

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

LISA HILL-GREEN, *on behalf of herself  
and all others similarly situated,*

Plaintiff,

v.

EXPERIAN INFORMATION SOLUTIONS,  
INC.,

Defendant.

Civil Action No. 3:19-cv-00708-MHL

**MEMORANDUM IN SUPPORT OF JOINT MOTION FOR APPROVAL OF  
PROPOSED NOTICES**

Plaintiff Lisa Hill-Green (“Plaintiff”), together with Defendant Experian Information Solutions, Inc. (“Defendant”), (jointly, the “Parties”), pursuant to ECF No. 92, move for approval of the proposed class notices attached to the Declaration of Dr. Shannon Wheatman of Kinsella Media, which includes the Parties’ proposed Long Form, Short Form, and Publication Notices of the preliminarily-approved Rule 23(b)(2) class action settlement<sup>1</sup>. As the declaration makes clear, these notices will effectively inform class members of the terms of the settlement, and their options with respect to same. Because this notice fully informs class members regarding the settlement, it complies with the requirements of Rule 23 and due process.

Further, as incorporated in the proposed Notices, Plaintiff will be filing the Motion for Attorneys’ Fees, Costs, and Named Plaintiff Service Award a week earlier than required by the

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<sup>1</sup> The Declaration of Dr. Shannon Wheatman, Ph.D. of Kinsella Media is attached hereto as **Exhibit A**.

Court's Preliminary Approval Order (ECF No. 88), on March 4, 2022, to give class members two weeks to evaluate the motion in advance of the objection deadline.

For these reasons, the motion should be granted.

Respectfully submitted,  
LISA HILL-GREEN,

By: /s/Leonard A. Bennett  
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Craig C. Marchiando VSB No. 89736  
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*Counsel for Plaintiff*

/s/David N. Anthony  
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*Counsel for Defendant*

**EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

LISA HILL-GREEN,

Plaintiff,

v.

Civil Action No. 3:19-cv-00708

EXPERIAN INFORMATION SERVICES, LLC

Defendant.

**DECLARATION OF SHANNON R. WHEATMAN, PH.D. ON CONTENT AND FORM  
OF NOTICES AND WEBSITE**

I, Shannon R. Wheatman, being duly sworn, hereby declare as follows:

1. I am president of Kinsella Media, LLC (“KM”), a nationally recognized advertising and legal notification firm in Washington, D.C. specializing in the design and implementation of notification programs to reach unidentified putative class members, primarily in consumer and antitrust class actions, and claimants in bankruptcy and mass tort litigation. My business address is 2101 L Street, NW Suite 800, Washington, D.C. 20037. My telephone number is (202) 686-4111.

2. I submit this declaration in connection with the above lawsuit, *Hill-Green v. Experian Information Services*. My credentials were previously submitted to the Court in the *Declaration of Shannon R. Wheatman, Ph.D. on Adequacy of the Notice Program* (“Notice Program Declaration”), filed on November 22, 2021. The Notice Program Declaration described the Notice Program designed by KM. This declaration describes the content and form of the proposed Notices and website.

**NOTICE FORM AND CONTENT**

3. Attached as **Exhibits 1** and **2** are copies of the Publication Notice and Detailed Notice.

4. Fed. R. Civ. Proc. 23(c)(2) requires class action notices to be written in “plain, easily understood language.” KM applies the plain language requirement in drafting notices in federal and state class actions. All notice materials, in this case, are in plain, easily understood language. The Notices effectively communicate the required information about the Settlement.

5. The Publication Notice is designed to capture the Class Members’ attention with clear, concise, plain language. It directs readers to the Settlement website and toll-free phone number for more information. The plain language text provides important information regarding the subject of the litigation, the Class definition, and the legal rights available to Class Members. No important or required information is missing or omitted. The Notice states all required information, without omitting significant facts, that Class Members need to understand their rights.

6. The Detailed Notice provides substantial information, including background on the issues in the case and all specific instructions Class Members must follow to properly exercise their rights. No important or required information is missing or omitted. It is designed to encourage readership and understanding in a well-organized and reader-friendly format.

#### **SETTLEMENT WEBSITE**

7. An informational, interactive website is a critical component of this Notice Program. A Settlement website will be established at [www.FraudShieldSettlement.com](http://www.FraudShieldSettlement.com) to enable Class Members to get information on the Settlement.

8. Class Members will be able to download notice materials and other important documents such as the Complaint, Settlement Agreement, Motion for Preliminary Approval, Preliminary Approval Order, Motion for Approval of Notice Administrator, Notice Administrator Approval Order, Motion for Approval of Notices, Notice Approval Order, Motion for Attorneys’ Fees or Costs, Motions for Final Approval, Final Approval Order, and other relevant documents as applicable.

9. The website will be designed so Class Members can easily find the information they need and how to contact Class Counsel should the website not address their specific needs.

The website will feature a clean layout, consistent site navigation cues, and search engine optimization for easy access to the details of the litigation.

10. The website is designed for ease of navigation and comprehension. Once the user enters the website, the homepage will have a directory at the top that provides links to the information available on the website. This information includes “Court Documents,” “Important Dates,” “Frequently Asked Questions,” “Notice,” and “Contact Information.”


11. The website will provide the toll-free number, mailing address, and email address for individuals seeking additional information.

12. If a user goes from the homepage to another part of the website, links back to the homepage and other subpages will remain at the top of each page. The case name will be listed on every page of the website.

### **CONCLUSION**

13. It is my opinion that the content of the Notices are adequate and reasonable under the circumstances, and the website will allow Class Members to find the information they need and contact information for additional assistance.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Souderton, Pennsylvania, this 1st day of December 2021.

  
\_\_\_\_\_  
Shannon R. Wheatman, Ph.D.

# **EXHIBIT 1**



## **Consumers With High-Risk or Non-Residential Addresses on Experian Credit Reports**

### ***Could Be Affected by a Class Action Settlement***

Experian agreed to settle claims that it reported inaccurate information about some consumers' addresses on their credit reports due to its Fraud Shield product. Experian denies that it did anything wrong.

#### **Are you included?**

You are included if, between September 27, 2017 and the present, Experian sent a consumer report to a third party with an inaccurate Fraud Shield Indicator that showed your address was either a high-risk or non-residential address. This may have impacted your ability to obtain credit.

#### **What does the Settlement provide?**

There is no money available, but Experian will change its business practices related to certain Fraud Shield Indicators and how it manages non-residential address data. Experian will pay \$2.55 million for attorneys' fees and costs, including notice and administration costs, and an award to the class representative. Plaintiff and Class Counsel will continue to negotiate or sue for damages for those harmed by an inaccurate Fraud Shield Indicator.

#### **What are my rights?**

If the Settlement is approved, you will give up any rights to sue Experian on your own for injunctive relief (or to stop Experian from taking certain actions) related to the claims in this lawsuit, but you will keep your right to money damages. You may object to the Settlement (earliest deadline is **March 18, 2022**). The Court will hold a hearing on **April 27, 2022**, to consider whether to approve the Settlement and requested attorneys' fees. You or your lawyer may appear and speak at the hearing at your own expense.

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**For More Information:**

**1-866-893-8437**

**FraudShieldSettlement.com**

## **EXHIBIT 2**

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

# Consumers With High-Risk or Non-Residential Addresses on Experian Credit Reports

## *Could Be Affected by a Class Action Settlement*

*A federal court authorized this notice. This is not a solicitation from a lawyer. You are not being sued.*

- **There is a proposed settlement in a class action lawsuit against Experian. It claims that Experian did not take steps to make sure it accurately reported certain Fraud Shield Indicators (see Question 7). Experian denies it did anything wrong.**
- You are generally included if, between September 27, 2017 and the present, Experian sent a consumer report to a third party with an inaccurate Fraud Shield Indicator, showing that your address was either a high-risk or non-residential address.
- The Settlement includes significant changes to Experian’s business practices. Experian will change its business practices related to certain Fraud Shield Indicators and how it manages non-residential address data. Experian also agreed to pay for attorneys’ fees and costs, an award to the Class Representative, and notice and administration costs.
- The Court in charge of this case still has to decide whether to approve the Settlement.
- **Your legal rights are affected by the proposed Settlement even if you do nothing. Your rights and options – and the deadlines to exercise them – are explained in this notice. Please read this entire notice carefully.**
- If you have further questions, you may call 1-888-808-1381 or visit the Settlement Website at [www.FraudShieldSettlement.com](http://www.FraudShieldSettlement.com).
- You may contact the attorneys representing you for further information or assistance at: [ExperianAddressSettlementCounsel@bm.net](mailto:ExperianAddressSettlementCounsel@bm.net) or write to: *Experian Settlement Class Counsel*, 763 J Clyde Morris Blvd., Suite 1A, Newport News, VA 23601.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>Do Nothing</b>	If the Settlement is approved, you will benefit from the proposed Settlement through changes to Experian’s business practices. You will give up any rights to sue Experian on your own for injunctive relief (or to stop Experian from taking certain actions) related to the claims in this lawsuit. (See Question 20.) You will keep your right to money damages.
<b>Object</b>	You can write to the Court about why you do not like the proposed Settlement. The earliest deadline to object is <b>March 18, 2022</b> . (See Question 16).

## Basic Information

### 1. What is this notice about?

This notice has been made available because you have a right to know about a proposed Settlement and your rights and options before the Court decides whether to approve the Settlement. This notice explains the lawsuit, the Settlement, and your legal rights. A full copy of the Settlement Agreement may be reviewed at [www.FraudShieldSettlement.com](http://www.FraudShieldSettlement.com). This notice contains only a summary of the Settlement Agreement.

Judge M. Hannah Lauck is overseeing this case for the United States District Court for the Eastern District of Virginia. The case is known as *Hill-Green v. Experian Information Solutions, Inc.*, No. 3:19-cv-00708 (E.D. Va.). The person who sued is called the “Plaintiff.” Experian Information Solutions, Inc. (“Experian”) is the Defendant.

### 2. What is the lawsuit about?

The lawsuit claims that Experian violated the Fair Credit Reporting Act when it: (1) incorrectly reported some consumers’ addresses as high-risk or non-residential, (2) did not have procedures to make sure that it reported Fraud Shield Indicators accurately (or correctly), and (3) did not take off adverse (or incorrect) information on reports after seven years.

Experian denies these claims and that it has any liability or did anything wrong. It says it acted lawfully and complied with the Fair Credit Reporting Act at all times.

The Court did not decide whether Experian violated the law. Instead, both sides agreed to the Settlement to resolve the cases and provide benefits to consumers.

### 3. What is a class action?

In a class action lawsuit, one or more people called “Class Representatives” (in this case, Lisa Hill-Green) sue on behalf of themselves and other people who have similar claims. One court resolves the issues for everyone in the Class. The Class Representative filed this case as a proposed class action.

### 4. Why is there a proposed Settlement?

The Court has not decided which side is right or wrong in the case. Instead, both sides agreed to a settlement to avoid the costs and risks of a lengthy trial and appeals process, and Class Members will receive the benefits described in this notice. The proposed Settlement does not mean that any law was broken or that Experian did anything wrong. The parties believe that the Settlement is best for all Class Members.

## Who Is In The Settlement

### 5. Who is included in the Settlement?

You are included in the Class if, between September 27, 2017 and the present, Experian sent a consumer report to a third party with an inaccurate Fraud Shield indicator No. 10, 11, 16, or 17, showing that your address was either a high-risk or non-residential address.

## 6. Who is not included?

The Class does not include:

- Experian’s officers, directors, and employees;
- Experian’s attorneys;
- The Named Plaintiff’s attorneys; or
- Any employee of the Federal Judiciary.

## 7. What is Fraud Shield?

Experian creates reports for companies to help them make credit, employment, and other decisions about consumers. In some of those reports, Experian provides Fraud Shield Indicators.

Experian believes Fraud Shield Indicators help Experian’s customers identify and combat potential credit fraud and identity theft by using information that a consumer provides on a credit application and information in Experian’s own database. Experian believes the resulting indicators identify any increased risk of fraud, such as if a consumer uses a non-residential or other high-risk address on a credit application.

## 8. What if I am not sure whether I am included in the Class?

If you are still not sure whether you are included in the Class, you can call 1-888-808-1381 or visit [www.FraudShieldSettlement.com](http://www.FraudShieldSettlement.com) for more information.

You may contact the attorneys representing you for further information or assistance at: [ExperianAddressSettlementCounsel@bm.net](mailto:ExperianAddressSettlementCounsel@bm.net) or write to: *Experian Settlement Class Counsel*, 763 J Clyde Morris Blvd., Suite 1A, Newport News, VA 23601.

### **The Settlement Benefits—What You Get**

## 9. What does the Settlement provide?

If the Settlement is approved and becomes final, it will provide benefits to Class Members. The parties agreed to an “Injunctive Relief” settlement. An injunction occurs when a court orders a person or company to do or not do something – in this case, changes to Experian’s business practices.

The Settlement requires Experian, at its own expense, to design, implement, and maintain specific and substantial procedures that address the lawsuit’s concerns about how Experian handles non-residential data and reports Fraud Shield Indicators. All members of the Class will benefit from these changes in business practices.

Specifically, the changes in Experian’s business practices will require Experian to do the following: (Please refer to the table for information on Fraud Shield Indicators.)

- Within six months of the Settlement becoming effective, Experian will change how it imports non-residential address data, so it is refreshed each month.
- Experian will hide or remove non-residential addresses that its vendor has not updated or verified for at least six years.

- Within six months of the Settlement becoming effective, Experian will stop publishing Fraud Shield indicator 21.
- On the date the Settlement becomes effective or December 31, 2024 (whichever is later), Experian will stop publishing Fraud Shield indicators 4 and 26.
- Experian will reduce the number of high-risk SIC codes used in Fraud Shield indicators 10 and 16.
- For Fraud Shield indicators 11 and 17, Experian will change the wording to say the address “was reported as being associated with a business” instead of the address “is a business address.”

Fraud Shield Indicator	Description
4	The issue date of a consumer’s social security number cannot be verified.
10	The address is a type of business address that has potential for fraudulent activity.
16	One of the consumer’s addresses on file is a type of business address that has potential for fraudulent activity.
21	The telephone number does not match a consumer’s current address.
26	The issue date of the best social security number matched to a consumer cannot be verified.

Because these procedures are being accomplished through a Court injunction, District Judge Lauck will retain ongoing supervision of these changes. The specific terms of the changes are included in the Settlement Agreement, available at [www.FraudShieldSettlement.com](http://www.FraudShieldSettlement.com).

Experian also agreed to pay attorneys’ fees and costs, a service payment to the Class Representative, and notice and administration costs (*see* Question 15).

**10. Can I get any money from this Settlement?**

No. The Plaintiff will continue to negotiate or sue for damages for consumers who were harmed as a result of their address being marked as non-residential or high-risk on the Fraud Shield Indicators on the report that Experian sent to a third party. However, there is no money available now and no guarantee there will be. If money or benefits are obtained, you will be notified about how to ask for a share.

**11. When will the proposed Settlement go into effect?**

The Court will hold a final approval hearing on **April 27, 2022**, to decide whether to approve the proposed Settlement. Even if the Court approves the proposed Settlement, there could be appeals of the Court’s decision. The time for an appeal varies and could take more than a year.

You should visit the Settlement Website at [www.FraudShieldSettlement.com](http://www.FraudShieldSettlement.com) to check on the progress of the Court-approval process.

**12. How does the proposed Settlement affect my rights?**

If the Court approves the proposed Settlement, then you will give up the right to sue Experian for injunctive relief related to claims in this lawsuit that Experian did not use reasonable procedures for its Fraud Shield product. You will keep your right to bring claims for any kinds of damages and other costs against Experian related to the claims in this lawsuit.

More details are explained in the Settlement Agreement, available at [www.FraudShieldSettlement.com](http://www.FraudShieldSettlement.com).

The Court's decisions in this Settlement will apply to you even if you object to the Settlement or have any other claim, lawsuit, or proceeding pending against Experian relating to the same claims. If you have any questions about the release, you should visit [www.FraudShieldSettlement.com](http://www.FraudShieldSettlement.com) for more information or consult a lawyer.

### 13. Can I choose to get out of the proposed Settlement?

No. This is an Injunctive Relief settlement under Fed. R. Civ. P. 23(b)(2). The proposed Settlement requires Experian to change its business practices and implement procedures to benefit all members of the Class equally. Under this type of class action settlement, you cannot exclude yourself from the Class or this proposed Settlement.

However, you will keep your right to file an individual lawsuit against Experian for any damages and to have your case, and Experian's defenses, heard in Court.

### The Lawyers Representing You

### 14. Do I have a lawyer in this case?

Yes. The Court approved the following lawyers as "Class Counsel" to represent you and the Class:

- Leonard Bennett, Craig Marchiando, and Kevin Dillon of Consumer Litigation Associates, P.C. in Newport News, Virginia;
- Kristi Kelly, Andrew Guzzo, Casey Nash, and Patrick McNichol of Kelly Guzzo, PLC in Fairfax, Virginia; and
- E. Michelle Drake and Joseph Hashmall of Berger Montague PC in Minneapolis, Minnesota.

You will not be charged for these lawyers. You may hire your own lawyer to represent you, but you are responsible for paying that attorney's fees if you do.

You may contact the attorneys representing you for further information or assistance at: [ExperianAddressSettlementCounsel@bm.net](mailto:ExperianAddressSettlementCounsel@bm.net) or write to: *Experian Settlement Class Counsel*, Consumer Litigation Associates, 763 J Clyde Morris Blvd, Suite 1A, Newport News, VA 23601.

### 15. How will the lawyers and Class Representatives be paid?

You will not be charged for these lawyers, and you will not have to pay any of their fees and expenses. The Settlement requires Experian to pay the attorneys' fees of the law firms that will serve as Class Counsel.

Class Counsel will ask the Court for up to \$2,250,000 for attorneys' fees and expenses and a service payment to the Class Representative. The Court may award less than this amount.

The attorneys' motion for fees, costs, and expenses and Class Representative payments will be filed on **March 4, 2022**. The motion will be posted on the website at [www.FraudShieldSettlement.com](http://www.FraudShieldSettlement.com). Experian will also separately pay up to \$300,000 for notice and administration costs.

Class Counsel and the other settling law firms have worked on these cases entirely on a contingent basis. They have also financed all of the litigation, paying all applicable court fees, as well as all litigation costs and expenses. Class Counsel has not been paid anything to date for their work on this case. Had the attorneys not succeeded in settling or winning this lawsuit, they would have recovered nothing.

### Objecting To The Settlement

You have the right to tell the Court that you do not agree with the Settlement or some part of it.

#### 16. How do I tell the Court that I don't like the Settlement?

If you are a Class Member, you have a right to object to any part of the proposed Settlement. The Court will consider your views.

To object, you must send a letter stating that you object to *Hill-Green v. Experian Information Solutions, Inc.*, No. 3:19-cv-00708. Your written objection must include:

- Your name, address, and telephone number;
- A sentence stating that, to the best of your knowledge, you are a member of the Class;
- The factual basis and legal grounds for your objection;
- The identity of witnesses you may call to testify at the final fairness hearing;
- The name and address of any attorney who has drafted or helped you draft your objection;
- Copies of exhibits you may want to offer into evidence at the final approval hearing; and
- Your signature.

To object solely to attorneys' fees and costs, you must file and/or mail your objection with the Court and mail it to the other two addresses listed below, so it is postmarked no later than **March 18, 2022** (*see Question 15*):

To object to attorneys' fees and costs and/or other parts of the Settlement, you must file and/or mail your objection with the Court and mail it to the other two addresses listed here, postmarked no later than **March 28, 2022**:

COURT	CLASS COUNSEL	EXPERIAN COUNSEL
Clerk's Office United States District Court for the Eastern District of Virginia 701 East Broad Street Richmond, VA 23219	Leonard A. Bennett Consumer Litigation Associates 763 J Clyde Morris Blvd. Suite 1A Newport News, VA 23601	Daniel J. McLoon, Esq. Jones Day 555 S Flower Street St. Los Angeles, CA 90071

You may also appear at the final approval hearing, either in person or through your own lawyer. If you appear through your own lawyer, you are responsible for paying that lawyer.



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

The Court will hold a final approval hearing to decide whether to approve the Settlement. The hearing will be held on **April 27, 2022**, at **11:00 a.m.** at the United States District Court for the Eastern District of Virginia, 701 East Broad Street, Richmond, Virginia 23219, in front of District Judge Lauck.

The hearing may be moved to a different date or time without further notice, so please check [www.FraudShieldSettlement.com](http://www.FraudShieldSettlement.com) regularly for updates.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also decide whether to award attorneys' fees and costs, as well as a special payment to the Class Representative. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

**18. Do I have to come to the hearing?**

No. Class Counsel will represent the Class and answer any questions the Court may have at the final approval hearing, but you are welcome to come at your own expense. If you send an objection, you do not have to come to Court to talk about it, but you may if you wish. 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, but it is not necessary.

**19. May I speak at the hearing?**

Yes, you may ask the Court for permission to speak at the final approval hearing. To do so, you must send a notice with your objection that you or your lawyer would like to speak at the hearing. You cannot speak at the hearing if you do not follow this procedure.

**20. What happens if I do nothing at all?**

You are not required to do anything to get the benefits of the Settlement. If the Court approves the proposed Settlement, you will be bound by the Court's final judgment, and the release of claims explained in the Settlement Agreement.

**Getting More Information**

**21. How do I get more information?**

This notice is only a summary of the proposed Settlement. More details about the proposed Settlement deadlines and your options are available in a longer document called the Settlement Agreement. You can get a copy of the Settlement Agreement by visiting [www.FraudShieldSettlement.com](http://www.FraudShieldSettlement.com).

The website also provides answers to commonly asked questions, plus other information, to help you determine whether you are a member of the Class. In addition, some key documents in the case will be posted on the website.

You may contact the attorneys representing you for further information or assistance by calling 1-888-808-1381, emailing [ExperianAddressSettlementCounsel@bm.net](mailto:ExperianAddressSettlementCounsel@bm.net), or writing to *Experian Settlement Class Counsel*, 763 J Clyde Morris Blvd., Suite 1A, Newport News, VA 23601.

**Do not write or call the judge or the Court concerning this lawsuit or notice.**