

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

MICHAEL DEMERY, on behalf of
himself and others similarly situated,

Plaintiff,

v.

SECURITAS SECURITY SERVICES USA,
INC., a Delaware corporation, and DOES 1
through 50, inclusive,

Defendant.

CASE No. 30-2019-01095304-CU-OE-CXC

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

This Notice relates to a proposed settlement of a class action lawsuit (“Action”) against defendant Securitas Security Services USA, Inc. alleging violations of the Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681, *et seq.*, and the California Investigative Consumer Reporting Agencies Act (ICRAA), Cal. Civ. Code § 1786.16, *et seq.*

If you applied to work at Securitas Security Services USA, Inc. between June 29, 2016, to October 2, 2018, you may be a class member in the Action and eligible to receive benefits under the settlement.

Please read this Notice carefully. Your legal rights will be affected regardless of whether you do or do not act.

What is the Action about? The Action alleges that the defendant Securitas Security Services USA, Inc. (“Securitas” or “Defendant”) failed to comply with federal and California state law governing the acquisition of consumer reports, commonly called background reports. The “Plaintiff” is a former applicant of Securitas who alleges that Securitas failed to give job applicants proper disclosures before obtaining their background reports for employment purposes. Securitas denies liability. However, the parties have decided to settle the case to avoid the risks and cost of litigation.

What relief does the settlement provide? Securitas has agreed to pay a total sum of \$2,175,000 in settlement of this lawsuit. This amount is inclusive of attorneys’ fees and costs to the lawyers representing the Settlement Class, a service award to the named Plaintiff for serving as the class representative, the costs of notice and claims administration, and, after the foregoing amounts have been deducted, a pro rata payment to each Settlement Class Member who does not opt out of the settlement and who submits a timely and valid Claim Form. To submit a Claim Form, please visit www.SecuritasSecuritySettlement.com.

To obtain a claim form other than online, contact the Settlement Administrator at 1-888-525-1832 or via e-mail at SecuritasSecuritySettlement@cptgroup.com.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

SUBMIT A CLAIM FORM	If the Court grants final approval to the settlement, this is the only way to be eligible to receive a payment.	Deadline: November 1, 2021
EXCLUDE YOURSELF / OPT-OUT FROM THE LAWSUIT	This is the only option that allows you to retain your rights to sue Securitas Security Services USA, Inc. for claims that would otherwise be released by the settlement of the Action.	Deadline: November 1, 2021
OBJECT	Write to the Settlement Administrator about why you object to (i.e., don't like) the settlement and think it shouldn't be approved.	Deadline: November 1, 2021
ATTEND THE "FINAL APPROVAL HEARING"	The Court will hold a "Final Approval Hearing" to consider the settlement, the request for attorneys' fees and expenses of the lawyers who brought the Action ("Class Counsel"), and the request for a service award to the plaintiff who brought the Action ("Class Representative"). You may, but are not required to, speak at the Final Approval Hearing.	Date: January 6, 2022 at 2:00 p.m.
DO NOTHING	You will not receive a payment, even if the Court gives final approval to the settlement. You will also be giving up any claims you may have against Securitas Security Services USA, Inc. (and the other released parties) that are released by the settlement of the Action.	No deadline

These rights and options—and the deadlines to exercise them—are explained in more detail below.

The Court in charge of this Action has preliminarily approved the settlement and must decide whether to give final approval to the settlement. The relief provided to Class Members will be provided only if the Court gives final approval to the settlement and, if there are any appeals, after the appeals are resolved in favor of the settlement. **Please be patient.**

Why did I get this notice?

You received this Notice because a settlement has been reached in the Action. Securitas's records show that Securitas obtained a background check on you in connection with your application for employment and that you were not on-boarded by Securitas.

This Notice explains the nature of the Action, the general terms of the proposed settlement, and your legal rights and obligations. To obtain more information about the settlement, including a copy of the settlement agreement, please visit www.SecuritasSecuritySettlement.com.

Why is this a class action?

In a class action lawsuit one or more people called plaintiffs (in this Action, Michael Demery) sue on behalf of other people who have similar claims (“Settlement Class Members”). For purposes of this settlement, one court will resolve the issues for all Settlement Class Members, except for those people who properly exclude themselves from settlement.

Why is there a settlement?

The Court has **not** decided that the Plaintiff or Securitas should win this Action. Instead, both sides agreed to a settlement to avoid the costs and risks of further litigation.

In granting preliminary approval of the settlement, the Court appointed Plaintiff as Class Representative and the lawyers who represent him as Class Counsel.

How do I know if I am part of the settlement?

The class consists of all persons residing in the United States (including all territories and political subdivisions of the United States) on whom Defendant procured a consumer report or investigative consumer report from and including June 29, 2016, through and including October 2, 2018, who were not on-boarded by Defendant.

If you received notice of the settlement by email or postcard, Securitas’s records show that you are a member of the Settlement Class.

THE PROPOSED SETTLEMENT

What relief does the settlement provide to the Settlement Class Members?

Securitas has agreed to pay a total sum of \$2,175,000 in settlement of this lawsuit. This amount is inclusive of attorneys’ fees and costs to the lawyers representing the Settlement Class, a service award to the named Plaintiff for serving as the class representative in an amount of up to \$5,000, an award of attorneys’ fees of up to one-third of the Gross Settlement Fund or \$725,000, reimbursement of litigation expenses of up to \$30,000 and the costs of notice and claims administration anticipated not to exceed \$88,000, and, after the foregoing amounts have been deducted, a pro rata payment to each Settlement Class Member who does not opt out of the settlement and who submits a timely and valid Claim Form. The Court will make the final decision as to the amounts to be paid to Class Counsel and the class representative. To submit a Claim Form, please visit www.SecuritasSecuritySettlement.com. To obtain a Claim Form other than online, please contact the Settlement Administrator at SecuritasSecuritySettlement@cptgroup.com or 1-(888) 525-1832 to have a Claim Form emailed to you.

Will the Class Representative receive any compensation for his efforts in bringing this Action?

The Class Representative will request a service award of up to \$5,000 for his services as class representative and his efforts in bringing and helping to prosecute the Action. The Court will make the final decision as to the amount to be paid to the Class Representative.

How can I get a payment?

To qualify for payment, Settlement Class Members must submit a Claim Form. A Claim Form is accessible by visiting www.SecuritasSecuritySettlement.com. Read the instructions on the Claim Form carefully, fill out all the information requested, and submit it electronically by 11:59 p.m. Pacific Time on November 1, 2021. You may also print and mail your completed Claim Form to the address below:

Demery v. Securitas Security Services USA, Inc. Settlement
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606

If you elect to mail your Claim Form, your Claim Form must be postmarked by or before November 1, 2021 to be considered timely.

Claim Forms that do not meet the requirements set forth in the Claim Form instructions shall be rejected, though the Settlement Administrator will give notice to the Class Member of the deficiency and fourteen (14) calendar days to respond to any such deficiency if incomplete, not signed or illegible in whole or in part. Where a good-faith basis exists, the Settlement Administrator may reject a Settlement Class Member's Claim Form for, among other reasons, the following:

- (a) Failure to fully complete and/or sign the Claim Form;
- (b) Illegible Claim Form;
- (c) The person submitting the Claim Form is not a Settlement Class Member;
- (d) The Claim Form is fraudulent;
- (e) The Claim Form is duplicative of another Claim Form;
- (f) The person submitting the Claim Form requests that payment be made to a person or entity other than the Settlement Class Member for whom the Claim Form is submitted;
- (g) Failure to submit a Claim Form by the Bar Date; and/or
- (h) The Claim Form otherwise does not meet the requirements of the Joint Stipulation, which can be found at www.SecuritasSecuritySettlement.com.

When will I get a payment if I submit a Claim Form?

If a Settlement Class Member submits a timely and valid Claim Form by November 1, 2021, and the Court gives final approval to the settlement, Settlement Class Members who have submitted valid claims will receive their payments about three months after the Court grants final approval of the settlement, assuming that no one files an appeal challenging the settlement. Settlement Class Members will have 120 days to cash

their settlement checks. If a Settlement Class Member misplaces their check, they may contact the Settlement Administrator for a re-issuance. If the reissued check is not cashed within 45 days, then the funds will be forfeit.

THE LAWYERS REPRESENTING YOU

Do I have a lawyer in this case?

The Court has appointed CounselOne, PC (“Class Counsel”) to represent the interests of all Settlement Class Members. Class Counsel’s contact information is below.

Anthony J. Orshansky, Esq.
anthony@counselonegroup.com

Justin Kachadoorian, Esq.
justin@counselonegroup.com

Alexandria R. Kachadoorian, Esq.
alexandria@counselonegroup.com

CounselOne, P.C.
9301 Wilshire Boulevard, Suite 650
Beverly Hills, CA 90210
Telephone: (310) 277-9945
Facsimile: (424) 277-3727

If you want to be represented by your own lawyer, you may hire one at your own expense.

RELEASE OF CLAIMS

What do Settlement Class Members give up to obtain relief under the settlement?

If the Court grants final approval of the settlement, all Settlement Class Members who have not submitted a valid and timely opt-out shall release Released Parties from all claims and/or causes of action they have or may have arising out of or relating to any and all allegations made in the pending Action, and all claims of any kind during the period from and including June 29, 2016, through and including November 10, 2020, relating in any way to, or arising out of, background check and/or consumer report disclosure and authorization forms of any kind based on the facts alleged in the Action, including but not limited to the Fair Credit Reporting Act (“FCRA”) and corresponding state law claims, including claims under the California Consumer Credit Reporting Agencies Act (“CCRAA”), the California Investigative Consumer Reporting Agencies Act (“ICRAA”), and California Business and Professions Code section 17200, *et seq.* (“Released Claims”). The Released Claims exclude any claims Settlement Class Members have or may have relating to any adverse action violations pursuant to FCRA section 1681b(b)(3)(A), Cal. Civ. Code sections 1785.20, 1785.20.5(b), Cal. Civ. Code section 1786.40, and equivalent or corresponding state or local laws. Claims of persons outside of the Settlement Class who were screened after October 2, 2018 are not being released as part of this Settlement.

For the purposes of the foregoing release, “Released Parties” means defendant Securitas Security Services USA, Inc. and its past, present, and future parent companies, holding companies, limited liability companies, affiliates, subsidiaries, divisions, predecessors, successors, partners, owners, joint ventures, shareholders, insurers, reinsurers and assigns, and each of its/their past, present and future officers, directors, members, managers, trustees, subcontractors, customers, agents, employees, attorneys, contractors, representatives, plan fiduciaries and/or administrators, divisions, units, branches, and any other persons or entities acting by through, under or in concert with them, including any party that was or could have been named as a defendant in the Action.

Unless you exclude yourself, you will remain in the settlement, and that means that you cannot sue, continue to sue, or be part of any other lawsuit about the released claims. It also means that all of the Court’s orders will apply to you and legally bind you.

If you exclude yourself from the settlement, you will retain the right to bring a claim against Defendant, but you will not have representation provided for you through this Action, and you will be responsible for hiring your own attorney at your own expense.

HOW TO EXCLUDE YOURSELF FROM THE SETTLEMENT
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How do Settlement Class Members exclude themselves from the settlement?
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Settlement Class Members who do not want to be a part of the settlement must send a signed letter by U.S. Mail to the Settlement Administrator that includes (a) their full name; (b) the last four digits of their social security number; (c) a clear statement communicating that they elect to be excluded from the Settlement Class, do not wish to be a Settlement Class Member, and elect to be excluded from any judgment entered pursuant to the Settlement; and (d) the case name and case number, “*Michael Demery v. Securitas Security Services USA, Inc.*, Civil Action No. 30-2019-01095304-CU-OE-CXC”. Settlement Class Members must opt out of the Settlement individually. So-called “mass” or “class” opt-outs, whether filed by third parties on behalf of a “mass” or “class” of Settlement Class Members or multiple Settlement Class Members where no personal statement has been signed by each and every individual Settlement Class Member, are not allowed and will have no force or effect in this Action.

Any opt-out must be sent to the Settlement Administrator at the following address and postmarked on or before November 1, 2021:

Demery v. Securitas Security Services USA, Inc. Settlement
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606

The date of the postmark on the return-mailing envelope shall be the exclusive means used to determine whether an opt-out has been timely submitted. Members of the Settlement Class who fail to submit valid and timely opt-outs shall be bound by all terms of the Settlement. If you submit a valid opt-out by the above deadline, you will not be a part of the Settlement, will not be eligible to make a claim for payment, may not file an objection to the settlement, will waive any rights or benefits under the Settlement, will not be bound by the Final Order and Judgment entered in the Action, and will not be precluded from bringing any individual claim against Securitas based on the conduct complained of in the Action.

You cannot submit a Claim Form and opt out of the Settlement because only Settlement Class Members are entitled to any monetary payment under the Settlement. For any person who submits both a Claim Form

and an opt-out, only the last one submitted will be effective. For example, if a person submits a Claim Form and then submits an opt-out, he or she will be excluded from the Settlement Class, and the Claim Form will be ignored.

HOW TO OBJECT TO THE SETTLEMENT

How do I tell the Court that I do not like the settlement?

The Court will hold a Final Approval Hearing to determine whether the Settlement is fair, reasonable, and adequate, and to consider Class Counsel's request for an award of attorneys' fees and costs, and a service award to the Class Representative.

If you have not submitted a valid opt-out and wish to object to the Settlement, the award of attorneys' fees or expenses, or the service award, you must submit a written objection to the Settlement Administrator and/or file it with the Court and provide notice to the following counsel no later than November 1, 2021:

<u>CLASS COUNSEL:</u>	<u>DEFENSE COUNSEL:</u>
Anthony J. Orshansky, Esq. anthony@counselonegroup.com Alexandria R. Kachadoorian, Esq. alexandria@counselonegroup.com Justin Kachadoorian, Esq. justin@counselonegroup.com COUNSELONE, P.C. 9301 Wilshire Boulevard, Suite 650 Beverly Hills, CA 90210	Rod M. Fliegel, Esq. rfliegel@littler.com Alison S. Hightower, Esq. ahightower@littler.com LITTLER MENDELSON, P.C. 333 Bush Street, 34th Floor San Francisco, CA 94104 Sherry B. Shavit, Esq. sshavit@tharpe-howell.com Rania Afram, Esq. rafram@tharpe-howell.com THARPE & HOWELL, LLP 15250 Ventura Blvd., 9th Floor Sherman Oaks, CA 91403

Written objections must be signed by the objector and must include (1) the name of the Action and case number, "Michael Demery v. Securitas Security Services USA, Inc., Civil Action No. 30-2019-01095304-CU-OE-CXC"; (2) the objector's name, address, telephone number, and email address; and (3) a factual explanation for the objection. An objector may appear at the final approval hearing in person or through counsel to object regardless of whether a written objection is submitted. Settlement Class Members who wish to object to the Settlement but preserve their right to receive an Individual Settlement Payment above must also timely submit a valid Claim Form.

You may, but need not, submit your written objection through an attorney of your choice. If you do make your objection through an attorney, you will be responsible for your own attorney's fees and costs.

IF YOU DO NOT TIMELY MAKE YOUR OBJECTION, YOU WILL BE DEEMED TO HAVE WAIVED ALL OBJECTIONS.

You are not required to appear at the Final Approval Hearing. You may appear at the Final Approval Hearing

either in person or through an attorney of your own choice hired at your expense to object to the fairness, reasonableness, or adequacy of the settlement, the award of attorneys' fees, expenses, and costs, or the service award to the Plaintiff.

Settlement Class Members who wish to object to the settlement but preserve their right to receive a Settlement Payment must also timely submit a valid Claim Form.

What is the difference between excluding myself and objecting to the settlement?

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

FINAL APPROVAL HEARING

What is the Final Approval Hearing?

The Court has preliminarily approved the settlement and will hold a hearing to decide whether to give final approval to the settlement. The purpose of the Final Approval Hearing will be for the Court to determine whether the settlement should be approved as fair, reasonable, adequate, and in the best interests of the Class; to consider the award of attorneys' fees and expenses to Class Counsel; and to consider the request for a service award to the Class Representative.

When and where is the Final Approval Hearing?

The Court will hold the Final Approval Hearing at 2:00 p.m. on January 6, 2022 at the Superior Court of the State of California for the County of Orange, 751 W. Santa Ana Blvd., Santa Ana, CA 92701, in Dept. CX102. The hearing may be postponed to a different date or time or location without notice. Please check www.SecuritasSecuritySettlement.com for any updates about the settlement generally or the Final Approval Hearing specifically. If the date or time of the Final Approval Hearing changes, an update to the Settlement Website will be the only way you will be informed of the change. Due to the pandemic, the Court may hold the hearing remotely. Check the Settlement Website before appearing at or visiting the courthouse.

May I speak at the hearing?

You or your own lawyer may attend the hearing, but you do not have to. At that hearing, the Court will be available to hear objections and arguments concerning the fairness of the Settlement. If you have requested exclusion from the Settlement, however, you may not speak at the Final Approval Hearing.

GETTING MORE INFORMATION & UPDATING INFORMATION

How do I get more information?

To see a copy of the Settlement Agreement (which defines capitalized terms used in this notice and provides a summary of what has happened in the Action), the Court's preliminary approval order, and the operative complaint filed in the Action, please visit www.SecuritasSecuritySettlement.com.

Alternatively, you may contact the Settlement Administrator at: *Demery v. Securitas Security Services USA, Inc.*, Settlement, c/o CPT Group, Inc., 50 Corporate Park, Irvine, CA 92606.

The above description of the Action is general and does not cover all of the issues and proceedings that have occurred. In order to see the complete file for the Action, you may visit the website for the Orange County Superior Court at <https://www.occourts.org/online-services/case-access/>, click "Access Now" for Civil Case & Document Access, click "Accept Terms" for the Information Disclaimer, then enter the case number (30-2019-01095304-CU-OE-CXC) and year filed (2019), click "I'm not a Robot," and then click "Search" to locate the index of documents filed in this action.

You may also contact Class Counsel by calling (310) 277-9945.

What if my address or other information changes after I submit a Claim Form?

If, after you submit a Claim Form, you change your postal or email address, it is your responsibility to inform the Settlement Administrator of your updated information. You may do so either by mail or email at the addresses below:

Demery v. Securitas Security Services USA, Inc. Settlement
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606

Email: SecuritasSecuritySettlement@cptgroup.com

DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR THE LITIGATION TO SECURITAS, THE CLERK OF THE COURT, OR THE JUDGE.

Dated: September 16, 2021

By: Order of the Superior Court of the State of
California for the County of Orange
HONORABLE PETER WILSON
JUDGE OF THE SUPERIOR COURT