

Villafior and Brice v. Equifax Information Services LLC
Case No. 09-CV-00329-MMC(EDL) (Northern District of California)

If you requested and received a copy of your Consumer Credit File (aka “Credit Report”) from Equifax between March 3, 2006 and August 25, 2010 that contained information about paid and/or paid and closed accounts with Ameriquest Mortgage Company or GMAC, you could get benefits from a class action settlement.

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

- There is a proposed settlement with Equifax Information Services LLC (“Equifax”) in a class action lawsuit. Section 1681g(a)(1) of the Fair Credit Reporting Act (“FCRA”) requires Equifax, upon request, to clearly and accurately disclose to the consumer all information in the consumer's file (“Consumer Credit File”) at the time of the request. Plaintiffs contend that Equifax violated the FCRA by not accurately and clearly reporting the “current status” of certain paid and/or paid and closed accounts in the Consumer Credit File.
- Equifax contends that it complied with the FCRA, that its files properly disclosed the “current status” and that it acted in good faith and without intent to harm any Class Members.

YOU MUST CHOOSE ONE OF THE FOLLOWING THREE OPTIONS:	
PARTICIPATE IN THE SETTLEMENT AND RECEIVE BENEFITS	If you want to be part of the settlement and receive settlement benefits, you do not need to take any action at this time. If you are a Class Member and do not ask to be excluded from the settlement (opt out) and the Court approves the settlement, you will receive a letter from the Settlement Administrator providing instructions on how to receive your benefits from the settlement.
OBJECT & PARTICIPATE	Write to the Court about why you don't like the settlement.
OPT OUT	Ask to be excluded from the settlement. Keep the right to file your own lawsuit against the Defendant.

- These rights and options - **and the deadlines to exercise them** - are explained in this notice.
- You also have the right to go to a hearing that will be held on April 29, 2011 and to ask to speak to the Court about the settlement.
- The Court in charge of this case still has to decide whether to approve the settlement. If it does, benefits will be distributed to identified Class Members. Please be patient.

QUESTIONS? CALL 1-888-519-6918 TOLL FREE, OR VISIT www.EquifaxVillafiorClassAction.com.
 PARA UNA NOTIFICACIÓN EN ESPAÑOL, VISITE NUESTRO SITIO DE INTERNET.

BASIC INFORMATION

1. Why is this Notice being provided?

A Court authorized this notice because you have a right to know about a proposed settlement of this class action lawsuit and about all of your options before the Court decides whether to give “final approval” to the settlement. If the settlement is ultimately approved, each identified Class Member shall be automatically provided a right to a service called Credit Watch Gold provided by Equifax. As part of this settlement and as described in the Settlement Agreement, Equifax has also agreed to make changes to its Consumer File Disclosures and its website, www.Equifax.com. These changes include providing information in the Consumer File Disclosure to inform consumers of the meaning and use of certain fields. This notice explains the lawsuit, the settlement, your legal rights, what benefits are available, who may be eligible for those benefits, and how to get them.

The United States District Court for the Northern District of California is overseeing this class action. The case is known as *Villaflor and Brice v. Equifax Information Services LLC*, No. 09-CV-00329. The people who sued are called the “Plaintiffs,” and the company they sued, Equifax, is called the “Defendant.”

2. What is this lawsuit about?

The lawsuit alleges that Equifax violated the FCRA. Plaintiffs contend that Equifax violated Section 1681g(a)(1) of the FCRA, which requires consumer reporting agencies, upon request, to clearly and accurately disclose to the consumer all information in the consumer's file at the time of the request.

Plaintiffs allege that Equifax gave them a copy of their credit file, which contained information about paid and/or paid and closed accounts with Ameriquest Mortgage Company and/or GMAC and which accounts had been past due prior to being paid and closed by the consumers. Plaintiffs contend that Equifax violated Section 1681g(a)(i) of the FCRA by reporting that the accounts had a “current status” of past due, although they were also paid and/or paid and closed. Plaintiffs claim that Equifax’s reporting in this manner violates the FCRA because it is inaccurate and unclear. Equifax denies Plaintiffs’ claims and believes that it did nothing wrong. Specifically, Equifax disagrees with the allegations of the lawsuit, contends that it has complied with the FCRA and says that it has many defenses to Plaintiffs’ claims, including that its files properly disclosed the “current status”, that it is not liable to Plaintiffs, and that Plaintiffs are not entitled to any benefits from this litigation.

3. Who is Equifax?

Equifax is a consumer reporting agency as defined in the FCRA that, among other things, collects consumer credit information and provides credit reports or other credit-related information to credit grantors and others.

4. What is a class action?

In a class action, one or more people called “Class Representatives” sue on behalf of people who have similar claims. In this lawsuit, Obelia Villaflor and Kay Brice are the Class Representatives conditionally approved by the Court. All of the people are a “Class” or “Class Members.” One Court resolves the issues for all Class Members.

5. Why is there a settlement?

The Court did not decide in favor of Plaintiffs or Equifax. Instead, Plaintiffs who support the settlement (that is, the Class Representatives, who are Obelia Villaflor and Kay Brice) and Equifax agreed to settle claims alleged in the case to avoid the cost and risk of a trial. The settlement does not mean that any law was violated or that

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Equifax did anything wrong. Equifax denies all legal claims in this case. The Class Representatives and their lawyers think the settlement is best for all Class Members.

WHO IS IN THE CLASS SETTLEMENT?

To see if you will be affected by this settlement or if you can get benefits from it, you first have to determine if you are a Class Member.

6. How do I know if I am part of the Class settlement?

The Class includes all people who asked Equifax for a copy of their Equifax credit file between March 3, 2006 and August 25, 2010 and whose credit file contained a tradeline for an account with either Ameriquest Mortgage Company or GMAC, with a Status of 2, 3, 4, or 5, and an activity designator code of B or P. This means that you are a member of the Class if you requested and received a copy of your Equifax credit file between March 3, 2006 and August 25, 2010 which reported the current status of an account with Ameriquest Mortgage Company or GMAC as 31-60 days past due, 61-90 days past due, 91-120 days past due or 120+ days past due and also included an Activity Description of either "Paid & Closed" or "Paid".

7. Are there exceptions to being included?

The settlement does not include all persons (a) who have already settled or otherwise compromised their claims against Equifax; (b) who Opt-Out; (c) who have a pending lawsuit against Equifax as of the date of the entry of the Preliminary Approval Order in any action wherein the recovery sought is encompassed by the Released Claims; and (d) who have received a discharge under Chapter Seven of the Bankruptcy Code, 11 U.S.C. Sec. 727.

8. What if I am not sure whether I am included in the Class settlement?

If you are not sure whether you are included in the Class, or you have questions about the settlement, you may call the toll free number, 1-888-519-6918, or visit www.EquifaxVillaflorClassAction.com.

THE SETTLEMENT BENEFITS - WHAT YOU GET IF YOU QUALIFY

9. What does the settlement provide?

The Settlement Agreement provides the following benefits:

Equifax has agreed to make changes to its file disclosure format and its website, www.Equifax.com. These changes include providing information in the Consumer File Disclosure to inform consumers of the meaning of certain fields. Equifax has also agreed to provide additional training to their employees concerning these matters. These changes are described more fully in the [Settlement Agreement](#).

Each Class Member shall be automatically provided a right to a service called Credit Watch Gold provided by Equifax for a period of twelve (12) months. This includes the following benefits: (a) daily monitoring of your Equifax credit file providing email or wireless alerts for key changes; (b) unlimited access to your Equifax Consumer Credit File; (c) written summaries including explanations of how lenders view your credit file; and (d) identity theft insurance. If the Court approves the settlement, you will receive a letter from the Settlement Administrator providing you instructions on how to access your right to Equifax's Credit Watch Gold.

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If you are not a current Equifax Credit Watch Gold Subscriber, your right to access Equifax Credit Watch Gold will automatically stop at the end of the twelve (12) month period. You will not be billed or charged for this service. Also, you will not be billed or charged for any additional periods of access to Equifax Credit Watch Gold or any other Equifax product unless you expressly ask Equifax. If you are a current Equifax Credit Watch Gold Subscriber, Equifax will suspend charges for that service for the twelve (12) month period and then the regular charges will resume at the end of the twelve months of free service.

More details on all of the settlement benefits are available in the Settlement Agreement which is available at www.EquifaxVillaflorClassAction.com.

10. What am I giving up as part of the settlement?

Unless you opt out of the Settlement, you will be giving up the right to pursue the claims asserted against Equifax that are alleged in the Complaint, as amended, as well as other claims that are based on the facts alleged in the Complaint, as amended. You can find more information regarding the rights you will be giving up in a document called the Settlement Agreement, which is available, along with the Complaint, at www.EquifaxVillaflorClassAction.com. You can talk to the Counsel representing the Class listed in Question 15 at no expense, or at your own expense, you can talk to your own lawyer if you have any questions about the released claims or what they mean.

HOW TO GET BENEFITS

11. How can I get benefits?

If you want to be part of the settlement and receive settlement benefits, you do not need to take any action at this time. If the Court approves the Settlement, each Class Member shall be automatically provided a right to a service called Credit Watch Gold provided by Equifax for a period of twelve (12) months. Class Members will receive written communication from the Settlement Administrator providing instructions on how to access their right to Equifax's Credit Watch Gold.

12. When will I get my benefits?

The Settlement Administrator will send you a written notice telling you about how and when you can obtain benefits within 60 days after the Court grants final approval of the Settlement. The final approval hearing is scheduled for April 29, 2011. Updates will be available on the website.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in the case?

The Court appointed these lawyers to represent you: Seth Lehrman, Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L., Steven F. Grover, Steven F. Grover, P.A., Robert Friedman and Joel Brown, Friedman & Brown, LLC, James S. Knopf, Law Offices of James S. Knopf, as "Class Counsel" to represent you and other Class Members. You can talk to the Counsel representing the Class listed under Question 15 at no expense. If you want to be represented by your own lawyer in this case, you may hire one at your own expense.

14. How will the lawyers and Class Representatives be paid?

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At the Final Fairness Hearing, Class Counsel will ask the Court for approval of attorneys' fees and expenses of \$1,380,000. They will ask for incentive awards of \$10,000 for each of the Class Representative Plaintiffs supporting the settlement who helped the lawyers on behalf of the whole Class. The Court has not yet made any decision regarding the amount of attorneys' fees, costs, expenses, and Class Representative payments. The fees, expenses, and awards that the Court orders, plus the costs to administer the settlement, will not reduce the benefits to Class Members.

OBJECTING TO THE SETTLEMENT

15. How do I tell the Court if I do not like the settlement?

If you are a Class Member, you can object to the settlement if you do not like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To do so, you must send in a written objection in the case, *Villaflor and Brice v. Equifax Information Services LLC*, No. 09-CV-00329. Be sure to include your full name, address, telephone number, your signature, your specific objections and the basis for them, a statement by you or other evidence that you are a member of the Class, and any legal support you wish to bring to the Court's attention and any evidence you wish to introduce in support of your objection. Your written notice should indicate whether you or your lawyer intend to appear at the Final Fairness Hearing to object to the settlement. You must file your objection with the Court and send it to all of the addresses below by March 25, 2011:

COURT	PLAINTIFFS' COUNSEL	DEFENDANT'S COUNSEL
United States District Court 450 Golden Gate Ave., Box 36060 San Francisco, CA 94102	Seth Lehrman Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L. 425 N. Andrews Ave., Suite 2 Ft. Lauderdale, FL 33301 Phone: (954) 524-2820 Fax: (954) 524-2822 Email: seth@pathtojustice.com	S. Stewart Haskins J. Anthony Love King & Spalding 1180 Peachtree Street, NE Atlanta, GA 30309 Phone: (404) 572-4600 Fax: (404) 572-5100 Email: tlove@kslaw.com

Filing a written objection with the Court is the only permissible way to contact the Court.

DO NOT CALL THE COURT.

OPTING OUT OF THE SETTLEMENT

16. How do I opt out from participating in the settlement?

You can request to be excluded from the settlement by “opting out”. Opting out means that you will not partake in the settlement and you retain your rights to bring or continue to pursue your own lawsuit against the Defendant. To opt out, you must send a written request to: “Exclusion Requests – Villaflor and Brice v. Equifax Settlement Administrator, c/o Rust Consulting, Inc., PO BOX 2445, Faribault, MN 55021-9145”. Be sure to include your full name, address, telephone number, your signature, and a specific statement that you want to be excluded from the settlement. Your opt out statement must be personally signed by you and must be postmarked by March 25, 2011.

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THE COURT'S FAIRNESS HEARING

17. When and where will the court decide whether to approve the settlement?

The Court is scheduled to hold a Fairness Hearing on April 29, 2011 at 9:00 a.m., at the United States District Court for the Northern District of California in Courtroom 7, 19th Floor, at the United States Courthouse, 450 Golden Gate Ave., San Francisco, CA 94102. At the Fairness Hearing, the Court will consider whether the settlement is fair, reasonable, and adequate and should be granted final approval. If there are objections, the Court will consider them. Class Counsel will also ask the Court for approval of their request for attorneys' fees, costs, expenses, and incentive awards to Class Representatives.

The Fairness Hearing may be moved to a different date, extended, or moved to a different Courtroom without additional notice, so it is recommended that you periodically check www.EquifaxVillaflorClassAction.com for updated information.

18. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. However, you are welcome to attend the hearing at your own expense. If you send in a written objection, you do not have to come to the Fairness Hearing to talk about it. As long as you filed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend the Fairness Hearing, but it is not necessary.

19. May I speak at the hearing?

To speak at the Fairness Hearing, you must file a written objection with the Court, as set forth under Question fifteen, as well as a "Notice of Intent to Appear" on or before March 25, 2011 in *Villaflor and Brice v. Equifax Information Services LLC*, No. 09-CV-00329. In both documents, be sure to include your name, address, telephone number, and your signature. In your "Notice of Intent to Appear," you also must include information about what you intend to say at the hearing and, if you will be represented by a lawyer other than Class Counsel, you must include the name, address, and telephone number of your lawyer. You must send copies of your "Notice of Intent to Appear" to all of the addresses listed in Question 15 above which must be postmarked no later than March 25, 2011. If you do not file a timely written objection, you will waive the right to file an appeal of the settlement. The Court will decide if you will be allowed to speak at the Fairness Hearing.

GETTING MORE INFORMATION

20. How do I get more information about the settlement?

This notice summarizes the settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at www.EquifaxVillaflorClassAction.com. Plaintiffs' Unopposed Motion for Preliminary Approval of Proposed Class Action Settlement is also available at the Settlement Website, which sets forth in greater detail why Class Counsel believe this settlement was in the best interests of class members. In addition, Plaintiffs' Motion for Attorney Fees, Expenses, and Incentive Awards will be available on the Settlement Website on or after February 10, 2011. You also may call 1-888-519-6918 or write to Villaflor and Brice. v. Equifax Information Services, LLC, c/o Rust Consulting, Inc., PO BOX 2445, Faribault, MN 55021-9145.

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