

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

*Hillson, et al. v. Kelly Services, Inc.*

Case No. 2:15-cv-10803-LJM-APP

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

- This is a Court authorized notice of a proposed settlement in a class action lawsuit.
- The lawsuit is about background checks that Kelly Services, Inc. (“Kelly”) ran on applicants and employees.
- If you return a Claim Form, you are estimated to receive \$90 or \$272, as explained in paragraph 6 below. You must return a Claim Form in order to receive money.
- You can also request a free copy of any background reports on you that Kelly procured. You can call 1-888-221-9824 to request a copy or go to [www.hillsonfcrsettlement.com](http://www.hillsonfcrsettlement.com).
- Your rights and options---and the deadlines to exercise them---are explained in this Notice

This Notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, you may view the Settlement Agreement at [www.hillsonfcrsettlement.com](http://www.hillsonfcrsettlement.com). You may also contact the Settlement Administrator at 1-888-221-9824, access the Court docket in this case through the Court’s Public Access to Court Electronic Records (PACER) system at [www.mied.uscourts.gov](http://www.mied.uscourts.gov), or visit the office of the Clerk of the Court for the Eastern District of Michigan, 231 W Lafayette Blvd, Detroit, MI 48226, between 8:30 AM and 4:30 PM, Monday-Friday, excluding Court holidays.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A CLAIM FORM BY APRIL 25, 2017</b>	If you wish to receive benefits under the Settlement, you need to return a Claim Form. You should have received a Claim Form in the mail. You may also go to <a href="http://www.hillsonfcrsettlement.com">www.hillsonfcrsettlement.com</a> to complete a Claim Form.
<b>REQUEST YOU BACKGROUND REPORT</b>	As a part of the Settlement, Class Counsel and Kelly will help you get a copy of the background report Kelly obtained about you. You can call 1-888-221-9824 to request a copy or you can go to <a href="http://www.hillsonfcrsettlement.com">www.hillsonfcrsettlement.com</a> .
<b>EXCLUDE YOURSELF BY APRIL 10, 2017</b>	This is the only option that allows you to be part of any other lawsuit or legal action against Kelly about the matters being resolved in this Settlement. However, you will not receive payment in this Settlement.

QUESTIONS? CALL 1-1-888-221-9824 TOLL FREE OR VISIT [www.hillsonfcrsettlement.com](http://www.hillsonfcrsettlement.com)

<b>OBJECT BY APRIL 10, 2017</b>	Write to the Court about why you object to the Settlement.
<b>GO TO A HEARING ON AUGUST 2, 2017</b>	Ask to speak in Court about the fairness of the Settlement.
<b>DO NOTHING</b>	If you do not return the Claim Form, you will receive no monetary recovery and will lose your right to sue Kelly over related matters in the future.

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## BASIC INFORMATION

### 1. Why did I get this Notice?

The Court in this case approved the posting of this Notice so that it could be viewed by potential members of the Settlement Class. The Settlement Class includes:

All persons on whom Kelly procured a consumer report pursuant to the Fair Credit Reporting Act during the period from July 18, 2012 through January 23, 2014, and whose initial hire date at Kelly was during the period of time when Kelly was providing new applicants with a disclosure form that contained a liability release.

If you are unsure of whether you are in the Settlement Class, you can contact the Settlement Administrator at 1-888-221-9824.

Composition of the Settlement Class is based upon Kelly’s records and investigation.

This Notice has been posted because members of the Settlement Class have a right to know about a proposed settlement of a class action lawsuit in which they are class members, and about all of their options, before the Court decides whether to approve the Settlement. If the Court approves the Settlement, and after objections or appeals relating to that Settlement are resolved, the benefits provided for by the Settlement will be available to members of the Settlement Class.

This Notice explains the Litigation, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them. A full copy of the Settlement Agreement may be reviewed at the Settlement Website: [www.hillsonfcrsettlement.com](http://www.hillsonfcrsettlement.com). This Notice contains only a summary of the Settlement Agreement.

The Court in charge of this case is the United States District Court for the Eastern District of Michigan, and the case is known as *Hillson v. Kelly Services, Inc.*, Case No. 2:15-cv-10803-LJM-APP (the “Litigation”). The persons who filed this Litigation are called the Named Plaintiffs, and Kelly is the Defendant.

## **2. What is the Litigation about?**

Named Plaintiffs allege that Kelly violated the Fair Credit Reporting Act by running background checks on employees and applicants without making legally required disclosures.

Kelly disputes the Named Plaintiffs' allegations and denies all liability to Named Plaintiffs and the Settlement Class. Kelly denies Named Plaintiffs' allegations and has raised a number of defenses to the claims asserted.

The Parties are settling the Litigation to avoid the risk and expense of further litigation. No court has found Kelly to have violated the law in any way. No court has found that the Named Plaintiffs could recover any certain amount in this Litigation.

Although the Court has authorized notice to be given of the proposed Settlement, this Notice does not express the opinion of the Court on the merits of the claims or defenses asserted by either side in the Litigation.

## **3. Why is this case a class action?**

Class actions are lawsuits in which the claims and rights of many people are decided in a single proceeding. In a class action, representative plaintiffs are called "Class Representatives." They seek to assert claims on behalf of all members of a class or classes of similarly situated people. By doing this, they can conserve resources by asserting their claims in a single lawsuit. Class actions often involve circumstances where claimed individual damages are too small for people to proceed on their own, but where the defendant's conduct affected a lot of people all in the same way.

Lawyers who represent people who file class actions are called "class counsel." To date, the lawyers who brought this case ("Class Counsel") have not been paid any money for their work and have paid all their expenses out of pocket. They will only be paid if they win the Litigation or if the Court approves the Settlement.

## **THE SETTLEMENT**

### **4. Why is there a settlement?**

The Court did not decide this case in favor of the Named Plaintiffs or in favor of Kelly. If approved, the Settlement will stop the Litigation from being litigated any more. If the Litigation continued to be litigated, there is a possibility that the Settlement Class would receive nothing. There is also the possibility that Kelly would be required to pay more than it has agreed to pay as a result of the Settlement.

Class Counsel investigated the facts and applicable law regarding the Named Plaintiffs' claims and Kelly's defenses. The Parties engaged in lengthy and arms-length negotiations to reach this Settlement. Named Plaintiffs and Class Counsel believe that the proposed Settlement is fair, reasonable, and adequate and in the best interests of the Settlement Class.

Both sides agree that, by settling, Kelly is not admitting any liability or that it did anything wrong. Both sides want to avoid the uncertainties and expense of further litigation.

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## WHO IS IN THE SETTLEMENT?

### 5. How do I know if I am part of the Settlement?

You are a part of the Settlement if you applied for employment or were employed through Kelly with an initial hire date during the period of time when Kelly was providing a disclosure form that contained a liability release and Kelly procured or caused to be procured a background check on you at any time from July 18, 2012 through January 23, 2014.

If you received a Postcard Notice, Kelly's records indicate you are a member of the Settlement Class. If you are not certain as to whether you are a member of the Settlement Class, you may contact the Settlement Administrator to find out. The Administrator can be reached at 1-888-221-9824. The question of class membership will be determined based on Kelly's records.

## THE SETTLEMENT BENEFITS—WHAT YOU GET

### 6. What does the settlement provide?

The Settlement provides non-monetary and monetary benefits for Settlement Class Members.

First, Kelly has agreed not to include a liability release on its Fair Credit Reporting Act disclosure form for a period of five (5) years. Kelly has also agreed to designate a dedicated "Consumer Reports Information Operator" who will be responsible for timely responding to requests for copies of consumer reports that Kelly has procured or caused to be procured on an individual.

Also as a non-monetary benefit, if you are a Settlement Class member you are entitled to receive a free copy of any consumer report procured by Kelly. At [www.hillsonfcrasettlement.com](http://www.hillsonfcrasettlement.com), you will see a link to click on to submit a request for a copy. You may also call 1-888-221-9824 to request a copy.

Second, Kelly will provide a settlement fund of \$6,749,000. This money will be divided among the approximately 221,216 Settlement Class Members, and will also be used to pay for any Court-approved attorneys' fees, Class Representative awards, and administration costs.

The exact amount each Settlement Class Member will receive will depend on the amount of fees, awards and costs, as well as the number of Claim Forms returned. Further, if Kelly's records indicate that a Settlement Class Member was "Adjudicated Ineligible," meaning that the background check Kelly obtained on the Settlement Class Member was designated as anything other than "favorable," that Settlement Class Member is able to receive an increased settlement amount compared to Settlement Class Members whose background check results were favorable. Although the exact amount will vary depending on the amount of attorneys' fees, Class Representative awards, administration costs, and the number of Claim Forms submitted, it is expected that Settlement Class Members who were Adjudicated Ineligible will receive \$272 and Settlement Class Members who were not will receive \$90.

The Postcard Notice you received would have indicated if you were shown to be Adjudicated Ineligible in Kelly's records. If the Postcard Notice you received said you were not Adjudicated Ineligible, and that is incorrect, you have the opportunity to submit documentation to that effect to potentially receive an increased settlement amount. You must send a letter to the Settlement Administrator via mail to PO Box 4234, Portland, OR 97208, that states that you certify you were terminated, or not hired/placed with Kelly or one or more of Kelly's customers and had an unfavorable background check. You must include the basis of your knowledge and submit any supporting documentation you have. This letter and

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documentation must be submitted by **April 25, 2017**, and you still must also return a valid Claim Form. Kelly will be able to challenge your certification. You will be notified should that be the case and given the opportunity to respond.

#### **7. How can I get a benefit?**

To be eligible to receive a payment under this Settlement, you need to return the Claim Form that was mailed to you, postmarked on or before **April 25, 2017**. The completed Claim Form must be signed and dated. You may also complete the Claim Form online at [www.hillsonfcrsettlement.com](http://www.hillsonfcrsettlement.com).

Your interest as a member of the Settlement Class will be represented by the Named Plaintiffs and Class Counsel. You will be bound by any judgment arising from the Settlement. If the Settlement is approved, and you timely return the Claim Form, the Settlement Administrator will send you a check for any monies to which you are entitled under the Settlement.

If you change your address, you must mail a notification of your new address to the Settlement Administrator or submit a change of address online at [www.hillsonfcrsettlement.com](http://www.hillsonfcrsettlement.com).

#### **8. When would I get my benefit?**

The Court will hold a final approval hearing on **August 2, 2017 at 10:00 a.m.** to decide whether to approve the Settlement. If the Settlement is approved, there may be appeals. Payments to members of the Settlement Class will be made only if the Settlement is finally approved. This may take some time, so please be patient.

#### **9. What am I giving up to get a benefit or stay in the Settlement Class?**

Upon the Court's approval of the Settlement, all members of the Settlement Class (whether or not they have timely submitted a properly-completed Claim Form) who have not timely and properly opted out of the Settlement Class (as well as their spouses, heirs, and others who may possess rights on their behalf), fully release Kelly from any and all claims arising out of or relating directly or indirectly in any manner whatsoever to the facts alleged or which could have been alleged or asserted in the Litigation, including but not limited to any and all claims under 15 U.S.C. § 1681b(b)(1), § 1681b(b)(2), and § 1681b(f), and any analogous state law claims. This release explicitly includes claims for actual damages, statutory damages, and punitive damages, as well as for attorneys' fees and costs.

This release may affect your rights, and may carry obligations, in the future. To view the full terms of this release, which are contained in the Settlement Agreement, please visit [www.hillsonfcrsettlement.com](http://www.hillsonfcrsettlement.com).

#### **10. How do I get out of the settlement?**

If you choose to be excluded from the Settlement (or "opt out"), you will not be bound by any judgment or other final disposition of the Litigation and you will not receive any settlement payment. You will retain any claims against Kelly you might have. To opt out, you must state in writing your desire to be

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excluded from the Settlement Class. **Your request for exclusion must be sent by first class mail, postmarked on or before April 10, 2017**, addressed to:

*Hillson v. Kelly Services, Inc.*  
c/o Settlement Administrator  
PO Box 4234  
Portland, OR 97208

**If the request is not postmarked on or before April 10, 2017, your request for exclusion will be invalid**, and you will be bound by the terms of the Settlement approved by the Court, including without limitation, the judgment ultimately rendered in the case, and you will be barred from bringing any claims which arise out of or relate in any way to the claims in the Litigation as specified in the release referenced in paragraph 9 above.

**11. If I don't exclude myself, can I sue Kelly Services for the same thing later?**

No. Unless you exclude yourself, you give up any right to sue Kelly for the claims that this Settlement resolves, even if you do not file a Claim Form. If you have a pending lawsuit, speak to your lawyer in that case immediately.

**12. If I exclude myself, can I get anything from this settlement?**

No. If you exclude yourself, you are not part of the Settlement.

**THE LAWYERS REPRESENTING YOU**

**13. Do I have a lawyer in this case?**

The Court has appointed Nichols Kaster, PLLP, Berger & Montague, P.C., and Lyngklip & Associates Consumer Law Center, PLC as Class Counsel:

Paul Lukas  
Nichols Kaster, PLLP  
4600 IDS Center  
80 South 8th Street  
Minneapolis, MN 55402

E. Michelle Drake  
Berger & Montague, P.C.  
43 SE Main Street, Suite 505  
Minneapolis, MN 55414

Ian Lyngklip  
Lyngklip & Associates  
Consumer Law Center, PLC  
24500 Northwestern Hwy, Ste 206  
Southfield, MI 48075

You may hire your own attorney to advise you, but if you hire your own attorney, you will be responsible for paying that attorney's fees.

**14. How will the lawyers be paid?**

Class Counsel have not been paid anything for their representation of the Settlement Class to date. They have paid all the expenses of litigation out of their own pockets. If they were to lose the case, they would be paid nothing.

In connection with this Settlement, Class Counsel intend to apply to the Court for an award of attorneys' fees, in an amount not to exceed \$2,249,666.67. That amount is equal to one-third of the settlement fund.

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They also intend to seek out-of-pocket litigation expenses incurred during the Litigation up to \$50,000. The Court will evaluate whether this fee request is reasonable in light of Class Counsel's skill and the risk they undertook in bringing the Litigation. The Court may award less.

The Court has appointed Named Plaintiffs LaSandra Hillson, Steven Bohler, and Ashley Schmidt as Class Representatives. Class Counsel also will seek compensation for the Named Plaintiffs in an amount not to exceed \$2,500 each. This compensation is intended to compensate the Class Representatives for the time and effort they have put into bringing this Litigation on behalf of everyone in the Settlement Class.

The costs of settlement administration are expected to be approximately \$358,000 but may vary depending on a variety of circumstances. If awarded by the Court, all of these amounts will be paid directly out of the settlement fund.

## OBJECTING TO THE SETTLEMENT

### 15. How do I tell the Court that I don't like the Settlement?

You can ask the Court to deny approval of the Settlement by filing an objection. You cannot ask the Court to order a larger settlement; the Court can only approve or deny the Settlement as is. If the Court denies approval, no settlement payments will be sent out and the Litigation will continue. If that is what you want to happen, you must object.

You may object to the proposed Settlement in writing. You may also appear at the final approval hearing, either in person, or through your own attorney. If you appear through your own attorney, you are responsible for paying that attorney.

All written objections and supporting papers must (a) clearly identify the case name and number (*Hillson v. Kelly Services, Inc.*, Case No. 2:15-cv-10803-LJM-APP); (b) contain the basis for and an explanation of the objection; (c) contain your name, address, telephone number, and email address (if you have one); (d) include a statement of whether you intend to appear at the final approval hearing, either with or without an attorney; (e) be submitted to the Court, either by mail to the Clerk of Court, United States District Court for the Eastern District of Michigan, 231 W. Lafayette Blvd., Detroit, MI 48226, or by filing your objection in person at any location of the United States District Court for the Eastern District of Michigan, and (f) a copy mailed to the Settlement Administrator. Your objection must be filed and/or postmarked on or before **April 10, 2017**.

Any member of the Settlement Class who does not file and serve an objection in the time and manner described above will not be permitted to raise that objection later.

The Parties have agreed and it is a term of the Settlement that no payments will be made to any objector, or any objector's counsel, for any reason, without district court approval. The Parties' Agreement further requires the district court to approve any payments made in connection with an objector withdrawing or dismissing an appeal.



## **16. What's the difference between objecting and excluding?**

Objecting is simply telling the Court that you don't like something about the Settlement. You can object only if you stay in the Settlement. Excluding yourself is telling the Court that you don't want to be part of the Settlement. If you exclude yourself, you have no basis to object because the Litigation no longer affects you.

## **17. Where and when will the Court decide whether to approve the Settlement?**

There will be a final approval hearing to consider approval of the proposed Settlement on August 2, 2017 at 10:00 a.m. at the United States District Court for the Eastern District of Michigan, 231 W. Lafayette Blvd., Detroit, MI 48226. The hearing may be postponed to a later date without further notice; Settlement Class Members should check [www.hillsonfcrsettlement.com](http://www.hillsonfcrsettlement.com) regularly for any changes to this date. The purpose of the hearing is to determine the fairness, reasonableness, and adequacy of the terms of Settlement; whether the Settlement Class is adequately represented by the Class Representatives and Class Counsel; and whether an order and Final Judgment should be entered approving the proposed Settlement. The Court also will consider Class Counsel's application for an award of attorneys' fees and expenses and Class Representatives' compensation.

You will be represented at the final approval hearing by Class Counsel, unless you choose to enter an appearance in person or through your own counsel. The appearance of your own attorney is not necessary to participate in the hearing.

## **18. Do I have to come to the hearing?**

No. Class Counsel will represent the Settlement Class at the final approval hearing, but you are welcome to come at your own expense. If you send any objection, you do not have to come to Court to talk about it, but you may if you wish. As long as you filed and mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, if you wish.

## **19. May I speak at the hearing?**

You may ask the Court for permission to speak at the final approval hearing. To do so, you must send with your objection a notice of intention to appear at the hearing as described in Paragraph 15 above. You cannot speak at the hearing if you excluded yourself.

## **GETTING MORE INFORMATION**

### **20. Are there more details about the Settlement?**

This Notice is only a summary. For a more detailed statement of the matters involved in the Litigation or the Settlement, you may refer to the papers filed in this case during regular business hours at the office of the Clerk of the Court, United States District Court for the Eastern District of Michigan, 231 W. Lafayette Blvd., Detroit, MI 48226, File: *Hillson v. Kelly Services, Inc.*, Case No. 1:15-cv-10803-LJM-

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APP. The full Settlement Agreement and certain pleadings filed in the case are also available at [www.hillsonfcrasettlement.com](http://www.hillsonfcrasettlement.com) or can be requested, in writing or by phone, from the Settlement Administrator.

## **21. How do I get more information?**

You can visit [www.hillsonfcrasettlement.com](http://www.hillsonfcrasettlement.com) or contact the lawyers representing the Settlement Class, identified in Paragraph 13 above.

**Please do not contact the Court for information.**

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