

*Harry Noriesta v. Konica Minolta Business Solutions U.S.A., Inc.,*  
Case No. 5:19-cv-00620-JGB-KK  
UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA  
NOTICE OF CLASS ACTION SETTLEMENT

*You are not being sued. This notice affects your rights. Please read it carefully.*

**To: All persons for whom Konica Minolta Business Solutions U.S.A., Inc. (“KMBS”) procured a consumer report for employment purposes between April 5, 2014 and July 1, 2018, and all California residents for whom KMBS procured a consumer report containing consumer credit information for employment purposes between April 5, 2012 and July 1, 2018.**

The Honorable Jesus Bernal of the United States District Court for the Central District of California has granted preliminary approval of a proposed settlement (“Settlement”) of the above-captioned action (“Class Action”).

The purpose of this Notice is to provide a brief description of the claims alleged in the Class Action, the key terms of the Settlement, and your rights and options with respect to the Settlement. **You have received this notice because KMBS’s records indicate that you are a Class Member and you may be entitled to a Settlement Payment.**

Unless you choose to opt out of the Settlement by following the procedures described below, you will be deemed a Participating Class Member and, if the Court grants final approval of the Settlement, you will be mailed a check for your share of the Settlement Fund. **At present, the Parties estimate that each Participating Class Member will receive approximately \$51.00 for each Class in which they are a member.**

The Final Approval Hearing on the adequacy, reasonableness, and fairness of the Settlement will be held at 9:00 a.m. on October 19, 2020 at the George E. Brown, Jr. Federal Building and United States Courthouse at 3470 Twelfth Street, Riverside, California 92501-3801 before the Honorable Jesus Bernal of the United States District Court for the Central District of California.

You are not required to attend the Hearing, but you are welcome to do so. The Court may change the Final Approval Hearing date or time without notice.

The Court has not determined that KMBS violated the law. KMBS denies that it violated any law and denies any liability whatsoever. The two sides disagree on whether Plaintiff or KMBS would have prevailed if the case had gone to trial.

**QUESTIONS? CALL 1-877-545-0230 or visit [www.FairCreditReportingSettlement.com](http://www.FairCreditReportingSettlement.com)**

## **Summary of the Litigation**

Plaintiff Harry S. Noriesta, on behalf of himself and on behalf of other allegedly similarly situated persons, claims that KMBS violated the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. §§ 1681, *et seq.*, the California Consumer Credit Reporting Agencies Act, Cal. Civ. Code §§ 1785 *et seq.*, and the California Investigative Consumer Reporting Agencies Act, Cal. Civ. Code §§ 1786 *et seq.* in connection with KMBS’s procurement and use of consumer reports for employment purposes.

After the exchange of relevant information and evidence, the Parties agreed to enter into settlement negotiations in an attempt to informally resolve the claims in the case. On January 22, 2020, the Parties participated in a mediation with an experienced and well-respected mediator with special expertise in FCRA class actions. At the mediation, the Parties were able to negotiate a complete settlement of Plaintiff’s claims.

Counsel for Plaintiff, and the attorneys approved by the Court to represent the class, Douglas Han, Daniel J. Park and Shunt Tataros-Gharajeh of the Justice Law Corporation (“Class Counsel”), has investigated and researched the facts and circumstances underlying the issues raised in the case and the applicable law. While Class Counsel believes that the claims alleged in this lawsuit have merit, Class Counsel also recognizes that the risk and expense of continued litigation justify settlement. Based on the foregoing, Class Counsel believes the proposed settlement is fair, adequate, reasonable, and in the best interests of Class Members.

KMBS denies that it violated the law in any way. It has denied, and continues to deny, the factual and legal allegations in the case and believes that it has valid and meritorious defenses to Plaintiff’s claims. By agreeing to settle, KMBS is not admitting liability on any of the allegations or claims in the case or that the case can or should proceed as a class action. KMBS has agreed to settle the case as part of a compromise with Plaintiff.

## **Summary of the Proposed Settlement Terms**

Plaintiff and KMBS have agreed to settle the class claims in exchange for a Class Settlement Amount of \$636,570.00. This amount is inclusive of: (1) Individual Settlement Payments to all Participating Class Members; (2) any Class Representative Incentive Payment (up to \$10,000); (3) Class Counsel’s Attorneys’ Fees (up to \$210,068.10) and Costs (up to \$15,000); and (4) reasonable Administrative Costs currently estimated at no more than \$35,000. After deducting the Class Representative Incentive Payment, Class Counsel’s Attorneys’ Fees and Costs, and the Settlement Administrator’s fees and expenses, a Net Settlement Amount of approximately \$366,502 will be allocated to Class Members who do not opt out of the Settlement (“Participating Class Members”). Each Participating Class Member will receive a *pro rata* portion from the Net Common Fund for each Class in which they are a Class Member.

After 180 days from the mailing of Settlement checks, the amount of any Settlement checks from the Net Common Fund that have not been cashed will be distributed to a mutually agreed upon charitable recipient.

According to KMBS’s records, KMBS requested your background screening report (a consumer report) in connection with your employment between April 5, 2014 and July 1, 2018, or you provided a California address as your address of residence and KMBS requested your consumer credit report in connection with your employment between April 5, 2012 and July 1, 2018. The Court has approved three Classes defined as follows:

**Questions? Call 1-877-545-0230 or visit [www.FairCreditReportingSettlement.com](http://www.FairCreditReportingSettlement.com)**

1. The FCRA Class: All United States unique job applicants on whom Defendant procured a consumer report for employment purposes based upon the same disclosure form provided to Plaintiff. Class membership begins on April 5, 2014 and continues through July 1, 2018.
2. The ICRAA Class: All unique job applicants on whom Defendant procured a consumer report for employment purposes based upon the same disclosure form provided to Plaintiff and who provided a California address as their address of residence. Class membership begins on April 5, 2014 and continues through July 1, 2018.
3. The CCRAA Class. All unique job applicants on whom Defendant procured a consumer report for employment purposes containing consumer credit information based upon the same disclosure form provided to Plaintiff and who provided a California address as their address of residence. Class membership begins on April 5, 2012 and continues through July 1, 2018.

If the Settlement is finally approved, your estimated payment would be approximately \$51.00 for each Class described above in which you are a Class Member. If you believe the information provided above is incorrect, please promptly contact the Settlement Administrator at JND Legal Administration.

Class Members should consult their tax advisors concerning the tax consequences of the payments they receive under the Settlement. For purposes of this Settlement, 100% will be allocated as non-wages for which IRS Forms 1099-MISC will be issued.

**If you wish to participate in the Class Action Settlement, which is explained in this Notice and the Settlement Agreement, you do not have to do anything. You will receive money under the Class Action Settlement by doing nothing.** If you want to opt out of, or request to be excluded from and not bound by, the Class Action Settlement, then you must submit your intention to opt out of the Settlement in the manner and timeframe described in this Notice and in the Settlement Agreement.

### **Your Options Under the Settlement**

#### ***Option 1 – Automatically Receive a Payment from the Settlement***

If you want to receive your payment from the Settlement, then no further action is required on your part. You will automatically receive your Settlement Payment from the Settlement Administrator if and when the Settlement receives final approval by the Court.

#### ***Option 2 – Opt Out of the Settlement***

If you do not wish to participate in the Settlement, you may exclude yourself from participating by submitting a written request to the Settlement Administrator expressly and clearly indicating that you have received this Notice of Class Action Settlement, decided not to participate in the Settlement, and desire to be excluded from the Settlement. The written request for exclusion must include your: (i) full name, current mailing address, and signature; (ii) the last four (4) digits of your social security number; and (iii) an express statement that you wish to be excluded from the Settlement.

KMBS FCRA Settlement  
c/o JND Legal Administration

**Questions? Call 1-877-545-0230 or visit [www.FairCreditReportingSettlement.com](http://www.FairCreditReportingSettlement.com)**

P.O. Box 91308  
Seattle, WA 98111

The written request to be excluded must be postmarked no later than **August 25, 2020**. If you submit a request for exclusion that is not postmarked by August 25, 2020, your request for exclusion will be rejected, and you will be included in the Settlement Class. If you submit a valid request for exclusion, you will not receive any cash payment.

If you do not opt out of the Settlement but then later do not cash your Settlement check, you will be bound by the Class Action Settlement.

### **Option 3 – Object to the Settlement**

If you decide to object to the Settlement because you find any portion of it unfair or unreasonable, including requested attorneys' fees or incentive award, you must submit an objection stating why you object to the Settlement. Your objection must provide: (i) full name, current mailing address, and signature; (ii) the last four (4) digits of your social security number; and (iii) a written statement of all grounds for the objection; and (iv) all evidence and supporting papers (including, without limitation, all briefs, written evidence, and declarations) for the Court to consider. The objection must be mailed to the Settlement Administrator at: KMBS FCRA Settlement, c/o JND Legal Administration, P.O. Box 91308, Seattle, WA 98111.

All objections must be sent to the Settlement Administrator, postmarked no later than **August 25, 2020**. Late objections will not be considered. By submitting an objection, you are not excluding yourself from the Settlement. To exclude yourself from the Settlement, you must follow the directions described above. Please note that you cannot both object to the Settlement and exclude yourself. You must choose one option only.

You may also, if you wish, appear at the Final Approval Hearing set for **October 19, 2020 at 9 a.m.** in the George E. Brown, Jr. Federal Building and United States Courthouse, the United States District Court for the Central District of California and discuss your objection with the Court and the Parties at your own expense. You may also retain an attorney to represent you at the hearing. The Court may change the hearing date or time without notice.

If you choose **Option 1 and do nothing**, and if the Court grants final approval of the Settlement, then you will be mailed a check for your share of the Settlement Fund. In addition, you will be deemed to have released or waived the following claims ("Released Claims"):

All claims, damages, losses, demands, penalties, liabilities, fees, interest, causes of action, complaints or suits that were or could have been brought in the Class Action relating to background checks including but not limited to claims under the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 *et seq.*, the Investigative Consumer Reporting Agencies Act, Cal. Civ. Code § 1786 *et seq.*, the Consumer Credit Reporting Agencies Act, Cal. Civ. Code § 1785 *et seq.*, California Business & Professions Code §§ 17200 *et seq.*, and similar claims under state law which any Class Member has ever had, or hereafter may claim to have against the Released Parties as of the Effective Date. As to all other FCRA claims, past or present, the class members also waive and release their rights to be a class representative in a class action, or to seek punitive damages from KMBS, as of the Effective Date of

**Questions? Call 1-877-545-0230 or visit [www.FairCreditReportingSettlement.com](http://www.FairCreditReportingSettlement.com)**

the settlement. The release does not extend to wage and hour claims arising from the California Labor Code and applicable wage orders and laws in the matters *Noriesta et al. v. Konica Minolta Business Solutions U.S.A., Inc.*, Case No. CIVDS1915995 (Cal. Sup. Ct., San Bernardino) and *Noriesta et al. v. Konica Minolta Business Solutions U.S.A., Inc.*, Case No. 5:19-cv-00839 DOC (C.D. Cal).

If you choose **Option 2 and opt out**, then you will no longer be a Class Member, and you will (1) be barred from participating in the Settlement, (2) be barred from filing an objection to the Settlement, and (3) not receive a payment from the Settlement.

If you choose **Option 3 and object**, then you will still be entitled to the money from the Settlement. If the Court overrules your objection, you will be deemed to have released the Released Claims.

### **Additional Information**

This Notice of Class Action Settlement is only a summary of the case and the Settlement. For a more detailed statement of the matters involved in the case and the Settlement, you may refer to the pleadings, the Settlement Agreement, and other papers filed in the case. You may also review these materials by visiting the Settlement website at [www.FairCreditReportingSettlement.com](http://www.FairCreditReportingSettlement.com). A copy of the Settlement Agreement may also be obtained from the Settlement Administrator free of charge. All inquiries by Class Members regarding this Class Notice or the Settlement should be directed to the Settlement Administrator by emailing [info@FairCreditReportingSettlement.com](mailto:info@FairCreditReportingSettlement.com) or by faxing (206) 788-8766, or to Class Counsel by mailing:

Douglas Han, Esq.  
Shunt Tatavos-Gharajeh, Esq.  
Daniel J. Park, Esq.  
**JUSTICE LAW CORPORATION**  
751 N Fair Oaks Avenue  
Suite 101  
Pasadena, California 91103  
Phone: (818) 230-7502

**PLEASE DO NOT CONTACT THE CLERK OF THE COURT, THE JUDGE,  
KMBS, OR KMBS'S ATTORNEYS WITH INQUIRIES.**

**Questions? Call 1-877-545-0230 or visit [www.FairCreditReportingSettlement.com](http://www.FairCreditReportingSettlement.com)**