

THE  
NATIONAL LAW REVIEW

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## How Much is a FCRA Violation Going to Cost you? Possibly \$29 a Head.

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Tuesday, September 18, 2018

The Northern District of California recently granted preliminary approval of a class action settlement in *Esomonu v. Omnicare, Inc.*, No. 15-cv-02003-HSG, 2018 U.S. Dist. LEXIS 142110 (N.D. Cal. Aug. 21, 2018). In this case, plaintiff was employed by defendant. Like many employers, defendant required the plaintiff, and other job applicants, to fill out and sign a background check and authorization form and a related waiver of liability. After filling out these documents, plaintiff filed a class action suit in May 2015 alleging that defendant violated FCRA by (1) embedding extraneous information in the FCRA disclosures, rather than having a stand-alone document; (2) failing to alert plaintiff that she could request a summary of her rights under FCRA; and (3) unlawfully obtaining credit and background reports of plaintiff and other employees. The class consisted of approximately 45,000 members.

In June 2016, the parties filed an initial preliminary motion to approve a class action settlement. The Court ultimately denied this motion because under the proposed settlement, the named plaintiff was to receive \$10,000, which was disproportionate to the monies the other class members would receive and would not be disclosed to the other class members.

But try and try again. With the assistance of a mediator, the parties reached agreement on a different settlement. This proposed settlement was for \$1.3 million to the class, plus attorneys' fees not to exceed \$433,333. This comes out to approximately \$29 per person. The parties moved for preliminary approval of the settlement, and the Court granted the motion, likely paving the way for this settlement to be fully approved and finalized. \$29 can quickly add up, with thousands of job applicants in a proposed class, not to mention the payment of attorneys' fees.

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