

**FILED**  
SAN MATEO COUNTY

NOV 20 2020

Clerk of the Superior Court

By \_\_\_\_\_  
DEPUTY CLERK

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN MATEO

FIRST ADVANTAGE CREDIT CASES,

Coordination Proceeding  
Special Title (CRC Rule. 3.550)

Case No. JCCP4961

**CLASS ACTION**

*(Assigned to the Hon. Marie S. Weiner - Dept.  
2)*

**~~[Proposed]~~ Preliminary Approval Order**

On October 5, 2020, this matter came before the Court on the Motion of Plaintiffs Elizabeth Larroque, Marcus Chism, and Michelle Blankenship (“Named Plaintiffs”) for Preliminary Approval of the Class Action Settlement between and among the Named Plaintiffs and Defendant First Advantage Background Services Corp. The Court, having reviewed and considered all documents, evidence and arguments presented by counsel in support of said motion, finds and orders as follows:

1. The Joint Stipulation of Class Action Settlement Agreement and Release of Claims attached as Exhibit 1 to the Declaration of Peter R. Dion-Kindem filed in support of the Motion for Preliminary Approval of Class Action Settlement and incorporated by reference herein and the Addendum thereto dated October 28, 2020 (collectively, the “Stipulation” or “Settlement”), which, together with the exhibits annexed thereto, set forth the terms and conditions for a

**Preliminary Approval Order**

1 proposed settlement, are preliminarily approved as fair, reasonable, and adequate, subject to a  
2 final fairness hearing to be held after Notice has been provided to the Class.

- 3 2. This Order incorporates by reference the definitions in the Stipulation and all terms defined  
4 therein shall have the same meaning in this Order as set forth in the Stipulation.
- 5 3. Upon consideration of the Stipulation, the Motion for Preliminary Approval, and the information  
6 presented at the October 5, 2020 hearing on the motion, it appears to the Court that the  
7 Settlement is fair, adequate, and reasonable. It also appears to the Court that extensive and costly  
8 investigation and research has been conducted such that counsel for the Parties are able to  
9 reasonably evaluate their respective positions. It further appears to the Court that the Settlement  
10 will avoid substantial additional costs by all Parties as well as avoid the delay and risks that  
11 would be presented by the further prosecution of the Action. Finally, it appears that the  
12 Settlement has been reached as the result of intensive, serious, and non-collusive, arm's-length  
13 negotiations.
- 14 4. The Court preliminarily finds that the Stipulation appears to be within the range of  
15 reasonableness of a settlement that could ultimately be given final approval by this Court. The  
16 Court has reviewed the consideration that is being provided as part of the Settlement and  
17 preliminarily finds that the consideration made available to all Class Members and the injunctive  
18 relief provided in the Settlement is fair, adequate, and reasonable when balanced against the  
19 probable outcome of further litigation relating to liability and damages.
- 20 5. The Court hereby conditionally certifies the following Class for settlement purposes only:  
21 All California individuals on whom an employment-purposed report for which Defendant  
22 does not have an authorization on file was furnished to a Legacy Red Client any time  
23 from August 17, 2012 to the date of preliminary approval.
- 24 6. Named Plaintiffs are preliminarily appointed and designated for all purposes as representatives  
25 for the Class conditionally certified by this Order.
- 26 7. Peter R. Dion-Kindem of Peter R. Dion-Kindem, P.C., Lonnie C. Blanchard III of The Blanchard  
27 Law Group, APC, and Shaun Setareh of Setareh Law Group are hereby appointed and designated  
28 as counsel for the Named Plaintiffs and the Class ("Class Counsel"). Class Counsel is authorized

1 to act on behalf of Class Members with respect to all acts or consents required by, or which may  
2 be given pursuant to, the Settlement, and such other acts reasonably necessary to consummate  
3 the Settlement.

- 4 8. The Court hereby appoints KCC as Settlement Administrator and hereby directs the Settlement  
5 Administrator to mail or cause to be mailed to Class Members the Notice Form as set forth in the  
6 Stipulation. The cost of class notice and related costs shall be part of the expenses of the  
7 Settlement Administrator, which expenses shall be paid by Defendant.
- 8 9. The Court preliminarily approves the Class Counsel's attorneys' fees and costs award of  
9 \$5,500,000.
- 10 10. The Court preliminarily approves the service awards of \$5,000 to Named Plaintiff Elizabeth  
11 Larroque and \$2,500 to Named Plaintiffs Marcus Chism and Michelle Blankenship.
- 12 11. Notice shall be provided to Class Members as provided in the Settlement.
- 13 12. The dissemination of the Class Notice constitutes the best notice practicable under Rule 3.766(c)  
14 and is sufficient notice to all Class Members. The contents of the Class Notice, which is attached  
15 as Exhibit A to the Addendum to the Settlement, and the manner of its dissemination satisfy the  
16 requirements of Rule 3.769 of the California Rules of Court, other applicable California laws,  
17 and state and federal due process.
- 18 13. The Class Members may exclude themselves from the Settlement. For a Class Member to validly  
19 and effectively request exclusion from, and opt out of, this Settlement, the Class Member must  
20 submit to the Settlement Administrator a request for exclusion from the Settlement according to  
21 the procedures set forth in the Class Notice. If additional information is required, the Claims  
22 Administrator will communicate with the Class Member. To be valid, the request for exclusion  
23 must be sent to the Settlement Administrator via First Class U.S. Mail and must be postmarked  
24 not more than sixty (60) calendar days after the postmark date of the initial mailing of the Notice  
25 of Class Action Settlement. The request for exclusion must include: (1) the name and case  
26 number of this lawsuit, *First Advantage Credit Cases*, Superior Court for the County of San  
27 Mateo, JCCP No. 4961; (2) the full name, any former names, current address, and current  
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1 telephone number of the Class Member opting out; and (3) the last four digits of his or her Social  
2 Security number.

3 14. If the Settlement is finally approved by the Court, any Class Member who does not properly and  
4 timely submit a request for exclusion will automatically be bound by all terms and conditions of  
5 the Settlement, including its release of claims, and will be bound by the Final Approval Order,  
6 regardless of whether he or she has objected to the Settlement.

7 15. A Class Member who properly and timely submits a request for exclusion will not be bound by  
8 the Settlement and will remain free to contest any claim brought by Named Plaintiffs on behalf  
9 of the Class Members that would have been barred by the Settlement, and nothing in this  
10 Settlement will constitute or be construed as a waiver of any defense that Defendant has asserted  
11 or could have asserted against such a claim.

12 16. A Class Member can object to the Settlement. Any objection must be sent to the Settlement  
13 Administrator via First Class U.S. Mail and must be postmarked no later than sixty (60) calendar  
14 days after the postmark date of the initial mailing of the Notice of Class Action Settlement. An  
15 objection shall be deemed to be submitted as of the postmarked date. The written objection must  
16 contain: (1) the name and case number of this lawsuit, *First Advantage Credit Cases*, Superior  
17 Court for the County of San Mateo, JCCP No. 4961; (2) the full name, any former names,  
18 current address, and telephone number of the Class Member making the objection; (3) the last  
19 four digits of the Social Security number of the Class Member making the objection; (4) the  
20 specific reason(s) for the objection; and (5) any and all evidence and supporting papers  
21 (including, without limitation, all briefs, written evidence, and declarations) for the Court to  
22 consider. Class Members who submit an objection remain bound by this Agreement. Class  
23 Members who fail to timely make objections in the manner specified in the Notice of Class  
24 Action Settlement shall be deemed to have waived any objections and shall be foreclosed from  
25 making any objection, whether by appeal or otherwise, to this Agreement.

26 17. A final approval hearing (the "Fairness Hearing") shall be held before this Court on March 3,  
27 2021 at 9:00 a.m. in Department 2 of the San Mateo Superior Court, 400 County Center,  
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1 Redwood City, California 94063 to determine all necessary matters concerning the Settlement,  
2 including: (1) whether to approve the Settlement as fair, reasonable, adequate, and binding on all  
3 members of the Settlement Class; (2) whether to approve the Releases; (3) whether to grant the  
4 request for Class Representative service awards; (4) whether to grant Class Counsel's request for  
5 attorneys' fees and costs; (5) whether to permanently enjoin all members of the Settlement  
6 Classes from pursuing or seeking to reopen claims that have been released by this Agreement;  
7 (6) whether to direct that the terms of the Agreement and provisions be carried out; and (7)  
8 whether, in accordance with Cal. R. Ct. 3.769, to provide for the retention of the Court's  
9 jurisdiction to enforce the terms of the Judgment.

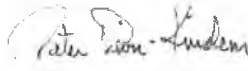
10 18. All papers in support of the Fairness Hearing shall be filed and served ten (10) days before the  
11 Fairness Hearing.

12 19. The Court reserves the right to adjourn or continue the date of the Fairness Hearing and all dates  
13 provided for in the Stipulation without further notice to Class Members and retains jurisdiction to  
14 consider all further applications arising out of or connected with the proposed Settlement.

15 Approved as to form and content per Rule 3.1312.

16  
17 Dated: November 2, 2020

THE DION-KINDEM LAW FIRM

18  
19 BY:   
20 PETER R. DION-KINDEM, P.C.  
21 PETER R. DION-KINDEM  
Attorney for Plaintiff Elizabeth Larroque

22 THE BLANCHARD LAW GROUP, APC  
23 LONNIE C. BLANCHARD III


24 SETAREH LAW GROUP  
25 Shaun Setareh  
26 Thomas Segal  
27 Farrah Grant  
28 Attorneys for Plaintiffs Marcus Chism  
and Michelle Blankenship

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/s/ Esther S. McDonald  
Frederick T. Smith  
Esther S. McDonald  
Seyfarth Shaw LLP  
Attorneys for Defendant

IT IS SO ORDERED.

Dated: 4/20/20

  
The Honorable Marie Weiner  
Judge of the Superior Court

SERVICE LIST  
*First Advantage*, JCCP 4961  
As of April 2018

SHAUN SETAREH  
THOMAS SEGAL  
SETAREH LAW GROUP  
9454 Wilshire Boulevard, Suite 907  
Beverly Hills, CA 90212  
(310) 888-7771

PETER DION-KINDEM, ESQ.  
21550 Oxnard Street, Suite 900  
Woodland Hills, CA 91367  
(818) 883-4900

LONNIE BLANCHARD III, ESQ.  
3311 East Pico Boulevard  
Los Angeles, CA 90023  
(213) 599-8255

JEFF HOLMES, ESQ.  
3311 East Pico Boulevard  
Los Angeles, CA 90023  
(310) 396-9045

G. DANIEL NEWLAND  
ERIC MICHAEL LLOYD  
SEYFARTH SHAW LLP  
560 Mission Street, Suite 3100  
San Francisco, CA 94105  
(415) 397-2823

FREDERICK SMITH  
ESTHER SLATER McDONALD  
SEYFARTH SHAW LLP  
1075 Peachtree Street NE, Suite 2500  
Atlanta, GA 30309-3958  
(404) 885-1500

CHAIR, JUDICIAL COUNCIL OF CALIFORNIA  
Attn.: Appellate Court Services  
Civil Case Coordination  
455 Golden Gate Avenue, 5<sup>th</sup> Floor  
San Francisco, CA 94102-3688



SUPERIOR COURT OF SAN MATEO COUNTY  
400 County Center, Redwood City, CA 94063  
(650) 261-5100  
www.sanmateocourt.org

**ENDORSED FILED**  
**SAN MATEO COUNTY**

NOV 20 2020

Clerk of the Superior Court  
By Alexandrine Ortega  
DEPUTY CLERK

### AFFIDAVIT OF MAILING

Date: 11/23/2020

In the Matter of: First Advantage Credit Cases

Case No.: JCCP4961 Class Action

Document : Preliminary Approval Order

I declare under penalty of perjury that on the following date I deposited in the United States Post Office mail box at Redwood City, CA, a true copy of the attached document(s), enclosed in an envelope, with proper and necessary postage thereon, and addressed to the following:

SHAUN SETAREH  
THOMAS SEGAL  
SETAREH LAW GROUP  
9454 Wilshire Boulevard, Suite 907  
Beverly Hills, CA 90212  
(310) 888-7771

PETER DION-KINDEM, ESQ.  
21550 Oxnard Street, Suite 900  
Woodland Hills, CA 91367  
(818) 883-4900

LONNIE BLANCHARD III, ESQ.  
3311 East Pico Boulevard  
Los Angeles, CA 90023  
(213) 599-8255

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455 Golden Gate Avenue, 5<sup>th</sup> Floor  
San Francisco, CA 94102-3688

Executed on: 11/23/2020

Neal Taniguchi, Court Executive Officer/Clerk

By:

Alexandrina Ortega, CRC

