

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**BENJAMIN MCKEY,**

)

*Plaintiff,*

)

**v.**

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Case No. 2:22-cv-01908-GJP

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**TENANTREPORTS.COM, LLC**

)

*Defendant.*

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**[PROPOSED] CONSENT INJUNCTIVE RELIEF ORDER**

On June 1, 2023, Xactus, LLC, as the successor in interest to certain assets of Tenantreports.com, LLC (“TRC”), and Plaintiff Benjamin McKey entered into a Settlement Agreement and Release. Pursuant to the Settlement and Release Agreement, TRC, without admitting any of the allegations in the Complaint, consents to the entry of this Order:

1. For the next three (3) years after final approval of the settlement, TRC will implement automatic filters that will search for records that are slated to be included on a screening report that meet the following criteria: (1) the record is a criminal record associated with an offense that did not result in a conviction; and (2) the earliest date in TRC’s records associated with that criminal record is more than seven (7) years before the date of the report. TRC will then remove records that meet the criteria above before finalizing the screening report at issue.

2. The Parties agree that TRC cannot guarantee this automated filtering process will filter out every single record that may fit the criteria in Paragraph 1 above. As a result, TRC complies with the injunctive relief order if it makes a good faith effort to implement the filtering process described above.

3. The injunctive relief discussed in Paragraph 1 above will take effect no later than six months after the date of this Order. Notwithstanding this provision, if TRC is unable to comply

with this deadline, TRC shall receive a reasonable extension of time sufficient to permit completion of the task upon submission of an application to the Court showing good cause for the extension.

4. If, during the period of the injunctive relief above, TRC believes that changes have occurred in federal, state or local law, or through other applicable regulations or administrative actions, that alter TRC's obligations with respect to the requirements under 15 U.S.C. § 1681c(a) as they pertain to the age of non-conviction records that may be reported, TRC is permitted to modify the procedures discussed in Paragraph 1 above in the manner it deems necessary to maintain compliance with the law. At the time of the change, TRC must provide notice of the change to Class Counsel. If Class Counsel, acting in good faith, disagrees that the change is consistent with changes in the applicable law, they shall provide TRC with written notice of any objections to the proposed change, and the reasons for the same, within fifteen (15) days of TRC's communication notifying Class Counsel of the change. Thereafter, if TRC and Class Counsel cannot reach agreement on the proposed change, TRC must petition the Court for approval of the proposed change. TRC may continue implementing the change during the time the parties await a ruling from the Court.

**IT IS SO ORDERED**

ENTERED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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Gerald J. Pappert  
United States District Judge