

You are not being sued. A federal judge authorized this notice. It is not a solicitation.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

SUNG GON KANG, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

CREDIT BUREAU CONNECTION, INC.,

Defendant.

No. 1:18-cv-01359-AWI-SKO

**YOU ARE A MEMBER OF A CLASS ACTION LAWSUIT
AGAINST CREDIT BUREAU CONNECTION, INC.**

Please read this notice carefully!

Plaintiff Sung Gon Kang filed a class action lawsuit against Defendant Credit Bureau Connection, Inc. (“Defendant”) alleging that it failed to maintain reasonable procedures to assure the “maximum possible accuracy” of information it associates with consumers, in claimed violation of the Fair Credit Reporting Act, or “FCRA,” and the California Consumer Credit Reporting Agencies Act, or “CCRAA.” For Kang’s FCRA claims for statutory damages, the Court certified the following class:

All individuals about whom Defendant prepared a report that (1) included an OFAC “Hit;” (2) was published to a third party from October 2, 2013 to March 4, 2022; and (3) included a U.S. address (including U.S. Territories) for that individual.

The Court has not yet decided who has won this case or awarded anything to anyone. There is no guarantee that you will receive anything in the future. However, as a Class Member, you now have a decision to make concerning your rights.

Your Rights and Options	
DO NOTHING STAY IN THE LAWSUIT	If you do nothing and stay in the Class, you may receive money or benefits from a judgment or settlement. You will give up the right to sue Defendant individually for the same legal claims in this lawsuit. If Plaintiff proves his claims against Defendant at trial or the Court approves a settlement, you will be notified of your share of any money or benefits awarded to Class Members. If Defendant wins at trial, you will lose your claims covered by this lawsuit and receive nothing.
EXCLUDE YOURSELF LEAVE THE LAWSUIT	If you exclude yourself from the Class and leave the lawsuit, you give up any money or benefits from a trial or settlement in this lawsuit, but you will keep the right to sue Defendant individually for the same legal claims. If you want to leave the lawsuit, you must send a request no later than November 18, 2022. You will receive no further notifications.

FREQUENTLY ASKED QUESTIONS

Why did I get this notice?

The Honorable Judge Anthony W. Ishii of the United States District Court for the Eastern District of California is overseeing this class action lawsuit, *Kang v. Credit Bureau Connection, Inc.*, No. 1:18-cv-01359-AWI-SKO. The Court allowed, or “certified,” this lawsuit as a class action and ordered that you receive this notice because you have legal rights and options that you may exercise before trial.

Defendant provides automobile dealers with credit reports about potential buyers. You may have been the subject of a credit report provided by Defendant when you purchased or considered purchasing an automobile. Defendant’s records show that it prepared a credit report about you that was published to a third party and that included an OFAC “Hit.” Plaintiff alleges the report was prepared in violation of the FCRA and CCRAA.

Questions? Call (833) 215-9289 or visit www.KangClassAction.com

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Why is this lawsuit a class action?

In a class action lawsuit, one or more people called “Class Representatives” (in this case, Sung Gon Kang is the Plaintiff and Class Representative) sue on behalf of other people who are alleged to have similar claims. The group of people together is the “Class.” The company Plaintiff sued is called the Defendant. One court resolves all of the issues in the lawsuit for everyone in the Class. The Class will include you unless you choose to exclude yourself from the Class.

Over Defendant’s objection, the Court decided that this lawsuit can proceed as a class action because it meets the requirements of Federal Rule of Civil Procedure 23, namely that:

- There are approximately 1,100 individuals who met the Class definition on the first page of this notice;
- There are legal questions and facts common to each of them;
- Plaintiff’s claims are typical of the claims of the rest of the Class;
- Plaintiff and the lawyers representing him and the Class will fairly and adequately represent the Class’s interests;
- The common legal questions and facts predominate over questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

You can read the [Court’s Order Certifying the Class](http://www.KangClassAction.com) at www.KangClassAction.com.

What is this lawsuit about?

This lawsuit alleges that Defendant failed to comply with the federal Fair Credit Reporting Act and the California Consumer Credit Reporting Agencies Act by associating consumers with individuals listed on the U.S. government’s Office of Foreign Assets Control (“OFAC”) Database. The OFAC Database lists persons that are suspected terrorists, drug traffickers, or other enemies of the state. American businesses are prohibited from doing business with persons listed in the OFAC Database, including employing them or giving them credit.

The lawsuit’s first claim, which the Court certified, is that Credit Bureau Connection uses inadequate procedures to associate consumers with the OFAC Database, and result in Defendant erroneously identifying consumers as being part of the OFAC Database when they are not. Specifically, the claim is that Defendant’s procedures violated the FCRA by failing to maintain reasonable procedures to assure the “maximum possible accuracy” of the information it associates with consumers. The Court declined to certify a similar claim under the CCRAA.

Kang brought additional claims, for which he did not seek class treatment, that Defendant misinformed consumers about the contents of their credit reports and failed to tell them about their rights to dispute any inaccurate OFAC information and have it corrected, in violation of the FCRA and the CCRAA.

You can read Plaintiff’s [Class Action Complaint](http://www.KangClassAction.com) at www.KangClassAction.com. Defendant denies it is governed by the FCRA and/or the CCRAA. Defendant denies that it did anything wrong, and you can read its [Answer to the Complaint](http://www.KangClassAction.com) at www.KangClassAction.com.

What is Plaintiff asking for?

Plaintiff is asking the Court to award statutory damages between \$100 and \$1,000 per FCRA Class Member, and punitive damages. Plaintiff will also ask the Court to order Defendant to pay the reasonable fees and expenses of his lawyers.

Has the Court decided who is right?

No. By establishing the Class and issuing this Notice, the Court has ruled that Plaintiff, and the claims he has asserted, meet the requirements for class certification under Federal Rule of Civil Procedure 23. Plaintiff must still prove the merits of his claims on behalf of the Class. Defendant denies any violation of law or that it caused Plaintiff or any Class Member any damages.

Is there any money available now?

No. The Court has not yet decided whether Defendant did anything wrong, and there has been no final disposition of the case. There is no guarantee that Plaintiff or the Class will ever obtain money or benefits, as the case could be resolved in favor of Defendant.

What happens if I do nothing at all?

You do not have to do anything now if you want to stay in the Class and keep the possibility of getting money or benefits from this lawsuit. If you stay in the Class and Plaintiff obtains money or benefits for the Class, either as a result of a trial or a settlement, you will be notified separately about how to obtain your share (or how to ask to be excluded from any settlement that may occur in the future). If you do nothing now, regardless of whether Plaintiff wins or loses the trial, you will not be able to sue, or continue to sue, Defendant about the same legal claims that are the subject of this lawsuit and/or any other legal claims that could have been asserted in this lawsuit. You will also be legally bound by all the Orders the Court issues and judgments the Court makes in this class action.

If you choose to remain in the case, please remember to provide Class Counsel with your updated address and contact information if you move. Otherwise, Class Counsel will be unable to reach you.

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Why would I ask to be excluded?

If you have already brought your own case against Defendant for claims arising from a credit report prepared by Defendant between October 2, 2013 and March 4, 2022, and wish to continue pursuing it, you need to ask to be excluded from the Class.

If you exclude yourself from the Class (or “opt-out”) and leave this lawsuit, you will not be legally bound by the Court’s judgments. This means that you will not receive any money or benefits from this lawsuit if Plaintiff obtains them as a result of the trial or from any settlement. However, you may be able to sue Defendant on your own. If you exclude yourself to file your own lawsuit against Defendant, you will have to prove your claims and should talk to a lawyer because your claims may be subject to a statute of limitations.

To be excluded from the Class and leave this lawsuit, you must complete and send an “Exclusion Request” stating that you want to be excluded from *Kang v. Credit Bureau Connection, Inc.* with your name, address, and signature to:

Kang v. Credit Bureau Connection, Inc.,
Exclusion Requests
c/o Notice Administrator
P.O. Box 16
West Point, PA 19486

Your Exclusion Request must be postmarked by November 18, 2022. An Exclusion Request form is available at www.KangClassAction.com.

Do I have a lawyer in this case?

The Court appointed the law firms of Caddell & Chapman of Monterey, CA, and Francis Mailman Soumilas, P.C., of Philadelphia, PA, to represent you and the Class as “Class Counsel.” They are experienced in handling similar class action cases. More information about these law firms, their practices, and their lawyers’ experience is available at www.caddellchapman.com and www.consumerlawfirm.com. You do not have to pay any fee to Class Counsel.

Should I get my own lawyer?

If you remain in this lawsuit, you do not need to hire your own lawyer because Class Counsel is working on your behalf and will represent you at trial. But, if you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

How will Class Counsel get paid?

If Class Counsel obtains money or benefits for the Class, they may ask the Court to order Defendant to pay their legal fees and expenses. You will not have to pay any legal fees or expenses. If the Court grants Class Counsel’s request, their legal fees and expenses would be either deducted from any money obtained for the Class or paid separately by Defendant.

Will there be a trial?

If the case is not resolved by a court decision prior to trial or by a settlement, Class Counsel will have to prove Plaintiff’s claims at trial for himself and the Class. Trial has been scheduled for October 24, 2023 at 8:30 a.m. in Courtroom 2 at the Robert E. Coyle Federal Courthouse, 2500 Tulare Street, Fresno, CA 93721.

Do I have to come to the trial?

No. You are welcome to attend the trial if the case is not resolved prior but do not need to.

What will happen at trial?

Class Counsel will represent Plaintiff and the Class at trial, and Defendant will present its defenses.

If Plaintiff loses at trial, you will be bound by that judgment unless you exclude yourself and leave this lawsuit. If Plaintiff wins at trial or obtains money or benefits as a result of a settlement, you will be notified about how to participate unless you exclude yourself and leave this lawsuit. We do not know at this time how long this will take.

How do I learn more?

You may contact Class Counsel by email at kang@consumerlawfirm.com, by telephone at 877-735-8600, or by mail at the following address:

Kang v. Credit Bureau Connection, Inc. Class Counsel
c/o Francis Mailman Soumilas, P.C.
1600 Market Street, Suite 2510
Philadelphia, PA 19103

The website www.KangClassAction.com also has Class Counsel’s contact information, lawsuit documents, and an Exclusion Request form.

DO NOT SEND QUESTIONS ABOUT THIS LAWSUIT TO THE CLERK OF THE COURT, THE JUDGE, OR THE DEFENDANT’S ATTORNEYS BECAUSE THEY ARE NOT PERMITTED TO ANSWER YOU.

DATE: September 19, 2022.

Questions? Call (833) 215-9289 or visit www.KangClassAction.com