

## **NOTICE OF CLASS ACTION SETTLEMENT**

*Boecherer v. Burling Bank*, Case No. 08 C 1332

**IF YOU USED AN ATM AT BURLING BANK, 141 W. JACKSON BLVD., CHICAGO, IL 60604 BETWEEN AUGUST 23, 2007 AND FEBRUARY 11, 2008 (“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 Notice concerns a lawsuit about the charging of ATM fees. Mr. Boecherer sued Burling Bank under a law called the Electronic Funds Transfer Act on the grounds that Burling Bank’s automated teller machines (“ATMs”) did not have fee notices posted on the outside of them advising consumers that a fee may be charged for using the ATMs. Burling Bank denies Mr. Boecherer’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 August 23, 2007 and February 11, 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 Burling Bank’s net worth or \$500,000, plus any actual damages that Class Members suffered. There are approximately 5,327 Class Members who were charged ATM fees during the Class Period. Burling Bank has agreed to establish a Settlement Fund of \$112,500 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 lawyers who filed the lawsuit their reasonable attorney fee, not to exceed \$75,000, Mr. Boecherer \$2,500 for his services as class representative and the cost of notifying Class Members of the settlement.

On June 16, 2010 at 10:00 a.m., Magistrate Judge Denlow will hold a hearing to decide whether to finally approve this settlement. **YOU DO NOT NEED TO ATTEND BUT ARE WELCOME TO.** 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, you must submit a completed Claim Form, **postmarked by May 22, 2010** to the Settlement Administrator, First Class, Inc., 5410 W. Roosevelt Rd., Unit 222, Chicago, IL 60644. **Failure to submit a Claim Form will mean you receive no money but are still governed by a Release of your rights to sue Defendant for the ATM fee notice claims raised in this Lawsuit.** Download a Claim Form at [www.caclawyers.com/burling](http://www.caclawyers.com/burling) 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 *BOECHERER V. BURLING BANK* SETTLEMENT.” 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 22, 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 Court at 219 South Dearborn Street, Chicago, Illinois 60604 **on or before May 22, 2010** and sending a copy to The Consumer Advocacy Center, P.C. at 180 West Washington, Suite 700, Chicago, IL 60602 and to John K. Kneafsey, Nisen & Elliott, LLC, 200 W. Adams St., Ste. 2500, Chicago, IL 60606.

For more information, visit [www.caclawyers.com/burling](http://www.caclawyers.com/burling) or contact Class Counsel Lance Raphael of The Consumer Advocacy Center, P.C., 180 W. Washington St., Ste. 700, Chicago, IL 60602; phone: (312) 782-5808.

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