

FIFTH THIRD BANK ATMs
NOTICE OF CLASS ACTION SETTLEMENT

Anthony v. Fifth Third Bank (Chicago), Case No. 08 C 4359

IF YOU USED ONE OF THE FIFTH THIRD BANK ATMS REFERENCED IN THE NEXT PARAGRAPH BETWEEN JULY 31, 2007 AND JULY 31, 2008, AND WERE CHARGED A FEE FOR THE USE OF THAT ATM, YOU MAY BE A CLASS MEMBER. THIS SETTLEMENT MAY AFFECT YOUR RIGHTS.

This Notice relates only to five (5) specific Fifth Third Bank ATMs in Chicago, IL, which are located at 2811 N. Narragansett Ave., 2934 N. Lincoln Ave., and in the Merchandise Mart and concerns a lawsuit about the charging of fees at these ATMs. Mr. Anthony sued Fifth Third Bank under a law called the Electronic Funds Transfer Act on the grounds that the ATMs had posted fee notices that disclosed the wrong amount of the fee or that the ATMs did not have posted fee notices. Fifth Third Bank denies Mr. Anthony's claims but has agreed to a settlement of the case.

The settlement includes everyone who was charged a fee for using the ATMs between July 31, 2007 and July 31, 2008. These people are called "Class Members," and the time period that is covered is called the "Class Period." Under the law, the maximum that a group of people may recover in a case like this one is the lesser of 1% of Fifth Third Bank's net worth or \$500,000, plus any actual damages that the class members suffered. Fifth Third Bank has stated that during the Class Period, there were approximately 19,300 transactions in which persons were charged ATM fees at the subject ATMs during the Class Period. Fifth Third Bank has agreed to establish a Settlement Fund of \$190,000 to settle the case. Class Members may make a claim on the Settlement Fund to receive a pro rata share, up to a maximum of \$1,000. The most an individual filing his own lawsuit could recover is \$1,000 plus any actual harm suffered, so the attorneys believe that a settlement allowing Class Members to make a claim for up to \$1,000 is fair and reasonable. The Settlement Fund will also be used to pay the costs of notifying Class Members of the settlement, the lawyers who filed the lawsuit their reasonable attorney fee, not to exceed \$57,000, and Mr. Anthony \$2,000 for his services as the class representative.

On August 18, 2009 at 9:00 a.m., Magistrate Judge Schenkier will hold a hearing to decide whether to finally approve this settlement. **YOU DO NOT NEED TO ATTEND.** 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 July 27, 2009 to Information Consulting Group, U.S. Bank National Association, 225 Water Street, Jacksonville, FL 32202, attn. Stephanie Moore. Failure to submit a Claim Form will mean you receive no money but are still governed by a Release of your rights to sue Fifth Third Bank for the ATM fee notice claims raised in this Lawsuit. Download a Claim Form at www.caclawyers.com 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 *ANTHONY V. FIFTH THIRD BANK* SETTLEMENT." Include your name and address and mail the letter to Information Consulting Group, U.S. Bank National Association, 225 Water Street, Jacksonville, FL 32202, attn. Stephanie Moore. Your letter must be postmarked by July 27, 2009 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 Court at 219 S. Dearborn St., Chicago, Illinois 60604 on or before July 27, 2009 and sending a copy to Class Counsel at 180 W. Washington St., Ste. 700, Chicago, IL 60602 and to Steven A. Levy, Goldberg Kohn, 55 E. Monroe St., Ste. 3300, Chicago, IL 60603.

For more information, visit www.caclawyers.com or contact Class Counsel Lance Raphael of The Consumer Advocacy Center, P.C. at (312) 782-5808.

**DO NOT CONTACT THE COURT FOR INFORMATION,
AS IT WILL NOT BE ABLE TO ASSIST YOU**