

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

**You Could Be Affected by a Class Action Settlement Involving Consumer Reporting**

*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 MeridianLink, Inc. (“Defendant” or “MeridianLink”). MeridianLink maintains that it has not done anything wrong.
- This notice explains the Settlement, the Settlement Class, and your legal rights and options.
- You should read this notice carefully to learn whether you are a member of the Settlement Class.

Important things to know:

- If you take no action, you will still be bound by the Settlement and its releases.
- You can learn more at [www.MeridianLinkSettlement.com](http://www.MeridianLinkSettlement.com).

**TABLE OF CONTENTS**

**Information About the Lawsuit and the Settlement**..... 1  
*What Is This Lawsuit About?* ..... 1  
*Proposed Settlement Benefits*..... 2  
**What Do I Do Next?**..... 3  
*Your Legal Rights and Options in This Proposed Settlement*..... 3  
**When and Where Will the Court Decide Whether To Approve the Settlement?**..... 3  
**Who Are the Attorneys Representing the Class and How Will They Be Paid?** ..... 4  
**Additional Information** ..... 4

**Information About the Lawsuit and the Settlement**

*What is This Lawsuit About?*

Class Representatives Mary Heather McAfee and George Wright (“Class Representatives”) filed a class action lawsuit in federal court against MeridianLink alleging that Defendant violated the Fair Credit Reporting Act (FCRA) because consumer reports generated through the Defendant’s software or otherwise allegedly furnished, assembled, or resold to a third party included notations that indicated the subject of the report was deceased, when they were in fact alive. Class Representatives alleged that Defendant violated federal law by inaccurately reporting living consumers as deceased.

Questions? Please visit [www.MeridianLinkSettlement.com](http://www.MeridianLinkSettlement.com) for more information.  
Para una notificación en Español, llamar o visitar nuestro sitio web.

Defendant denies that it did anything wrong or that it violated any laws. Defendant maintains that it is a software provider which merely facilitates the transmission of information from the National Credit Reporting Agencies (NCRAs) to other credit reporting agencies and their end users and has no control over that data. The Court has not decided that Defendant violated the FCRA or that the FCRA applies to Defendant's software. The Court has not made any determination that this lawsuit should proceed as a class action, as opposed to individual claims brought by plaintiffs. This Notice should not be interpreted as an expression of the Court's opinion about which side is right or wrong. If the parties had not reached a settlement, Defendant would have vigorously defended the lawsuit and asked for a ruling in its favor.

Within the Settlement, you are a potential member of the "Settlement Class." The Settlement Class is all natural persons who were the subject: (1) of a consumer report generated through the Defendant's software or otherwise allegedly furnished, assembled, or resold to a third party within the five years before the filing date of the Complaint, which was filed on July 10, 2023; (2) where the report or data derived for purposes of populating the report contained a status indicating that the consumer was deceased from Equifax, Experian, or Trans Union (the NCRAs); (3) where at least one other NCRA's report and/or data did not contain a deceased notation; and (4) where the consumer was not deceased at the time the report was issued.

#### *Proposed Settlement Benefits*

The benefits for Class Members fall under the category of injunctive relief. An injunction occurs when a court orders a person to do or not to do something, in this case, making changes to MeridianLink's business practices. The Settlement requires the Defendant, at its expense, to design, implement, and maintain procedures that allow its customers to generate consumer reports with additional information that addresses the lawsuit's concerns. All Class Members will receive the benefit from these changes in business practices. For more detailed information about the injunctive relief, please visit [www.MeridianLinkSettlement.com](http://www.MeridianLinkSettlement.com).

Because these procedures are being accomplished through a Court injunction, the United States District Court for the Eastern District of Virginia will retain ongoing supervision and enforcement of these changes. The specific terms of these changes are included in the Settlement Agreement, a copy of which is available at [www.MeridianLinkSettlement.com](http://www.MeridianLinkSettlement.com).

There will be no payments to Class Members, and Class Members will still have the right to bring any claims for damages against the Defendant on an individual basis. A Class Member would not be able to bring a class action for claims regarding the allegations in the Lawsuit.

Defendant has agreed to pay all costs associated with publishing this notice, implementing the procedures described in the Court's injunction, and administering the Settlement. Defendant has agreed to pay Class Counsel's attorneys' fees and costs in an amount not to exceed \$700,000.00, which is subject to Court approval.

Class Members do not have to pay or buy anything to benefit from the changes in business practices provided by the Settlement Agreement, and they will retain any individual claims for non-injunctive relief.

Questions? Please visit **[www.MeridianLinkSettlement.com](http://www.MeridianLinkSettlement.com)** for more information.

Para una notificación en Español, llamar o visitar nuestro sitio web.

## What Do I Do Next?

### *Your Legal Rights and Options in This Proposed Settlement*

- Do Nothing

If you do nothing, you will be bound by the Court's decision regarding the Settlement. You will not be able to pursue any potential collective or class action claims against the Defendant that have been released as part of the Settlement. Review the full release at [www.MeridianLinkSettlement.com](http://www.MeridianLinkSettlement.com).

- Object to the Settlement

You have the right to write to the Court to object to the Settlement.

You may object to all or part of the Settlement if you think it is not fair, reasonable, and/or adequate. To object, you must file with the Court and send copies to the parties' counsel, a written explanation of the reasons you think that the Court should not approve the Settlement. The objection must include the following: (1) your full name, address, and current telephone number; (2) if you are represented by counsel, the name and telephone number of counsel; (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 you may call to testify; (5) a listing of all exhibits you intend to introduce into evidence at the Final Approval Hearing, including a copy of such exhibits; (6) a statement regarding whether you intend to appear at the Final Approval Hearing; and (7) your signature and a notation that the objection is for "*McAfee v. MeridianLink, Inc.*, Civil Action No. 3:23-cv-439."

If you object according to the steps above, the Court will consider your objection. If it overrules your objection, you will be bound by the Court's decision and will remain part of the Class.

Your deadline to object to the Settlement is October 15, 2024.

Read on to understand the specifics of the Settlement. The Court still has to decide whether to grant final approval of the Settlement.

### **When and Where Will the Court Decide Whether To Approve the Settlement?**

The Court will hold a Final Approval Hearing on December 5, 2024, at 11:00 a.m., before the Honorable Roderick C. Young, in the United States District Court for the Eastern District of Virginia, Robinson-Merhige U.S. Courthouse, 701 East Broad Street, Richmond, Virginia 23219. At the Final Approval Hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and adequate. The Court will also hear objections to the Settlement, if any. We do not know how long the Court will take to make its decision after the hearing. In addition, the hearing may be re-scheduled at any time by the Court without further notice to you. You should check the

Questions? Please visit [www.MeridianLinkSettlement.com](http://www.MeridianLinkSettlement.com) for more information.

Para una notificación en Español, llamar o visitar nuestro sitio web.

website, [www.MeridianLinkSettlement.com](http://www.MeridianLinkSettlement.com), to confirm the hearing date, the court approval process, and the Effective Date of the Settlement.

If the Court approves the Settlement, the Court's judgment as to the Settlement Class will be binding on all Settlement Class Members.

### **Who Are the Attorneys Representing the Class and How Will They Be Paid?**

The Court has approved lawyers to represent the Settlement Class (“Class Counsel”). If you prefer to hire your own attorney to represent you in this case, you may do so at your own expense. The attorneys who have been appointed by the Court to represent the Settlement Class are:

E. Michelle Drake  
Joseph C. Hashmall  
Berger Montague PC  
1229 Tyler Street NE, Suite 205  
Minneapolis, MN 55413

Kristi C. Kelly  
Andrew Guzzo  
Casey Nash  
Pat McNichol  
Kelly Guzzo PLC  
3925 Chain Bridge Road, Suite 202  
Fairfax, VA 22030

Dale W. Pittman  
The Law Office of Dale W. Pittman  
112 A West Tabb Street  
Petersburg, VA 23803

You will not be charged for these lawyers. Subject to Court approval, Class Counsel will seek attorneys' fees and costs not to exceed \$700,000.00, as provided in the Settlement Agreement. Class Counsel may also seek a service award in the amount of \$5,000.00 to be paid to each Class Representative for their services in representing the Settlement Class.

### **Additional Information**

This notice is only a summary of the proposed Settlement. You can review more details about the proposed settlement and access additional documents, including the full Settlement Agreement, at the Settlement Website ([www.MeridianLinkSettlement.com](http://www.MeridianLinkSettlement.com)).

Questions? Please visit **[www.MeridianLinkSettlement.com](http://www.MeridianLinkSettlement.com)** for more information.  
Para una notificación en Español, llamar o visitar nuestro sitio web.