

Bernadette Dominique
v.
Desert Financial Credit Union

NOTICE OF PENDING CLASS ACTION AND PROPOSED SETTLEMENT

**READ THIS NOTICE FULLY AND CAREFULLY; THE PROPOSED SETTLEMENT
MAY AFFECT YOUR RIGHTS!**

The Superior Court for the State of Arizona for the County of Maricopa has authorized this Notice; it is not a solicitation from a lawyer.

- **If you have or had a checking account with Desert Financial Credit Union and you were charged an overdraft fee between June 1, 2014 and November 1, 2017 on a non-pin debit card transaction that authorized against a sufficient available balance and settled against an insufficient available balance, and the overdraft fee was not refunded to you, then you may be entitled to a payment from a class action settlement.**
- **If you choose to remain in the Settlement Class, eligible Class Members will receive a payment from a \$6,000,000 Settlement Fund.**
- **Go to www.dfoverdraftfees.com or contact 1-833-630-9695 for more details.**

What is this lawsuit about? The lawsuit that is being settled is entitled *Bernadette Dominique v. Desert Financial Credit Union* in the Superior Court of the State of Arizona for the County of Maricopa, Case No. CV2020-053959. The Named Plaintiff claims Desert Financial Credit Union incorrectly charged overdraft fees between June 1, 2014 and November 1, 2017 on non-PIN debit card transactions that authorized against a sufficient available balance and settled against an insufficient available balance. Desert Financial Credit Union disputes these allegations and responds that its overdraft fees were charged as permitted by its terms and conditions and applicable law.

Why am I getting this Notice? You were identified as someone who was charged an overdraft fee between June 1, 2014 and November 1, 2017 on a non-pin debit card transaction that authorized against a sufficient available balance and settled against an insufficient available balance, and the overdraft fee was not refunded to you.

Do I have to do anything to participate in the settlement? If you received this Notice, as long as you do not opt out, a credit will be applied to your account if you are an existing customer, or a check will be mailed to you at the last known address Desert Financial Credit Union has for you if you are not an existing customer. If your address has changed, you should provide your current address to the Claims Administrator.

What does the settlement provide? Desert Financial Credit Union has agreed to create a Settlement Fund of \$6,000,000. Class Counsel will request that the Court award attorneys' fees to Class Counsel of not more than one-third (\$2,000,000) of the Settlement Fund, which will be subtracted from the Settlement Fund before the Fund is allocated to members of the Settlement Class. Class Counsel has also requested that it be reimbursed approximately \$50,000 in litigation costs incurred in prosecuting the case, which will also be subtracted from the Settlement Fund together with a Service Award to the Named Plaintiff, the costs paid to a third-party Claims

Administrator to administer the settlement, and up to \$40,000 in any expert fees and/or costs incurred by Desert Financial Credit Union in identifying the Settlement Class and performing the calculations necessary for determining the allocations of the Settlement Fund to those members. The balance of the Settlement Fund will be divided among the Settlement Class based on the amount of eligible overdraft fees that each member paid.

Do I have to be included in the settlement? If you do not want to receive a payment, or if you want to keep any right you may have to sue Desert Financial Credit Union for the claims alleged in this lawsuit, then you must exclude yourself or “opt out.” To opt out, you must send a letter to the Claims Administrator that you want to be excluded. The exclusion deadline is **July 14, 2023**. For details on how to exclude yourself, please visit www.dfoverdraftfees.com.

If I don't like something about the settlement, how do I tell the Court? You can object to the settlement or any part of it that you do not like **IF** you do not exclude yourself or opt out from the settlement. The deadline to file an objection with the Court is **August 18, 2023**. For details on how to object to the settlement, please visit www.dfoverdraftfees.com.

How do I get more information about the settlement? For more information, to view settlement documents, and to review information regarding your exclusion and objection rights and the Final Approval Hearing, visit www.dfoverdraftfees.com, or call 1-833-630-9695.