

# **EXHIBIT E**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

Case No. 1:09-MD-02036-JLK

IN RE: CHECKING ACCOUNT OVERDRAFT )  
LITIGATION )

MDL No. 2036

THIS DOCUMENT RELATES TO:

*Waters, et al. v. U.S. Bank, N.A.*  
S.D. Fla. Case No. 1:09-cv-23034-JLK  
N.D. Cal. Case No. 09-2071-JSW

*Speers, et al., v. U.S. Bank, N.A.*  
S.D. Fla. Case No. 1:09-cv-23126-JLK  
D. Or. Case No. 3:09-cv-00409-HU

*Brown v. U.S. Bank, N.A.*  
S.D. Fla. Case No. 1:09-cv-24147-JLK  
E.D. Cal. Case No. 2:10-00356-RMP

**DECLARATION OF RYAN MCNAMEE  
WITH RESPECT TO THE NOTICE  
PROGRAM**

I, Ryan McNamee, do attest that:

1. I am a Project Manager III for Rust Consulting, Inc. ("Rust Consulting"), the Settlement Administrator in this case. My business address is 625 Marquette Avenue, Suite 880, Minneapolis, Minnesota 55402-2469. My telephone number is 612-359-2037. I am over twenty-one years of age and am authorized to make this declaration on behalf of Rust Consulting and myself.



1 been in operation at all times since September 13, 2013, and appeared in the Published Notice,  
2 Mailed Post Card Notice, Long-Form Notice and Settlement Website. Through October 19, 2013,  
3 there have been approximately 36,576 calls to the toll-free telephone support line.

4 **PRINTING AND MAILING OF THE MAILED NOTICE**

5 6. A Settlement Class Member List was generated by Class Counsel's expert, using  
6 data maintained by U.S. Bank and applying the formula and calculation specified in the Settlement  
7 Agreement. Between the dates of August 20, 2013 and September 3, 2013, Rust Consulting  
8 received from U.S. Bank transmissions of four data files containing account holder names, mailing  
9 addresses and other pertinent information for the Settlement Class Members identified on the  
10 Settlement Class Member List. There were 2,920,971 records in the data transmissions  
11 representing various data fields for 2,813,561 unique records. Rust Consulting verified and  
12 updated the Settlement Class Member List address information through the National Change of  
13 Address database ("NCOA"). NCOA contains all requested changes of address which have been  
14 filed within the last 48 months with the United States Postal Service and are currently in effect.  
15 Addresses from the Settlement Class Member List were cross-referenced with addresses found in  
16 the NCOA cards filed with the United States Postal Service. The Coding Accuracy Support  
17 System ("CASS") was also utilized to standardize the addresses in the Settlement Class Member  
18 List to ensure that they conformed to United States Postal Service rules by using a computer  
19 program designed for that purpose. Rust rolled-up records by unique name and address matches  
20 from the Settlement Class Member List. After rolling-up by unique name and address matches, the  
21 Settlement Class Member mail file consisted of 2,712,743 records.

22  
23 7. Rust Consulting received the approved text for the Mailed Notice and Long-Form  
24 Notice from Kinsella Media and prepared drafts of the materials for mailing to identified  
25 Settlement Class Members. Rust Consulting received approval from the Parties for all notice  
26 materials. Attached as Exhibit A is a true and correct paper copy of the Long-Form Notice. Long-  
27 Form Notices have been and will continue to be mailed on a rolling basis in response to requests

1 from Settlement Class Members via telephone and mailed correspondence. Through October 19,  
2 2013, 13,268 requests for the Long-Form Notice have been received, and Rust has mailed out the  
3 requested Long-Form Notices.

4  
5 8. On September 13, 2013, Rust Consulting caused a total of 2,712,743 Mailed  
6 Notices to be mailed by First-Class Mail with the mailer marked in bold print "Important Notice  
7 About U.S. Bank Overdraft Fee Settlement" to Settlement Class Members contained in the  
8 Settlement Class Member List. Attached as Exhibit B is a true and correct copy of the Mailed  
9 Notice.

10  
11 9. Through October 7, 2013, the Post Office had returned approximately 3,622 Mailed  
12 Notices with forwarding addresses attached. Mailed Notices were re-mailed by the re-mail  
13 deadline of October 18, 2013, to those Settlement Class Members via First-Class Mail.

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15 10. Through October 7, 2013, the Post Office has returned approximately 384,402  
16 Mailed Notices (approximately 14.17%) as undeliverable. Rust Consulting performed address  
17 traces for the undeliverable Mailed Notices. 314,336 updated addresses were obtained through the  
18 trace process and Mailed Notices were re-mailed on or before the re-mail deadline of October 18,  
19 2013, to those Settlement Class Members via First-Class Mail.

20  
21 **INCOMING MAIL**

22 11. Rust Consulting established a Post Office box, P.O. Box 2961, Faribault,  
23 Minnesota 55021-2961, for receipt of all correspondence mail. Rust Consulting established a  
24 Post Office box, P.O. Box 8053, Faribault, Minnesota, 55021-9453, for receipt of all undeliverable  
25 and forwarded mail. Mail received at the Post Office boxes is collected and processed daily.

