

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. 1:10-24147-JLK  
E.D. Wash. Case No. 2:10-00356-RMP

**FINAL JUDGMENT**

The Court, having entered the Order of Final Approval of Settlement, Authorizing Service Awards, and Granting Application For Attorneys' Fees dated January 3, 2014 (DE # 3753), hereby **ORDERS AND ADJUDGES** as follows:

1. The Court incorporates herein by reference the Order of Final Approval of Settlement, Authorizing Service Awards, and Granting Application For Attorneys' Fees dated January 3, 2014 ("Final Approval Order"). (DE # 3753).

2. Except as specifically modified by the Final Approval Order, all capitalized terms used herein shall have the meaning set forth in the Amended and Restated Settlement Agreement and Release between the Parties (“Settlement”). (DE # 3681-1).

3. This Court has personal jurisdiction over all of the Settlement Class Members because they received the best practicable notice of the Settlement, which notice was reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the Action and the terms of the Settlement, and to afford them an opportunity to present their objections or to request exclusion from the Settlement. The Court also has jurisdiction over U.S. Bank National Association (“U.S. Bank” or the “Bank”) and over the Plaintiffs, all of whom have personally appeared in the Action pending before this Court. The Court has subject matter jurisdiction over the Action pursuant to 28 U.S.C. §§ 1332(d)(2) and (6).

4. For purposes of effectuating the Settlement, and in accordance with Federal Rules of Civil Procedure 23(a) and 23(b)(3), the Court certifies the Settlement Class defined as:

All holders of any U.S. Bank Account who, during the Class Period applicable to the state in which the Account was opened, incurred one or more Overdraft Fees as a result of U.S. Bank’s High-to-Low Posting. Excluded from the Class are all current U.S. Bank employees, officers and directors, and the judge presiding over this Action.

(DE # 3559).

5. The Action is hereby dismissed with prejudice, each side to bear its own fees and costs, except as otherwise provided in the Final Approval Order. The Action, as defined in the Settlement, includes *Speers v. U.S. Bank N.A.*, Case No. 09-23126-JLK; *Waters et al. v. U.S. Bancorp, N.A.*, Case No. 09-cv-2071-JSW; and *Brown v. U.S. Bank, N.A.*, Case No. CV-10-356-RMP, all of which are dismissed with prejudice, as are any and all other cases pending in this

MDL as of Preliminary Approval to the extent they assert claims against U.S. Bank or any of its affiliates.

6. Without limiting the scope of Section XIV of the Settlement, as of the Effective Date, Plaintiffs and all Settlement Class Members (who do not timely opt-out of the Settlement), each on behalf of himself or herself and on behalf of his or her respective heirs, assigns, beneficiaries, and successors, shall automatically be deemed to have fully and irrevocably released and forever discharged U.S. Bank and each of its present and former parents, subsidiaries, divisions, affiliates, predecessors, successors and assigns, and the present and former directors, officers, employees, agents, insurers, shareholders, attorneys, advisors, consultants, representatives, partners, joint venturers, independent contractors, wholesalers, resellers, distributors, retailers, predecessors, successors, and assigns of each of them, of and from any and all liabilities, rights, claims, actions, causes of action, demands, damages, costs, attorneys' fees, losses, and remedies, whether known or unknown, existing or potential, suspected or unsuspected, liquidated or unliquidated, legal, statutory, or equitable, that result from, arise out of, are based upon, or relate to the conduct, omissions, duties or matters up to and including the date of Preliminary Approval of the Settlement that were or could have been alleged in the Action to the extent they relate in any way to Overdraft Fees, sustained overdraft fees or High-to-Low Posting or posting order, including, without limitation, any claims, actions, causes of action, demands, damages, losses, or remedies relating to, based upon, resulting from, or arising out of (a) the assessment of one or multiple Overdraft Fees and/or sustained Overdraft Fees on Settlement Class Members' Accounts, (b) the amount of one or more Overdraft Fees and/or sustained Overdraft Fees assessed on Settlement Class Members' Accounts, or (c) High-to-Low Posting or posting order on Settlement Class Members' Accounts. The foregoing release

includes, by way of example but not limitation, any and all of the following to the extent they involve, result in, or seek recovery or relief for Overdraft Fees, sustained Overdraft Fees or High-to-Low Posting or posting order: (1) the authorization, approval or handling of any Debit Card Transaction, (2) any failure to notify or to obtain advance approval when a Debit Card Transaction would or might cause a Settlement Class Member's Accounts to become overdrawn or further overdrawn or an Overdraft Fee to be assessed, (3) any failure to allow Settlement Class Members to opt-out of overdrafts, or to publicize or disclose the ability of the holder of any U.S. Bank Account to opt-out of overdrafts prior to August 1, 2010, (4) any failure to adequately or clearly disclose, in one or more agreements, posting order, High-to-Low Posting, overdrafts, Overdraft Fees, or the manner in which Debit Card Transactions are or would be approved, processed, or posted to Settlement Class Members' Accounts; (5) any conduct or statements encouraging the use of U.S. Bank Debit Cards, (6) the assessment of any sustained Overdraft Fees, and (7) any marketing or advertisements relating to any of the foregoing.

7. Those persons identified on the List of Exclusions attached hereto as Exhibit A are hereby excluded from the Settlement, shall not receive any distribution from the Settlement, and are not bound by this Judgment.

8. The Parties to the Settlement submit to, and this Court expressly reserves and retains, exclusive jurisdiction over the Action and the Parties, including U.S. Bank, Plaintiffs, and all Settlement Class Members, to administer, implement, supervise, construe, enforce and perform the Settlement in accordance with its terms, and to enforce the Final Approval Order. Without limiting the foregoing, and by way of example only, the Court retains jurisdiction to: (i) address, determine and approve the distribution of residual funds as set forth in Section XIII of the Settlement; and (ii) adjudicate any suit, action, proceeding or dispute arising out of the

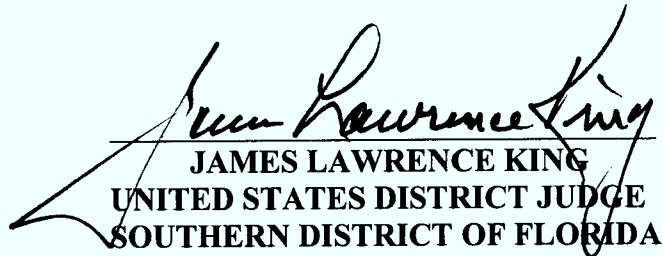
Settlement. The Court shall also retain jurisdiction over all questions and disputes related to the Notice Program, Settlement Administrator, the Notice Administrator and the Tax Administrator.

9. Nothing in the Settlement, the Final Approval Order, or this Judgment shall be deemed to be an admission, or to constitute an adjudication by the Court, of the truth or falsity of any claims or defenses heretofore made, or an acknowledgment or admission by U.S. Bank or any party of any fault, liability or wrongdoing of any kind whatsoever or of any violation of statute, regulation or law.

10. The Protective Order entered in this Action (DE # 688) shall survive the termination of this Action and continue in full force and effect after the entry of the Final Approval Order and this Judgment.

11. Plaintiffs and all Settlement Class Members, including all objectors, are hereby barred and enjoined from asserting any of the Released Claims, including, but without limitation, during any appeals from the Final Approval Order and this Judgment.

**DONE AND ORDERED** in Chambers at the James Lawrence King Federal Justice Building and United States Courthouse in Miami, Florida, this 10th day of January, 2014.

  
JAMES LAWRENCE KING  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF FLORIDA

cc: All Counsel of Record

**EXHIBIT A****U.S. Bank Exclusions**

<b>SEQ</b>	<b>Claimant ID</b>	<b>Name1</b>	<b>Name2</b>
1	22138583	ADDICOTT, DIANN M	
2	22812414	ALTHOEN, JEANNE L	
3	16390782	ALVAREZ-LAZO, CARMEN ROXANA	
4	692069	ANDERSON, RITA M	
5	5641086	ANGELO, PHILIP S	ANGELO, BARBARA J
6	25946154	ANSLYN, DONNA LOU	ANSLYN, QUESTIN JOEL
7	1492941	AUSTIN, PATRICIA A	
8	14361333	AUTREY, DANTE	
9	23898394	BACKSTROM, LINDA S	OXFORD, DYANN K
10	18693294	BEAMS, MICHAEL D	
11	1491098	BIBBEE, BARBARA L	
12	22940582	BOYER, MELINDA R	
13	7175114	BOYKIN-PRICE, DORRETA J	
14	18914450	BRADY, BEVERLY A	BRADY, MARK A
15	6176952	BYLER, CAROL A	
16	1290950	CAGLE, SANDRA L	
17	5063727	CARTER, ANYHOW M	
18	14088773	CHOATE, JAMES E	
19	2741512	CHRISTOPHERSON, GARRETT C	
20	11191377	CLARK, JAMIE L	JOHNS, JOANNE L
21	4288176	CLARK, THOMAS L	
22	12042302	CLEMENTS, MINNIE J	CLEMENTS, RANDY D
23	14919541	CORRIGAN, BAIRD G	
24	9759152	CREASMAN, THO THI	
25	25692457	DAVIDSON TSTEE/GRNT, JOSEPH L	DAVIDSON, THE JOSEPH L AND SHARON K TSTEE/GRNT
26	9816183	DAVIS, STEVEN	
27	23194380	DELONG, SAMANTHA	
28	17496827	DENNY, MELONIE A	
29	19110493	DOAN, TRUONG MANH	
30	17551465	DOYLE, MATTHEW	
31	26596341	DUVALL, JENNIFER M	

SEQ	Claimant ID	Name1	Name2
32	2453248	ENYART, MARIETTA F	LYNCH, JUDY E
33	25913118	FRANCIS, MARIA R	FRANCIS, THOMAS E
34	8693433	FREY, ASHLEY	
35	18617740	GIBSON, CONNIE J	
36	15409690	GONZALES, JOHN R	
37	13390372	GRAYSON, SUZANNE L	
38	18544572	GREGORY, ELTON G	GREGORY, DOLORES
39	8618924	GRIGSBY, AARON C	
40	21537264	GROEBNER, STEPHEN C	THOMPSON, CAROLYN K
41	26648514	HAIRSTON, JOSEPH L	
42	11680512	HANSEN, ANTHONY M	
43	18892642	HARDING, MARK S	HARDING, FRANCES M
44	971591	HARTNEY, DAVID P	HARTNEY, MARY L
45	22166326	HARTUNG, SARA	
46	143776	HARVEY, CATHRYN J	HARVEY, TIMOTHY W
47	8966346	HAUGEN, ROSE R	
48	3676103	HEDMAN, JENNIFER S	
49	6549657	HENDERSON, JAIMIE M	HENDERSON, REGINA F
50	9653160	HENDERSON, RYAN M	
51	4905592	HESSLER, GERALDINE C	BRACHE, PAMALLA C
52	11458494	HOLMBERG, BOBBI J	
53	21130397	HOLMES, MARY ALICE	
54	19500706	HOOK, MATTHEW R	
55	14891304	HOOPER JR, LOUIS G	HOOPER, RITA
56	11826743	HUGUELET, KEVIN R	
57	17114004	IM, MALINDA	
58	13924553	JOHNSON, PEGGY E	
59	8766816	JONES, DOUGLAS	
60	5425761	JONES, JAMES D	
61	23178243	KELEMEN, JOSEPH J	KELEMEN, DEBBIE D
62	2442150	KEZAR, VICKI L	KEZAR, TIMOTHY A
63	2514994	KOCHMANN, NORMA J	
64	2196817	L EYE, GARLYN	EYE, NANCY L
65	692182	LAWHON, DANIEL J	
66	11420231	LEIDING, KENNETH D	
67	10597194	LISTWAN, MICHAEL P	
68	19314709	LONG TSTEE, EDWARD (BUD) F	
69	19655376	LONG, EDWARD F	



SEQ	Claimant ID	Name1	Name2
70	14826122	LOPEZ, ELIZABETH	
71	26108674	LOUIS, VALERIE L	
72	26813080	LOVAN, JACK L	LOVAN, SHARRY I
73	20787974	LUCE, ELLA MARIE J	
74	11148845	LYMAN, CHARLES E	
75	5033829	MACIOCE, MARC A	MACIOCE, CARL J
76	27937075	MCCOY, DAWN M	
77	25482737	MCKINNIE, LINDA	
78	6304799	MCTRUSTY, MICHELE R	
79	3978023	MILLER, DIANE K	MILLER, POD BRIAN K
80	1521733	MILLS, ROSE MARIE	
81	22551610	MOE, JANET M	
82	18790634	MURRAY, SUSAN I	
83	25832488	MUSTAFIC, ELVIRA	
84	6332099	MYERS, SUZANNE	MYERS, DAVID M
85	26067544	NEAL, CARLEATHA	
86	3411902	NEAL, PERRI L	
87	18759877	PACE, PAMELA R	
88	19989167	PENLAND, SARAH M	
89	5827244	PETERSEN, JEANE S	PETERSEN, POD CHRISTINE
90	18284478	PHON, ROS	
91	1958287	PILLER, ANDREA J	
92	18096521	PORTENIER, JESSICA D	
93	28203773	POWERS, PATRICIA A	
94	14462481	RICHARDS, DAWN A	
95	14114915	ROGERS, IVA L	RARICK, STEPHANIE
96	25978872	SAPUTO, PAULINE A	
97	16597433	SAX, PATRICIA A	SAX, KENNETH A
98	17930437	SCHOEPF, SCOTT A	
99	7859588	SCOTT, SHERRY L	
100	6553159	SHEPHERD, PHYLLIS I	SHEPHERD, CARLA R
101	26425924	SHORT, ANDREW D	SHORT, LINDA D
102	217620	SIEGEL, LOIS M	
103	6867454	SIMPSON, REGINA D	
104	2522036	SLOAN, RICHARD LARRY	SLOAN, CAROLYN R
105	14535598	SMITH, MARC T	SMITH, REBECCA
106	20415778	SMITH, MICHAEL A	PIGHIN-SMITH, CAROL L
107	27847794	SMITH, PRECIOUS M	
108	26157900	SMITH, WILLIS M	



<b>SEQ</b>	<b>Claimant ID</b>	<b>Name1</b>	<b>Name2</b>
109	20541583	SPICER, NANCY K	
110	21343452	STACEY, VINCE W	STACEY, CHRISTINA
111	16702868	STEWART, KYLE WESLEY	
112	18493153	STODDARD, CORY L	
113	25708301	STREETT, BENALEE	
114	18650181	SWAIN, SHARON A	
115	16216518	SWECKER, FERN G	
116	19855080	TISH, JENNIFER L	
117	25707632	TOEWS, SHAWN PATRICK	TOEWS, CONNIE
118	14151927	TOOTHMAN, CRISTI A	TOOTHMAN, JACK L
119	14151910	TOOTHMAN, JACK L	TOOTHMAN, CRISTI A
120	14151934	TOOTHMAN, JACK L	TOOTHMAN DBA, CRISTI A
121	26003887	UMBECK, MICHAEL H	UMBECK, NANCY L
122	22697936	USTIANOWSKI, RANDALL A	
123	27931837	VALERI, ALISHIA A	
124	11844716	VAP, CASEY J	
125	25912371	VAUGHAN, ESTHER R	
126	13910266	VILLALOBOS, ANA	
127	26709635	WELLS, PAMELA	
128	16462380	WILLIAMS, JAKE B	
129	2199870	WILSON, CLIFFORD E	
130	1134483	WISEMAN SR, DANNY LEE	WISEMAN SR, MRS DANNY LEE
131	2610931	WOERLE, DIANNA JEAN	
132	11158134	WYNIA, CARL F	WYNIA, THERESA K