

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

ROBERT BURRIS,)	
)	
Plaintiff,)	
)	No. 09 CV 302
v.)	
)	Judge Randa
AMCORE BANK,)	
)	
Defendant.)	

PRELIMINARY APPROVAL ORDER

This matter coming before the Court on the joint request of the parties for preliminary approval of a Class Action Settlement Agreement and Release, and based upon the papers submitted to the Court and all of the proceedings had in this matter to date, IT IS HEREBY ORDERED:

1. Solely for purposes of settlement, the following Settlement Class is certified pursuant to Fed. R. Civ. P. 23(b)(3): All persons who, from March 17, 2008 to today, were charged a transaction fee for the use of any of the following automated teller machines operated by AMCORE Bank:

2365 N. Mayfair Rd., Wauwatosa, WI
4702 Verona Rd., Madison, WI
400 S. County Farm Rd., Wheaton, IL
426 W. Army Trail Rd., Carol Stream, IL
798 S. Randall Rd., Algonquin, IL
1800 S. Elmhurst, Mt. Prospect, IL
228 S. Main St., Rockford, IL
501 Seventh St., Rockford, IL
1275 Bennington Rd., Rockford, IL
1480 S. Alpine, Rockford, IL
677 Lake Cook Rd., Deerfield, IL
1033 W. VanBuren St., Chicago, IL
1180 E. Higgins Rd., Schaumburg, IL
1530 W. Lane, Machesney Park, IL
2810 S. Highland, Lombard, IL
4104 Shamrock Lane, McHenry, IL
5100 Northwest Highway, Crystal Lake, IL
8930 Waukegan Rd., Morton Grove, IL
16057 S. LaGrange Rd., Orland Park, IL
40 W. 75 th St., Willowbrook, IL
2253 N. Richmond Rd., McHenry, IL

2. Based on the parties' stipulations, and for settlement purposes only: (A) the class as defined is sufficiently numerous such that joinder is impracticable; (B) common questions of law and fact predominate over any questions affecting only individual Class Members, and include whether or not the ATM machines identified above violated the fee notice requirements of the Electronic Funds Transfer Act, 15 U.S.C. § 1693 *et seq.*, and its implementing regulation, 12 C.F.R. § 205.1 *et seq.*; (C) the claims of Plaintiff Robert Burris is typical of the Class Members' claims; (D) Plaintiff Robert Burris is an appropriate and adequate representative for the Class and his attorneys, Lance A. Raphael, Stacy M. Bardo and Allison A. Krumhorn of The Consumer Advocacy Center, P.C. and Aron D. Robinson of The Law Offices of Aron D. Robinson are hereby appointed as Class Counsel; and (E) a class action is the superior method for the fair and efficient adjudication of the claims of the Class Members.

3. The Court finds that the proposed settlement is within the range of fairness and reasonableness and grants preliminary approval to it. In the event that the proposed settlement is not finally approved for any reason, Defendant shall, pursuant to the Settlement Agreement, retain its right to contest certification of the Class.

4. The Court approves the proposed forms of notice to the Class, and directs that notice be implemented in accordance with Section 2.5 of the Settlement Agreement. Counsel will file an affidavit with the Court, at least 5 business days prior to the Final Approval Hearing, attesting that notice has been so published and posted.

5. The Court finds that the notice proposed in Section 2.5 of the Settlement Agreement is the only notice to the Class Members that is required and further finds that such notice satisfies the requirements of due process and Fed. R. Civ. P. 23.

6. Class Members shall have sixty (60) days after today's date to send in a claim form, opt out or object to the proposed Settlement Agreement. The Settlement Fund is to be established within 5 business days of today's date (as provided in Section 2.2 of the Class Action Settlement Agreement and Release), and Class Notice is to be issued within 14 days of today's date.

7. Any Class Member who wants to receive a monetary portion of the Settlement Fund shall file a Claim Form, which will be available for download at www.caclawyers.com/amcorebank or by contacting Class Counsel. To be timely, a Claim Form must be sent to the Class Settlement Administrator and postmarked within 60 days after today's date.

8. Any Class Member who desires to exclude himself or herself from the Class shall not be bound by the Settlement Agreement and shall not be entitled to any of its benefits. To be timely, a request for exclusion must be sent to the Class Settlement Administrator and postmarked within 60 days after today's date. To be effective, the request for exclusion must make clear that exclusion is sought by stating: "I WANT TO BE EXCLUDED FROM THE SETTLEMENT CLASS IN *BURRIS V. AMCORE BANK*." The request for exclusion must also contain the excluded Class Member's name, address, and signature.

9. Any Class Member who objects to the Settlement contemplated by the Agreement shall have a right to appear and be heard at the Final Approval Hearing provided that such Class Member files with the Clerk's Office and delivers to Class Counsel and Defendant's Counsel a written notice of objection together with a statement of reasons for the objection, postmarked within 60 days after today's date. Class Counsel and Defendant's Counsel may, but need not, respond to the objections, if any, by means of a memorandum of law served no later than 5 days prior to the Final Approval Hearing.

10. A Final Approval Hearing on the fairness and reasonableness of the Settlement Agreement will be held before this Court on June 2, 2010 at 10:30 A.M..

SO ORDERED:

s/ Rudolph T. Randa
Honorable Rudolph T. Randa
United States District Judge