birth Settlement Class may submit a Request for Exclusion for any other person in the Date of Birth Settlement Class.

If you timely submit a valid Request for Exclusion, you will exclude yourself from the Settlement class and will not be bound by further orders or judgments in the Litigation, subject to Court approval. You will preserve your ability to independently pursue, at your own expense, any individual, non-class, non-representative claims that you claim to have against On-Site. No person who has opted out of the Settlement may object to any part of the Settlement Agreement.

8. Do I have a lawyer in this case?

Yes. The Court approved the following individuals to represent you and other Class Members:

Kristi Kelly, Andrew Guzzo, and Casey Nash
Kelly Guzzo, PLC
3925 Chain Bridge Road, Suite 202
Fairfax, Virginia 22030
Telephone: (703) 424-7570

The Court has appointed these lawyers as Class Counsel. You will not be charged for these lawyers. You may hire your own attorney, if you so choose, but you will be personally responsible for your attorney's fees and expenses.

9. How will the lawyers be paid? What will the Class Representatives receive?

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 request that the Court award attorneys' fees and expenses for the time and effort they have spent on this case. The amount that will be requested by Class Counsel will be \$695,000, and a Named Plaintiff service award for the Named Plaintiff of up to \$5,000.

Any approved amount of attorneys' fees and expenses or Named Plaintiff service awards will be paid from the Settlement Fund, and no Class Member will owe or pay anything directly for the attorneys' fees and expenses of Class Counsel.

10. How do I tell the Court if I do not agree with the proposed Settlement?

If you are a Date of Birth Settlement Class Member, then you can object to the proposed Settlement if you do not like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views.

To object to this Settlement Agreement, you must file your objection in writing with the Clerk of the Court no later than October 4, 2021. You must also provide a copy of your objection to the Settlement Administrator (identified above). The objection must include the following: (1) your full name, address and current telephone number; (2) the name and telephone number of your counsel, if you are represented by an attorney and if counsel intends to submit a request for fees, and all factual and legal

support for that request; (3) all objections and the basis for any such objections stated with specificity, including a statement as to whether the objection applies only to the objector, to a specific subset of the class, or to the entire class; (4) the identity of any witnesses you may call to testify; (5) a listing of all exhibits you intend to introduce into evidence at the Final Approval Hearing, if any, as well as true and correct copies of all exhibits; and (6) a statement of whether you intend to appear at the Final Approval Hearing, either with or without counsel. If you fail to timely file and serve a written objection, you shall not be permitted to object to the approval of the Settlement or Settlement Agreement and shall be foreclosed from seeking any review of the Settlement or the terms of the Settlement Agreement by appeal or other means.

You will not be permitted to object to the Settlement or the Settlement Agreement if you decide to exclude yourself from the Settlement.

11. When and where will the Court decide whether to finally approve the proposed Settlement?

The Court will hold a Final Approval Hearing on November 3, 2021, at 10 a.m., before the Hon. Anthony Trenga, in the United States District Court for the Eastern District of Virginia in Alexandria, Virginia.

At this hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and adequate. The Court will consider all timely and proper objections. You do not have to attend the hearing.

The Court may also decide how much to award Class Counsel and the Named Plaintiff. After the hearing, the Court will decide whether to finally approve the proposed Settlement.

The Court may change the date of the Final Approval Hearing without further notice to the Class. You should check the website, www.brownssettlement.com, to check on the hearing date, the court-approval process, and the Effective Date.

12. 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 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.brownssettlement.com. The website also contains answers to common questions about the proposed Settlement. In addition, some of the key documents in the case will be posted on the website. You can also write or call Class Counsel at the contact information listed above.

**DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR THE LITIGATION
TO THE CLERK OF THE COURT OR THE JUDGE. THEY ARE NOT PERMITTED TO
ANSWER YOUR QUESTIONS.**

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