

Abercrombie v. TD Bank, N.A.
Settlement Administrator
PO Box 4720
Portland, OR 97208-4720

Abercrombie v. TD Bank, N.A.

**NOTICE OF PENDING
CLASS ACTION AND
PROPOSED SETTLEMENT**

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

IF YOU HAVE OR HAD A CONSUMER CHECKING ACCOUNT WITH TD BANK AND YOU WERE CHARGED CERTAIN OVERDRAFT FEES BETWEEN JUNE 1, 2015, AND APRIL 30, 2021, THEN YOU MAY BE ENTITLED TO A PAYMENT FROM A CLASS ACTION SETTLEMENT.

Para una notificación en español, visitar AbercrombieOverdraftFeeSettlement.com.

The United States District Court for the Southern District of Florida has authorized this Notice; it is not a solicitation from a lawyer.

You may be a member of the Settlement Class in *Abercrombie v. TD Bank, N.A.*, in which the Plaintiff alleges that Defendant TD Bank, N.A. (“Defendant”) unlawfully assessed “Retry OD Fees” between **June 1, 2015, and April 30, 2021**. “Retry OD Fees” are overdraft fees charged for ACH or check transactions that were (1) submitted by a merchant or other third party, (2) returned unpaid by Defendant due to insufficient funds, and (3) resubmitted by a merchant or third party and paid by Defendant despite insufficient funds in the Account. Defendant maintains that the fees were proper. The Court has not decided which side is right. If you are a member of the Settlement Class and if the Settlement is approved, you may be entitled to receive a cash payment from the \$4,245,000.00 Settlement Fund.

The Court has preliminarily approved this Settlement. It will hold a Final Approval Hearing in this case on **September 7, 2022**. At that hearing, the Court will consider whether to grant Final Approval to the Settlement, and whether to approve payment from the Settlement Fund of any Service Award to the Class Representative, up to one-third of the Settlement Fund as attorneys’ fees, and reimbursement of costs to the attorneys and the Settlement Administrator. If the Court grants Final Approval of the Settlement and you do not request to be excluded from the Settlement, you will release your right to bring any claims covered by the Settlement. In exchange, Defendant has agreed to issue a credit to your Account or a cash payment to you if you are no longer an Account Holder. If you previously received a notice from a separate class action settlement entitled *Perks v. T.D. Bank, N.A.*, No. 1:18-cv-11176-VEC (S.D.N.Y.), the benefits of this Settlement are in addition to the benefits provided by Perks.

To obtain a Long-Form Notice and other important documents please visit AbercrombieOverdraftFeeSettlement.com. Alternatively, you may call 855-675-3138.

*If you do not want to participate in this Settlement—you do not want to receive a credit or cash payment, and you do not want to be bound by any judgment entered in this case—you may exclude yourself by submitting an opt-out request postmarked no later than **July 23, 2022**. If you want to object to this Settlement because you think it is not fair, adequate, or reasonable, you may object by submitting an objection postmarked no later than **July 23, 2022**. You may learn more about the opt-out and objection procedures by visiting AbercrombieOverdraftFeeSettlement.com or by calling 855-675-3138.*