

NOTIFICATION OF CERTIFIED CLASS ACTION LAWSUIT
YOU ARE NOT BEING SUED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

DUANE A. HINES, *on behalf of himself and all
others similarly situated,*

Plaintiff,

v.

EQUIFAX INFORMATION
SERVICES LLC,

Defendant.

1:19-cv-06701 (RPK) (JAM)

**You Are a Member of a Class Action against
Equifax Information Services LLC**

Plaintiff Duane A. Hines (“Hines” or “Plaintiff”) filed a class action lawsuit against the consumer reporting agency Equifax Information Services LLC (“Equifax” or “Defendant”) to redress how it handles consumer disputes of hard inquiry information in their credit reports. Defendant’s records indicate that you are a member of the “New York Subclass” or the “Capital One Subclass” or both Subclasses, which are defined as follows:

New York Subclass

During the period beginning November 27, 2017 and ending September 10, 2024, all consumers with an address in the State of New York to whom Equifax sent a document containing Cons Comm 664 (*i.e.*, a letter that includes the language, “inquiries are a factual record of file access”) in response to a mailed dispute of one or more hard inquiries, which Equifax coded as “not mine” (001) or “unauthorized” (383).

Capital One Subclass

During the period beginning November 27, 2017 and ending September 10, 2024, all consumers with an address in the U.S. and its Territories (1) to whom Equifax sent a document containing Cons Comm 664 (*i.e.*, a letter that includes the language, “inquiries are a factual record of file access”) in response to a mailed dispute of one or more hard inquiries, which (2) corresponds to the consumer’s dispute of a hard inquiry associated with Capital One that Equifax coded as “not mine” (001) or “unauthorized” (383).

No money or benefit has been awarded to date and there is no guarantee that any will be available in the future. If money or benefits are awarded or obtained from Equifax in the future, you will be notified separately. You have a choice to make now, and your options are explained in this notice.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

**OPTION 1:
DO NOTHING**

Stay in this lawsuit. Await the outcome. Give up certain rights.

By doing nothing, you keep the possibility of getting money or benefits that may come from a trial on damages or a settlement. But, you give up any rights to sue Equifax individually and to seek damages for the same legal claims that are in this lawsuit. Similarly, if you do nothing and Equifax wins a trial on damages, you will lose your claims covered by this lawsuit.

**OPTION 2:
ASK TO BE
EXCLUDED**

Remove yourself from this class action. Get no money or benefits. Keep certain rights.

If you ask to be excluded and money or benefits are awarded later, you will not share in that recovery. However, you keep any rights you may have to sue Equifax separately about the same legal claims that are brought in this lawsuit. To ask to be excluded, you must act by September 5, 2025.

Questions? Visit www.EquifaxDisputeClassAction.com or call toll-free (833) 244-4150.

BASIC INFORMATION

Why did I get this notice?

The Court has allowed, or “certified,” a class action lawsuit that may affect you. The lawsuit is known as *Hines v. Equifax Information Services LLC*, Civil Action No. 1:19-cv-06701 (RPK) (JAM) (E.D.N.Y.). This notice is to inform you of the legal rights and options that you may exercise before the Court holds a trial to decide whether Equifax has willfully violated the New York Fair Credit Reporting Act and/or the federal Fair Credit Reporting Act, the amount of actual damages, statutory damages between \$100-\$1,000 per class member, and punitive damages, if any, to be assessed. No trial has been scheduled at this time.

What is this lawsuit about?

Plaintiff Hines has alleged that after he submitted a dispute to Equifax that his credit report was obtained without authorization or a proper purpose, Equifax did not contact the company that requested the credit report, nor did it remove the notation (called a “hard inquiry”) that he disputed. Instead, Equifax mailed a letter to Hines and others, including you, that contained “Cons Comm 664” and stated in part: “Inquiries are a factual record of file access. If you believe this was unauthorized, please contact the creditor.”

Hines alleges that Equifax violated the New York Fair Credit Reporting Act (“NYFCRA”) by failing to conduct a reasonable investigation of his dispute of an item of information in his credit file or, alternatively, by not removing the disputed item from his file. Plaintiff alleges that Defendant did the same thing with respect to other Subclass members. The Court certified this legal claim on behalf of Hines and members of the New York Subclass. Equifax denies that it violated the NYFCRA and asserts that this case should not proceed as a class action.

Plaintiff Hines alleges that Equifax violated the Fair Credit Reporting Act (“FCRA”) by failing to maintain reasonable procedures designed to limit the furnishing of consumer reports to specific, permissible purposes when it provided his credit report and the credit reports of other subclass members to Capital One. The Court certified this legal claim on behalf of Hines and members of the Capital One Subclass. Equifax denies that it violated the FCRA and asserts that this case should not proceed as a class action.

What is a class action and who is involved?

In a class action lawsuit, one or more people called the “Class Representative” sues on behalf of other people who have similar claims. In this case, the Class Representative is Plaintiff Hines. The group of people with similar claims is typically called a “Class.” In this case, there are two “Subclasses.” Individuals in these groups are called Subclass “members.” In this case, Equifax, the consumer reporting agency Plaintiff sued, is the Defendant. The Court decided that this lawsuit can proceed as a class action and move towards a trial. The Court will resolve the issues for everyone in the Subclasses, except for people who choose to exclude themselves.

Why is this lawsuit a class action?

More information about why the Court is allowing this lawsuit to proceed as a class action is found in the July 16, 2022 Report and Recommendation of Magistrate Judge Ramon E. Reyes and the Court’s September 10, 2024 Order Adopting Report and Recommendation. These documents are available to view online at www.EquifaxDisputeClassAction.com.

THE CLAIMS IN THE LAWSUIT

What does the lawsuit complain about?

In the lawsuit, Plaintiff claims that Equifax violated the New York Fair Credit Reporting Act and the federal Fair Credit Reporting Act, as described above. You can read the Plaintiff’s Complaint online at www.EquifaxDisputeClassAction.com.

Questions? Visit www.EquifaxDisputeClassAction.com or call toll-free (833) 244-4150.

How did Defendant answer?

Equifax denied that it violated the New York Fair Credit Reporting Act or the federal Fair Credit Reporting Act and asserted that this case should not proceed as a class action. You can read Equifax's Answer to the Complaint online at www.EquifaxDisputeClassAction.com.

Has the Court decided who is right?

The Court has not yet decided whether Equifax has violated the law, or how much money, if any, should be awarded to members of the New York or Capital One Subclasses. The Court has simply decided that this case may proceed as a class action.

What is the Plaintiff asking for?

The Plaintiff will ask the Court to award members of the New York Subclass for actual damages and punitive damages and to award members of the Capital One Subclass statutory damages of between \$100 and \$1,000 and punitive damages. Plaintiff will also ask the Court to order Equifax to pay Class Counsel's fees and expenses.

Is there any money available now?

No money or benefits are available now because the Court has not yet decided who is right, or how much, if anything, Equifax should pay the Class in damages. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified again unless you exclude yourself.

YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class (do nothing right now) or ask to be excluded before the trial. You have until September 5, 2025, to exclude yourself.

What happens if I do nothing at all?

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. **By doing nothing, you remain a member of the above-defined Subclass(es).** If you do nothing now, regardless of whether the Plaintiff wins or loses the trial, you will not be able to sue, or continue to sue, Equifax, about the same legal claims that are the subject of this lawsuit. You will also be legally bound by all the orders and judgments the Court issues in this case.

Why would I ask to be excluded?

If you already have a lawsuit against Equifax for similar claims and want to continue with it, you need to ask to be excluded from this case. If you exclude yourself from (or "opt-out" of) the case, you will not get any money or benefits from this lawsuit even if the Plaintiff wins damages at trial or there is a settlement. However, you may be able to sue or continue to sue Equifax on your own. If you exclude yourself, you will not be legally bound by the Court's Order and Judgment in this class action.

If you start your own lawsuit against Defendant after you exclude yourself, you will have to seek damages in court, and you may have to hire and pay for your own lawyer for that lawsuit. If you do exclude yourself so you can start your own lawsuit against Defendant, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations or other time-sensitive requirements.

How do I ask the Court to exclude me from the Class?

To ask to be excluded, you must send an "Opt-Out Request" in the form of a letter sent by U.S. Mail, facsimile, or e-mail stating that you want to be excluded from *Hines v. Equifax*. Instructions on submitting a request to opt-out are also online at www.EquifaxDisputeClassAction.com. Be sure to include your name, address, telephone number, email address, and to **sign** the opt-out letter. You must mail your Opt-Out Request to *Hines v. Equifax* Opt-Outs, P.O. Box 16, West Point, PA 19486, or fax it to (484) 930-0725, or e-mail it to questions@EquifaxDisputeClassAction.com no later than September 5, 2025.

Questions? Visit www.EquifaxDisputeClassAction.com or call toll-free (833) 244-4150.

THE ATTORNEYS REPRESENTING YOU

Do I have an attorney in this case?

The Court has certified the following law firms as Class Counsel. Their contact information is as follows:

FRANCIS MAILMAN SOUMILAS, P.C.
1600 Market Street, Suite 2510
Philadelphia, PA 19103

ROBERT S. SOLA, P.C.
1500 SW First Avenue, Suite 800
Portland, OR 97201

THE ADKINS FIRM, P.C.
One Lincoln Centre
5400 LBJ Fwy., Suite 1200
Dallas, TX 75240

SKAAR & FEAGLE, LLP
2374 Main Street, Suite B
Tucker, GA 30084

Should I get my own attorney?

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 may retain one at your expense. You can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you, at the Court's discretion.

How will the attorneys be paid?

If Class Counsel obtain money or benefits for members of one or both of the Subclasses through this suit, they will ask the Court to award counsel fees and expenses. You will not have to pay these fees and expenses. If the Court grants Class Counsel's request, the fees and expenses would either be deducted from any money obtained for the Subclass(es) or paid separately by Defendant. Class Counsel has not been paid any fees nor reimbursed their expenses for prosecuting this case since it was filed in 2019.

THE TRIAL

When is the trial?

Trial has not yet been scheduled. If a trial is scheduled, information about the date and time will be posted on the website www.EquifaxDisputeClassAction.com.

Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for the Plaintiff and the Class, and Defendant will present its defenses. You or your own lawyer are welcome to attend at your own expense.

Will I get money after the trial?

If at some point the Plaintiff obtains money or benefits for the Class as a result of the trial or a settlement, and you did not exclude yourself from the Class, you will be notified. There could be post-trial proceedings and appeals. We do not know how long this will take, and there is no guarantee.

Are more details available?

Visit the website www.EquifaxDisputeClassAction.com where you will find the Court's Order and Opinion certifying the Class, Plaintiff's Class Action Complaint, the Defendant's Answer to the Complaint, as well as information about how to exclude yourself from this case. You may also speak to one of the attorneys working on this class action by calling (866) 215-8600 or sending an e-mail to info@consumerlawfirm.com. Be sure to mention the case name "*Hines v. Equifax*" if you call or email.

Questions? Visit www.EquifaxDisputeClassAction.com or call toll-free (833) 244-4150.