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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID EDWARD WATSON,
Plaintiff,
v.
CHECKR, INC.,
Defendant.

Case No. [19-cv-03396-EMC](#)

**ORDER RE SUPPLEMENTAL
BRIEFING**

Docket No. 66

United States District Court
Northern District of California

The parties have filed a Motion for Preliminary Approval of Class Action Settlement. Docket No. 66. The parties shall address the following:

- (1) The Settlement Agreement provides that a member of the Mismatch Subgroup must submit a claim form to receive monetary compensation, but all Dispute Subgroup members automatically receive monetary relief without completing and submitting a claim form. Sett. Agmt. §§ 2.2.(b), (c). Why are the 712 individuals in the Mismatch Subgroup the only class members who are required to submit a claim form?
- (2) How would a Mismatch Subgroup member know that Checkr has submitted an inaccurate CC Arrest Report to their employer if the employer does not disclose such to the member? Is it possible for a member to have suffered injury without knowing of the inaccuracy?
- (3) Both the Mismatch and Dispute Subgroup Class Notice state that class counsel will request an attorneys' fees and expenses payment of \$292,500 as compensation for their work on behalf of the class. This figure differs from the Motion for Preliminary Approval, wherein class counsel states that they will request a total of \$259,000 in attorneys' fees (\$125,000 in conjunction with the (b)(2) injunctive relief, and \$134,000 in conjunction with the (b)(3) relief). Please clarify.

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(4) The Mismatch Subgroup Class Notice provides the following on Page 3: “Because you are a member of the Mismatch Subgroup, you must submit a claim in order to receive a monetary payment in connection with the settlement.” Mismatch Subgroup Notice, Docket No. 66-1 Ex. F (emphasis in original). This disclaimer should be moved up to the very beginning of the Mismatch Subgroup Class Notice, and that the entire disclaimer be bolded and underlined.

(5) The Dispute Subgroup Class Notice provides the following on page 2: “You do not need to do anything to receive a payment from the Settlement – as long as this Notice is not returned as undeliverable and you do not request to be excluded from the Settlement, you will be paid a cash amount, determined on a *pro rata* basis.” Dispute Subgroup Notice, Docket No. 66-1 Ex. G. This disclaimer should be moved up to the very beginning of the Dispute Subgroup Class Notice, and that the entire disclaimer be bolded and underlined.

(6) With respect to class member objections to the settlement agreement, the Court’s procedural guidance provides as follows: “[t]he [class] notice should make clear that the court can only approve or deny the settlement and cannot change the terms of the settlement.” *Procedural Guidance for Class Action Settlements* § 5. Neither Subgroup Class Notice contains language to this effect. The Class Notices should contain this language.

The Court directs the parties to submit supplemental briefing responding to the Court’s questions and requests by **3:00 p.m., May 27, 2021**.

IT IS SO ORDERED.

Dated: May 25, 2021


EDWARD M. CHEN
United States District Judge