

*You are not being sued. A federal judge authorized this notice. It is not a solicitation.  
You are a member of the CCRAA Class Only.*

**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-SKO

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

**YOU ARE A MEMBER OF THE CCRAA CLASS ONLY**

You are a member of a class action lawsuit filed by Sung Gon Kang (“Plaintiff”) against Defendant Credit Bureau Connection, Inc. (“Defendant”). Plaintiff alleged that Defendant violated certain consumer protection laws when it prepared a consumer report about you that contained inaccurate information about someone else on the Treasury Department’s Office of Foreign Assets Control’s list of Specially Designated Nationals and Blocked Persons (“OFAC list”).

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 for a third party and that included a “Hit” with someone else on the OFAC list. Plaintiff alleges that Defendant’s matching procedures for people on the OFAC list violate the federal Fair Credit Reporting Act (“FCRA”) and California Consumer Credit Reporting Agencies Act (“CCRAA”).

Defendant contests the claims in the Litigation and denies any and all liability and wrongdoing. The parties have proposed a settlement of this case to the Court, which has directed Plaintiff’s attorneys to provide you with this notice and information about your rights concerning the proposed settlement, which are summarized below.

<b>OPTION</b>	<b>EXPLANATION</b>
<b>DO NOTHING</b>	If you are a member of the FCRA Class and do nothing, you will stay in the Class and will receive \$1,000 if the Court approves the proposed settlement. You will also give up the right to sue Defendant individually for the legal claims in this lawsuit.
<b>LEAVE THE LAWSUIT</b>	If you exclude yourself from the Class and leave the lawsuit, you will not receive anything if the Court approves the proposed settlement, 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 an exclusion request postmarked no later than August 31, 2023. See FAQ No. 5.
<b>OBJECT TO THE SETTLEMENT</b>	If you choose to remain in the Settlement Class, you may write to the Court about why you believe the proposed settlement is unfair or unreasonable according to the directions in FAQ No. 6. You may request to speak to the Court about your objection at the Final Approval Hearing. If the Court overrules your objection and approves the proposed settlement, you will be bound by its terms and will also receive \$1,000 if you are a member of the FCRA Class.

**FREQUENTLY ASKED QUESTIONS**

**1. Why did I get this notice?**

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.

**Questions? Call (833) 215-9289 or visit [www.KangClassAction.com](http://www.KangClassAction.com)**

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The United States District Court for the Eastern District of California certified this lawsuit as a class action for the following two Classes:

**FCRA Class for Statutory Damages**

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.

**CCRAA Class for Injunctive Relief**

All individuals about whom Defendant prepared a report that (1) included an OFAC “Hit;” (2) was published to a third party from October 2, 2011 to March 4, 2022; and (3) included a U.S. address (including U.S. Territories) for that individual.

You can determine which Class(es) you are a member of by looking at the first page of this notice or in the top margin of any page of this notice. You can read the Court’s Order Certifying the Class at [www.KangClassAction.com](http://www.KangClassAction.com).

**2. What is this lawsuit about?**

This lawsuit alleges that Defendant failed to comply with the FCRA and the CCRAA by using inadequate procedures to associate consumers with other people on the OFAC list, which resulted in Defendant erroneously identifying consumers as being on the OFAC list when they are not. The certified class claims are that Defendant’s procedures violated the FCRA and CCRAA by failing to maintain reasonable procedures to assure the “maximum possible accuracy” of the information it associates with consumers. While the Court certified two classes under the FCRA and CCRAA, it ruled that only members of the FCRA Class are entitled to statutory damages from Defendant in this lawsuit.

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

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

**3. How much will I receive if I remain in the Class? (FCRA Class members only)**

If you are a member of the FCRA Class and remain in the lawsuit and the Court approves the proposed settlement, you will receive a check for \$1,000 approximately January, 2024. If you are a member of the CCRAA Class only, you will not receive any money, but benefit from changes to Defendant’s matching procedures that no longer rely on names only to match people with the OFAC list.

**4. Do I have to do anything to receive a payment? (FCRA Class members only)**

No. If the Court approves the proposed settlement, the Settlement Administrator will mail a check to the same address at which members of the FCRA Class received this notice. If you choose to remain in the case, please provide the Settlement Administrator with your updated address and contact information if you move at Kang v. Credit Bureau Connection, Inc., c/o Settlement Administrator, P.O. Box 16, West Point, PA 19486.

**5. Why would I ask to be excluded and how can I do it?**

If you have already brought your own case against Defendant for claims arising from a credit report prepared by Defendant between October 2, 2011 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 and leave this lawsuit, you will not be legally bound by the Court’s judgments and will not receive any money or benefits from the proposed settlement or otherwise. 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, which can be downloaded from [www.KangClassAction.com](http://www.KangClassAction.com), 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 Settlement Administrator  
P.O. Box 16  
West Point, PA 19486

Your Exclusion Request must be postmarked by August 31, 2023.

**6. How do I tell the Court that I do not like the proposed settlement?**

If you wish to present an objection to the Court, you must do so in a written statement that must include: (1) your full name, mailing address, and current telephone number; (2) whether you are represented by counsel and if so, the name and telephone number of counsel (if counsel intends to submit a request for fees, all factual and legal support for that request must be included); (3) all objections and the basis for any such objections stated with specificity, including a statement as to whether the objection applies only to you, to a specific subset of the Class, or to the entire Class; (4) the identity of any witnesses

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you may call to testify; (5) a listing of all exhibits you intend to introduce into evidence at the Final Approval Hearing, as well as true and correct copies of such exhibits; and (6) a statement of whether you intend to appear at the Final Approval Hearing, either with or without counsel. Your objection may not be heard unless it is submitted timely and postmarked by August 31, 2023, and mailed to the Settlement Administrator and the Clerk of the Court at:

*Kang v. Credit Bureau Connection, Inc.*, Objections  
c/o Settlement Administrator  
P.O. Box 16  
West Point, PA 19486

Clerk of the Court  
Robert E. Coyle United States Courthouse  
2500 Tulare Street, Room 1501  
Fresno, CA 93721

The Settlement Administrator will share your objection with Class Counsel and Defendant's counsel. You may not object to the proposed settlement if you submit an Exclusion Request.

## **7. Do I have a lawyer in this case?**

The Court appointed the following lawyers to represent you and the Class as "Class Counsel."

James A. Francis  
John Soumilas  
Jordan M. Sartell  
FRANCIS MAILMAN SOUMILAS, P.C.  
1600 Market Street, Suite 2510  
Philadelphia, PA 19103

Michael A. Caddell  
Cynthia B. Chapman  
Amy E. Tabor  
CADDELL & CHAPMAN  
P.O. Box 1311  
Monterey, CA 93942

These attorneys are experienced in handling similar class action cases. More information about their firms, their practices, and their experience is available at [www.consumerlawfirm.com](http://www.consumerlawfirm.com) and [www.caddellchapman.com](http://www.caddellchapman.com). You do not have to pay any fee to Class Counsel.

## **8. Should I get my own lawyer?**

If you remain in this lawsuit, you do not need to hire your own lawyer because Class Counsel has been appointed to represent you and are working on your behalf. If you want to hire your own lawyer, you are free to do so, but you may have to pay them separately. 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.

## **9. How will Class Counsel get paid?**

You will not have to pay any of Class Counsel's legal fees or expenses. The proposed settlement provides that Defendant will not oppose a request from Class Counsel for reasonable attorneys' fees and litigation expenses of up to \$1,620,000. Class Counsel will make their request in a separate petition that will be posted on [www.KangClassAction.com](http://www.KangClassAction.com) on or about August 1, 2023. Defendant will pay Class Counsel whatever amount is approved by the Court.

Class Counsel will also submit a request for a \$15,000 service award for the Plaintiff in recognition of his service to the Class and settlement of his remaining claims. The Court may approve this amount or another amount in its discretion.

## **10. Has the Court approved the proposed settlement?**

The Court has granted preliminary approval of the proposed settlement and has scheduled a hearing to make a final approval determination after Class Members receive this notice. The Court will ultimately consider whether the terms of the proposed settlement are fair, reasonable, and adequate after reviewing Class Counsel's anticipated motion for final approval of the class action settlement, which will be posted on the Settlement Website, [www.KangClassAction.com](http://www.KangClassAction.com), on or about September 20, 2023.

The Court has scheduled the Final Approval Hearing on October 25, 2023, at 9:30 a.m., in Courtroom 7 of the Robert E. Coyle United States Courthouse located at 2500 Tulare Street, Fresno, CA 93721. You are free to attend the Final Approval Hearing, but do not need to.

## **11. How do I learn more?**

You may contact Class Counsel by emailing [kang@consumerlawfirm.com](mailto:kang@consumerlawfirm.com), by calling (877) 735-8600, or mailing correspondence to the addresses provided in FAQ No. 7, above. The website [www.KangClassAction.com](http://www.KangClassAction.com) also has Class Counsel's contact information, lawsuit documents, the settlement agreement, 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: June 22, 2023.

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