

# Adults 18 years and Older

## You Could Be Affected by a Class Action Settlement Involving Consumer 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 a class action lawsuit against LexisNexis involving certain reports sold by LexisNexis. LexisNexis maintains that it has not done anything wrong.
- You are included in the proposed \$13.5 million Settlement if you (a) requested a copy of an Accurint<sup>®</sup> report about you, and/or (b) you initiated or submitted a dispute or other inquiry about information in an Accurint<sup>®</sup> report about you between October 1, 2006 and April 19, 2013.
- The payment amounts received by Class Members will depend on the number of individuals that remain in the Class. However, the parties estimate that the payment amounts Class Members will receive will be about \$300. The proposed Settlement also establishes substantial and comprehensive changes to the searches and reports offered by LexisNexis that will benefit Class Members.
- **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.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS PROPOSED SETTLEMENT		
<b>Exclude Yourself</b>	Write to ask to be excluded from the proposed Settlement (see Question 14).	Your exclusion request must be postmarked on or before July 12, 2013
<b>Object to the Settlement</b>	Write to the Court about why you do not like the proposed Settlement ( <i>see</i> Question 17).	Your objection must be postmarked on or before July 12, 2013
<b>Go to a Hearing</b>	Write to ask to speak in Court about the fairness of the proposed Settlement ( <i>see</i> Questions 17-20)	Your request to appear at the hearing must be postmarked on or before July 12, 2013
<b>Do Nothing</b>	If the Settlement is finally approved, you will automatically receive a payment. By remaining in the Settlement, you will not be able to sue the Defendants for the remedies resolved by this Settlement ( <i>see</i> Questions 11-13).	None

**Questions? Call toll-free 1-866-483-0378 or visit [www.FileDisputeReportClass.com](http://www.FileDisputeReportClass.com).**

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## BASIC INFORMATION

### 1. Does this Notice apply to me?

If you requested a copy of an Accurint® report about yourself and/or initiated or submitted a dispute or other inquiry about information in an Accurint® brand product about you at any time between October 1, 2006 to April 19, 2013, then you are a member of the class.

The information in the Accurint® brand products may have been collected about you - with or without your knowledge - as a result of a variety of actions that you may have taken. LexisNexis reviewed its records to identify everyone who is a member of the Class and mailed postcard notices to Class Members who are eligible to receive a payment through the Settlement.

A Court authorized this notice to inform 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 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.FileDisputeReportClass.com](http://www.FileDisputeReportClass.com).

The lawsuit is known as *Berry v. LexisNexis Risk & Information Analytics Group, Inc.*, Case No. 3:11-cv-00754-JRS. Judge James R. Spencer of the United States District Court for the Eastern District of Virginia is overseeing the case. The people who sued are called “Plaintiffs;” the companies that they sued are called “Defendants.” The Defendants are LexisNexis Risk & Information Analytics Group, Inc, now LexisNexis Risk Solutions FL Inc., Seisint, Inc., now LexisNexis Risk Data Management, Inc., and Reed Elsevier Inc.

### 2. What is this lawsuit about?

The lawsuit claims that the Defendants prepared and sold Accurint® searches and reports, that these reports were (1) “consumer reports” under the Fair Credit Reporting Act (“FCRA”), and that (2) Defendants failed to follow certain FCRA requirements that apply to consumer reports, including handling disputes about the reports’ contents and providing consumers with full copies of reports about them.

The Court did not decide whether the reports were consumer reports, or that either side was right or wrong. Instead, both sides agreed to the Settlement to resolve the case and provide benefits to consumers.

### 3. Why is this a class action?

Class actions try to bring similar claims in one case and in one court. In a class action, the plaintiffs who bring the case are called “Class Representatives” or “Named Plaintiffs.” They have their names listed in the title of the case. They sue on behalf of people who have similar claims – called the “Class” or “Class Members” – which in this case likely includes you if you received a postcard notice in the mail. The Class Representatives 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.

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#### **4. Why is there a proposed Settlement?**

The Court has not decided which side is right or wrong in this case. Instead, both sides agreed to a settlement to avoid the costs and risks of a lengthy trial and appeals process.

To settle the matter, the Plaintiffs and Defendants participated in something called mediation. This is a formal way parties get together to see if they can resolve disputes with the help of a court-approved professional, called a mediator. From May 2012 to October 2012, an experienced mediator conducted lengthy sessions with the parties. The negotiations were difficult and contentious. The Class Representatives and the lawyers representing the Class think the proposed Settlement is best for all Class Members.

### **WHO IS IN THE PROPOSED SETTLEMENT?**

#### **5. How do I know if I am part of the proposed Settlement?**

You are included in the Settlement if you requested a copy of an Accurint<sup>®</sup> report about yourself and/or initiated or submitted a dispute or other inquiry about information in an Accurint<sup>®</sup> brand product about you at any time between October 1, 2006 to April 19, 2013. The Court has decided that everyone who fits the following description is a Class Member:

All persons residing in the United States of America (including its territories and Puerto Rico) who, from October 1, 2006 through the date when the Court enters its Preliminary Approval Order, requested a copy of an Accurint<sup>®</sup> report containing information about themselves or initiated or submitted a dispute or other inquiry regarding any Accurint<sup>®</sup> Report to Defendants or any of their predecessors or affiliates.

Accurint<sup>®</sup> is an online information product used by law enforcement, banking, insurance, health care, legal, and debt collection subscribers to locate people, authenticate identities, and verify credentials. The Accurint<sup>®</sup> database contains names and addresses of all U.S. residents who have opened a credit account, as well as information from many public records, such as telephone directories, voter registration records, motor vehicle registrations, and mortgage records.

LexisNexis reviewed its records to identify everyone who is a member of the Class and mailed postcard notices to Class Members who are eligible to receive a payment through the Settlement.

#### **6. Are there exceptions to being included?**

Plaintiffs' and Defendants' attorneys are excluded from the Class. The presiding judge in the action and his staff, and all members of their immediate families are also excluded from the Class.

**Questions? Call toll-free 1-866-483-0378 or visit [www.FileDisputeReportClass.com](http://www.FileDisputeReportClass.com).**

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**7. 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 toll-free 1-866-483-0378 or visit [www.FileDisputeReportClass.com](http://www.FileDisputeReportClass.com) for more information.

**THE PROPOSED SETTLEMENT BENEFITS**

**8. What benefits does the proposed Settlement provide?**

The Settlement will establish a \$13.5 million Settlement Fund that will cover:

- Payments to Class Members;
- Attorneys' fees and expenses (up to 25% or \$3.375 million); and
- Incentive awards of \$5,000 to each of the Class Representatives (totaling \$30,000).

The payment amounts received by Class Members will depend on the number of individuals that remain in the Class. However, the parties estimate that the payment amounts Class Members will receive will be about \$300.

**No Class Members will have to pay or buy anything to receive a payment or benefit from the changes in business practices provided by the Settlement Agreement.**

**9. How can I get a payment?**

You do not have to do anything to receive a payment from the Settlement. If the Settlement is finally approved, you will automatically receive a payment approximately sixty days after the Settlement goes into effect. By remaining in the Settlement, you will not be able to sue the Defendants for the claims resolved by this Settlement (*see* Question 11).

**10. When will the proposed Settlement go into effect?**

The Court will hold a fairness hearing on **October 3, 2013**, 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.FileDisputeReportClass.com](http://www.FileDisputeReportClass.com) after October 3, 2013 to check on the progress of the Court-approval process.

Payments will be sent to Class Member approximately sixty days after the Effective Date. The change in business practices will remain in effect for seven years from the Effective Date or until June 30, 2020,

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whichever is earlier. During that time, the Court will continue to oversee the injunctive relief and will have the power to enforce the terms of the Settlement Agreement.

**11. 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 lawsuit against any of the Defendants or their related companies for certain money damages relating to any violation of the FCRA or any similar state law about the claims covered by this Settlement. This is called “releasing” your claims. This means you cannot seek, or continue to seek, claims based on any of the Defendants’ alleged violation of the FCRA, including: 1) using your information without your permission, 2) responding inadequately to your request for a copy of an Accurint® report about you, or 3) inadequately responding to a dispute you initiated or submitted to one of the Defendants regarding Accurint®. You will be giving up all such claims, whether or not you know about them. You will not be giving up any claims that may arise in the future or after the date of the settlement.

**The precise terms of the release are explained in the Settlement Agreement, which you can view on the Settlement website, [www.FileDisputeReportClass.com](http://www.FileDisputeReportClass.com).**

The Court's decisions in this case will apply to you even if you object to the Settlement (unless the Court sustains the objection) or have any other claims, lawsuits, or proceedings pending against any of the Defendants relating to the same claims. If you have any questions about the release, then you should visit the Settlement website for more information or consult with a lawyer. See Question 15 below for more information about seeking legal advice about the Settlement.

## **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you don't want to remain in the Settlement, and you want to keep the right to sue the Defendants about issues in this case, then you must take steps to get out. This is called excluding yourself from – or is sometimes referred to as “opting out” of – the Class.

**12. If I exclude myself, can I benefit from the proposed Settlement?**

No. If you exclude yourself, you will not receive a payment because the Settlement will no longer apply to you.

**13. If I don't exclude myself, can I sue the Defendants for the same thing later?**

No. Unless you exclude yourself, you give up any right to sue the Defendants for the claims in this lawsuit. You must exclude yourself from this Class to sue the Defendants over these claims.

**Questions? Call toll-free 1-866-483-0378 or visit [www.FileDisputeReportClass.com](http://www.FileDisputeReportClass.com).**

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**14. How do I exclude myself from the proposed Settlement?**

To exclude yourself from the Settlement you must send a letter that says you want to be excluded from the lawsuit *Gregory Thomas Berry, et al. v. LexisNexis Risk & Information Analytics Group, Inc.*, No. 3:11CV754 (E.D. Va.). Be sure to include your name, address, telephone number, and signature. You must mail your Exclusion Request postmarked by **July 12, 2013**, to: LexisNexis Settlement Exclusions, Notice Administrator, P.O. Box 2983, Faribault, MN 55021-2983.

**THE LAWYERS REPRESENTING YOU**

**15. Do I have a lawyer in this case?**

Yes. The Court approved the following lawyers as “Class Counsel” to represent you and other Class Members:

- Leonard Bennett, of Consumer Litigation Associates, P.C., in Newport News, Virginia;
- Dale Pittman, of the Law Office of Dale W. Pittman, P.C., in Petersburg, Virginia;
- Michael Caddell of Caddell & Chapman, in Houston, Texas; and
- James A. Francis of Francis & Mailman PC, in Philadelphia, Pennsylvania.

You will not be charged for these lawyers. You may hire your own attorney, if you so choose, but you will be responsible for paying your attorney’s fees and expenses.

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

Class Counsel will ask the Court to approve attorneys' fees and expenses of up to 25% of the gross settlement fund obtained, or \$3.375 million, for the time and effort they have spent on this case. Class Counsel will also request that a total of \$30,000 be paid to the Class Representatives, who helped the lawyers on behalf of the whole Class.

Defendants will pay the approved amount of attorneys’ fees and expenses, and no Class Member will owe or pay anything for the attorneys' fees and expenses of Class Counsel.

**OBJECTING TO THE PROPOSED SETTLEMENT**

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

If you are a 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.

**Questions? Call toll-free 1-866-483-0378 or visit [www.FileDisputeReportClass.com](http://www.FileDisputeReportClass.com).**

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To object, you must mail your objection letter to LexisNexis Settlement Objections, Notice Administrator, P.O. Box 2983, Faribault, MN 55021-2983. Your letter must be postmarked no later than **July 12, 2013**.

Your objection letter must include all of the following:

- The name of the case: *Gregory Thomas Berry, et al. v. LexisNexis Risk & Information Analytics Group, Inc.*, No. 3:11CV754 (E.D. Va.);
- Your name, address, and telephone number;
- A statement of your objection and a summary of the reasons for your objection;
- Copies of any documents on which you base your objection; and
- A statement of whether you or your lawyer will ask to appear at the final approval hearing to talk about your objections.

If you or your lawyer asks to appear at the final approval hearing, then in addition to providing the information above, you must also:

- Identify the points you wish to speak about at the hearing;
- Enclose copies of any documents you intend to rely on at the hearing;
- State the amount of time you request for speaking at the hearing; and
- State whether you intend to have a lawyer speak on your behalf.

If you intend to have a lawyer present, then your lawyer must enter a written notice of appearance of counsel with the Court no later than **August 30, 2013**.

For more information about the final approval hearing, see Questions 18-20 below.

If you do not follow the process outlined above, you will not be allowed to object, appear at the final approval hearing, or appeal the final approval of the proposed Settlement, the dismissal of the case, or the Court's award of attorneys' fees and expenses to Class Counsel.

## THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold a final approval hearing to decide whether to approve the proposed Settlement. You may attend and you may ask to speak, but you do not have to because Class Counsel will appear at the hearing on your and the Class' behalf.

The hearing will be on **October 3, 2013**, at 10:00 a.m., before Judge Spencer, in the United States District Court for the Eastern District of Virginia, Richmond Division, in Courtroom 7000.

**Questions? Call toll-free 1-866-483-0378 or visit [www.FileDisputeReportClass.com](http://www.FileDisputeReportClass.com).**

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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. The Court will listen to people who have asked for permission to speak at the hearing (as explained in Question 17).

The Court may also decide how much to award Class Counsel and the Class Representatives. 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 Court may change the date of the final approval hearing without further notice to the Class. You should check the website, [www.FileDisputeReportClass.com](http://www.FileDisputeReportClass.com) to check on the hearing date, the court-approval process, and the Effective Date.

#### **19. Do I have to come to the hearing?**

No. Class Counsel will answer any questions the Court may have. However, you are welcome to come at your own expense. You may also pay your own lawyer to attend, but it is not necessary. If you want to have a lawyer appear on your behalf at the final approval hearing, then your lawyer must enter a written notice of appearance with the Court no later than **August 30, 2013**, and must follow the process outlined in Question 17.

If you send an objection, then you do not have to come to Court to talk about it. As long as you mailed your written objection on time and complied with the other requirements for a proper objection, the Court will consider it.

#### **20. May I speak at the hearing?**

You or your lawyer may ask the Court for permission to speak at the final approval hearing. To do so, you must tell the Court in your objection letter that you or your lawyer would like to speak at the hearing. You must also follow the process outlined in Question 17.

You cannot speak at the hearing if you do not follow this procedure.

### **IF YOU DO NOTHING**

#### **21. What happens if I do nothing at all?**

No action is required for you 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.

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## GETTING MORE INFORMATION

### 22. 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.FileDisputeReportClass.com](http://www.FileDisputeReportClass.com). The website also provides answers to commonly asked questions, plus other information to help you determine whether you are a Class Member. In addition, some of the key documents in the case will be posted on the website.

Certain highly confidential and proprietary information submitted to aid the Court's consideration in connection with the Settlement may be reviewed by Class Members only with the assistance of Class Counsel. An explanation of the procedures that must be followed to review such documents is posted on the website, as well as a copy of the Court's order that established those procedures.

**Do not write or call the judge or any court personnel concerning this lawsuit or notice.**

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James R. Spencer  
United States District Judge Eastern District of  
Virginia

Date: April 26, 2013

**Questions? Call toll-free 1-866-483-0378 or visit [www.FileDisputeReportClass.com](http://www.FileDisputeReportClass.com).**

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