

**NOTICE OF CLASS ACTION SETTLEMENT**  
**Polevoy v. Devon Bank, Case No. 08 C 4822**

**IF YOU USED THE ATM LOCATED AT DEVON BANK, 70 S. WAUKEGAN RD., DEERFIELD, IL 60015 BETWEEN AUGUST 22, 2007 AND JULY 3, 2008, AND WERE CHARGED A FEE, YOU SHOULD READ THIS NOTICE CAREFULLY.**

This notice concerns a lawsuit about the charging of fees at the ATM. Anna Polevoy sued Devon Bank under a law called the Electronic Funds Transfer Act on the ground that the ATM did not have a posted fee notice. Devon Bank denies Ms. Polevoy's claims.

Ms. Polevoy and Devon Bank have agreed to a settlement of the case. The settlement includes everyone who was charged a fee for using the ATM between August 22, 2007 and July 3, 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 1% of Devon Bank's net worth or \$500,000.00, plus any actual damages that class members suffered. Devon Bank has stated that during the Class Period, there were approximately 2,081 transactions where ATM fees were charged. Devon Bank has agreed to establish a Settlement Fund of \$84,500.00. Class Members who used the ATM during the Class Period and were charged a fee may make a claim on the Settlement Fund to receive a pro rata share, up to a maximum of \$1,000.00. The most an individual filing his own lawsuit could recover is \$1,000.00 plus any actual harm suffered and therefore, the attorneys believe a settlement allowing you to make a claim for up to \$1,000.00 is fair and reasonable. Devon Bank has also agreed to separately pay the lawyers who filed the lawsuit a reasonable attorney's fee not to exceed \$5,000.00, to pay Ms. Polevoy \$500.00, and to pay the costs of giving notice of the settlement.

On April 16, 2009 at 8:30 a.m., the judge presiding over the case, U.S. District Judge Matthew Kenelly, will hold a hearing to decide whether to give final approval to the settlement. **YOU DO NOT NEED TO ATTEND THIS HEARING.** If the Judge approves the settlement, all Class Members will be bound by the resulting judgment and will not be able to file separate lawsuits against Devon Bank. In addition, eligible Class Members will be entitled to claim benefits under the settlement.

You have three choices:

- 1) If you want to receive a share of the Settlement Fund, you must mail a completed Claim Form, postmarked by March 23, 2009 to The Consumer Advocacy Center, P.C., 100 W. Washington St., Ste. 700, Chicago, IL 60602. If you do not submit a Claim Form, you will receive no money, but you will not be able to file a separate lawsuit against Defendant. Download a Claim Form at [www.caclawyers.com](http://www.caclawyers.com) or call (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 POLEVOY V. DEVON BANK SETTLEMENT." Include your name and address and mail the letter to The Consumer Advocacy Center, P.C., 100 W. Washington St., Ste. 700, Chicago, IL 60602. Your letter must be postmarked by March 23, 2009 to be valid.
- 3) If you think the Settlement is unfair, you may object to it by writing a letter giving the reasons for your objection and mailing your letter to the Clerk of Court at 219 South Dearborn Street, Chicago, Illinois 60604 on or before March 23, 2009, and also mailing a copy to Lance A. Raphael, The Consumer Advocacy Center, P.C., 100 W. Washington St., Ste. 700, Chicago, IL 60602, and to Gary S. Caplan, Reed Smith LLP, 10 S. Wacker Dr., Chicago, IL 60606.

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