

COURT-AUTHORIZED NOTICE

If you applied for a job at SEPTA between April 27, 2011, and August 26, 2018, and you were denied employment because of your criminal history, you may be entitled to a payment from a Class Action Settlement.

A federal court authorized this notice. This is not a solicitation from a lawyer.

Applicants for employment at Southeastern Pennsylvania Transportation Authority (“SEPTA”) brought a class action lawsuit under the Fair Credit Reporting Act against SEPTA for failing to provide applicants with a copy of their background check report and a summary of their rights prior to denying them employment based on their criminal history. The Parties in the lawsuit have reached a Settlement, subject to Court approval.

- Under this Settlement, you may be entitled to a payment of up to \$250.00.
- Visit the Settlement Website at [URL] for additional details about the Settlement. You may also get additional information by calling [PHONE NUMBER] or by writing to the Settlement Administrator, as laid out in Section 5.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
SUBMIT A CLAIM FORM	You must submit a Claim Form by [BAR DATE] to be eligible to receive a payment under the Settlement.
DO NOTHING	If you do not submit a Claim Form, you will not be eligible to receive a payment under the Settlement; however, you will still give up your right to sue SEPTA on these claims.
EXCLUDE YOURSELF	If you wish to exclude yourself (“opt out”) from the Settlement you must follow the directions outlined in Section 10 below. If you exclude yourself, you will not receive a payment under the Settlement and you cannot object to the Settlement. Your exclusion request must be postmarked no later than [EXCLUSION/OPT-OUT DEADLINE]
OBJECT	You may write to the Court about why you believe the Settlement is not fair or reasonable. You must object in writing in order to appear at the Fairness Hearing to speak to the Court about the fairness of the Settlement. You must send a written objection postmarked no later than [EXCLUSION/OPT-OUT DEADLINE]

These rights and options – **and deadlines** – are explained in this notice

The Court in charge of this case still has to decide whether to give final approval to the Settlement. Settlement payments will be made if the Court approves the Settlement and after appeals, if any, are resolved. Please be patient.

BASIC INFORMATION

1. Why did I receive this notice and what is this lawsuit about?

Applicants for employment at SEPTA brought a class action lawsuit against SEPTA for violating the federal Fair Credit Reporting Act (“FCRA”), 15 U.S.C. §§ 1681, *et seq.*, and Pennsylvania’s Criminal History Record Information Act, 18 Pa. Cons. Stat. § 9125. The lawsuit is known as *Long, et al. v. Southeastern Pennsylvania Transportation Authority*, No. 16 Civ. 1991. The Court in charge of the lawsuit is the United States District Court for the Eastern District of Pennsylvania.

The portion of the lawsuit that pertains to you relates to Plaintiffs’ allegation that SEPTA violated the FCRA, a statute which governs the use of criminal background check procedures for applicants seeking positions for employment. Specifically, Plaintiffs in the lawsuit claimed that SEPTA failed to provide applicants for employment with a copy of their background check report and a summary of their rights under the FCRA before denying them employment based on their criminal history.

SEPTA’s records show that you applied for employment at SEPTA sometime between April 27, 2011, and August 26, 2018, and did not receive a job offer based on your criminal history record.

The Court ordered that you be sent this Notice because the proposed Settlement may apply to you, and you have a right to know about it and all your options before the Court decides whether to approve the Settlement.

2. Why is there a settlement?

The Court did not decide in favor of Plaintiffs or Defendant. Both sides believe they would have prevailed, but there was no ruling in favor of either party. Instead, both sides agreed to a settlement. That way, they avoid the costs, delays, and uncertainties associated with a trial, and the people affected will get compensation. Plaintiffs and Class Counsel think the Settlement is the best result for all Class Members and that the terms and conditions of the Settlement are fair, reasonable, and adequate.

WHO IS IN THE SETTLEMENT

3. How do I know if I am part of the Settlement?

You are automatically a member of the FCRA Class if you applied for employment with SEPTA sometime between April 27, 2011, and August 26, 2018, and were denied employment because of your criminal history. If you aren’t sure about whether you qualify as a FCRA Class Member, you can contact the Settlement Administrator at the address, e-mail address, or phone number identified in Section 5 of this Notice.

THE SETTLEMENT BENEFITS – WHAT YOU GET

4. What does the Settlement provide?

You are receiving this Notice because SEPTA's records indicate that you are eligible to participate in the Settlement as a FCRA Class Member. FCRA Class Members who timely submit Claim Forms will receive a flat payment of \$250.00. However, if the amount claimed by all Class Members exceeds the amount available in the settlement fund, you will receive a smaller payment. If there is sufficient additional money remaining in the settlement fund after the deadline to cash settlement checks expires, then it is possible you will receive a second payment.

Under the Settlement, SEPTA has agreed to pay a total of \$3,600,000.00 (the "Total Settlement Amount"). However, some of the Total Settlement Amount will be used to pay for other portions of the lawsuit which you do not qualify for. In addition, subject to Court approval, the Total Settlement Amount will be used to pay attorneys' fees of up to \$1,200,000.00 (one-third of the Total Settlement Amount), plus reimbursement of actual litigation expenses and costs. Subject to Court approval, the Total Settlement Amount will also be used to pay Service Awards of \$15,000.00 each (\$45,000.00 total) to the three Named Plaintiffs for bringing the lawsuit, their service to the Class, and reaching this Settlement, and for the costs and expenses of the Settlement Administrator.

You can access the settlement agreement on the case website or request a copy from the Settlement Administrator.

5. How do I submit my Claim Form?

To be eligible to receive a payment from this Settlement, you **must** submit a Claim Form via e-mail, fax, mail or online at [**URL**] to be received by the Settlement Administrator (or postmarked if mailed) no later than [**BAR DATE**]

You may print and mail, deliver or fax the completed form to the Settlement Administrator at:

Long, et al. v. SEPTA Settlement Administrator

[**ADDRESS**]

[**PHONE NUMBER**]

[**FAX**]

[**E-MAIL**]

6. How will my payment be taxed?

Your payment will be allocated as a non-wage payment, and reported on an IRS Form 1099-MISC. Neither Class Counsel nor Defendant makes any representations concerning the tax consequences of this Settlement and you are advised to seek your own personal tax advice regarding the tax implications of the Settlement.

7. By not excluding myself from this Settlement, what legal claims am I releasing?

If the Court grants final approval of the Settlement, then all FCRA Class Members who do not opt-out of the Settlement are giving up (also called “releasing”) their right to sue SEPTA for all claims against SEPTA that accrued during the period April 27, 2011 through August 26, 2018 under the Fair Credit Reporting Act, 15 U.S.C. §§ 1681, *et seq.* FCRA Class Members will give up these rights whether or not they choose to submit a Claim Form to be eligible to receive a settlement payment. In other words, unless you opt-out of the lawsuit, you will be covered by the release, even if you do not submit a Claim Form to be eligible to receive a settlement payment.

THE LAWYERS REPRESENTING YOU

8. Do I have a lawyer in this case?

The Court has appointed the lawyers at Outten & Golden LLP, Lawyers’ Committee for Civil Rights Under Law, Public Interest Law Center, and Willig, Williams & Davidson to represent you and all Class Members. Together, these lawyers are called “Class Counsel.” Unless you elect to exclude yourself from the Settlement, you will continue to be represented by Class Counsel in connection with the implementation of the Settlement throughout the duration of the terms of the Settlement at no cost to you.

If you have questions about the proposed Settlement, you can get free legal help by contacting Class Counsel:

Ossai Miazad
Christopher M. McNerney
Jared W. Goldman
Outten & Golden LLP
685 Third Avenue, 25th Floor
New York, NY 10017
212-245-1000
SEPTASettlement@outtengolden.com

Jon Greenbaum
Dariely Rodriguez
Lawyers’ Committee for Civil Rights Under Law
1401 New York Ave., NW
Washington, DC 20005
(202) 662-8600

Benjamin D. Geffen
Claudia De Palma
Public Interest Law Center
1709 Benjamin Franklin Parkway, 2d Floor
Philadelphia, PA 19103
(267) 546-1308

Ryan Allen Hancock
Jessica Brown
Willig, Williams & Davidson
1845 Walnut Street, 24th Floor
Philadelphia, PA 19103
(215) 656-3679

9. How will the lawyers be paid?

Class Counsel will ask the Court to approve payment of up to \$1,200,000.00 for their attorneys' fees (i.e. one third of the Total Settlement Amount) plus reimbursement of actual litigation expenses and costs. The Court may award less than these requested amounts.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you want to be able to sue SEPTA under the FCRA on your own, then you must exclude yourself from the Class. The process is also sometimes referred to as "opting out."

10. How do I opt out of the Settlement?

To exclude yourself from the Settlement, you must send a letter by First Class U.S. Mail stating the following: "I opt out of the SEPTA Applicant Settlement." Be sure to include your name, address, email address, telephone number, and your signature. Your exclusion request must be postmarked no later than **[EXCLUSION/ OBJECTION DEADLINE]** and must be mailed to:

Long, et al. v. SEPTA Settlement Administrator

[Address]

If you asked to be excluded, you will not receive a settlement payment, and you cannot object to the Settlement, but you will be able to separately sue SEPTA. If you wish to exclude yourself in order to file an individual lawsuit against SEPTA, you should speak to a lawyer as soon as possible because your claims are subject to statutes of limitations.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the settlement or some part of it.

11. How do I tell the Court that I do not like the Settlement?

You can object to the Settlement if you do not like any part of it. To object, you must send a letter via First Class U.S. Mail saying that you object to *Long v. Southeastern Pennsylvania Transportation Authority*, No. 16 Civ. 1991 (E.D. Pa.). Be sure to include your name, address, email address, telephone number, and all reasons why you object to the Settlement. Any reasons not included in your settlement will not be considered. Mail the objection to:

Long, et al. v. SEPTA Settlement Administrator

[Address]

Your letter must be postmarked no later than **[EXCLUSION/ OBJECTION DEADLINE]**

THE COURT'S FAIRNESS HEARING

The Court will hold a fairness hearing on **XX** at **XX**, at the United States District Court for the

Eastern District of Pennsylvania, James A. Byrne U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106, Courtroom XX. You do not need to attend the hearing but you may attend if you would like at your own expense. Please be advised that the Court may choose to conduct the Fairness Hearing via video conference in lieu of an in-person hearing. Please visit the Court's website or the case website in advance of the Fairness Hearing to confirm whether the hearing will take place in person or via video conference.

At this hearing the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long the Court's decision will take.

DATED: [MAILING DATE]

LONG, ET AL. V. SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY
No. 16 Civ. 1991 (E.D. Pa.)

CLAIM FORM

To the best of my knowledge, I did not receive a copy of my background check report, an adverse action letter, and/or a summary of my rights under the FCRA prior to SEPTA's denial of employment.

Full Legal Name (print)

Signature

While the following information is not necessary to submit a claim form, it will help us be able to contact you with updates on the case:

Maiden or other names worked under

Street Address

City, State and Zip Code

Cell Phone Number

Home Telephone Number

E-mail Address