

Eighth Judicial District Court Clark County, Nevada



Notice of Class Action Settlement

Rodriguez v. National Credit Center, LLC, No. A-23-869000-B

A NEVADA STATE COURT AUTHORIZED THIS NOTICE

This Notice explains the Settlement, the Settlement Class, and your legal rights and options.

Please read its contents carefully.

WHAT IS THIS CASE ABOUT?

Plaintiff Angel Luis Rodriguez, Jr. (“Plaintiff”) filed a class action lawsuit, or a lawsuit seeking to recover on behalf of a group of people, against National Credit Center, LLC (“NCC” or “Defendant”). NCC offers services to auto dealers, power sports dealers, and lenders while they are considering prospective borrowers for loans or finance deals. Plaintiff claims that NCC provided an NCC OFAC Screen to its customers inaccurately stating that he and other Class Members were possible matches to an entry on the Office of Foreign Asset Control’s List of Specially Designated Nationals (the “OFAC List”). The OFAC List, which is maintained by the U.S. Department of the Treasury, is a list of people, groups, and companies, such as terrorists and narcotics traffickers, that U.S. businesses are not allowed to do business with.

NCC denies any and all allegations or assertions of wrongdoing in this lawsuit.

WHAT IS THE STATUS OF THE CASE?

The Court has not made any finding that NCC has engaged in any wrongdoing or misconduct of any kind. Instead, Plaintiff and Defendant (together, the “Parties”) have agreed to resolve disputed claims through a proposed class action settlement. The Settlement has not yet been approved by the Court.

This Notice explains your rights and options if you are a Member of the Settlement Class. Whether or not you act, your legal rights will be affected by the proposed settlement.

WHO IS INCLUDED IN THE SETTLEMENT?

The group of people included in the Settlement is called the “Class.” You are in the Class if between May 5, 2020 and June 11, 2024, Defendant sold a report to a third party that identified your name as being similar to a person or an entity that is listed on the OFAC List. Being a member of the Settlement Class does *NOT* mean that you are actually listed on the OFAC List.

If you are unsure whether you are a member of the Settlement Class, you may contact the Settlement Administrator at (833) 366-0325 or info@RodriguezOFACsettlement.com.

YOUR LEGAL RIGHTS & OPTIONS.

The Court still must decide whether to grant final approval of the Settlement. You should know that: (i) the Court will exclude members from the Class if the member so requests by **September 25, 2024**; (ii) all members who do not request exclusion from the Class will be bound by the judgment approving settlement; and (iii) any member who does not request exclusion may, if the member desires, enter an appearance through the member’s counsel.

Read on to understand the specifics of the Settlement and what each choice would mean for you.

<p>Stay in the Settlement - Do Nothing</p>	<p>You will receive a Pro Rata Award payment. You will lose any legal rights you may have against Defendant related to this lawsuit, and you will lose the right to object to the Settlement of this lawsuit. If you do not submit an online Payment Election Form, your payment will be sent by check to the address to which Notice was sent by U.S. mail. If your mail was returned as undeliverable and you do nothing, you will not receive a payment. If you are unsure whether you received notice of this Settlement by mail, you are strongly encouraged to complete a Payment Election Form.</p>
<p>Stay in the Settlement - Submit a Claim Form</p>	<p>If you experienced particularized harm as a result of the NCC OFAC Screen reported by Defendant, you may make a claim for an Actual Damages Award in addition to the Pro Rata Award by filling out a Claim Form and submitting it by December 9, 2024. Valid Claim Forms submitted online, emailed, or postmarked by December 9, 2024 will be honored. Claims made after December 9, 2024 may still be honored, as the final claims deadline depends on the Court’s final approval order. The settlement website will be updated with the claims deadline after final approval, and reminder notices will be sent accordingly. You will lose any legal rights you may have against Defendant related to this lawsuit.</p>
<p>Stay in the Settlement - Submit a Payment Election Form</p>	<p>If you do not receive notice in the mail, or if you wish to receive your payment via electronic means or at a different address, you can submit a Payment Election Form by December 9, 2024 requesting payment by other means (Zelle, Venmo, etc.). That deadline may be extended by the Court’s final approval order, which will be posted on the settlement website. You are not required to submit a Payment Election Form in order to be paid, except if mail that was sent to you is returned. In that case, we will send you a further notice by email informing you that you are required to submit a Payment Election Form in order to receive your payment. You will lose any legal rights you may have against Defendant related to this lawsuit.</p>
<p>Exclude Yourself</p>	<p>You may exclude yourself from the Settlement Class by mailing a written notice to the Settlement Administrator, postmarked by September 25, 2024, that includes a signed and dated statement saying that you want to be excluded from the Class. If you exclude yourself, you will not receive a settlement payment and you will lose the right to object to the Settlement of this lawsuit, but you will keep any legal rights you may have against Defendant.</p>
<p>Stay in the Settlement – Object</p>	<p>If you do not exclude yourself, you have the right to appear (or to hire a lawyer to appear for you) before the Court and object to the Settlement. If you wish to object, you must send a written, signed objection to the Settlement Administrator (and file it with the Court) no later than September 25, 2024.</p>

Payments will be made if the Court approves the Settlement and after any appeals are fully resolved.

LEARNING MORE ABOUT THE LAWSUIT & SETTLEMENT

What Is the OFAC List?

The OFAC List, which is maintained by the U.S. Department of the Treasury, is a list of people, groups, and companies, such as terrorists and narcotics traffickers, that U.S. businesses are not allowed to do business with. Before extending credit to a consumer or completing a transaction, a U.S. business may obtain a report on that consumer to determine if they are on the OFAC List.

What Does the Settlement Provide?

Defendant has agreed to pay \$30,000,000.00 and to make changes to its policies and procedures for NCC OFAC Screens to settle the lawsuit. This amount will cover: (1) cash payments to Class Members, (2) attorneys' fees and costs that the Court may later approve, (3) the costs of settlement administration, and (4) any service award for Plaintiff that the Court may later approve.

If the Court approves the Settlement in full, each Class Member will receive a Pro Rata Award payment of an estimated **\$38.00 - \$42.00**.

Additionally, Class Members that experienced particularized harm as a result of the NCC OFAC Screen reported by Defendant may also file a Claim Form to receive an Actual Damages Award of up to \$1,500.00. Any Actual Damages Awards payment will be sent after the Pro Rata Award payment.

Forms of harm that Class Members may have experienced that qualify for an Actual Damages Award include: (1) Experiencing significant emotional distress as a result of the NCC OFAC Screen. This includes stress that caused or worsened physical symptoms (sleeplessness, panic attacks, etc.). It also includes experiencing significant embarrassment or humiliation due to having the results of the NCC OFAC Screen provided to another person. Other forms of significant emotional distress will be determined by the Settlement Administrator. (2) Having a transaction delayed, being denied credit, or being unable to complete a transaction as a result of the NCC OFAC Screen, with no supporting documentation. (3) Having a transaction delayed, being denied credit, or being unable to complete a transaction as a result of the NCC OFAC Screen, with supporting documentation. Claim Forms must be submitted online, emailed or postmarked by **December 9, 2024**. That deadline may be extended by the Court's final approval order, which will be posted on the settlement website. You can obtain a Claim Form at www.RodriguezOFACsettlement.com.

Who Are the Attorneys Representing the Class and How Will They be Paid?

The Court has approved lawyers to represent the Settlement Class ("Class Counsel"). The attorneys who have been appointed by the Court to represent the Settlement Class are a team of lawyers from Berger Montague PC (E. Michelle Drake, John Albanese, Zachary M. Vaughan, Ariana Kiener, and Sophia Rios) and Eglet Adams (Robert T. Eglet and Richard K. Hy). You may reach Class Counsel at the following address/phone number:

Berger Montague PC
1229 Tyler Street NE, Suite 205
Minneapolis, MN 55413
612-594-5999
OFACPlaintiffLawyers@bm.net

Class Counsel will ask the Court to approve attorneys' fees in an amount not to exceed one-third of the Settlement Fund (\$10,000,000.00), plus reimbursement of their out-of-pocket expenses. Plaintiff may also seek a service award, in an amount not to exceed \$25,000.00, for his services in representing the Settlement Class.

If the Court approves them, these attorneys' fees, costs, service award, and settlement administration expenses will be paid from the Settlement amount paid by Defendant.

DECIDING WHAT TO DO

What Are My Options?

You have five options. You can (1) do nothing and remain in the Settlement and receive a Pro Rata Award; (2) submit a Claim Form and remain in the Settlement and receive a Pro Rata Award and possibly an Actual Damages Award; (3) submit a Payment Election Form and remain in the Settlement; (4) exclude yourself from the Settlement (i.e., "opt-out"); or (5) object to the Settlement and remain in the Settlement.

Your options and rights are explained in the following sections, along with the steps you must take if you wish to opt-out or object.

What Are the Consequences of Remaining in the Settlement?

If you received notice of the Settlement via mail or email, you do not have to take any action to remain in the Settlement. But, as explained above, **if you do not receive notice in the mail, you must submit a [Payment Election Form](#) to receive your payment.** You must also complete and submit a [Claim Form](#) by **December 9, 2024** if you are seeking an Actual Damages Award. That deadline may be extended by the Court's final approval order, which will be posted on the settlement website.

If you remain in the Settlement, you will not be able to pursue claims against NCC that are covered by the Settlement's releases. All of the Court's decisions regarding the Settlement will apply to you, and you will be bound by any judgment that the Court enters.

If the Court grants final approval of the Settlement each member of the Settlement Class will receive a Pro Rata Award payment estimated to be \$38.00 - \$42.00. In addition, Settlement Class Members that file a valid Claim Form asserting that they experienced particularized harm as a result of the NCC OFAC Screen Defendant reported, will receive an Actual Damages Award of an amount up to \$1,500.00, depending on the form of harm claimed and whether the Class Member submits supporting documentation.

How Do I Know if I Am Required to Submit a Payment Election Form?

If you do not receive notice in the mail, you must submit a [Payment Election Form](#) to receive payment. Settlement Class Members who experienced particularized harm as a result of the NCC OFAC Screen must file a valid Claim Form in order to receive any additional payment.

If you are unsure whether you have to make a claim or submit a Payment Election Form or if you have questions about the [Claim Form](#), contact the Settlement Administrator by emailing info@RodriguezOFACsettlement.com or calling (833) 366-0325.

How Do I Submit a Claim Form?

Settlement Class Members that experienced particularized harm as a result of the NCC OFAC Screen reported by Defendant may also file a [Claim Form](#) to receive an Actual Damages Award of up to \$1,500.00, depending on the form of harm claimed and whether the Class Member submits supporting documentation. The claimed harm must be due to the results of an NCC OFAC Screen (as opposed to being denied for creditworthiness, such as where a credit score failed to meet a lender's predetermined threshold).

In order to be valid, Claim Forms must identify the recipient of the NCC OFAC Screen and sufficiently describe the harm that was caused by the NCC OFAC Screen. Forms of harm that Class Members may have experienced that qualify for an Actual Damages Award include: (1) Experiencing significant emotional distress as a result of the NCC OFAC Screen. This includes stress that caused or worsened physical symptoms (sleeplessness, panic attacks, etc.). It also includes experiencing significant embarrassment or humiliation due to having the results of the NCC OFAC Screen provided to another person. Other forms of significant emotional distress will be determined by the Settlement Administrator. (2) Having a transaction delayed, being denied credit, or being unable to complete a transaction as a result of the NCC OFAC Screen, with no supporting documentation. (3) Having a transaction delayed, being denied credit, or being unable to complete a transaction as a result of the NCC OFAC Screen, with supporting documentation.

Valid forms of supporting documentation include, for example, emails or other communications with the recipient of the NCC OFAC Screen demonstrating the harm, or other evidence showing a delay of a transaction, a denial of credit, or a cancellation or termination of an unconsummated transaction due to an NCC OFAC Screen.

Claim Forms can be obtained at www.RodriguezOFACsettlement.com. Claim Forms must be submitted online, emailed or post-marked by **December 9, 2024**. That deadline may be extended by the Court's final approval order, which will be posted on the settlement website.

What Are the Consequences of Opting Out of the Settlement?

If you exclude yourself from the Settlement, you will not receive any money from the Settlement. You will not be bound by any of the Court's orders regarding the Settlement by or any judgment or release that the Court enters regarding the Settlement. You will lose the right to object to the Settlement of this lawsuit, but you will retain any legal rights you may have against NCC.

You will be responsible for the fees and costs of any future services provided by your own lawyer.

How Do I Opt-Out?

If you wish to be excluded from the Settlement (to "opt-out"), you must mail a written request for exclusion to the Settlement Administrator at:

Rodriguez v. National Credit Center, LLC
c/o Settlement Administrator
Attn: Exclusions
P.O. Box 16
West Point, PA 19486

Your request for exclusion must be in writing, signed by you, and postmarked on or before **September 25, 2024**. The request must state: "I request to be excluded from the Settlement in *Rodriguez v. National Credit Center, LLC*, Case No. A-23-869000-B."

Your request for exclusion must also be dated, and it must include your name, address, and telephone number. The address that you use on your exclusion request should be the address to which your notice was mailed. If you have a new address, please also inform the Settlement Administrator of this new address so they can update the appropriate records. If you exclude yourself from the Settlement, you will not be eligible to receive a payment.

What Happens if I Object to the Settlement?

If you object according to the steps below, the Court will consider your objection. If the Court overrules your objection, you will be bound by the Court's decision, and you will remain a part of the Settlement.

How Do I Object to the Settlement?

You may object to all or part of the Settlement if you think, for any reason, that it is not fair, reasonable, or adequate.

To object, you must submit your objection to the Settlement Administrator at Rodriguez v. National Credit Center, LLC, c/o Settlement Administrator, P.O. Box 16, West Point, PA 19486, and you must also file the objection in writing with the Court at 200 Lewis Avenue, Las Vegas, NV 89101. Your objection must include: (i) a written explanation of the reasons why you think that the Court should not approve the Settlement; (ii) whether your objection pertains only to you, to a specific subset of the Class, or the entire Class; (iii) the identity of any witnesses you may want to call at the Final Approval Hearing; (iv) a list of all exhibits you intend to introduce into evidence and a true and correct copy of all exhibits; (v) a statement as to whether you intend to appear at the Final Approval Hearing, with or without counsel. Be sure to sign the objection and include your name, your address, your telephone number, and, if you are represented by an attorney, the name, address, and telephone number of your attorney, and note that the objection is in connection with the case titled "*Rodriguez v. National Credit Center, LLC*, Case No. A-23-869000-B."

If you decide to object to the Settlement, your objection must be mailed to the Settlement Administrator with a postmark on or before **September 25, 2024**. If you fail to timely file and serve your objection, it will not be considered. You may withdraw an objection by submitting the withdrawal in writing to Class Counsel.

ADDITIONAL INFORMATION

I Did Not Receive Notice in the Mail. How Can I Get Paid?

If you do not receive notice in the mail, you must submit a [Payment Election Form](#) by **December 9, 2024** to receive payment. That deadline may be extended by the Court's final approval order, which will be posted on the settlement website.

When and Where Will the Court Decide Whether to Approve the Settlement?

The Court will hold a Final Approval Hearing on October 10, 2024 at 9:30 a.m. PDT in Department 16 of the Regional Justice Center at 200 Lewis Avenue, Las Vegas, NV 89101. At this Final Approval Hearing, the Court will consider whether the proposed settlement is fair, reasonable, and adequate. The Court will also hear objections to the Settlement, if any. We do not know how long the Court will take to make its decision after the Final Approval Hearing. In addition, the Final Approval Hearing may be postponed at any time by the Court without further notice to you.

You do not have to appear at the Final Approval Hearing. If you are filing an objection, your objection should include a statement of whether or not you intend to appear at the Hearing, and whether you intend to hire an attorney (see Section "How Do I Object to the Settlement" above).

Where Can I Get Additional Information?

Review the additional documents available on this website, including the current version of the Complaint and the full Settlement Agreement. You may also contact the Settlement Administrator by emailing info@RodriguezOFACsettlement.com or calling (833) 366-0325.