

***A Federal Court authorized this Notice. This is not a solicitation from a lawyer.***

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF VIRGINIA  
Kelvin Thomas v. FTS USA LLC, et al.  
Civil No. 3:13-cv-825

**NOTICE OF CLASS ACTION LAWSUIT**

**You have received this notice as part of a settlement of a lawsuit in which FTS USA, LLC or UniTek Global Services, Inc. or one of their subsidiaries obtained a background check on or after December 11, 2011 and took an adverse-employment action against you without first providing you with a copy of your background report and a legal notice of your rights under the Fair Credit Reporting Act.**

***THIS CLASS ACTION SETTLEMENT WILL AFFECT YOUR RIGHTS  
BECAUSE IT WILL AUTOMATICALLY SEND YOU A CHECK FOR \$250.00,  
BUT YOU WILL RELEASE YOUR RIGHTS TO SUE THE DEFENDANT.***

**HERE ARE YOUR OPTIONS:**

|   |  |
|---|--|
| <b>IF YOU DO NOTHING</b>                | <b>If the Court approves the Settlement, a \$250 check for your portion of the Settlement Fund will be mailed to you automatically and without you having to do anything.</b> The Final Judgment in this case will be binding on you, meaning you give up all rights to sue FTS and UniTek separately about the same claims in this lawsuit. |
| <b>IF YOU EXCLUDE YOURSELF</b>          | <b>If you ask to be excluded, you will not share in the money provided by the Settlement. But, you keep any rights to sue FTS and UniTek separately about the same legal claims in this case.</b> The Court's judgment will not be binding on you.   |
| <b>YOU MAY OBJECT TO THE SETTLEMENT</b> | <b>You can write to the Court and tell it what you do not like about the Settlement.</b> You will remain a part of the Class, and will still share in the Settlement.  |

**IF YOU WOULD LIKE FURTHER INFORMATION: PLEASE CONTACT THE  
LAWYERS REPRESENTING PLAINTIFFS AND MEMBERS OF THE CLASS AT**

**(757) 930-3660 OR [www.FTSUniTekClassAction.com](http://www.FTSUniTekClassAction.com)**

**What is this case about?**

Plaintiff, Kelvin Thomas applied for a job at FTS USA, LLC ("FTS"). At the time he applied for a job, FTS and UniTek Global Services, Inc. obtained a background check about him from backgroundchecks.com. FTS denied employment to Mr. Thomas based on the results of his background check. FTS did not provide Mr. Thomas with a copy of his consumer report and other required disclosures at least five business days before denying him employment as a result of his background check. **The court found that FTS' failure to provide the required notices violated the Fair Credit Reporting Act, 15 U.S.C. § 1681b(b)(3).**

The Court entered an Order certifying that this case may proceed as a Class Action. The parties agreed to settle this case. The Court preliminarily approved the settlement.

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**Why did i get this notice package?**

FTS' and UniTek's records show that you (a) applied for an employment position with Defendant or any of its subsidiaries, (b) as part of this application process were the subject of a consumer report obtained by Defendant on or after December 11, 2011, (c) where Defendant's records show that you were denied employment because of the background check, (d) and that Defendant did not provide you a copy of the consumer report and other disclosures required by 15 U.S.C. § 1681b(b)(3)(A)(ii) at least five business days before the date the employment decision is first noted in Defendant's records.

This means that ***you are a member of the "Adverse Action Class."*** In a class action lawsuit, the court resolves the issues for a group of people in the "Class" — except for those people who choose to remove themselves from the Class.

The Court authorized this Notice because you have a right to know that the settlement of this class action lawsuit may affect your legal rights and the options that you have to protect your legal rights.

**What does the Settlement provide?**

Defendants have agreed to pay up to \$1,300,000 (the "Settlement Fund") for the benefit of the Classes, which funds will be used to make the payments to Class Members described below, to pay Plaintiff's attorneys' fees and litigation expenses, and to pay the costs of administering the Settlement. There are two Classes, the Impermissible Use Class and the Adverse Action Class. You are receiving this Notice because you are a member of the Adverse Action Class. The Settlement Fund will go to compensate members of both Classes. Also, because there are two Classes, you may receive a second notice detailing the Settlement of Claims for the Impermissible Use Class.

**If the Court approves the Settlement, a \$250 check for your portion of the Settlement Fund will be mailed to you automatically and without you having to do anything.**

**The Settlement Administrator will mail you a check automatically about 35 days after the Court grants final approval** to the Settlement. The Administrator will mail that check to the same address as this Notice, so **please update the Administrator with your new address if you move.** You can contact the administrator at the address below to let it know your address has changed.

**What am I giving up to get a benefit or stay in the Adverse Action Class?**

If you do not exclude yourself from the Adverse Action Class, you will agree to Release (give up) all claims related to the use of consumer reports by FTS USA, LLC and UniTek Global Services, Inc. in their hiring process. You will release FTS USA, LLC and UniTek Global Services, Inc. and their agents, affiliates and other connected persons. The full release language is available at [www.FTSUniTekClassAction.com](http://www.FTSUniTekClassAction.com) or you may call (800) 222-2760 to request that it be mailed to you.

**How do I exclude myself from the Class?**

To be excluded, you must send an "Exclusion Request" in the form included with this notice or by letter sent by mail, stating that you want to be excluded from "*Thomas v. FTS USA, LLC, et al.*" You must include your name, address, and signature on the letter. You must mail your Exclusion Request such that it is **postmarked** on or before December 12, 2016, to *Thomas v. FTS USA, LLC, et al.*, Exclusions, c/o Settlement Administrator, P.O. Box 1387, Blue Bell, PA 19422.

You must exclude yourself from this Settlement if you want to later sue the Defendants for the claims in this case.

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**Do I have a lawyer in the case and should I get my own lawyer?**

Yes. The Court decided that Leonard Bennett and Susan M. Rotkis, of Consumer Litigation Associates, P.C., and Christopher North and William Downing, of the Consumer & Employee Rights Law Firm, are qualified to represent you and all Class Members. Together, the law firms are called “Class Counsel.” They are experienced in handling similar consumer class cases. More information about the law firms, their practices, and their lawyers’ experience is available at [www.clalegal.com](http://www.clalegal.com).

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to “exclude” yourself from the Class and pay that lawyer separately.

**How will the lawyers be paid?**

Class Counsel will ask the Court for an award of attorneys’ fees, which the Defendants have agreed to pay as part of the Settlement Fund, in an amount of up to \$500,000. However, the Court may ultimately award less than this amount. The requested \$500,000 will also include Class Counsel’s costs and expenses incurred by them and by the Class Representative in litigating this matter. The Defendants have paid for the costs of this notice to you and will pay for the other costs of administering the settlement as part of the Settlement Fund.

**Is the Class Representative entitled to any additional payment?**

In addition to the monetary relief described above, Class Counsel will ask the Court to approve a payment to the Class Representative of an amount not to exceed \$20,000 as an individual service award for his efforts and time expended in prosecuting the Lawsuit. However, the Court may ultimately award less than this amount. Any payment will be made from the Settlement Fund.

**How do I tell the Court what I do not like about the Settlement?**

If you are a Settlement Class Member, you can object to the Settlement if you do not think any part of the Settlement is fair, reasonable, or adequate. You can and should explain the detailed reasons why you think that the Court should not approve the Settlement, if this is the case. The Court and Class Counsel will consider your views carefully. To object, you must send a letter stating that you object to the Settlement in *Thomas v. FTS USA, LLC, et al.* Be sure to include: (1) the name of the Lawsuit, *Thomas v. FTS USA, LLC, et al.*, Case No. 3:13-cv-825-REP; (2) your full name, current address, telephone number; and (3) a detailed explanation of the reasons you object to the settlement and any papers in support of your position. Mail or deliver the foregoing to these three different places so that it is received no later than than December 12, 2016:

**COURT**

Clerk of the Court  
United States District Court  
701 East Broad Street  
Richmond, VA 23219

**CLASS COUNSEL**

Leonard A. Bennett  
**Consumer Litigation  
Associates, P.C.**  
763 J. Clyde Morris Blvd 1A  
Newport News, VA 23601

**DEFENDANTS’ COUNSEL**

Colin Dougherty  
**Fox Rothschild LLP**  
10 Sentry Parkway, Suite 200  
P.O. Box 3001  
Blue Bell, PA 19422-3001

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**What is the difference between objecting and excluding?**

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you remain in the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you have no basis to object to this Settlement because the case no longer affects you.

**When and where will the Court decide to approve the Settlement?**

The Court will hold a hearing to decide whether to approve the settlement as fair, reasonable, and adequate. The hearing is on January 12, 2017, at 10:00 o'clock a.m. in the courtroom of Judge Robert E. Payne of the United States District Court for the Eastern District of Virginia, 701 East Broad Street, Richmond, VA 23219.

**You may attend and you may ask to speak, but you do not have to.**

**Are there more details available?**

You may request more information or speak to one of the lawyers representing you by calling the Settlement Administrator at (800) 222-2760, or Class Counsel at (757) 930-3660, or visiting [www.FTSUniTekClassAction.com](http://www.FTSUniTekClassAction.com) to get updates, documents and other information regarding the case.