

NOTICE OF CLASS ACTION SETTLEMENT

Siragusa v. Advance Financial Federal Credit Union, Case No. 2:09-cv-328
United States District Court, Northern District of Indiana, Hammond Division

IF YOU USED THE ADVANCE FINANCIAL FEDERAL CREDIT UNION ATM LOCATED AT 1544 WEST 36TH AVE., GARY, INDIANA BETWEEN OCTOBER 7, 2008 AND OCTOBER 6, 2009 (“THE CLASS PERIOD”), AND WERE CHARGED A FEE FOR THE USE OF THAT ATM, YOU MAY BE A CLASS MEMBER. THIS SETTLEMENT MAY AFFECT YOUR RIGHTS.

**THIS IS A SUMMARY NOTICE -- FOR MORE INFORMATION, PLEASE VISIT
WWW.CACLAWYERS.COM/ADVANCEFINANCIAL**

Charles Siragusa (“Plaintiff”) sued Advance Financial Federal Credit Union (“Defendant”) alleging that Defendant’s ATM located on 36th Avenue in Gary, Indiana violated the Electronic Funds Transfer Act, 15 U.S.C. § 1693 *et seq.*, (“EFTA”), and its implementing regulation, 12 C.F.R. § 205.1 *et seq.*, by failing to have an appropriate surcharge fee notice posted. To avoid the continued expense of litigation, Defendant has agreed to settle this matter. Under the EFTA, a class may recover up to a maximum of 1% of a defendant’s net worth or \$500,000.00, whichever is less, plus any actual damages, attorneys’ fees and costs. Based upon its net worth and the number of ATM transactions during the class period (approximately 4,865), Defendant here has agreed to establish a Settlement Fund of \$50,000.00. Class members may claim in to the Settlement Fund to receive up to \$1,000.00, the maximum statutory damages available to an individual under EFTA. From the Settlement Fund, Defendant will also pay Plaintiff’s counsel \$15,000.00 in attorneys’ fees and costs for prosecuting this case (subject to court approval), pay Plaintiff Charles Siragusa \$1,000.00 for his services as class representative, and pay the costs of notice and administration (not to exceed \$10,000.00). Any Funds remaining after payment of costs of notice, payment to class representatives, class members and class counsel, will be distributed as a *cy pres* to the March of Dimes, Northwest Indiana Division.

On July 8, 2010 at 11:00 a.m. Central Standard Time, at the United States District Court, 5400 Federal Plaza, Hammond, Indiana 46320, Judge Springmann will hold a hearing to decide whether to finally approve this settlement. You may, but are not required to, attend the hearing. If the settlement is approved, all Class Members will be bound by the resulting judgment and court orders, and eligible Class Members will be entitled to claim benefits under the settlement.

You have three choices:

1) If you want to receive your *pro rata* share of the Settlement Fund, up to a maximum of \$1,000.00, you must submit a completed Claim Form, **postmarked by May 15, 2010** to the Settlement Administrator, First Class, Inc., 5410 W. Roosevelt Rd., Unit 222, Chicago, IL 60644. By accepting settlement under the terms you are releasing any and all claims known and unknown against Advance Financial Federal Credit Union relating to the ATM fee notice claims raised in the Lawsuit. Failure to submit a Claim Form will mean you receive no money but are still governed by the Release. Download a Claim Form at www.caclawyers.com/advancefinancial or call Class Counsel at (312) 782-5808 to request a Claim Form.

2) If you do not want to participate in the Settlement you must write a letter stating, “EXCLUDE ME FROM THE *SIRAGUSA VS. ADVANCE FINANCIAL FEDERAL CREDIT UNION* SETTLEMENT. I UNDERSTAND THAT BY OPTING OUT OF THE SETTLEMENT, I WILL NOT RECEIVE ANY BENEFITS THAT I WOULD OTHERWISE BE ENTITLED TO IF I PARTICIPATED IN THE SETTLEMENT CLASS.” Include your name and address and mail the letter to the Settlement Administrator, First Class, Inc., 5410 W. Roosevelt Rd., Unit 222, Chicago, IL 60644. Your letter must be **postmarked by May 15, 2010** to be valid.

3) If you think the Settlement is unfair, you may object to it by writing a memo stating the specific reasons for your objection and filing it with the Clerk’s Office (United States Courthouse, 5400 Federal Plaza, Suite 2300, Hammond, Indiana) and sending a copy to Class Counsel, Lance Raphael of The Consumer Advocacy Center, P.C., 180 W. Washington St., Ste. 700, Chicago, IL 60602 and to Defendant’s Counsel, Robert L. Clark, Ogletree Deakins, Two First National Plaza, 20 S. Clark Street, 25th Floor, Chicago, IL 60603, **postmarked on or before May 15, 2010.**

For more information, visit www.caclawyers.com/advancefinancial or contact Class Counsel at (312) 782-5808.