

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**If you (i) resided in the States of Pennsylvania, New Jersey, Delaware or the Virgin Islands; (ii) applied for employment with Defendants; (iii) were the subject of a consumer report used by Defendants for employment purposes; (iv) were the subject of an adverse employment action by Defendants; and, (v) were not provided with a copy of the report and/or a written summary of your rights under the Fair Credit Reporting Act (“FCRA”) prior to the adverse action, you may be eligible for benefits from a class action settlement.**

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*A federal court authorized this notice. This is not a solicitation from a lawyer.*

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- A settlement will provide a Settlement Fund of \$5,750,000.00 to pay people who applied for employment with Express Services, Inc. and Express Personnel - Philadelphia (“Defendants”) and were the subject of a report from June 9, 2012 to June 9, 2014.
- The settlement resolves a lawsuit over whether Defendants failed to comply with legal requirements in taking adverse action against people applying for jobs without prior notice. The settlement avoids costs and risks to you from continuing the lawsuit; pays money to people like you; and releases Defendants from liability.
- Defendants deny any and all liability and the two sides disagree on how much money, if any, could have been won if this case went to trial.
- Lawyers for the class members will ask the Court for up to one-third of the Settlement Fund to be paid by Defendants—as fees and expenses for investigating the facts, litigating the case, and negotiating the settlement—and for \$10,000 to be paid to the Class Representative for his services to the Class and for his individual claim against Defendants.
- Your legal rights are affected whether you act, or don’t act. **READ THIS NOTICE CAREFULLY.**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:</b>	
<b>DO NOTHING</b>	<b>Receive a payment of \$50.00.</b> <i>You give up any rights to sue Defendants individually for recovery of damages for the same legal claims governed by the settlement and release.</i>
<b>FILE A CLAIM</b>	<b>If you incurred damages as a result of the failure of the Defendants to provide you with the pre-adverse action notice required by the FCRA, you may choose, instead of the automatic payment of \$50.00, to file a claim for damages. However, you may <u>not</u> file a claim for damages in excess of \$2,500.00.</b> <i>By filing a claim, you will receive the benefits described more fully below. You give up any rights to sue Defendants individually for recovery of damages for the same legal claims governed by the settlement and release.</i>
<b>ASK TO BE EXCLUDED</b>	<b>Remove yourself from this class action. Get no benefits. Keep certain rights.</b> <i>If you ask to be excluded, you will not receive any of the benefits described below. But, you keep any rights you may have to sue Defendants separately about the same legal claims governed by the settlement and release.</i>
<b>OBJECT</b>	<b>File a notice with the Court communicating why you think the settlement should not be approved.</b>

- These rights and options—and the deadlines to exercise them—are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the settlement. Payments will be made if the Court approves the settlement and after any appeals are resolved. Please be patient.
- Any questions? Call the Settlement Administrator at 1-800-222-2760 or Class Counsel at 1-877-735-8600.

**QUESTIONS? CALL 1-800-222-2760 TOLL FREE, OR VISIT [www.FloresExpressClassAction.Info](http://www.FloresExpressClassAction.Info)**  
Para recibir una notificación en español, llame al 1-800-222-2760 o visite nuestra página web: [www.FloresExpressClassAction.Info](http://www.FloresExpressClassAction.Info)

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## BASIC INFORMATION

### 1. Why did I get this Notice?

There is a proposed settlement with Defendants in a class action lawsuit about whether they violated federal fair credit reporting law. The Plaintiff contends that Defendants violated the law in that they obtained consumer reports regarding employees and employment applicants and took adverse action regarding such persons prior to giving them a copy of the report and a description of their FCRA rights.

Records provided by Defendants show you may have been one of those persons.

### 2. What is this lawsuit about?

Plaintiff Jose Flores sued Defendants alleging that Defendants violated federal credit reporting laws by failing to provide the required pre-adverse action notice to employees and job applicants, as required by the FCRA, so that they are afforded the opportunity to correct any inaccuracies in background checks before the employer takes adverse action against them. Defendants deny that their actions violated the law.

### 3. What is a class action and who is involved?

In a class action lawsuit, one or more people called the “Class Representative,” in this case Jose Flores, sued Defendants on behalf of other people who have similar claims. All of the people together are called a “Class” or “Class Members.” Mr. Flores is also called the Plaintiff and the Class Representative. The companies that he sued, Express Services, Inc. and Express Personnel - Philadelphia, are called the Defendants. One court resolves the issues for everyone in the Class, except for those people who choose to exclude themselves from the Class.

### 4. Why is this lawsuit a class action?

This lawsuit was brought as a class action because Plaintiff believes it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, that:

- There are many people as to whom Defendants failed to provide the required pre-adverse action notice;
- There are legal questions and facts that are common to each of them;
- The claims of Plaintiff are typical of the claims of the rest of the Class;
- The Plaintiff and the attorneys representing the Class will fairly and adequately represent the interests of the Class;
- The common legal questions and facts are more important than questions that affect only individuals; and
- A class action is a more efficient method of adjudication than having many individual lawsuits.

### 5. Why is there a settlement?

Mr. Flores and Defendants agreed to settle the claims alleged in the case to avoid the cost and risk of trial. The Class Representative and his lawyers think the settlement is best for all Class Members.

## WHO IS IN THE CLASS

You need to decide whether you are affected by this settlement.

### 6. Am I in the Class?

The Court certified a Class consisting of all natural persons residing within the jurisdiction of the United States Court of Appeals for the Third Circuit who (i) within two (2) years prior to the filing of the Complaint; (ii) applied for employment with Defendants; (iii) were the subject of a consumer report used by Defendants for employment purposes; (iv) were the subject of an adverse employment action by Defendants; and, (v) were not provided with a copy of the report and/or a written summary of their rights under the FCRA prior to the adverse action.

If you meet this description, you are a member of the Class. There are approximately 36,848 members of the Settlement Class.

### 7. What does the settlement provide?

The Settlement Agreement provides the following benefits:

- Defendants have changed practices to address the conduct complained of in the litigation.
- Defendants will pay the sum of \$5,750,000.00 into a Settlement Fund.

The sum of \$1,842,400.00 shall be allocated from the Settlement Fund to make Automatic Payments of \$50.00 to each Class Member without the need to file a Claim.

The sum of \$1,830,850.00 shall be allocated from the Settlement Fund to pay Damages Claims **not in excess of \$2,500.00** for each Settlement Class Member who submits a Claim in the form accompanying this Notice (a) certifying to the best of his or her knowledge, information, and belief that the Settlement Class Member lost or was delayed in obtaining an employment opportunity as a result of the failure of the Defendants to provide such Member with the pre-adverse action notice required by the FCRA; and, (b) stating the amount of damages claimed. Again, **no Damages Claim may exceed the sum of \$2,500.00.**

Subject to the approval of the Court, the Settlement Fund shall also be used to pay an individual settlement and service award to the Class Representative in the amount of \$10,000.00, and Class Counsel's fees and expenses not to exceed one-third of the Settlement Fund. The Settlement Fund shall also be used to pay the costs of notice and settlement administration.

No portion of the Settlement Fund shall revert to Defendants. The settlement provides that uncashed checks shall be paid to a non-profit organization to be approved by the Court. More details on all of the settlement benefits are set forth in the Settlement Agreement which is available at [www.FloresExpressClassAction.info](http://www.FloresExpressClassAction.info).

### 8. What am I giving up as part of the settlement?

Unless you opt out of or request to be excluded from the settlement, you will be giving up all rights to claims asserted in the case. You can find more information regarding the rights you will be giving up in the Settlement Agreement, which is available at [www.FloresExpressClassAction.info](http://www.FloresExpressClassAction.info). You may talk to the lawyers representing the Class, listed in paragraph 15 below for free, or you can, at your own expense, talk to your own lawyer if you have any questions about the released claims or what they mean.

## THE SETTLEMENT BENEFITS — WHAT YOU GET

You have to decide whether to stay in the Class, ask to be excluded, or object to the settlement. You have until February 8, 2017, to exclude yourself or until January 27, 2017, to object to the settlement.

### 9. How can I get benefits?

You do not need to take any action to receive an Automatic Payment of \$50.00. If the Court approves the settlement, you will be sent a check.

If, instead of receiving an Automatic Payment of \$50.00, you choose to submit a claim for damages **not in excess of \$2,500.00**, you need to file a Claim Form, included with this Notice, with the Settlement Administrator postmarked no later than **May 8, 2017**. A Claim Form may be filed online at [www.FloresExpressClassAction.info](http://www.FloresExpressClassAction.info). Claim Forms are also available at [www.FloresExpressClassAction.info](http://www.FloresExpressClassAction.info) or by telephoning the Settlement Administrator at 1-800-222-2760.

### 10. When will I get my benefits?

If the Court grants final approval of the settlement, and there is no appeal of the Court's Final Approval Order, it is expected that (a) the Automatic Payments of \$50.00 checks will be mailed out to Class Members about sixty days later; and (b) checks for Damages Claims will be mailed out after all Claims are received, reviewed and approved, approximately within one hundred twenty days later.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

### 11. Why would I ask to be excluded?

If you already have a lawsuit against Defendants for similar claims and want to continue with it, you need to ask to be excluded from the Class. If you believe you sustained damages in excess of the benefits achieved by the settlement as a result of Defendants' actions, you should consider whether you need to be excluded from the Class. If you exclude yourself from the Class – which also means to remove yourself from the Class, and sometimes called “opting-out” of the Class – you will not get any benefits from this settlement. If you exclude yourself, you will not be legally bound by the settlement in this class action, and you may then be able to sue or continue to sue Defendants on your own.

If you start your own lawsuit against Defendants after you exclude yourself, you may have to hire and pay your own lawyer for that lawsuit and you will have to prove your claims in court. If you do exclude yourself so you can start your own lawsuit against Defendants, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations or other time-sensitive requirements.

### 12. How do I get out of the settlement?

To exclude yourself from the settlement, you must send a letter by mail saying that you want to be excluded from the settlement in *Flores v. Express Personnel*. Be sure to include your name, address, telephone number, and your signature. You must mail your exclusion request postmarked no later than **February 8, 2017** to:

**Flores v. Express Personnel**  
c/o Settlement Administrator  
P.O. Box 1607  
Blue Bell, PA 19422

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If you ask to be excluded, you will not get any settlement payment, and you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue (or continue to sue) the Defendants in the future.

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

No. Unless you exclude yourself, you give up any right to sue Defendants for the claims that this settlement resolves. If you have a pending lawsuit, speak to your lawyer in that case immediately. You must exclude yourself from this Class to continue your own lawsuit. Remember, the exclusion deadline is **February 8, 2017**.

**14. If I exclude myself, can I get money from this settlement?**

No. If you exclude yourself, you will not receive money from this settlement. But, you may sue, continue to sue, or be part of a different lawsuit against Defendants.

**THE LAWYERS REPRESENTING YOU**

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

The Court has appointed the law firm of Francis & Mailman, P.C. as Class Counsel. Class Counsel's contact information is as follows:

**Francis & Mailman, P.C.**  
100 S. Broad Street, Suite 1902  
Philadelphia, PA 19110  
Tel: (215) 735-8600 or 1-877-735-8600  
www.consumerlawfirm.com

**16. Should I get my own lawyer?**

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you may retain one at your own expense. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

**17. How will the lawyers and Class Representative be paid?**

At the Fairness Hearing, Class Counsel will ask the Court for approval of reasonable attorneys' fees and expenses as provided by the applicable laws, not to exceed one-third of the Settlement Fund. They will also ask for an individual settlement and service award of \$10,000.00 for Plaintiff as Class Representative. The Court has not yet made any decision regarding the amount of attorneys' fees, costs, expenses, and Class Representative payment. The fees, expenses, and awards that the Court orders, plus the costs to administer the settlement, will not reduce the benefits to Class Members.

## OBJECTING TO THE SETTLEMENT

You can tell the Court that you don't agree with the settlement or some part of it.

### 18. How do I tell the Court if I don't like the settlement?

If you are a Class Member, you can object to the 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 do so, you must send in a written objection where your signature is verified by a notary public in the case, *Flores v. Express*, C.A. No. 14-3298. Be sure to include your full name, address, telephone number, your signature, your specific objections and the basis for them, confirmation that you are a member of the Class, and any legal support you wish to bring to the Court's attention and any evidence you wish to introduce in support of your objection. Your written notice should indicate whether you or your lawyer intends to appear at the Fairness Hearing to object to the settlement. You must file your objection with the Court and send it to all of the addresses below by January 27, 2017:

<b>COURT</b>	<b>CLASS COUNSEL</b>	<b>DEFENSE COUNSEL</b>
James A. Byrne U.S. Courthouse United States District Court Eastern District of Pennsylvania 601 Market Street, Room 16614 Philadelphia, PA 19106-1772	James A. Francis David A. Searles FRANCIS & MAILMAN, P.C. 100 S. Broad Street, Suite 1902 Philadelphia, PA 19110 Tel. (215) 735-8600 info@consumerlawfirm.com	Donald Gamburg OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C. 1735 Market Street, Suite 3300 Philadelphia, PA 19103

Filing a written objection with the Court is the only permissible way to contact the Court.

### **DO NOT CALL THE COURT OR SEND CORRESPONDENCE TO THE JUDGE OR COURT STAFF**

### 19. What's the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

## THE COURT'S FAIRNESS HEARING

### 20. When and where will the Court decide whether to approve the settlement?

The Court is scheduled to hold a Fairness Hearing at 2:00 p.m. on March 9, 2017, at the United States District Court for the Eastern District of Pennsylvania, U.S. Courthouse, Room 16614, 601 Market Street, Philadelphia, PA 19106. At the Fairness Hearing, the Court will consider whether the settlement is fair, reasonable, and adequate and should be granted final approval. If there are objections, the Court will consider them. Class Counsel will also ask the Court for approval of their request for attorney's fees, costs, expenses, and a settlement and service award to the Class Representative.

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The Fairness Hearing may be moved to a different date, extended, or moved to a different courtroom without additional notice, so it is recommended that you periodically check with the Clerk's office for updated information.

#### 21. Do I have to come to the Fairness Hearing?

No. Class Counsel will answer any questions the Court may have. However, you are welcome to attend the hearing at your own expense. If you send in a written objection, you do not have to come to the Fairness Hearing to talk about it. As long as you filed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend the Fairness Hearing, but it is not necessary.

#### 22. May I speak at the hearing?

To speak at the Fairness Hearing, you must send a letter or other written document saying that the letter or document is your "Notice of Intent to Appear" in *Flores v. Express*, C.A. No. 14-3298, to all of the addresses listed in paragraph 18 above. Be sure to include your name, address, telephone number, and your signature. You also must include information about what you intend to say at the hearing and, if you will be represented by a lawyer other than Class Counsel, you must include the name, address, and telephone number of your lawyer. Your Notice must be postmarked no later than January 27, 2017. The Court will decide if you will be allowed to speak at the Fairness Hearing.

### IF YOU DO NOTHING

#### 23. What happens if I do nothing at all?

If you do nothing, you'll still receive the Automatic Payment of \$50.00 from this settlement. But, unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendant about the legal issues this settlement resolves, ever again.

### GETTING MORE INFORMATION

#### 24. Are more details available?

To obtain more information, you may visit the settlement website at [www.FloresExpressClassAction.info](http://www.FloresExpressClassAction.info), or speak to the Settlement Administrator by calling 1-800-222-2760. You may also speak to one of the attorneys representing the Class by calling: 1-877-735-8600 or by e-mailing [info@consumerlawfirm.com](mailto:info@consumerlawfirm.com).