

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE No. 1:09-MD-02036-JLK

IN RE: CHECKING ACCOUNT
OVERDRAFT LITIGATION

MDL No. 2036

THIS DOCUMENT RELATES TO:
FIFTH TRANCHE ACTION

Case v. Bank of Oklahoma, N.A.
S.D. FL Case No. 1:11-cv-20815-JLK
W.D. OK Case No. 5:10-00901-L

**ORDER APPROVING PHASE II DISTRIBUTION OF SETTLEMENT FUNDS TO
IDENTIFIABLE SETTLEMENT CLASS MEMBERS**

The Parties' plan and proposal for a Phase II Distribution to eligible identifiable Settlement Class Members consisting of all residual settlement funds remaining from the Phase I Distribution, reserving sufficient funds to cover all administrative fees and expenses reasonably projected for the Settlement Administrator to fully implement and administer the Phase II Distribution process, is **APPROVED** as set forth herein.

1. The Settlement Administrator is authorized and directed to promptly issue and mail any remaining Phase I Distribution checks to eligible identifiable Settlement Class Members for whom the Settlement Administrator is able to obtain updated and reliable addresses following reasonable effort and expense. All further Phase I Distribution checks shall have a void date of sixty (60) days from the date of issuance.

2. The total amount of residual funds from the Phase I Distribution process shall constitute the total amount available for purposes of the Phase II Distribution.

3. The Settlement Administrator is authorized and directed to promptly calculate the pro rata amount of the Phase II distributions to eligible identifiable Settlement Class Members, reserving sufficient funds to cover all administrative fees and expenses reasonably projected for the Settlement Administrator to fully implement and administer the Phase II Distribution. All administrative fees and costs associated with the Phase II Distribution and the eventual distribution of any remaining residual funds, including but not limited to printing and mailing costs, shall be paid from the Settlement Fund. Bank of Oklahoma shall not be obligated, under any circumstances, to pay any additional amounts in connection with this Settlement to any Settlement Class Members, the Settlement Administrator, Class Counsel or third parties associated with the Phase II Distribution and ancillary matters addressed in this Order.

4. For purposes of the Phase II Distribution, identifiable Settlement Class Members are eligible to receive a Phase II Distribution provided: (1) they participated in the Phase I Distribution; and (2) the pro rata amount of their Phase II Distributions will be equal to or greater than \$5.00. Identifiable Settlement Class Members are deemed to have participated in the Phase I Distribution if they: (1) received their Phase I Distributions by automatic credit to their Bank of Oklahoma accounts; or (2) timely negotiated their Phase I Distribution checks. Those identifiable Settlement Class Members who could not be located by the Settlement Administrator during the Phase I Distribution process, despite reasonable address tracing efforts and/or re-mailing, or who did not timely negotiate their Phase I Distribution checks, shall not be eligible to receive Phase II Distributions.

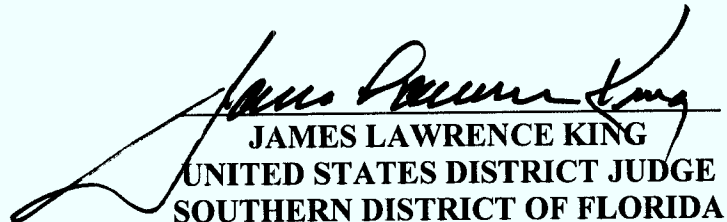
5. Following the calculation of the pro rata amount of the Phase II Distributions to eligible identifiable Settlement Class Members, the Settlement Administrator is authorized and directed to update addresses and mail Phase II Distribution checks to all eligible identifiable Settlement Class Members. All Phase II Distribution checks shall have a void date of 60 days from the date of issuance.

6. Upon expiration of the 60-day void period for all Phase II Distribution checks, the Settlement Administrator is authorized and directed to void all un-cashed checks and to determine the total amount of residual funds from the Phase II Distribution that remain undistributed to eligible identifiable Settlement Class Members, after payment of all costs, expenses and fees associated with the implementation and administration of the Phase II Distribution and any unpaid costs, expenses and fees of the Settlement Administrator.

7. Within 30 days thereafter, Class Counsel shall file a report detailing the results of the Phase II Distribution, including the total amount distributed to eligible identifiable Settlement Class Members, the amount of administrative fees, expenses and costs incurred by the Settlement Administrator, and the total amount of residual funds from the Phase II Distribution that remain undistributed to eligible identifiable Settlement Class Members.

8. In conjunction with the foregoing report, Class Counsel and Bank of Oklahoma may make recommendations to the Court concerning proposed recipient(s) of the residual funds that remain undistributed to eligible identifiable Settlement Class Members.

DONE AND ORDERED in Chambers at the James Lawrence King Federal Justice Building and United States Courthouse in Miami, Florida, this ~~15th~~^{15th} day of January 2014.


JAMES LAWRENCE KING
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF FLORIDA

CC: All counsel of record