

A Settlement has been reached with Bank of America, N.A (“BANA”) in a class action lawsuit about fees related to certain transaction types that were charged on accounts from **July 1, 2014, through July 29, 2021**.

**Who is included? BANA records indicate that you are a “Settlement Class Member” in this Settlement because you are in one or more of the following Settlement Classes.** The first Settlement Class consists of all holders of a BANA consumer checking and/or savings accounts who, during the Class Period, paid and were not refunded a Retry Transaction Fee. Retry Transaction Fees are insufficient fund (“NSF”) and/or overdraft (“OD”) fees that were assessed on an automated clearinghouse (“ACH”) transaction from a consumer checking account that a merchant resubmitted to BANA after the merchant’s first request for payment was declined. In other words, you are in the first Settlement Class if you paid more than one NSF or OD Fee for the same attempted ACH payment based on a merchant’s request for that payment more than once. The second Settlement Class consists of all holders of a BANA consumer checking and/or savings accounts who, during the Class Period, paid and were not refunded one or more NSF or OD Fees on an ACH payment from their consumer checking account to another BANA account, like a mortgage or credit card. These are referred to as Intranbank Transaction Fees. The third Settlement Class consists of all holders of a BANA consumer checking and/or savings accounts who, during the Class Period, paid and were not refunded an NSF and/or OD Fee on a consumer checking and/or savings account transaction that would not have been assessed if BANA had delayed the posting of previously assessed NSF/OD Fees. These are referred to as Fee Accrual Claim Fees.

**What does the Settlement provide?** BANA will create a \$75,000,000 Settlement Fund. After deducting Attorneys’ Fees and costs, Service Awards to the Class Representatives, and the costs to administer the Settlement, the balance of the Settlement Fund will be divided pro rata among all Settlement Class Members. In addition, BANA has agreed, for a period of at least five years, to change certain practices and stop assessing fees on Retry Transactions. BANA will implement changes to its consumer account disclosures.

**What are my options?** If you do nothing and the Settlement is approved and becomes final, you will automatically receive a Settlement Payment and your rights will be affected. If you do not want to be legally bound by the Settlement or receive a Settlement Payment, you must exclude yourself from it by **November 11, 2021**. Unless you exclude yourself, you will not be able to sue or continue to sue BANA for any claim made in this lawsuit or released by the Settlement Agreement. If you stay in the Settlement (and do not exclude yourself), you may object to it by **November 11, 2021**.

**The Court’s Fairness Hearing.** The Court will hold a Final Fairness Hearing on **January 18, 2022**. At this hearing, the Court will decide whether to approve: (1) the Settlement; (2) Class Counsel’s request for Attorneys’ Fees (up to 33 1/3% of the Settlement Fund) and expenses; and (3) Service Awards totaling of between \$1000 and \$10,000 to the Class Representatives. You or your lawyer may appear at the hearing at your own expense, but you don’t have to.

**More information, including the Long Form Notice and Settlement Agreement are available at**  
**[www.NSFODSettlement.com](http://www.NSFODSettlement.com) or by calling 1-855-654-0890.**