

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

## A proposed class action settlement may affect your rights.

*A federal court authorized this notice. This is not a solicitation from a lawyer. You are not being sued.*

- There is a proposed settlement in a class action lawsuit entitled *Craig Kromrey et al. v. Capital One, N.A.*, No. 3:24cv575, which claims that Capital One, N.A. (“Capital One”) violated the Fair Credit Reporting Act (“FCRA”). The Plaintiffs allege claims on behalf of a class of similarly situated individuals, asserting that Capital One violated the FCRA by failing to investigate certain credit card holders’ disputes that they were erroneously reported deceased to the credit reporting agencies. Capital One denies the Plaintiffs’ allegations and denies that Capital One is liable to the Plaintiffs or any of the putative settlement class members.
- **If you do not opt out of the proposed settlement, you will receive a cash payment for your statutory damages. Whether you act or not, your legal rights are affected by the proposed settlement. Your rights and options—and the deadlines to exercise them—are explained in this notice. Please read this notice carefully in its entirety.**
- The settlement does not pay you for any actual damages you may have incurred. You can reach out to Class Counsel or your own lawyer for more information about possible actual damages claims you may have. There is a statute of limitations for actual damages claims that accrues the earlier of five years from the violation or two years from the date of the discovery of the violation.

| YOUR LEGAL RIGHTS AND OPTIONS IN THIS PROPOSED SETTLEMENT |                                                                                                                                                                                                                                                                                          |                                                  |
|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| Your Rights and Options                                   | What to Do                                                                                                                                                                                                                                                                               | Deadlines to Do It                               |
| <b>Object to the Settlement</b>                           | Write to the Court about why you do not like the proposed settlement; for more information regarding objecting, please read Section 9 below.                                                                                                                                             | Postmarked on or before <u>February 18, 2026</u> |
| <b>Opt out of the Settlement</b>                          | Write to the Settlement Administrator stating that you do not wish to participate in the proposed settlement. See Section 6 below. If you validly opt out, you will not receive any monetary payments from the settlement.                                                               | Postmarked on or before <u>February 18, 2026</u> |
| <b>Do Nothing</b>                                         | You are not required to take any action to receive the automatic benefits of the proposed settlement. If the proposed settlement is finally approved and you do not opt out, then you will be bound by the Court’s final judgment and the release of claims in the Settlement Agreement. | None                                             |

Questions – call toll-free 1-800-566-8119 or email [info@creditreportingsettlement.com](mailto:info@creditreportingsettlement.com) or visit [www.creditreportingsettlement.com](http://www.creditreportingsettlement.com)  
Para una notificación en Español, llamar o visitar nuestro sitio web.

## **1. Does this Notice apply to me?**

If Capital One reported you as deceased to the credit reporting agencies; Capital One received one or more disputes submitted to the credit reporting agencies between August 13, 2019, and December 3, 2025 about your Capital One credit card account(s); and in response to one or more of those disputes, Capital One did not correct its deceased reporting, this Notice applies to you. Records from Capital One indicate you would be a class member.

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 finally approved only 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.creditreportingsettlement.com](http://www.creditreportingsettlement.com).

The class action lawsuit is known as *Craig Kromrey et al. v. Capital One, N.A.*, Case No. 3:24cv575, and is pending in the United States District Court for the Eastern District of Virginia, with Judge Robert E. Payne presiding. The individual who sued is called the Plaintiff; the company that he sued is called the Defendant. The Plaintiffs are Craig Kromrey and Gregory Miller. The Defendant is Capital One.

## **2. What is this lawsuit about?**

The lawsuit alleges that Capital One violated the FCRA by failing to investigate certain credit card holder's disputes that they were erroneously reported deceased to the credit reporting agencies. Capital One denies the Plaintiffs' allegations and denies that Capital One is liable to the Plaintiffs or any of the putative settlement class members. The Court has not decided whether either side is right or wrong. Instead, both sides agreed to settle the case and provide benefits to the class.

The Named Plaintiffs here, Craig Kromrey and Gregory Miller, 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 Federal Rule of Civil Procedure 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 natural persons (1) who were reported as deceased by Capital One to the CRAs based on information related to their credit card accounts and (2) about whose credit card accounts Capital One received one or more disputes from the CRAs that were submitted between August 13, 2019, and the date when the Court grants preliminary approval of the class settlement; and (3) in response to one or more of those disputes, Capital One did not correct its deceased reporting.

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Because you have received this Notice, you have been identified as a class member based on the business records maintained by Capital One.

#### **4. What benefits does the proposed settlement provide?**

The proposed settlement benefits provide a monetary payment. The settlement fund contains \$2,400,000 from which Settlement Class Members will receive payments. The amount you receive will depend on the number of Settlement Class Members. Pursuant to the Court's approval, the Settlement Fund will also be used to pay a Service Award of up to \$10,000 for each Class Representative, attorneys' fees awarded to Class Counsel, reimbursement of Class Counsel's litigation expenses and costs, and Administrative Costs of the Settlement Administrator.

**You are not releasing any claim you may have against a consumer reporting agency. If you would like to understand your rights and potential claims against a consumer reporting agency, you can contact Class Counsel.**

Any Residual Funds that are not feasible and practical to distribute to individual Settlement Class Members will be provided to Central Virginia Legal Aid Society.

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

#### **5. 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 Capital One for claims resulting from, arising out of, or regarding Capital One's investigations of disputes you made during the class period. You will not give up your right to bring a claim for actual damages under the FCRA based on Capital One's investigations of these disputes. You will be giving up all such claims whether or not you know about them.

You are not releasing any claims you have for actual damages you may have incurred due to Capital One's conduct. You can contact Class Counsel or your own lawyer to understand your rights as to any claims you may have for actual damages. There is a statute of limitations for actual damages claims that you may have that accrues the earlier of five years from the violation or two years from the date of the discovery of the violations.

**The precise terms of the dismissal and release are explained in the Settlement Agreement, which you can view on the settlement website, [www.creditreportingsettlement.com](http://www.creditreportingsettlement.com).**

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 Capital One for violations of the FCRA. If you have any questions about the release, then you should visit [www.creditreportingsettlement.com](http://www.creditreportingsettlement.com) for more information or consult with a lawyer. See Section 7 below for more information regarding your options in seeking legal advice concerning the settlement.

#### **6. 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 Kromrey v Capital One, c/o Settlement Administrator, PO Box 23698, Jacksonville, FL 32241-3698, postmarked no later than thirty (30) days before the Final Approval Hearing in this action. To be valid, a Request for

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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 File Disclosure Settlement Class in *Craig Kromrey et al. v. Capital One, N.A.*, No. 3:24cv575, United States District Court, Eastern District of Virginia.” Notwithstanding the foregoing, no person within the Settlement Class may submit a Request for Exclusion for any other person in the Settlement Class.

If you timely submit a valid Request for Exclusion, you will exclude yourself from the Settlement Class and 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, non-class, non-representative claims that you claim to have against Capital One. No person who has opted out of the settlement may object to any part of the Settlement Agreement.

## **7. Do I have a lawyer in this case?**

Yes. The Court approved the following individuals to represent you and other Settlement Class Members:

- Kristi Kelly, Andrew Guzzo, Casey Nash, Pat McNichol and Matt Rosendahl of Kelly Guzzo, PLC at 3925 Chain Bridge Road, Suite 202, Fairfax, Virginia 22030. Telephone: (703) 424-7570.
- E. Michelle Drake and Joseph Hashmall of Berger Montague PC, 1229 Tyler Street NE, Suite 205, Minneapolis, MN 55413. Telephone: (800) 424-6690.

The Court has appointed these lawyers as Class Counsel. You will not be charged for these lawyers. You may hire your own attorney, if you choose, but you will be personally responsible for your attorney’s fees and expenses. **If you have questions about potential claims that you may have against the consumer reporting agencies, you can reach out to Class Counsel to understand your rights.**

## **8. 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 will be \$800,000, and a service award for each of the Named Plaintiffs of up to \$10,000.

Any approved attorneys’ fees and expenses or the Named Plaintiffs’ service award will be paid separately from the Settlement Funds, and no Settlement Class Member will owe or pay anything directly for the attorneys’ fees and expenses of Class Counsel. If the Court approves this request, it will not reduce the amount you are eligible to receive as part of the settlement.

## **9. 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 Court no later than thirty (30) days prior to the final approval hearing. You must also provide a copy of your objection to Kromrey v Capital One, c/o Settlement Administrator, PO Box 23698, Jacksonville, FL 32241-3698. 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 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.

#### **10. When and where will the Court decide whether to finally approve the proposed settlement?**

The Court will hold a final approval hearing on March 20, 2026, before the Hon. Robert E. Payne, in the United States District Court for the Eastern District of Virginia in Richmond, Virginia.

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 may also decide how much to award Class Counsel and the Named Plaintiffs. 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 without further notice to the Class. You should check the website, [www.creditreportingsettlement.com](http://www.creditreportingsettlement.com), after January 7, 2026, to confirm the hearing date, the court-approval process, and the Effective Date.

#### **11. 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.creditreportingsettlement.com](http://www.creditreportingsettlement.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.