

If You Paid Overdraft Fees to Comerica Bank, You May be Eligible for a Payment from a Class Action Settlement.

A federal court authorized this notice. This is not a solicitation from a lawyer. This is not a suit against you.

- A \$14,580,000 Settlement has been reached in class action lawsuits about the order in which Comerica Bank posted Debit Card Transactions to consumer deposit accounts, and the effect the posting order had on the number of Overdraft Fees the bank charged its account holders. Comerica Bank maintains there was nothing wrong about the posting process it used. The Court has not decided which side is right.
- Current and former holders of Comerica Bank consumer deposit accounts who paid Overdraft Fees as a result of Comerica Bank's debit re-sequencing during the time periods listed below, may be eligible for a payment or account credit from the Settlement Fund.
 - For accounts opened in Arizona, from February 18, 2004 through August 15, 2010;
 - For accounts opened in California, from February 18, 2006 through August 15, 2010;
 - For accounts opened in Florida, from February 18, 2005 through August 15, 2010;
 - For accounts opened in Michigan, from February 18, 2004 through August 15, 2010; and
 - For accounts opened in Texas, from February 18, 2006 through August 15, 2010.
- Your legal rights are affected whether you act or don't act. Please read this notice carefully.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
GET A PAYMENT OR ACCOUNT CREDIT AUTOMATICALLY	If you are eligible for a payment or account credit for Overdraft Fees charged by Comerica Bank during the Class Periods, you do not have to do anything to receive a payment or account credit. Your payment or account credit will be made automatically if the Court approves the Settlement and it becomes final.
EXCLUDE YOURSELF	Get no benefits from the Settlement. This is the only option that allows you to participate in any other lawsuit against Comerica Bank about the claims in this case.
OBJECT	Write to the Court if you don't like the Settlement.
GO TO A HEARING	Ask to speak in Court about the fairness of the Settlement.
DO NOTHING	You will still receive any automatic payment or account credit to which you are entitled, and you will give up your right to participate in further litigation against Comerica Bank about the claims in this case.

- These rights and options—**and the deadlines to exercise them**—are explained in this notice.
- The Court in charge of this case still has to decide whether or not to approve the Settlement. If it does, and any appeals are resolved, benefits will be distributed to those who qualify. Please be patient.

**Questions? Call 1-877-819-8914 Or Visit www.ComericaBankOverdraftSettlement.com
Si desea recibir esta notificación en español, llámenos o visite nuestra página web.**

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION.....PAGE 3

- 1. Why is there a Notice?
- 2. What is this litigation about?
- 3. What is an Overdraft Fee?
- 4. Why is this a class action?
- 5. Why is there a Settlement?

WHO IS PART OF THE SETTLEMENT?PAGE 4

- 6. Who is included in the Settlement?
- 7. What if I am not sure whether I am included in the Settlement?

THE SETTLEMENT BENEFITSPAGE 4

- 8. What does the Settlement provide?
- 9. Do I need to do anything to get a payment?
- 10. How much will my payment be?
- 11. When will I receive my payment?
- 12. What am I giving up to stay in the Settlement Class?

EXCLUDING YOURSELF FROM THE SETTLEMENTPAGE 5

- 13. How do I get out of the Settlement?
- 14. If I do not exclude myself, can I sue Comerica Bank for the same thing later?
- 15. If I exclude myself, can I still get a payment?

THE LAWYERS REPRESENTING YOU.....PAGE6

- 16. Do I have a lawyer in the case?
- 17. How will the lawyers be paid?

OBJECTING TO THE SETTLEMENTPAGE 7

- 18. How do I tell the Court that I do not like the Settlement?
- 19. What is the difference between objecting and asking to be excluded?

THE FINAL APPROVAL HEARINGPAGE 8

- 20. When and where will the Court decide whether to approve the Settlement?
- 21. Do I have to attend the hearing?
- 22. May I speak at the hearing?

GETTING MORE INFORMATIONPAGE 9

- 23. How do I get more information?

**Questions? Call 1-877-819-8914 Or Visit www.ComericaBankOverdraftSettlement.com
Si desea recibir esta notificación en español, llámenos o visite nuestra página web.**

BASIC INFORMATION

1. Why is there a Notice?

A Court authorized this notice because you have a right to know about a proposed Settlement of these class action lawsuits and about all of your options before the Court decides whether to give final approval to the Settlement. This notice explains the lawsuits, the Settlement, and your legal rights.

Senior Judge James Lawrence King of the United States District Court for the Southern District of Florida is overseeing this case. This litigation is known as *In re: Checking Account Overdraft Litigation*, No. 1:09-md-02036-JLK and *Simmons v. Comerica Bank, N.A.*, S.D. Fla. Case No. 10-cv-22958 and N.D. Tx. Case No. 3:10-cv-00326-O. The persons who sued are called the “Plaintiffs.” Comerica Bank is the “Defendant.”

2. What is this litigation about?

The lawsuits concern whether Comerica Bank posted Debit Card Transactions in order from highest to lowest dollar amount to maximize the number of Overdraft Fees assessed to its customers. The lawsuits claim that, instead of declining transactions when an account had insufficient funds to cover a purchase, Comerica Bank authorized the transactions and then processed them in highest to lowest dollar order, which had the effect of increasing the number of Overdraft Fees the bank charged its customers.

The complaint in the lawsuit is posted on the website www.ComericaBankOverdraftSettlement.com and contains all of the allegations and claims asserted against the bank. Comerica Bank maintains there was nothing wrong about its approval of transactions or the posting process it used.

3. What is an Overdraft Fee?

An Overdraft Fee is any fee assessed to an account as a result of paying an item when the account has an insufficient available balance to cover the item. Fees charged to transfer funds from other accounts are excluded.

4. Why is this a class action?

In a class action, one or more people called “Class Representatives” (in this case, two Comerica Bank customers who were assessed Overdraft Fees) sue on behalf of themselves and other people with similar claims. Together, all the people with similar claims (except those who exclude themselves) are members of a “Settlement Class.”

5. Why is there a Settlement?

The Court has not decided in favor of the Plaintiffs or Comerica Bank. Instead, both sides have agreed to a Settlement. By agreeing to the Settlement, the Parties avoid the costs and uncertainty of a trial, and Settlement Class Members receive the benefits described in this notice. The proposed Settlement does not mean that any law was broken or that Comerica Bank did anything wrong. Comerica Bank denies all legal claims in this case. Class Representatives and their lawyers believe the proposed Settlement is best for everyone who is affected.

**Questions? Call 1-877-819-8914 Or Visit www.ComericaBankOverdraftSettlement.com
Si desea recibir esta notificación en español, llámenos o visite nuestra página web.**

WHO IS PART OF THE SETTLEMENT?

If you received notice of the Settlement by a postcard addressed to you, then you are a Settlement Class Member. But even if you did not receive a postcard, you may be a Settlement Class Member, as described below.

6. Who is included in the Settlement?

You are a member of the Settlement Class if you were a holder of a Comerica 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 Comerica Bank's High-to-Low Posting.

The Class Periods by state are:

- for Settlement Class Members who opened accounts in Arizona, the period from February 18, 2004 through August 15, 2010;
- for Settlement Class Members who opened accounts in California, the period from February 18, 2006 through August 15, 2010;
- for Settlement Class Members who opened accounts in Florida, the period from February 18, 2005 through August 15, 2010;
- for Settlement Class Members who opened accounts in Michigan, the period from February 18, 2004 through August 15, 2010; and
- for Settlement Class Members who opened accounts in Texas, the period from February 18, 2006 through August 15, 2010.

To be included in the Class, you must have had two or more Overdraft Fees caused by debits posted to your account on a single day during the time period listed above.

Excluded from the Class are all current Comerica Bank employees, officers and directors, and the judge presiding over this Action.

7. What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are in the Settlement Class, or have any other questions about the Settlement, visit the Settlement website at www.ComericaBankOverdraftSettlement.com or call the toll free number, 1-877-819-8914. You may also send questions to the Settlement Administrator at info@ComericaBankOverdraftSettlement.com or PO Box 2876, Portland, OR 97208-2876.

THE SETTLEMENT BENEFITS

8. What does the Settlement provide?

If the Settlement is approved and becomes final, it will provide benefits to Settlement Class Members who do not opt out of the Settlement. Comerica Bank will pay \$14,580,000 to a Settlement Fund to make payments to eligible Settlement Class Members, as well as to pay for attorneys' fees, costs, and expenses, and service award payments to the Class Representatives who initiated the lawsuit (*see* Question 17). Comerica Bank has also agreed to pay all fees and costs associated with notice and administration of the Settlement.

**Questions? Call 1-877-819-8914 Or Visit www.ComericaBankOverdraftSettlement.com
Si desea recibir esta notificación en español, llámenos o visite nuestra página web.**

If money remains in the Settlement Fund one year plus after the Settlement Administrator sends the first Settlement Fund Payment check to Settlement Class Members, it will be distributed as follows:

- a) First, on a pro rata basis to participating Settlement Class Members who received Settlement Fund Payments, if feasible and practical in light of the costs of administering such subsequent payments;
- b) Second, if additional pro rata payments to participating Settlement Class Members are not feasible and practical, Settlement Class Counsel and counsel for Comerica Bank shall jointly file a proposed plan for distribution of the residual funds for consideration by the Court.

Detail on how any money remaining in the Settlement Fund will be distributed can be found in paragraph 102 of the Settlement Agreement available at the website.

9. Do I need to do anything to get a payment?

No. If you are in the Settlement Class and entitled to receive a cash benefit, you do not need to do anything to receive a payment or Account credit. If the Court approves the Settlement and it becomes final and effective, you will automatically receive a payment or Account credit.

10. How much will my payment be?

Any payment you are eligible to receive will be based on the number of Overdraft Fees charged to your Comerica Bank consumer deposit account as a result of High-to-Low Posting of Debit Card Transactions during the applicable Class Period. It is not possible to know at this point how much any Settlement Class Member's payment from the Settlement will be. Payments will be based on the number of people in the Settlement Class and the amount of additional Overdraft Fees each Settlement Class Member paid as a result of the High-to-Low Posting. Only a small percentage of all Overdraft Fees that were charged by Comerica Bank were affected by High-to-Low Posting. So, not every Overdraft Fee that was charged is eligible for payment under this Settlement.

11. When will I receive my payment?

Settlement Class Members who do not exclude themselves from the Settlement Class will receive their payments, either by Account credit or by check, only after the Court grants final approval to the Settlement and after any appeals are resolved (*see* "The Final Approval Hearing" below). If there are appeals, resolving them can take time. Please be patient.

12. What I am giving up to stay in the Settlement Class?

Unless you exclude yourself from the Settlement, you can't sue or bring a claim against Comerica Bank, or be part of any other lawsuit against Comerica Bank about the issues in this case. Unless you exclude yourself, all of the decisions by the Court will bind you. The Settlement Agreement is available at www.ComericaBankOverdraftSettlement.com and describes the claims that you give up if you remain in the Settlement.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want benefits from the Settlement, and you want to keep the right to sue Comerica Bank about the legal issues in this case, then you must take steps to get out of the Settlement. This is called excluding yourself—or it is sometimes referred to as "opting out" of the Settlement Class.

**Questions? Call 1-877-819-8914 Or Visit www.ComericaBankOverdraftSettlement.com
Si desea recibir esta notificación en español, llámenos o visite nuestra página web.**

13. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a letter or other written document by mail to the Settlement Administrator. Your request must include:

- Your name, address, telephone number, and account number;
- A statement that you want to be excluded from the Comerica Bank Settlement in *In re: Checking Account Overdraft Litigation*, 1:09-MD-02036-JLK; and
- Your signature.

You must mail your exclusion request, postmarked no later than **March 12, 2014**, to PO Box 2876, Portland, OR 97208-2876. You cannot ask to be excluded on the phone, by email, or at the website.

14. If I do not exclude myself, can I sue Comerica Bank for the same thing later?

No. Unless you exclude yourself, you give up the right to sue Comerica Bank for the claims that the Settlement resolves. You must exclude yourself from the Settlement Class in order to try to maintain your own lawsuit.

15. If I exclude myself, can I still get a payment?

No. You will not get a payment or Account credit if you exclude yourself from the Settlement.

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in the case?

The Court has appointed a number of lawyers to represent all Settlement Class Members as Settlement Class Counsel. They are:

Bruce S. Rogow, Esq. Bruce S. Rogow, P.A. Broward Financial Center 500 East Broward Blvd., Suite 1930 Fort Lauderdale, FL 33394	Aaron S. Podhurst, Esq. Podhurst Orseck P.A. 25 West Flagler Street, Suite 800 Miami, FL 33130	Robert C. Gilbert, Esq. Grossman Roth, P.A. 2525 Ponce de Leon Blvd., 11th Floor Coral Gables, FL 33134	Russell W. Budd Baron & Budd, 3102 Oak Lawn, Avenue, Suite 1100 Dallas, TX 75219
--	--	---	--

You will not be charged for contacting these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

17. How will the lawyers be paid?

Class Counsel intend to request up to 30 percent of the \$14,580,000 Settlement Fund for attorneys' fees, plus reimbursement of the costs and expenses of prosecuting the class action. The Court will decide the amount of fees and costs to award. Class Counsel will also request that service award payments of \$10,000 be paid from the Settlement Fund to each Class Representative for their service as representatives on behalf of the whole Settlement Class. Class Counsel's fees and expenses and service award payments to the Class Representatives will be paid out of the Settlement Fund.

**Questions? Call 1-877-819-8914 Or Visit www.ComericaBankOverdraftSettlement.com
Si desea recibir esta notificación en español, llámenos o visite nuestra página web.**

OBJECTING TO THE SETTLEMENT

18. How do I tell the Court that I do not like the Settlement?

If you are a member of the Settlement Class, you can object to any part of the Settlement, the Settlement as a whole, Class Counsel's requests for fees and expenses, and/or the service award payments to the Class Representatives. To object, you must submit a letter that includes the following:

- the name of the Action (Comerica Bank Settlement in *In re: Checking Account Overdraft Litigation*, No. 1:09-md-02036-JLK);
- your full name, address and telephone number;
- an explanation of the basis upon which you claim to be a Settlement Class Member;
- all grounds for the objection, accompanied by any legal support for the objection known to you or your counsel;
- the number of times in which you have objected to a class action settlement within the five years preceding the date that you file the objection, the caption of each case in which you have made such objection, and a copy of any orders related to or ruling upon your prior such objections that were issued by the trial and appellate courts in each listed case;
- the identity of all counsel who represent you, including any former or current counsel who may be entitled to compensation for any reason related to your objection to the Settlement or fee application;
- a copy of any orders related to or ruling upon counsel's or the firm's prior objections that were issued by the trial and appellate courts in each listed case in which your counsel and/or counsel's law firm have objected to a class action settlement within the preceding five (5) years;
- any and all agreements that relate to the objection or the process of objecting—whether written or oral—between you or your counsel and any other person or entity;
- the identity of all counsel (if any) representing you who will appear at the Final Approval Hearing;
- a list of all persons who will be called to testify at the Final Approval Hearing in support of your objection;
- a statement confirming whether you intend to personally appear and/or testify at the Final Approval Hearing; and
- your signature (an attorney's signature is not sufficient).

The requirements to object to the Settlement are described in detail in the Settlement Agreement in paragraphs 73 and 74. You must mail your objection to each of the following three addresses, and your objection must be postmarked by **March 12, 2014**:

Clerk of the Court U.S. District Court for the Southern District of Florida James Lawrence King Federal Justice Building 99 Northeast Fourth Street Miami, FL 33132	Robert C. Gilbert, Esq. Grossman Roth, P.A. 2525 Ponce de Leon Boulevard 11th Floor Coral Gables, FL 33134	Kenneth C. Johnston, Esq. Kane Russell Coleman & Logan P.C. 3700 Thanksgiving Tower 1601 Elm Street Dallas, Texas 75201
---	--	---

**Questions? Call 1-877-819-8914 Or Visit www.ComericaBankOverdraftSettlement.com
Si desea recibir esta notificación en español, llámenos o visite nuestra página web.**

19. What is the difference between objecting and asking to be excluded?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object to the Settlement only if you do not exclude yourself. Excluding yourself is telling the Court that you do not want to be part of the Settlement. If you exclude yourself, you have no basis to object to the Settlement because it no longer affects you.

THE FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to approve the Settlement, as well as the requests for attorneys' fees, expenses, and service award payments. You may attend and you may ask to speak, but you don't have to do so.

20. When and where will the Court decide whether to approve the Settlement?

The Court has scheduled a Final Approval Hearing on **April 16, 2014 at 10:30 a.m.** at the United States District Court for Southern District of Florida, Miami Division, located at James Lawrence King Federal Justice Building, 99 Northeast Fourth Street, 11th Floor, Miami, FL 33132. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.ComericaBankOverdraftSettlement.com for updates. At this hearing the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider the request by Class Counsel for attorneys' fees and expenses, as well as the request for service award payments to the Class Representatives. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

21. Do I have to attend the hearing?

No. Class Counsel will answer questions the Court may have. But you are welcome to attend the hearing at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you submitted your written objection on time, to the proper addresses, and it complies with the other requirements described in the Settlement Agreement, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

22. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must send a letter saying that you intend to appear and wish to be heard. Your Notice of Intention to Appear must include the following:

- Your name, address and telephone number;
- A statement that this is your "Notice of Intention to Appear" at the Final Approval Hearing for the Comerica Bank Settlement in *In Re: Checking Account Overdraft Litigation*, 1:09-md-02036-JLK;
- The reasons you want to be heard;
- Copies of any papers, exhibits, or other evidence or information that you will present to the Court; and
- Your signature.

**Questions? Call 1-877-819-8914 Or Visit www.ComericaBankOverdraftSettlement.com
Si desea recibir esta notificación en español, llámenos o visite nuestra página web.**

You must send copies of your Notice of Intention to Appear, postmarked by **March 12, 2014**, to all three addresses listed in Question 18. You cannot speak at the hearing if you exclude yourself from the Settlement.

GETTING MORE INFORMATION

23. How do I get more information?

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement. For a complete, definitive statement of the Settlement terms, refer to the Settlement Agreement at www.ComericaBankOverdraftSettlement.com. You also may write with questions to the Settlement Administrator at PO Box 2876, Portland, OR 97208-2876 or call the toll-free number, 1-877-819-8914.

**Questions? Call 1-877-819-8914 Or Visit www.ComericaBankOverdraftSettlement.com
Si desea recibir esta notificación en español, llámenos o visite nuestra página web.**