

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

A FEDERAL COURT AUTHORIZED THIS NOTICE

**Your rights and options – and the deadlines by which to exercise them – are explained in this notice.
Please read this notice carefully in its entirety.**

- You are receiving this notice because you have been identified as a class member in a class action lawsuit entitled *Joshua Saylor v. RealPage, Inc.*, No. 1:22-cv-00053, which claims that RealPage, Inc. (“RealPage”) violated the Fair Credit Reporting Act (“FCRA”).
- The lawsuit alleges that RealPage violated the FCRA by using criteria that allowed sex offender registry data to be included on tenant screening reports, even though the dates of birth associated with the sex offenders did not ultimately match the applicant’s date of birth. RealPage denies plaintiff’s allegations and denies that RealPage is liable to plaintiff or any of the putative Settlement Class Members.
- The parties have reached a proposed Settlement in the lawsuit. The Settlement has not been approved by the Court yet. This notice explains your options.
- If you do nothing, you will receive a cash payment that is estimated to be at least \$300, although the amount will vary as explained herein.
- You have the right to submit a claim form for an additional payment if your housing application was denied or delayed due to the inclusion of sex offender data on a RealPage report.
- You have the right to opt-out of the proposed Settlement or to object to it.
- Whether you act or not, your legal rights are affected by the proposed Settlement.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS PROPOSED SETTLEMENT		
Your Rights and Options	What to Do	Deadline to Do It
Do Nothing	You are not required to take any action to receive the benefits of the proposed Settlement. If the proposed Settlement is finally approved and you do not opt-out, then you receive an estimated payment of \$300, although the amount will vary as explained herein. You will be bound by the Court’s final judgment and the release of claims in the Settlement Agreement.	None
Submit a Claim Form	Submit a form to the Settlement Administrator for an additional payment from the Settlement. For more information, please read Section 5 below.	Postmarked on or before August 1, 2022
Opt-out of the Settlement	Write to the Settlement Administrator stating that you do not wish to participate in the proposed Settlement. See Section 7 below. If you validly opt-out, you will not receive any monetary payments from the Settlement.	Postmarked on or before August 1, 2022
Object to the Settlement	Write to the Court about why you do not like the proposed Settlement. For more information regarding objecting, please read Section 10 below.	Postmarked on or before August 1, 2022

Questions – call toll-free 1-800-237-2327 or email SORSettlement@bm.net or visit www.SORSettlement.com

This is not a solicitation from a lawyer. You are not being sued.

1. Does this Notice apply to me?

If, from June 14, 2017 to March 2, 2021, you were the subject of a report sold by RealPage that included a record from a sex offender registry, with the sex offender registry record on the report having matched the subject of the report's date of birth based on a date of birth range, where further manual review shows that the date of birth of the individual in the sex offender registry differs from your date of birth, then you are included in this Settlement as a "Settlement Class Member." Records from RealPage and certain jurisdictions reflect that the sex offender data reported on your report met those criteria.

This notice informs you about the proposed Settlement and your rights. Before any final judgment is entered, the Court will have a hearing to decide whether to approve the proposed Settlement. The proposed Settlement will be only finally approved after any objections or appeals are resolved. If the proposed Settlement is finally approved, then you will benefit from the relief provided by the proposed Settlement. Once the proposed Settlement is final, you will also be bound by the release and other provisions of the proposed Settlement.

This notice is only a summary of the proposed Settlement. More details about the proposed Settlement, the date when appeals are no longer allowed and the Settlement is final, deadlines for certain actions, and your options are available in a longer document called the Settlement Agreement. You can get a copy of the Settlement Agreement by visiting www.SORSettlement.com.

The class action lawsuit is known as *Joshua Saylor v. RealPage, Inc.*, No. 1:22-cv-00053, and is pending in the United States District Court for the Eastern District of Virginia, with Judge Trenga presiding. The individual who sued is called the Plaintiff; the company that he sued is called the Defendant. The Plaintiff is Joshua Saylor. The Defendant is RealPage, Inc.

2. What is this lawsuit about?

The lawsuit alleges that RealPage violated the FCRA by using criteria that allowed sex offender registry data to be included on tenant screening reports, even though the actual dates of birth associated with the sex offenders did not ultimately match the applicant's date of birth. RealPage denies plaintiff's allegations and denies that RealPage is liable to plaintiff or any of the putative Settlement Class Members. RealPage has asserted many defenses, including the fact that full dates of birth are not publicly available from many state sex offender registries. The Court has not decided whether either side is right or wrong. Instead, both sides agreed to the Settlement to resolve the case and provide benefits to the class.

The Named Plaintiff here, Joshua Saylor, filed this case as a proposed class action. When the parties reached this proposed Settlement, the Court had not decided whether the case could be a class action. As part of the proposed Settlement, the Court certified a tentative class action for Settlement purposes only, under Rule 23(b)(3). If the proposed Settlement is not finally approved, then the Court may later determine if the case may proceed as a class action.

3. How do I know if I am part of the proposed Settlement?

The Court has decided that everyone who fits the following description is a Settlement Class Member:

All persons residing in the United States of America (including its territories and Puerto Rico) who from June 14, 2017 through March 2, 2021, were the subject of a report sold by RealPage that included a record from a sex offender registry, with the sex offender registry record on the report having matched the subject of the report based on a date of birth range, where further manual review shows that the date of birth of the individual in the sex offender registry differs from the date of birth of the applicant who was the subject of the report.

The individuals to whom this notice was sent have been identified as Settlement Class Members based on the business records maintained by RealPage and further manual review of additional information.

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4. What benefits does the proposed Settlement provide?

The proposed Settlement benefits include both monetary (money) and injunctive (practice changes) relief. An injunction occurs when a court orders a person to do or not to do something. In particular, the Settlement provides for the following benefits.

The Settlement establishes a Settlement Fund that contains \$9,731,570 for payments to class members. The Settlement Fund provides for payments to Settlement Class Members as follows:

All Settlement Class Members will receive a portion of the Settlement Fund divided equally between all Settlement Class Members. Class Counsel estimates that the amount of those payments would be approximately \$300. However, the final amount of the payment may be more or less. The final payment amount for this portion of the Settlement will be determined based on how many people submit Claims for an additional payment, as well as on the amount awarded by the Court for Settlement administration costs, attorneys' fees and expenses, and a class representative service payment.

A Settlement Class Member can also receive an additional payment from the Settlement Fund in one of two ways.

First, any Settlement Class Member identified under Section 4.2.1 of the Settlement Agreement, who disputed to RealPage the inclusion of sex offender data on a report during the class period pursuant to the FCRA's dispute provisions, which resulted in RealPage removing the sex offender data at issue ("Settlement Class Members Who Disputed"), will receive a payment that equates to a total of twice the amount paid to Settlement Class Members who did not submit a dispute.

Second, each Settlement Class Member who provides proof that he or she was delayed in obtaining or denied a housing opportunity as a result of RealPage's inclusion of sex offender data on a report during the class period can submit a claim form for payment by signing the attached claim form attesting that his or her housing application was delayed or denied due to RealPage's inclusion of sex offender data on a report during the class period. Individuals who submit a valid Claim Form will receive an additional payment in the same amount paid to Settlement Class Members Who Disputed.

The proposed Settlement also provides that RealPage will agree to make changes to its practice, which are described in the Consent Injunctive Relief Order that is available on the Settlement website.

No class members will have to pay or buy anything to benefit from the relief provided by the Settlement Agreement.

5. How do I submit a claim form to receive an additional payment from the Claims Fund?

If your housing application was delayed or denied due to RealPage inaccurately including sex offender data on a report during the class period, please complete the attached claim form and mail it to Saylor v. RealPage, Inc., c/o Settlement Administrator, P.O. Box 16, West Point, PA 19486. Your claim form must be postmarked by August 1, 2022. You may also submit a claim form at the Settlement website, www.SORSettlement.com.

6. How does the proposed Settlement affect my rights?

In general terms, if the proposed Settlement is finally approved by the Court, then you will be giving up the right to file a lawsuit against RealPage or its related companies for certain claims regarding the inclusion or accuracy of sex offender data. Specifically, you will be giving up the right to bring any claims resulting from, arising out of, or regarding the inclusion of sex offender data, or the accuracy of sex offender data, in reports published by RealPage during the class period. You will be giving up all such claims whether or not you know about them.

The precise terms of the dismissal and release are explained in the Settlement Agreement, which you can view on the Settlement website, www.SORSettlement.com.

Unless you opt-out of the Settlement, the Court's order will apply to you even if you object to the Settlement or have any other claim, lawsuit, or proceeding pending against RealPage. If you have any questions about the release, then you should visit www.SORSettlement.com for more information or consult with a lawyer. See Section 8 below for more information regarding your options in seeking legal advice concerning the Settlement.

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7. Can I choose not to be in the proposed Settlement?

Yes. You have the opportunity to opt-out of the Settlement by submitting a written Request for Exclusion to Saylor v. RealPage, Inc., c/o Settlement Administrator, P.O. Box 16, West Point, PA 19486, postmarked by August 1, 2022. To be valid, a Request for Exclusion must be personally signed and must include: (i) your name, address and telephone number; (ii) and a statement substantially to the effect that: "I request to be excluded from the Settlement Class in *Joshua Saylor v. RealPage, Inc.*" Notwithstanding the foregoing, no person within the Settlement Class may submit a Request for Exclusion for any other person in the Settlement Class. If a Settlement Class Member submits both a Request for Exclusion and a Claim Form, the Claim Form shall take precedence and the individual shall *not* be deemed to have validly excluded himself or herself from the Settlement.

If you timely submit a valid Request for Exclusion, you will exclude yourself from the Settlement Class. You will not receive the benefits of the Settlement and you will not be bound by further orders or judgments in the Litigation, subject to Court approval. You will preserve your ability to independently pursue, at your own expense, any individual, claims that you claim to have against RealPage. No person who has opted out of the Settlement may object to any part of the Settlement Agreement.

8. Do I have a lawyer in this case?

Yes. The Court approved the following individuals to represent you and other class members:

E. Michelle Drake and John G. Albanese
Berger Montague PC
1229 Tyler Street NE, Suite 205
Minneapolis, MN 55413

If you have questions about the Settlement or this Notice, you may also call 1-800-237-2327 or email SORSettlement@bm.net.

The Court has appointed these lawyers as Class Counsel. You will not be personally charged for these lawyers. You may hire your own attorney, if you so choose, but you will be personally responsible for your attorney's fees and expenses.

9. How will the lawyers be paid? What will the Class Representatives receive?

The attorneys representing the class have handled this case on a contingency basis. To date, they have not been paid anything for their work. Class Counsel will request that the Court award attorneys' fees and expenses for the time and effort they have spent on this case. The amount that will be requested by Class Counsel as attorneys' fees will be no greater than \$3,243,856 plus reasonable out-of-pocket expenses and a Named Plaintiff service award for the Named Plaintiff of up to \$7,500. Class Counsel will file a motion for their attorneys' fees and expenses on or before July 15, 2022.

Any approved amount of attorneys' fees and expenses or Named Plaintiff service awards will be paid from the Settlement Fund, and no class member will owe or pay anything directly for the attorneys' fees and expenses of Class Counsel.

10. How do I tell the Court if I do not agree with the proposed Settlement?

If you are a Settlement Class Member, then you can object to the proposed 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 object to this Settlement Agreement, you must file your objection in writing with the Clerk of the Court no later than August 1, 2022. You must also provide a copy of your objection to the Settlement Administrator by mailing it to Saylor v. RealPage, Inc., c/o Settlement Administrator, P.O. Box 16, West Point, PA 19486. The objection must include the following: (1) your full name, address and current telephone number; (2) the name and telephone number of your counsel, if you are represented by an attorney and if counsel intends to submit a request for fees, and all factual and legal support for that request; (3) all objections

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and the basis for any such objections stated with specificity, including a statement as to whether the objection applies only to the objector, to a specific subset of the class, or to the entire class; (4) the identity of any witnesses you may call to testify; (5) a listing of all exhibits you intend to introduce into evidence at the Final Approval Hearing, if any, as well as true and correct copies of all exhibits; and (6) a statement of whether you intend to appear at the Final Approval Hearing, either with or without counsel. If you fail to timely file and serve a written objection, you shall not be permitted to object to the approval of the Settlement or Settlement Agreement and shall be foreclosed from seeking any review of the Settlement or the terms of the Settlement Agreement by appeal or other means.

You will not be permitted to object to the Settlement or the Settlement Agreement if you decide to exclude yourself from the Settlement.

11. When and where will the Court decide whether to finally approve the proposed Settlement?

The Court will hold a Final Approval Hearing on September 21, 2022, at 10:00 a.m., before the Hon. Anthony J. Trenga, in the United States District Court for the Eastern District of Virginia in Alexandria.

At this hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and adequate. The Court will consider all timely and proper objections. You do not have to attend the hearing.

The Court will also decide how much to award Class Counsel and the Named Plaintiff. After the hearing, the Court will decide whether to finally approve the proposed Settlement.

The Court may change the date of the Final Approval Hearing or elect to hold the hearing via videoconference or teleconference without further notice to the Class. You should check the website, www.SORSettlement.com to check on the hearing date, the court-approval process, and the Effective Date.

12. How do I get more information?

This notice is only a summary of the proposed Settlement. More details about the proposed Settlement, the date when appeals are no longer allowed and the Settlement is final, deadlines for certain actions, and your options are available in a longer document called the Settlement Agreement. You can get a copy of the Settlement Agreement by visiting www.SORSettlement.com. The website also contains answers to common questions about the proposed Settlement. In addition, some of the key documents in the case will be posted on the website. You can also write or call Class Counsel at the contact information listed above.

PLEASE DO NOT ADDRESS QUESTIONS ABOUT THE SETTLEMENT OR THE LITIGATION TO THE CLERK OF THE COURT OR TO THE JUDGE. THEY ARE NOT PERMITTED TO ANSWER YOUR QUESTIONS.

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