

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: TransUnion Rental Screening) No. 1:20-md-02933-JPB
Solutions, Inc. FCRA Litigation) ALL CASES
_____)

PLAINTIFFS' NOTICE OF SUPPLEMENT
IN SUPPORT OF MOTION FOR FINAL APPROVAL

Plaintiffs provide the following supplemental information regarding the outstanding cure requests, as referenced in the Administrator Declaration of September 7, 2023 (ECF No. 143-2):

As of September 14, 2023, of the 38 claimants provided opportunity to clarify and cure deficiencies on their claim forms (Sept. 19 Admin. Decl. ¶ 26), 6 responded to amend/update claim, 3 confirmed no change to their claim, 26 were offered the opportunity and did not respond, 2 had provided no valid contact information, and 1 was a duplicate claim.

There are no additional opt outs and there are still no objections. (Sept. 19 Admin. Decl. ¶¶ 16-17.)

Respectfully submitted this 19th day of September, 2023.

/s/ E. Michelle Drake

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing has been computer processed with 14 point Times New Roman font in compliance with the U.S.D.C. Northern District of Georgia Local Rule 5.1B.

Date: September 19, 2023

/s/E. Michelle Drake
E. Michelle Drake

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
Atlanta Division**

**IN RE: TransUnion Rental Screening Solutions,
Inc. FCRA Litigation**

**No. 1:20-md-02933-JPB
ALL CASES**

**SECOND SUPPLEMENTAL DECLARATION OF DARRYL THOMPSON
REGARDING NOTICE PLAN IMPLEMENTATION AND SETTLEMENT
ADMINISTRATION**

I, Darryl Thompson, declare as follows:

1. I am Chief Operating Officer of JND Legal Administration LLC (“JND”). This Declaration is based on my personal knowledge and information provided to me by Counsel and experienced JND employees and, if called upon to do so, I could and would testify competently thereto.

2. JND previously filed a Declaration regarding Proposed Notice Plan for the Settlement Classes, filed September 9, 2022, ECF No. 133-5,¹ a Declaration regarding Notice Program Implementation and Settlement Administration, filed June 9, 2023, ECF No. 142-19, and a Supplemental Declaration regarding Notice Plan Implementation and Settlement Administration, filed September 7, 2023, ECF No. 143-2. This Second Supplemental Declaration is being filed to further update

¹ Capitalized terms used and not otherwise defined in this Declaration shall have the meanings given such terms in the Settlement Agreement, filed September 9, 2022, ECF No 133-2, or JND’s June 9, 2023 Declaration.

the Court regarding implementation of the Notice Plan and Settlement administration status.

RULE 23(B)(2) CLASS SETTLEMENT WEBSITE

3. As of September 14, 2023, there were 38,273 total views of the Rule 23(b)(2) Class Settlement Website pages and documents and 11,032 unique visitors to the Rule 23(b)(2) Class Settlement Website. JND will continue to maintain the Rule 23(b)(2) Class Settlement Website throughout the Settlement administration.

RULE 23(B)(3) CLASS SETTLEMENT WEBSITE

4. As of September 14, 2023, there were 35,214 total views of the Rule 23(b)(3) Class Settlement Website pages and documents and 8,505 unique visitors to the Rule 23(b)(3) Class Settlement Website. JND will continue to maintain the Rule 23(b)(3) Class Settlement Website throughout the Settlement administration.

SETTLEMENT EMAIL ADDRESS

5. As of September 14, 2023, JND has handled 1,455 email communications received to the Settlement Email Address. JND will continue to maintain the Settlement Email Address throughout the Settlement administration.

TOLL-FREE INFORMATION LINE

6. As of September 14, 2023, JND has received 1,692 calls to the IVR. Of those 1,647 calls, 274 callers spoke to a live representative. JND will continue

to maintain the toll-free IVR number and assist the Settlement Classes throughout the administration.

RULE 23(B)(3) DIRECT MAIL NOTICE

7. As of September 14, 2023, 11,359 Mail Notices were returned to JND as undeliverable. JND re-mailed 57 Notices to forwarding addresses provided by the USPS. In addition, JND performed advanced address research for the undeliverable Notices without forwarding addresses, and re-mailed 8,544 Mail Notices to a new address.

8. As of September 14, 2023, of the 52,613 Mail Notices mailed, 49,855 or 95% were deemed delivered and 2,758 or 5% were deemed undeliverable.

RULE 23(B)(3) DIRECT EMAIL NOTICE

9. Of the 49,572 Rule 23(b)(3) Settlement Class Member email addresses sent Email Notice, 48,419 or 98% were deemed delivered and 1,153 or 2% were deemed undeliverable.

DIGITAL NOTICE EFFORT

10. From March 29, 2023 through May 23, 2023, JND caused banner advertisements to be served on the Google Display Network (“GDN”) and on the social media platforms Facebook and Instagram. A total of 158,525,829 impressions were delivered, 2,525,829 more impressions than planned. The GDN effort targeted adults 18 years of age or older (“Adults 18+”) who are renters (“Adult Renters”) and

optimized towards lower household incomes. A portion of activity was also allocated to those in-market for eviction documents and services, tenant rights, eviction records, employment, police reports, public court records, record checks, criminal record checks, public records search tool, and an affinity audience for arrest records, arrest warrant records, criminal and arrest record search services. The Facebook/Instagram activity targeted Adults 18+ nationwide who have some high school education or are high school grads (no college).

11. Efforts included notice to Spanish language sites (GDN) and Spanish language accounts (Facebook and Instagram).

INTERNET SEARCH EFFORT

12. Given that web browsers frequently default to a search engine page, search engines are a common source to get to a specific website (i.e., as opposed to typing the desired URL in the navigation bar). As a result, JND implemented an internet search effort to assist interested Class Members in finding the Settlement Website. When purchased keywords related to this case are searched, an ad with a hyperlink to the Settlement Website appears on the search engine results page. The internet search effort ran from March 29, 2023 through May 23, 2023 serving 93,306 digital impressions.

23(B)(2) AND 23(B)(3) NOTICE REACH

13. To calculate media reach, JND used a Comscore reach and frequency platform. According to this media reach tool, the proposed Rule 23(b)(2) digital effort alone reached more than 70% of likely Rule (b)(2) Settlement Class Members. The internet search campaign extended notice exposure further.

14. The direct notice effort alone is estimated to have reached 93% of Rule 23(b)(3) Settlement Class Members.

15. The provided reach is similar to that of other court approved programs and meets the standard set forth by the Federal Judicial Center’s Judges’ Class Action Notice and Claims Process Checklist and Plain Language Guide (“FJC Checklist”).

RULE 23(B)(2) AND RULE 23(B)(3) OBJECTIONS

16. As of September 14, 2023, JND has not received any Settlement objections.

RULE 23(B)(3) EXCLUSION REQUESTS

17. As of September 14, 2023, JND has received 4 timely and valid requests for exclusion from Eviction Dispute Settlement Group Class Members and 2 invalid requests for exclusion from Non-Class Members. Lists of the valid and invalid requests for exclusion are attached hereto as Exhibits A and B, respectively.

RULE 23(B)(3) CLAIMS

18. As of September 14, 2023, JND has received 102 timely Claims for State Criminal Group Class Members (Felony/Sex Offense) (71 online and 31 by mail); 2,124 timely Claims for State Criminal Group Class Members (Non-Felony/Sex Offense) (1,484 online and 640 by mail); and 76 timely Claims for Age Mismatch Group Class Members (Non-Felony/Sex Offense) (38 online and 38 by mail).

19. Of the 2,124 timely Claims submitted by State Criminal Group Class Members (Non-Felony/Sex Offense), 648 Class Members (475 online and 173 by mail) submitted requests for an additional payment.

20. As of September 14, 2023, JND has received 3 late Claims from State Criminal Group Class Members (Felony/Sex Offense); 38 late Claims from State Criminal Group Class Members (Non-Felony/Sex Offense); and 2 late Claims from Age Mismatch Group Class Members (Non-Felony/Sex Offense).

21. Rule 23(b)(3) Settlement Class Members in the Age Mismatch (Felony/Sex Offense), State Eviction, Eviction Disputes, and Criminal Dispute Groups do not need to submit a Claim in order to receive a Settlement payment.

22. In total, JND has received 2,345 Claims (1,593 online and 752 by mail).

**RULE 23(B)(3) DIRECT EMAIL AND MAIL CLAIM REMINDER
NOTICE**

23. As of September 14, 2023, of the 28,689² Rule 23(b)(3) Settlement Class Members sent the Email Reminder Notice, 28,030 or 98% were deemed delivered and 659 or 2% were deemed undeliverable.

24. As of September 14, 2023, of the 28,904 Rule 23(b)(3) Settlement Class Members sent the Postcard Reminder Notice, 27,861 or 96% were deemed delivered and 1,043 or 4% were deemed undeliverable.

CLAIM VALIDATION AND PRELIMINARY AWARD ESTIMATES

25. Pursuant to Section C.II.D of the Settlement Agreement, Class Counsel reviewed all Claims for validity. JND received the results of Class Counsel's claim validation review on August 29, 2023. Per the terms of the Settlement and, based on Class Counsel's Claim validation determinations, JND has calculated preliminary Settlement payment estimates for Rule 23(b)(3) Class Members who submitted valid claims.

26. Class Counsel's validity review identified a small number of Claims where the claimant did not indicate that the Criminal Record that TURSS reported

² In Paragraph 41 of JND's June 9, 2023 Declaration, JND originally anticipated commencing a Claim reminder Notice campaign to 28,778 email addresses. However, between the filing of the June 9, 2023 Declaration and commencement of the reminder campaign, 89 additional Rule 23(b)(3) Settlement Class Members filed Claims and were subsequently excluded from the campaign.

was not theirs or that the incorrect Criminal Record TURSS reported was for a felony or sex offense. At the request of Class Counsel, JND conducted outreach to these 38 claimants, which provided these claimants with the opportunity to clarify their Claim Form response and to cure any deficiencies. Of those 38 claimants, 6 responded and confirmed they wished to amend their claims, curing their deficiency.

27. The preliminary estimated Settlement payment amounts and number of payable claims per Class Group is shown below.

<u>Preliminary Estimated Settlement Payments</u>		
<u>Class Group</u>	<u>Settlement Payment Amount Per Claim</u>	<u>Total Payable Claims</u>
Age Mismatch (Felonies)	\$841.28	788
State Criminal (Felonies)	\$841.28	142
Criminal Disputes Group	\$841.28	2,795
Age Mismatch Group (Non-Felonies)	\$168.26	2,410
State Criminal Group (Non-Felonies)	\$168.26	1,859
Eviction Disputes Group	\$168.26	14,797
State Eviction Group	\$84.13	4,823

SETTLEMENT ADMINISTRATION FEES AND EXPENSES

28. JND has performed its responsibilities as set forth in the Settlement Agreement and Preliminary Approval Order. As of August 31, 2023, JND has billed \$590,952.00 in Settlement Administration fees and expenses. Of this \$590,952.00, \$183,546.01 or 31% was incurred on Notice Plan fees and expenses (Notice Plan, Mail and Email Notice).

29. JND estimates additional Settlement administration fees and expenses of \$90,247.87 to complete remaining Settlement administration tasks from September 2023 through May 2024 (for total Settlement Administration fees and expenses of \$681,199.87). Remaining Settlement administration tasks include continuing to maintain the Rule 23(b)(2) and Rule 23(b)(3) Class Settlement Websites, assist Settlement Class Members by telephone and email, and distribute Settlement payments per the terms of the Settlement.

30. JND will continue to administer the Settlement through all phases of Settlement Administration, as required by the Settlement Agreement, Preliminary Approval Order, and pursuant to any future Orders of this Court.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed in Seattle, Washington, this 18th day of September 2023.

Darryl Thompson

DARRYL THOMPSON

EXHIBIT A



**TRANSUNION RENTAL SCREENING SETTLEMENT
(USDC NORTHERN DISTRICT OF GEORGIA, CASE No. 1:20-MD-02933-JPB)**

TIMELY AND VALID EXCLUSIONS

	<u>JND ID NUMBER</u>	<u>NAME</u>	<u>CITY/STATE</u>	<u>POSTMARK DATE</u>	<u>STATUS</u>	<u>SIGNATURE TYPE</u>	<u>LAW FIRM SUBMITTING</u>
1.	DW93VMDBZS	Tajah Enge	Oceanside, CA	June 6, 2023	Eviction Disputes	Wet	N/A
2.	D3AX4WT7VK	LaPhill Antonia Knox	Fontana, CA	June 14, 2023	Eviction Disputes	Wet	N/A
3.	DCA7JTVUP4	Hilda Alexander	Baltimore, MD	June 14, 2023	Eviction Disputes	Wet	N/A
4.	DBM5N-SX2A8	Leandra Bebley	Tampa, FL	June 30, 2023	Eviction Disputes	Wet	N/A

EXHIBIT B

**TRANSUNION RENTAL SCREENING SETTLEMENT
(USDC NORTHERN DISTRICT OF GEORGIA, CASE No. 1:20-MD-02933-JPB)**

INVALID EXCLUSIONS

	<u>JND ID NUMBER</u>	<u>NAME</u>	<u>CITY/STATE</u>	<u>POSTMARK DATE</u>	<u>STATUS</u>	<u>SIGNATURE TYPE</u>	<u>LAW FIRM SUBMITTING</u>	<u>REASON DEFECTIVE</u>
1.	DUY749NS2Z	Jermaine Reed	Chicago, IL	June 27, 2023 (email); and June 27, 2023; and June 27, 2023; and June 29, 2023	N/A	Wet	N/A	Non-Class Member
2.	D2839GMP7B	Jonathan Thomas Taylor	Crystal Lake, IL	June 22, 2023	N/A	Wet	N/A	Non-Class Member