

**THIS NOTICE IS ABOUT A CLASS ACTION SETTLEMENT IN NEW YORK.**

**IT IS SEPARATE AND DIFFERENT THAN SETTLEMENTS IN OTHER STATES AND OTHER COURTS.**

**PLEASE CALL 1-888-219-6059 IF YOU HAVE QUESTIONS.**

**United States District Court, Southern District of New York**

***Ernst v. DISH Network, LLC, DISH Network Service, LLC,  
and Sterling Infosystems, Inc.***  
**Case No. 12-cv-08794-LGS**

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT AND HEARING**

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

- This notice relates to a proposed settlement in a class action lawsuit which alleges that DISH Network, LLC, DISH Network Service, LLC (“DISH”) and Sterling Infosystems, Inc. (“Sterling”) violated the Fair Credit Reporting Act (“FCRA”). This settlement only relates to the claims against Sterling.
- This Settlement relates to three different groups of people, called Classes I, II and III. These groups are defined in the pages that follow. You may be a member of just one of those groups, two of those groups, or all three. Some of these groups need to return a Claim Form in order to receive compensation from this settlement. The next bullet point identifies which group(s) you are a member of, and informs you whether or not you need to return a Claim Form.
- You have been identified as a member of Class I. You do **NOT** need to return a Claim Form to receive a benefit from this settlement.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:</b>	
<b>Do Nothing</b>	If you wish to receive benefits under the settlement, you do not need to do anything. If the settlement is approved by the Court, you will receive a check in the mail, with your share of the settlement fund.
<b>Exclude Yourself</b>	Receive no benefit. This is the only option that allows you ever to be part of any other lawsuit or legal action against Sterling about the matters being resolved in this settlement. Your written request to exclude yourself must be sent to the settlement administrator and postmarked by July 31, 2015.
<b>Object</b>	Write to the Court about why you object to the settlement. Objections must be filed with the Court and the settlement administrator no later than July 31, 2015.
<b>Go to a Hearing</b>	Ask to speak in Court about the fairness of the settlement. The final approval hearing will be held on September 2, 2015.

- Your rights and options—and the deadlines to exercise them—are explained in this Notice.
- The Court still has to decide whether to approve this settlement, which may take some time.
- This Notice is only a summary of the terms of the settlement. A more extensive notice, as well as a full copy of the Settlement Agreement itself, may be reviewed at the Settlement Website: [www.ErnstSettlement.com](http://www.ErnstSettlement.com).

**Description of the Lawsuit:** This case is about whether Sterling violated the Fair Credit Reporting Act in relation to criminal background checks. There are three groups of people, or classes, affected by this settlement. The first page of this notice informed you of the class or classes in which you are a member.

**Class I – Criminal Record Settlement Class:** All consumers for whom Sterling issued a consumer report on or after December 4, 2010, where the report contained one or more criminal counts that did not result in a conviction but which predate the report by more than seven years. Consumers for whom Sterling’s records indicate a salary that was or was reasonably likely to exceed \$75,000 are excluded from the Class.

On behalf of Class I, Plaintiff has alleged that Sterling violated the Fair Credit Reporting Act by including non-convictions older than seven years on its consumer reports. Sterling denies Plaintiff’s allegations, including any alleged violation of the Fair Credit Reporting Act.

**Class II – MVR Record Settlement Class:** All consumers for whom Sterling issued a consumer report on or after December 4, 2010, where the report contained one or more items of information in the motor vehicle records (“MVR”) section of the report which predate the report by more than seven years. Consumers for whom Sterling’s records indicate a salary that was or was reasonably likely to exceed \$75,000 are excluded from the Class.

On behalf of Class II, Plaintiff has alleged that Sterling violated the Fair Credit Reporting Act by including motor vehicle record information that did not result in a conviction, which was older than seven years on its consumer reports. Sterling denies Plaintiff’s allegations, including any alleged violation of the Fair Credit Reporting Act.

**Class III – DISH Contractor Settlement Class:** All consumers who were the subject of a consumer report issued by Sterling to a contractor participating in the DISH Network Contractor Program, and for whom certain information contained in the report was also provided by Sterling to DISH in a summary report on or after December 4, 2010.

On behalf of Class III, Plaintiff has alleged that Sterling violated the Fair Credit Reporting Act by providing consumer reports to DISH, without DISH having a permissible purpose to receive the reports. Sterling denies Plaintiff’s allegations, including any alleged violation of the Fair Credit Reporting Act.

Composition of the Settlement Classes is based upon Sterling’s records.

This Notice has been sent to you because members of the Settlement Classes 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, if any, relating to that settlement are resolved, the benefits provided for by the settlement will be available to members of the Settlement Classes.

**Settlement Benefits and Release of Claims:**

Through this settlement, Sterling will contribute \$4,125,000 to the settlement fund for Class I, \$375,000 to the settlement fund for Class II, and \$250,000 for Class III, to be distributed to members of the Classes. Members of Class I do not have to submit a Claim Form to receive a share of the fund, but members of Classes II and III do. The first page of this notice informs you whether or not you need to submit a Claim Form. The amount distributed to any individual claimant will depend on the number and type of claims submitted, as well as the amount of attorneys’ fees and costs awarded by the Court. If all requested costs and fees are awarded, and if the claims rate is what the parties estimate it to be, members of Class I are expected to receive approximately \$43, members of Class II are expected to receive approximately \$20, and members of Class III are expected to receive approximately \$20. These numbers are estimates. If you are a member of more than one class, you will receive a payment for all the classes of which you are a member, so long as you timely return a properly-

completed, valid Claim Form. Payments will be made by check to members of the Settlement Classes. For Classes II and III, payments will only be made to those who timely return properly-completed, valid Claim Forms.

Upon the Court's approval of the settlement, all members of the Settlement Classes who do not exclude themselves (as well as their spouses, heirs, and others who may possess rights on their behalf) will fully release Sterling (and its affiliates, subsidiaries, officers, directors, employees, and others who may be subject to claims with respect to Sterling as specified in the Settlement Agreement) for all claims asserted or which could have been asserted on behalf of the Classes in this Litigation. 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.ErnstSettlement.com](http://www.ErnstSettlement.com).

**Excluding Yourself:** If you choose to be excluded from the settlement, you will not receive any payments, and you will not be bound by any judgment or other final disposition of the lawsuits. You will retain any claims against Sterling you might have. To request exclusion, send a letter which includes: (i) your name, address, telephone number, and the last four digits of your Social Security number; (ii) a statement that you are a member of one or more of the Settlement Classes; and (iii) the following statement: "I request to be excluded from the class settlement in *Ernst v. Sterling Infosystems, Inc.*" **Your request for exclusion must be sent by first class mail, postmarked on or before July 31, 2015**, addressed to:

Ernst v DISH Network Settlement  
c/o Dahl Administration  
PO Box 3614  
Minneapolis MN 55403-0614

**If the request is not postmarked on or before July 31, 2015, your request for exclusion will be invalid**, and you will be bound by the terms of the settlement approved by the Court.

If you choose to be excluded from the settlement, you will not be bound by any judgment or other final disposition of the lawsuit. You will retain any claims against Sterling you may have.

**Objecting to the Settlement:** You can object to any aspect of the proposed settlement by filing and serving a written objection. Your written objection must include: (i) your name, address, telephone number, and the last four digits of your Social Security number; (ii) a statement that you are a member of one or more of the Settlement Classes; (iii) the factual basis and legal grounds for the objection to the Settlement; (iv) the identity of any witnesses whom you may call to testify at the Final Fairness Hearing; and (v) copies of any exhibits you may seek to offer into evidence at the Final Fairness Hearing.

**You must file any objection with the settlement administrator by July 31, 2015.**

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

**Final Fairness Hearing:** There will be a Fairness Hearing to consider approval of the proposed settlement at **11:30 a.m. on September 2, 2015** at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York. The hearing may be postponed to a later date without further notice, but any such delay will be noted on the Settlement Website at [www.ErnstSettlement.com](http://www.ErnstSettlement.com). The purpose of the hearing is to determine the fairness, reasonableness, and adequacy of the terms of settlement; whether the Settlement Classes are adequately represented by Plaintiff and Counsel for the Settlement Classes; 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 Plaintiff's compensation.

You do not need to attend the Fairness Hearing. You will be represented at the Fairness Hearing by Counsel for the Settlement Classes, 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 Fairness Hearing.

If you intend to object to the settlement and you would like to speak at the Fairness Hearing, you must file a notice of intention to appear at the hearing along with your objection. The notice must include: (i) the identity of any witnesses who you may call to testify at the Fairness Hearing; and (ii) copies of any exhibits you may seek to offer into evidence at the Fairness Hearing.

**Lawyers Representing You:** The Court decided that the law firm of Nichols Kaster, PLLP will represent you and the Settlement Classes as Class Counsel. More information about this law firm, its practices, and the lawyers' experience is available at [www.nka.com](http://www.nka.com).

Class Counsel represent the interests of the Settlement Class. 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.

Class Counsel intend to apply to the Court for an award of attorneys' fees, in an amount not to exceed one-third of the settlement (\$1,583,333), plus documented, customary, out-of-pocket expenses incurred during the case. The Court may award less. These amounts will be paid from the settlement fund, not by you.

**More Information:** This Notice is only a summary. Complete details about your rights and options are available at [www.ErnstSettlement.com](http://www.ErnstSettlement.com), or you may contact the settlement administrator at 1-888-219-6059. If you would like to update your address, you may do so on the Settlement Website. Do not contact the Court for information.