

NOTICE OF CLASS ACTION SETTLEMENT

Tovar v. Plaza Bank, N.A., Case No. 08 C 4008

IF YOU USED A PLAZA BANK ATM BETWEEN OCTOBER 30, 2007 AND MARCH 31, 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.

Plaza Bank has ATMs in Chicagoland area. This Notice relates to certain Plaza Bank ATMs in Norridge, Chicago, and Niles, IL and concerns a lawsuit about the charging of fees at the ATMs. Ms. Tovar sued Plaza Bank under a law called the Electronic Funds Transfer Act on the ground that the ATMs did not have posted fee notices. Plaza Bank denies Ms. Tovar’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 30, 2007 to March 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 Plaza Bank’s net worth or \$500,000.00, plus any actual damages that class members suffered. Plaza Bank has stated that during the Class Period, there were approximately 3,500 transactions where ATM fees were charged during the time period in question. Therefore, Plaza Bank has agreed to establish a Settlement Fund of \$81,500.00. After the costs of notice, attorney’s fees not to exceed \$35,000.00 and payment to the class representative of \$1,500.00 are deducted, Class Members who used the ATMs 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 her 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.

On May 20, 2009 at 10:00 a.m., Magistrate Judge Nolan 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 May 4, 2009 to Class Counsel at 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 *TOVAR V. PLAZA BANK* SETTLEMENT.” Include your name and address and mail the letter to Class Counsel at 180 West Washington, Suite 700, Chicago, IL 60602. Your letter must be postmarked by May 4, 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 May 4, 2009 and sending a copy to Class Counsel at 180 West Washington, Suite 700, Chicago, IL 60602 and to Allen Wesolowski, Martin & Karcazes, Ltd., 161 N. Clark St., Ste. 500, Chicago, IL 60601.

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**