

BROADWAY BANK ATMS
NOTICE OF CLASS ACTION SETTLEMENT

Ochart, Rodriguez v. Broadway Bank, Case Nos. 08 C 4893 and 08 C 6930

IF YOU USED A BROADWAY BANK ATM BETWEEN AUGUST 26, 2007 AND OCTOBER 22, 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.

Broadway Bank operates ATMs in Chicago, IL. This Notice relates to certain of those ATMs and concerns a lawsuit about the charging of fees at the ATMs. Ms. Ochart and Ms. Rodriguez sued Broadway Bank under a law called the Electronic Funds Transfer Act on the grounds that the ATMs they used did not have fee notices posted on the outside of the ATMs advising consumers that a fee may be charged for that use. Broadway Bank denies Ms. Ochart and Ms. Rodriguez’s claims but has agreed to a settlement of the case.

The settlement includes everyone who was charged a fee for using the ATMs at 5960 N. Broadway, 3046 N. Central, and 900 W. Van Buren between August 26, 2007 and October 22, 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 Broadway Bank’s net worth or \$500,000, plus any actual damages that Class Members suffered. Broadway Bank has stated that there were approximately 11,343 transactions where ATM fees were charged during the Class Period. Therefore, Broadway Bank has agreed to establish a Settlement Fund of \$150,000 to settle the case. From that \$150,000, Ms. Ochart and Ms. Rodriguez will each receive \$2,000 for their services as class representatives. \$96,000 will be the portion of the Settlement Fund that Class Members may claim in to receive a pro rata share of, up to a maximum of \$1,000 per Class Member. 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 remaining \$50,000 of the Settlement Fund will be used to pay the costs of notifying Class Members of the settlement, the costs of administering the settlement, and the fees and costs incurred by class counsel, as a reasonable attorney fee, subject to Court approval.

On August 19, 2009 at 1:30 p.m., Judge Castillo 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, you must submit a completed Claim Form, postmarked by **July 10, 2009** to The Consumer Advocacy Center, P.C., 180 West Washington, Suite 700, Chicago, IL 60602. **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 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 *OCHART V. BROADWAY BANK* SETTLEMENT.” Include your name and address and mail the letter to The Consumer Advocacy Center, P.C., 180 West Washington, Suite 700, Chicago, IL 60602. Your letter must be postmarked by **July 10, 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 South Dearborn Street, Chicago, Illinois 60604 on or before **July 10, 2009** and sending a copy to The Consumer Advocacy Center, P.C. at 180 West Washington, Suite 700, Chicago, IL 60602 and to Nicholas V. Dizunno, The Dizunno Law Group, 1 Pierce Place, Ste. 150C, Itasca, IL 60143.

For more information, visit www.caclawyers.com 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**