

Morris v. First Interstate Bank,
Miller v. First Interstate Bank
P.O. Box 5075
Portland, OR 97208-5075

Morris v. First Interstate Bank, Yellowstone
County Case No. DV 20-528

Miller v. First Interstate Bank, United States
District Court Case No.
CV-21-45-BLG-SPW-TJC

YELLOWSTONE COUNTY CIRCUIT
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 AN ACCOUNT WITH FIRST INTERSTATE BANK (“DEFENDANT”) AND YOU WERE CHARGED OVERDRAFT OR RETURNED ITEM FEES BETWEEN DECEMBER 30, 2011, AND APRIL 7, 2021 (DEPENDING ON YOUR STATE OF RESIDENCE), THEN YOU MAY BE ENTITLED TO A PAYMENT FROM A CLASS ACTION SETTLEMENT.

The Yellowstone County Circuit Court has authorized this Notice; it is not a solicitation from a lawyer.

You may be a member of the settlement class in *Morris v. First Interstate Bank* and/or *Miller v. First Interstate Bank*, in which the Named Plaintiffs allege that defendant First Interstate Bank (“Defendant”) improperly assessed certain types of overdraft and returned item fees. APPSN Fees means overdraft fees that were charged and not refunded on signature Point of Sale debit card transactions where there was a sufficient ledger balance at the time the transaction was authorized, but an insufficient available balance at the time the transaction was presented to Defendant for payment and posted to a customer’s account. Retry Fees means overdraft and/or returned item fees that were charged and not refunded for Automated Clearing House (ACH) and check transactions that were re-submitted by a merchant after being returned by Defendant for insufficient funds. If you are a Class Member and if the settlement is approved, then you may be entitled to receive a cash payment from the \$2,331,000 Settlement Fund and/or the forgiveness of Uncollected Fees totaling \$17,090.00.

The Court has preliminarily approved this settlement. It will hold a Final Approval Hearing in this case on **June 27, 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 up to \$10,000.00 to each of the Named Plaintiffs for their services on behalf of the Class, up to one-third (33 1/3%) of the Value of the Settlement as attorneys’ fees, and reimbursement of costs incurred by the attorneys; and the Settlement Administrator’s estimated costs. 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 claim covered by the settlement.

To obtain a long form class notice and other important documents, please visit www.MorrisODFeeSettlement.com. Alternatively, you may call 1-855-604-1837.

*If you do not want to participate in this settlement—you do not want to receive a credit or cash payment and/or the forgiveness of Uncollected Fees 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 **April 19, 2022**. If you want to object to this settlement, you may object by submitting an objection postmarked no later than **April 19, 2022**. You may learn more about the opt-out and objection procedures by visiting www.MorrisODFeeSettlement.com or by calling 1-855-604-1837.*