

## **NOTICE OF CLASS ACTION SETTLEMENT**

*Escalante v. Lincoln Park Savings Bank*, Case No. 08 C 6152

**IF YOU USED A LINCOLN PARK SAVINGS BANK (“LPSB”) ATM BETWEEN OCTOBER 27, 2007 AND NOVEMBER 12, 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 relates to all ATMs operated by LPSB in Chicago, IL and concerns a lawsuit about the charging of fees at those ATMs. Ms. Escalante sued LPSB under a law called the Electronic Funds Transfer Act on the grounds that the ATMs did not have fee notices posted on the outside of the ATMs advising consumers that a fee may be charged for using the ATMs. LPSB denies Ms. Escalante’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 October 27, 2007 and November 12, 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 LPSB’s net worth or \$500,000, plus any actual damages that Class Members suffered. LPSB has stated that there were approximately 8,136 Class Members who were charged ATM fees during the Class Period. LPSB has agreed to establish a Settlement Fund of \$120,000 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 lawyers who filed the lawsuit their reasonable attorney fee, not to exceed \$36,000, and Ms. Escalante \$2,000 for her services as class representative. LPSB will also separately pay the cost of notifying Class Members of the settlement.

On June 19, 2009 at 11:00 a.m., Magistrate Judge Ashman 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 June 3, 2009** to The Consumer Advocacy Center, P.C. at 180 W. Washington St., Ste. 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](http://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 *ESCALANTE V. LPSB* SETTLEMENT.” Include your name and address and mail the letter to The Consumer Advocacy Center, P.C. at 180 W. Washington St., Ste. 700, Chicago, IL 60602. Your letter must be **postmarked by June 3, 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 June 3, 2009** and sending a copy to The Consumer Advocacy Center, P.C. at 180 West Washington, Suite 700, Chicago, IL 60602 and to Frances M. Pitts, Kemp & Grzelakowski, 1900 Spring Rd., Ste. 500, Oak Brook, IL 60523.

For more information, visit [www.caclawyers.com](http://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**