

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

DONOVAN HARGRETT
and MICHAEL MATHIS, *et al.*,

Plaintiffs,

v.

CASE NO. 8:15-cv-2456-T-26EAJ

AMAZON.com DEDC LLC,

Defendant,

MICHAEL AUSTIN, *et al.*,

Plaintiff,

v.

CASE NO. 8:15-cv-2588-T-26JSS

AMAZON.com DEDC LLC,

Defendant,

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT AND HEARING

Disclosure Form Class

A court authorized this Notice. This is not a solicitation from a lawyer.

Control Number: _____

- This notice relates to a proposed settlement in a class action lawsuit which alleges that Defendant Amazon.com DEDC LLC violated the Fair Credit Reporting Act (“FCRA”). Plaintiffs Donovan Hargrett and Michael Austin (“Plaintiffs”) alleged that Amazon violated the FCRA by inserting additional, unnecessary language into disclosure forms purporting to grant Amazon authority to obtain and use consumer report information in criminal background checks it obtained for employment purposes. Plaintiffs Hargrett and Michael Mathis also alleged that Amazon’s process for providing applicants or employees with a copy of their criminal background check report and a summary of FCRA rights prior to taking an adverse employment action violated the FCRA. That settlement is the subject of a separate notice. Amazon denies that it violated the law in any way whatsoever and denies that any person suffered harm from the actions that are alleged to be violations. The two sides disagree as to whether Amazon’s conduct was permitted under the FCRA, whether Amazon would be liable under the FCRA with respect to that conduct and, if so, the extent of any such liability. The parties have, however, agreed to resolve the lawsuit through a Court-supervised settlement.
- The proposed Settlement Class (the “Disclosure Form Settlement Class”) includes “all individuals in the

United States who (a) applied online for work at Amazon or its affiliates using the Salesforce platform; (b) were the subject of a consumer report that was procured by Amazon or its affiliates (or caused to be procured by Amazon); (c) to whom Amazon or its affiliates presented the Disclosure Form; (d) within two years of the filing of the Hargrett Matter through the date of Preliminary Approval.”

- Membership in the Settlement Class will be determined based upon Amazon’s records.
- You are receiving this notice because Amazon’s records indicate that you may be eligible to receive benefits from this class action Settlement.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
Do Nothing	If you do nothing and the Court approves this Settlement, you will not receive any direct benefits. But, you will not be able to sue Amazon for the same issues as in this lawsuit again.
Submit a claim	To receive a share of the settlement, you must visit www.hargrettFCRAsettlement.com and submit a claim on the required form. The amount you will receive will be an equal share with everyone who submits a valid claim. It will be at least \$7.02 and at most \$125.
Ask to be Excluded by OCTOBER 1, 2018	If you do not want to be included in the case and the Settlement, you must exclude yourself. This is called “opting out.” This is the only option that allows you to sue Amazon for these same issues again.
Object by OCTOBER 1, 2018	You may write to the Court about why you don’t like the settlement. You cannot object if you opt out.
Go to a Hearing on NOVEMBER 16, 2018	Ask to speak in Court about the fairness of the settlement.

- Your rights and options—and the deadlines to exercise them—are explained in this Notice; The Court still has to decide whether to approve this settlement, which may take some time.

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Basic Information

1. Why did I get this notice?

This notice has been sent for the benefit of potential members of the Disclosure Form Settlement Class, which consists of:

All Amazon applicants or employees in the United States who (1) applied online for work at Amazon.com using Salesforce.com; (2) were the subject of a consumer report that was procured by Amazon.com (or caused to be procured by Amazon) from Accurate Background, Inc.; (3) to whom Amazon.com presented the disclosure and authorization form filed as ECF No. 119-8; (4) within two years of the filing of the Hargrett Matter through the date the Class List is prepared.

There is another Class, the Adverse Action Settlement Class, which is discussed in a separate notice you will receive if Amazon's records indicate you are a member of that Class.

Composition of the Settlement Class is based upon Amazon's records. This Notice has been sent because members of the Settlement Class have a right to know about the proposed Settlement of the class action lawsuit in which they are putative class members, and about all of their options, before the Court decides whether to approve the Settlement. If the Court approves the Settlement, and after objections or appeals relating to that Settlement are resolved, the benefits provided for by the Settlement will be available to members of the Settlement Class who submitted timely claims.

This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them. A full copy of the Settlement Agreement is available to Class Members on a website created by the Settlement Administrator, available at www.HargrettFCRAsettlement.com.

2. What is the lawsuit about?

Plaintiffs allege that Amazon's Disclosure Form and its procurement of background check reports on the basis of that Form violated the Fair Credit Reporting Act ("FCRA") because it contained unnecessary and confusing language. Based on these allegations, Plaintiffs seek statutory damages.

Amazon disputes the Plaintiffs' allegations and denies all liability to Plaintiffs and the Disclosure Form Settlement Class. Amazon also denies that any person suffered any harm from the alleged unnecessary language in the Disclosure Form. In the lawsuit, Amazon denied Plaintiffs' allegations and raised a number of defenses to the claims asserted. No court has found Amazon violated the law in any way. No court has found that the Plaintiff could recover any amount in this litigation. Although the Court has authorized Notice to be given of the proposed Settlement, this Notice does not express the opinion of the Court on the merits of the claims or defenses asserted by either side in the lawsuit.

3. Why is this case a class action?

Class actions are lawsuits in which the claims and rights of many people are decided in a single proceeding. In a class action, Representative Plaintiffs (“Class Representatives”) seek to assert claims on behalf of all members of a class or Class of similarly situated people. In a class action, people with similar claims are treated alike. The Court is guardian of the class’s interests and supervises the prosecution of the class claims by Counsel for the Settlement Class to assure that the representation is adequate. Class members are not individually responsible for the costs or fees of counsel, which are subject to court award.

4. Why is there a Settlement?

The Court did not decide this case in favor of the Class Representatives or in favor of Amazon. Instead, Counsel for the Settlement Class investigated the facts and applicable law regarding the Class Representatives’ claims and Amazon’s defenses. The parties engaged in lengthy and arm’s-length negotiations to reach this Settlement. The Class Representatives and Counsel for the Settlement Class believe that the proposed Settlement is fair, reasonable, and adequate and in the best interests of the class.

Both sides agree that, by settling, Amazon is not admitting any liability or that it did anything wrong. Both sides want to avoid the uncertainties and expense of further litigation.

Who Is In The Settlement

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

You are a part of the settlement if you fit the definition set forth in paragraph one. You applied to Amazon between September 11, 2013 and July 17, 2018, were presented with the Disclosure Form, and Amazon procured or caused to be procured criminal background check information in your consumer report on the basis of the Form. Your application may also have been denied based on the results of the criminal background check information in your consumer report, but you will receive a separate notice letter if you are a member of that class.

You received this Notice because Amazon’s records indicate you are a member of the Disclosure Form Settlement Class. If you are not certain as to whether you are a member of the Settlement Class, you may contact the Claims Administrator to find out. In all cases, the question of class membership will be determined based on Amazon’s records.

The Settlement Benefits—What You Get

6. What does the Settlement provide?

If you are a member of the Settlement Class, you will receive benefits under the Settlement.

If you are a member of the Settlement Class, you are eligible to receive a payment. Amazon has agreed to pay up to \$5 million into a settlement fund. After deducting any attorneys’ fees and expenses that the Court may award to Class Counsel and any service awards that the Court may award to the Plaintiffs and subject to certain maximum individual payout amounts, the fund will be divided equally among all Settlement Class members who file timely claims and do not opt out. If the expected requests for attorneys’ fees and expenses and the Plaintiffs’ award are granted by the Court, you will receive your payment in the form of an Amazon gift card. If you provide in your Claim Form a genuine reason why you cannot redeem an Amazon gift card, you will receive a check for your portion of the Settlement. In either gift card or check form, your minimum settlement benefit will be \$7.02 and your maximum settlement benefit will be \$125.

7. How can I get a benefit?

To receive your settlement payment, you must visit www.HargrettFCRAsettlement.com and submit a claim form using the control number in this notice. If you are unable to use the Internet to submit your claim, a claim form is included at the end of this Notice. Your interest as a member of the Settlement Class will be represented by the Plaintiff and Counsel for the Class. You will be bound by any judgment arising from the settlement. If the Settlement is approved and you submit a valid claim, you will receive a gift card or check for your share of the settlement fund.

8. When would I get my benefit?

The Court will hold a Fairness Hearing at 9:30 a.m. on November 16, 2018 at Sam M. Gibbons U.S. Courthouse, 801 North Florida Ave., Tampa, Florida, 33602, Courtroom 15B, to decide whether to approve the settlement. If the Settlement is approved, there may be appeals. Payments to members of the Settlement Class will be made only if the Settlement is finally approved. This may take some time, so please be patient.

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

Upon the Court's approval of the Settlement, all members of the Settlement Class who do not exclude themselves (as well as spouses, heirs, and others who may possess rights on their behalf) will fully release Amazon (and its affiliates, subsidiaries, employees, insurers, and others as specified in the Settlement Agreement) for all claims, including claims for statutory damages and actual damages, arising out of or relating directly or indirectly in any manner whatsoever to the facts alleged or which could have been alleged or asserted in this case, including but not limited to any and all claims under sections 15 U.S.C. § 1681b(b)(2)(A) and 15 U.S.C. § 1681b(b)(3) of the FCRA. That means you cannot sue, continue to sue, or be part of any other lawsuit against Amazon or any other Released Person on the issues that were or could have been raised in this case. It also means that all of the Court's orders concerning the Settlement Class will apply to you and legally bind you, including the Release described in detail in Section V of the Settlement Agreement. This Release provision describes the legal claims that you give up if this Settlement is approved and you do not exclude yourself. Please carefully read the Release and the Settlement Agreement as a whole.

10. How do I get out of the Settlement?

If you choose to be excluded from the Settlement, you will not be bound by any judgment or other final disposition of the lawsuit. You will retain any individual claims against Amazon you might have. To request exclusion, you must individually state in writing your desire to be excluded from the Settlement Class. You may also complete and return the Exclusion Request Form at the end of this Notice. **Your request for exclusion must be sent by first class mail, postmarked on or before October 1, 2018**, addressed to:

Hargrett FCRA Settlement
PO Box 23648
Jacksonville, FL 32241-3648
Telephone: (800) 566-0595

If the request is not postmarked on or before October 1, 2018, your request for exclusion will be invalid, and you will be bound by the terms of the settlement approved by the Court, including without limitation, the judgment ultimately rendered in the case, and you will be barred from bringing any claims which arise out of or relate in any way to the claims in the case as specified in the Release referenced in paragraph 9 above.

11. If I don't exclude myself, can I sue Amazon for the same thing later?

No. Unless you exclude yourself, you give up any right to sue Amazon for the claims that this settlement resolves.

12. If I exclude myself, can I get benefits from this settlement?

No. If you exclude yourself, you are not part of the Settlement and will not get direct benefits from it.

The Lawyers Representing You

13. Do I have a lawyer in this case?

The Court has appointed Donovan Hargrett and Michael Austin as Class Representatives. The Court has appointed Wenzel Fenton Cabassa, P.A. and Consumer Litigation Associates, P.C. as Counsel for the Settlement Class:

Luis A. Cabassa, Esq.
Brandon J. Hill, Esq.
WENZEL FENTON CABASSA, P.A.
1110 North Florida Ave., Suite 300
Tampa, Florida 33602
Telephone: (813) 224-0431

Leonard A. Bennett
Craig C. Marchiando
CONSUMER LITIGATION ASSOCIATES, P.C.
763 J. Clyde Morris Blvd., Suite 1-A
Newport News, VA 23601
Telephone: (757) 930-3660

Counsel for the Settlement Class represent the interests of the Settlement Class. You may hire your own attorney to advise you, but if you hire your own attorney, you will be responsible for paying that attorney's fees.

14. How will the lawyers be paid?

Class Counsel intend to apply to the Court for an award of attorneys' fees and expenses in an amount not to exceed one-third of the settlement fund, approximately \$1,666,666. The Court may award less. Class Counsel also will seek compensation for the Named Plaintiffs in an amount not to exceed \$3,000 each. These amounts will be paid from the settlement fund, not by you.

Objecting To The Settlement

15. How do I tell the Court that I don't like the settlement?

You can object to any aspect of the proposed Settlement by filing and serving a written objection. Your written objection must include: (1) your name, address, telephone number, email address and signature; (2) a detailed statement of the specific factual and legal basis for the objection(s) being asserted; (3) a notice of your intent to appear at the Final Fairness Hearing at 9:30 a.m. on November 16, 2018, if you intend to appear; (4) a detailed description of any and all evidence, including copies of any exhibits, which you may offer at the Fairness Hearing; (5) if the objector is represented by counsel, a statement as to the number of objectors in this case counsel represents; (6) if the objector's counsel expects to be paid other than by the objector client, a statement of counsel's proposed hourly rate and the number of hours expended on the case through the filing of the objection;

and (7) a statement by objector's counsel of all class action cases—identifying cases by style—in which counsel has represented objectors in the past eighteen months. There are additional details about objections in the Settlement Agreement, available on the settlement website, www.HargrettFCRAsettlement.com.

You must file any objection with the Clerk of the Court at the address below on or before October 1, 2018.

United States Courthouse for the Middle District of Florida
Sam M. Gibbons U.S. Courthouse
801 North Florida Ave.
Tampa, Florida, 33602
Courtroom 15B

You must also send your objection by first class mail, postmarked on or before October 1, 2018, to counsel for the Settlement Class and counsel for Amazon. These documents should be mailed to Settlement Class Counsel at:

Luis A. Cabassa, Esq.
Brandon J. Hill, Esq.
WENZEL FENTON CABASSA, P.A.
1110 North Florida Ave., Suite 300
Tampa, Florida 336022
813.224.0431

And to counsel for Amazon at:

Brian M. Ercole
MORGAN, LEWIS & BOCKIUS LLP
200 South Biscayne Blvd., Suite 5300
Miami, FL 33131
305.415.3416

Any member of the Settlement Class who does not file and serve an objection in the time and manner described above will waive that objection. If you exclude yourself from the settlement, you may not object to it.

16. 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 Settlement. Excluding yourself is telling the Court that you don't want to be part of the Settlement. If you exclude yourself, you have no basis to object because the lawsuit no longer affects you.

17. Where and when will the Court decide whether to approve the settlement?

There will be a Fairness Hearing to consider approval of the proposed Settlement at 9:30 a.m. on November 16, 2018, at the United States Courthouse for the Middle District of Florida, U.S. Federal Building and Courthouse, 801 N. Florida Ave., Tampa, FL 33602, Courtroom 15B. The hearing may be postponed to a later date without further notice. The purpose of the hearing is to determine the fairness, reasonableness, and adequacy of the terms of settlement; whether the Settlement Class is adequately represented by the Class Representative and Counsel for the Settlement Class; and whether an order and final judgment should be entered approving the proposed settlement. The Court also will consider Class Counsel's application for an award of attorneys' fees and expenses and for a service award for the Class Representatives.

You will be represented at the Fairness Hearing by Counsel for the Settlement Class, unless you choose to enter

an appearance in person or through your own counsel at your own cost. The appearance of your own attorney is not necessary to participate in the Fairness Hearing.

18. Do I have to come to the hearing?

No. Counsel for the Settlement Class will represent the Settlement Class at the Fairness Hearing, but you are welcome to come at your own expense. If you send any objection, you do not have to come to Court to talk about it. As long as you filed and mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, if you wish.

19. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing.

Getting More Information

20. Are there more details about the Settlement?

For a more detailed statement of the matters involved in the lawsuit or the Settlement, you may refer to the papers filed in this case during regular business hours at the office of the Clerk of the Court of the United States Courthouse for the Middle District of Florida, Sam M. Gibbons U.S. Courthouse, 801 North Florida Ave., Tampa, Florida, 33602, Clerk's Office, File: *Hargrett v. Amazon.com DEDC LLC*, pending as Case No. 8:15-cv-02456-RAL-AAS. The full Settlement Agreement and certain pleadings filed in this case can also be requested, in writing, from the Claims Administrator, identified in Paragraph 10 above, and also accessed on the website created for this settlement by the Settlement Administrator, available at www.HargrettFCRAsettlement.com.

21. How do I get more information?

You can contact the Settlement Administrator, identified in Paragraph 10 above, or Class Counsel at the below contact address with questions:

Luis A. Cabassa, Esq.
Brandon J. Hill, Esq.
WENZEL FENTON CABASSA, P.A.
1110 North Florida Ave., Suite 300
Tampa, Florida 33602
813.224.0431
Attorneys for Plaintiffs

Date: August 17, 2018

**PLEASE DO NOT CALL THE COURT. PLEASE ALSO DO NOT CALL OR SEND
CORRESPONDENCE PERSONALLY TO JUDGE LAZZARA OR HIS STAFF.**