

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 5:21-CV-488-BO**

PHILIP BULLS, DEAN BRINK, CARMIN
NOWLIN, NICHOLAS PADAQ, and
RAPHAEL RILEY *on behalf of themselves
and others similarly situated,*

Plaintiffs,

vs.

USAA FEDERAL SAVINGS BANK, and
USAA SAVINGS BANK,

Defendants.

**DECLARATION OF CAMERON R.
AZARI, ESQ REGARDING
IMPLEMENTATION AND
ADEQUACY OF NOTICE
PROGRAM**

I, Cameron R. Azari, Esq., hereby declare and state as follows:

1. My name is Cameron R. Azari, Esq. I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.

2. I am a nationally recognized expert in the field of legal notice and have served as an expert in hundreds of federal and state cases involving class action notice plans.

3. I am a Senior Vice President of Epiq Class Action and Claims Solutions, Inc. (“Epiq”) and the Director of Legal Notice for Hilsoft Notifications, a firm that specializes in designing, developing, analyzing, and implementing large-scale, un-biased, legal notification plans. Hilsoft Notifications is a business unit of Epiq. References to Epiq in this declaration include Hilsoft Notifications.

6. The facts in this declaration are based on my personal knowledge, as well as information provided to me by my colleagues in the ordinary course of my business at Epiq.

OVERVIEW

7. This declaration details the successful implementation of the Settlement Notice Program (“Notice Program”) and notices (the “Class Notice” or “Class Notices”) for *Bulls v. USAA*

Federal Savings Bank, et al., Case No. 5:21-cv-00488-BO, in the United States District Court for the Eastern District of North Carolina, Western Division. Epiq designed the Notice Program based on our extensive prior experience and research into the notice issues particular to this Settlement. The Notice Plan as designed and implemented provided the best notice practicable under the circumstances to the Class. I previously executed my *Declaration of Cameron R. Azari, Esq. Regarding Notice Program* (“Notice Program Declaration”) on August 2, 2024, which described the Notice Program, detailed Hilsoft’s class action notice experience, and attached Hilsoft’s *curriculum vitae*. I also provided my educational and professional experience relating to class actions and my ability to render opinions on overall adequacy of notice plans.

NOTICE PROGRAM METHODOLOGY

8. Federal Rules of Civil Procedure, Rule 23 directs that notice must be “the best notice that is practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort” and that “the notice may be by one or more of the following: United States mail, electronic means, or other appropriate means.”¹ The Notice Program satisfied these requirements.

9. This Notice Program as designed and implemented reached the greatest practicable number of identified Class Members. The Notice Program included individual notice via email and/or mail to identified Class Members. With the address updating protocols that were used, the Notice Program individual notice efforts reached approximately 98.3% of identified Class Members. The reach was further enhanced by a Settlement Website. In my experience, the reach of the Notice Program was consistent with other court-approved notice plans, was the best notice practicable under the circumstances of this case, and satisfied the requirements of due process, including its “desire to actually inform” requirement.²

¹ Fed. R. Civ. P. 23(c)(2)(B).

² *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 315 (1950) (“But when notice is a person’s due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it. The

CAFA

10. On August 12, 2024, Epiq sent 58 CAFA Notice Packages (“CAFA Notice”), as required by the federal Class Action Fairness Act of 2005 (CAFA), 28 U.S.C. § 1715. The CAFA Notice was mailed via United States Postal Service (“USPS”) Certified Mail to 54 officials, which included the Attorneys General of 48 states, District of Columbia, and the United States Territories. Per the direction of the Office of the Nevada and Connecticut Attorneys General, the CAFA Notice was sent to the Nevada and Connecticut Attorneys General electronically via email. The CAFA Notice was also sent via United Parcel Service (“UPS”) to the Attorney General and the Office of Comptroller of the Currency of the United States. Details regarding the CAFA Notice mailing are provided in the *Declaration of Kyle S. Bingham on Implementation of CAFA Notice*, dated August 12, 2024, which is included as **Attachment 1**.

NOTICE PROGRAM DETAIL

11. On September 5, 2024, the Court approved the Notice Program and appointed Epiq as the Administrator in the *Order Granting Preliminary Approval of Class Action Settlement* (“Preliminary Approval Order”). In the Preliminary Approval Order, the Court approved, for settlement purposes, the following “Class” defined in the Settlement Agreement as:

All USAA Bank customers who (1) received and deposited a remediation check as a result of the SCRA Remediation or the MLA Remediation, or (2) were identified to receive remediation based upon the SCRA Remediation, the MLA Remediation, the EVP Remediation, or the DP Remediation, but did not successfully cash or deposit such remediation payment.

Excluded from the Class are all persons who have executed a release of the rights claimed in this action. Also excluded from the Class are USAA Bank; USAA Bank’s officers and directors at all relevant times, as well as members of their immediate families and their legal representatives, heirs, successors, or assigns; and any entity in which USAA Bank has or had a controlling interest. Also excluded from the Class are federal, state, and local governments and all agencies and subdivisions thereunder; and any judge to whom this Action is or has been assigned and any member of his or her immediate family.

reasonableness and hence the constitutional validity of any chosen method may be defended on the ground that it is in itself reasonably certain to inform those affected . . .”).

DECLARATION OF CAMERON R. AZARI, ESQ. REGARDING IMPLEMENTATION AND
ADEQUACY OF NOTICE PROGRAM

12. After the Court’s Preliminary Approval Order was entered, Epiq implemented the Notice Program. This declaration details the notice activities undertaken to date and explains how and why the Notice Program was comprehensive and well-suited to reach Class Members. This declaration also discusses the administration activity to date.

NOTICE PROGRAM

Individual Notice

13. On August 9, 2024, Epiq received one data file with 247,697 records for identified Class Members, including the names, Unique Class Member ID’s, last known email addresses if available, last known phone numbers if available, and last known mailing addresses (“Class List”). Epiq deduplicated and rolled-up the records and loaded the unique, identified Class Member records into its database. These efforts resulted in 247,696 identified Class Member records (one record did not have a valid email or mailing address available and was not sent a Notice).

14. An Email Notice was sent to all identified Class Members for whom a valid email address was available. A Postcard Notice was sent via USPS first class mail to all identified Class Members with an associated physical address for whom a valid email address was not available or for whom notice could not be sent via email, or for whom the Email Notice was returned as undeliverable after several attempts. The Email Notice and Postcard Notice clearly described the Settlement and the legal rights of the Class Members. In addition, the Email Notice and Postcard Notice directed the recipients to a Settlement Website where they could access the Long Form Notice and additional information about the Settlement.

Individual Notice – Email

15. On October 2, 2024, Epiq sent 221,196 Email Notices to identified Class Members for whom a valid email address was available. 13,470 Class Members shared common email addresses. As a result, one Email Notice, addressed to multiple Class Members, was sent to the shared email addresses. The Email Notice was drafted in such a way that the subject line, the sender, and the body of the message overcome SPAM filters and ensure readership to the fullest

extent reasonably practicable. For instance, the Email Notice used an embedded html text format. This format provided easy to read text without graphics, tables, images, attachments, and other elements that would increase the likelihood that the message would be blocked by Internet Service Providers (ISPs) and/or SPAM filters for this type of communication. The Email Notices were sent from an IP address known to major email providers as one not used to send bulk “SPAM” or “junk” email blasts. Each Email Notice was transmitted with a digital signature to the header and content of the Email Notice, which allowed ISPs to programmatically authenticate that the Email Notices were from our authorized mail servers. Each Email Notice was also transmitted with a unique message identifier. The Email Notice included an embedded link to the Settlement Website. By clicking the link, recipients were able to access the Long Form Notice and other information about the Settlement. The Email Notice is included as **Attachment 2**.

16. If the receiving email server could not deliver the message, a “bounce code” was returned along with the unique message identifier. For any Email Notice for which a bounce code was received indicating that the message was undeliverable for reasons such as an inactive or disabled account, the recipient’s mailbox was full, technical autoreplies, etc., at least two additional attempts were made to deliver the Notice by email.

Individual Notice – Direct Mail

17. On October 4, 2024, Epiq sent 13,030 Postcard Notices to all identified Class Members with an associated physical address for whom a valid email address was not available or for whom notice could not be sent via email. Subsequently, on October 23, 2024, Epiq sent 22,810 Postcard Notices to all identified Class Members with an associated physical address for whom the Email Notice was returned as undeliverable after several attempts. The Postcard Notice was sent via USPS first class mail. The Postcard Notice clearly and concisely summarized the Settlement and the legal rights of the Class Members. In addition, the Postcard Notice also directed the recipients to the Settlement Website where they could access the Long Form Notice and additional information about the Settlement. The Postcard Notice is included as **Attachment 3**.

18. Prior to sending the Postcard Notice, mailing addresses were checked against the National Change of Address (“NCOA”) database maintained by the USPS to ensure the Class Member address information was up-to-date and accurately formatted for mailing.³ In addition, the addresses were certified via the Coding Accuracy Support System (“CASS”) to ensure the quality of the zip code, and verified through Delivery Point Validation (“DPV”) to verify the accuracy of the addresses. This address updating process is standard for the industry and for the majority of promotional mailings that occur today.

19. The return address on the Postcard Notices was a post office box that Epiq maintains for this Settlement. The USPS automatically forwarded Postcard Notices with an available forwarding address order that has not expired (“Postal Forwards”). Postcard Notices returned as undeliverable were re-mailed to any new address available through USPS information, (for example, to the address provided by the USPS on returned mail pieces for which the automatic forwarding order has expired, but is still within the time period in which the USPS returns the piece with the address indicated), and to better addresses that were found using a third-party lookup service. Upon successfully locating better addresses, Postcard Notices were promptly remailed. As of December 30, 2024, 15 Postcard Notices have been remailed.

20. Additionally, a Long Form Notice, was mailed to all persons who requested one via the toll-free telephone number or by other means. As of December 30, 2024, Epiq mailed 170 Long Form Notices as a result of such requests. The Long Form Notice is included as **Attachment 4**.

³ The NCOA database is maintained by the USPS and consists of approximately 160 million permanent change-of-address (COA) records consisting of names and addresses of individuals, families, and businesses who have filed a change-of-address with the Postal Service™. The address information is maintained on the database for 48 months and reduces undeliverable mail by providing the most current address information, including standardized and delivery-point-coded addresses, for matches made to the NCOA file for individual, family, and business moves.

Notice Results

21. As of December 30, 2024, an Email Notice and/or Postcard Notice was delivered to 243,559 of the 247,696 unique, identified Class Members. This means the individual notice efforts reached approximately 98.3% of the identified Class Members.

Settlement Website

22. On October 3, 2024, Epiq established a Settlement Website with an easy to remember domain name (www.USAABankClassAction.info). Relevant documents are posted on the Settlement Website, including the Long-Form Notice, Settlement Agreement, Preliminary Approval Order, and other case-related documents. In addition, the Settlement Website includes relevant dates, answers to frequently asked questions (“FAQs”), instructions for how Class Members could opt-out (request exclusion) from or object to the Settlement prior to the deadlines, contact information for the Administrator, and how to obtain other case-related information. The Settlement Website address was prominently displayed in all notice documents. As of December 30, 2024, there have been 4,665 unique visitor sessions to the Settlement Website and 10,837 web pages have been presented.

Toll-Free Telephone Number

23. On October 3, 2024, Epiq established a toll-free telephone number (1-888-378-7406) to allow Class Members to call for additional information. Callers are able to hear an introductory message and have the option to learn more about the Settlement in the form of recorded answers to FAQs, and to request that a Long Form Notice be mailed to them. The toll-free telephone number was prominently displayed in all notice documents. The automated telephone system is available 24 hours per day, 7 days per week. As of December 30, 2024, there have been 808 calls to the toll-free telephone number representing 1,879 minutes of use.

24. A postal mailing address was also established and continues to be available, providing Class Members the opportunity to request additional information or ask questions.

Requests for Exclusion and Objections

25. The deadline to request exclusion from the Settlement or to object to the Settlement was November 21, 2024. As of December 30, 2024, Epiq has received three requests for exclusion. As of December 30, 2024, Epiq is not aware of any objections to the Settlement. The Exclusion Report is included as **Attachment 5**.

CONCLUSION

26. In class action notice planning, execution, and analysis, we are guided by due process considerations under the United States Constitution, by federal and local rules and statutes, and further by case law pertaining to notice. This framework directs that the notice program be designed to reach the greatest practicable number of potential class members and, that the notice or notice program provide class members with easy access to the details of how the class action may impact their rights. All of these requirements were met in this case.

27. The Notice Program included individual notice efforts via email and/or mail to identified Class Members. With the address updating protocols that were used, the Notice Program reached approximately 98.3% of the identified Class Members. The reach was further enhanced by a Settlement Website. The Federal Judicial Center's ("FJC") *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide*, which is relied upon for federal cases, states that, "the lynchpin in an objective determination of the adequacy of a proposed notice effort is whether all the notice efforts together will reach a high percentage of the class. It is reasonable to reach between 70–95%."⁴ Here, we have developed and implemented a Notice Program that readily achieved a reach beyond the high end of that standard.

28. The Notice Program followed the guidance for satisfying due process obligations that a notice expert gleans from the United States Supreme Court's seminal decisions, which

⁴ FED. JUDICIAL CTR, JUDGES' CLASS ACTION NOTICE AND CLAIMS PROCESS CHECKLIST AND PLAIN LANGUAGE GUIDE 3 (2010), available at <https://www.fjc.gov/content/judges-class-action-notice-and-claims-process-checklist-and-plain-language-guide-0>.

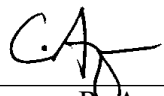
emphasize the need: (a) to endeavor to actually inform the Class, and (b) to ensure that notice is reasonably calculated to do so.

- a) “[W]hen notice is a person’s due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it,” *Mullane v. Central Hanover Trust*, 339 U.S. 306, 315 (1950); and
- b) “[N]otice must be reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections,” *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156 (1974) (citing *Mullane*, 339 U.S. at 314).

29. The Notice Program provided the best notice practicable under the circumstances, conformed to all aspects of Federal Rule of Civil Procedure 23 regarding notice, comported with the guidance for effective notice articulated in the Manual for Complex Litigation, Fourth and applicable FJC materials, and satisfied the requirements of due process, including its “desire to actually inform” requirement.

30. The Notice Program schedule afforded enough time to provide full and proper notice to the Class Members before the Opt-Out Deadline or Objection Deadline.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 30, 2024.



Cameron R. Azari, Esq.

Attachment 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
CASE NO. 5:21-cv-00488-BO**

PHILIP BULLS, DEAN BRINK, CARMIN)
NOWLIN, NICHOLAS PADAQ, and)
RAPHAEL RILEY, <i>on behalf of themselves</i>)
<i>and others similarly situated,</i>)
)
Plaintiffs,)
)
v.)
)
USAA FEDERAL SAVINGS BANK, and)
USAA SAVINGS BANK,)
)
Defendants.)
)
)

DECLARATION OF KYLE S. BINGHAM ON IMPLEMENTATION OF CAFA NOTICE

I, KYLE S. BINGHAM, hereby declare and state as follows:

1. My name is KYLE S. BINGHAM. I am over the age of 25 and I have personal knowledge of the matters set forth herein, and I believe them to be true and correct.
2. I am the Director of Legal Noticing for Epiq Class Action & Claims Solutions, Inc. (“Epiq”), a firm that specializes in designing, developing, analyzing and implementing large-scale, unbiased, legal notification plans. I have overseen and handled Class Action Fairness Act (“CAFA”) notice mailings for more than 500 class action settlements.
3. Epiq is a firm with more than 25 years of experience in claims processing and settlement administration. Epiq’s class action case administration services include coordination of all notice requirements, design of direct-mail notices, establishment of fulfillment services, receipt and processing of opt-outs, coordination with the United States Postal Service (“USPS”), claims database management, claim adjudication, funds management and distribution services.

DECLARATION OF KYLE S. BINGHAM ON IMPLEMENTATION OF CAFA NOTICE

4. The facts in this Declaration are based on what I personally know, as well as information provided to me in the ordinary course of my business by my colleagues at Epiq.

CAFA NOTICE IMPLEMENTATION

5. At the direction of counsel for Defendants USAA Federal Savings Bank and USAA Savings Bank, 58 federal and state officials (the Attorney General of the United States and the Attorneys General of each of the 50 states, the District of Columbia, and the United States Territories, as well as the Office of Comptroller of the Currency) were identified to receive CAFA notice.

6. Epiq maintains a list of these federal and state officials with contact information for the purpose of providing CAFA notice. Prior to mailing, the names and addresses selected from Epiq's list were verified, then run through the Coding Accuracy Support System ("CASS") maintained by the United States Postal Service ("USPS").¹

7. On August 12, 2024, Epiq sent 58 CAFA Notice Packages ("Notice"). The Notice was mailed via USPS Priority Mail to 54 officials (the Attorneys General of 48 states, the District of Columbia, and the United States Territories). As per the direction of the Office of the Nevada and Connecticut Attorneys General, the Notice was sent to the Nevada and Connecticut Attorneys General electronically via email. The Notice was also sent via United Parcel Service ("UPS") to the Attorney General of the United States and the Office of Comptroller of the Currency. The CAFA Notice Service List (USPS Priority Mail, Email, and UPS) is included as **Attachment 1**.

8. The materials sent to the federal and state officials included a Cover Letter, which provided notice of the proposed Settlement of the above-captioned case. The Cover Letter is included as **Attachment 2**.

¹ CASS improves the accuracy of carrier route, 5-digit ZIP®, ZIP + 4® and delivery point codes that appear on mail pieces. The USPS makes this system available to mailing firms who want to improve the accuracy of postal codes, i.e., 5-digit ZIP®, ZIP + 4®, delivery point (DPCs), and carrier route codes that appear on mail pieces.

9. The cover letter was accompanied by a CD, which included the following:
- a. **Per 28 U.S.C. § 1715(b)(1) – Complaint and Any Amended Complaints:**
 - Class Action Complaint (filed November 24, 2021); and
 - First Amended Complaint (filed May 27, 2022).
 - b. **Per 28 U.S.C. § 1715(b)(3) – Notification to Class Members:**
 - Short Form Notice (*Exhibit D to the Settlement Agreement and Release*); and
 - Long Form Notice (*Exhibit E to the Settlement Agreement and Release*).
 - c. **Per 28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** The following documents were included:
 - Settlement Agreement and Release;
 - Distribution Plan (*Exhibit A to the Settlement Agreement and Release*);
 - [Proposed] Order Granting Preliminary Approval of Class Action Settlement (*Exhibit B to the Settlement Agreement and Release*); and
 - [Proposed] Order Granting Final Approval of Class Action Settlement (*Exhibit C to the Settlement Agreement and Release*).
 - d. **Per 28 U.S.C. § 1715(b)(7) – Estimate of Class Members:** A Geographic Analysis of potential Class Members was included on the CD.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 12, 2024.



KYLE S. BINGHAM

Attachment 1

**CAFA Notice Service List
USPS Priority Mail**

Appropriate Official	FullName	Address1	Address2	City	State	Zip
Office of the Attorney General	Treg Taylor	1031 W 4th Ave	Suite 200	Anchorage	AK	99501
Office of the Attorney General	Steve Marshall	501 Washington Ave		Montgomery	AL	36104
Office of the Attorney General	Tim Griffin	323 Center St	Suite 200	Little Rock	AR	72201
Office of the Attorney General	Kris Mayes	2005 N Central Ave		Phoenix	AZ	85004
Office of the Attorney General	CAFA Coordinator	Consumer Protection Section	455 Golden Gate Ave Suite 11000	San Francisco	CA	94102
Office of the Attorney General	Phil Weiser	Ralph L Carr Colorado Judicial Center	1300 Broadway Fl 10	Denver	CO	80203
Office of the Attorney General	Brian Schwalb	400 6th St NW		Washington	DC	20001
Office of the Attorney General	Kathy Jennings	Carvel State Bldg	820 N French St	Wilmington	DE	19801
Office of the Attorney General	Ashley Moody	State of Florida	The Capitol PL-01	Tallahassee	FL	32399
Office of the Attorney General	Chris Carr	40 Capitol Square SW		Atlanta	GA	30334
Department of the Attorney General	Anne E Lopez	425 Queen St		Honolulu	HI	96813
Iowa Attorney General	Brenna Bird	Hoover State Office Building	1305 E Walnut St	Des Moines	IA	50319
Office of the Attorney General	Raul Labrador	700 W Jefferson St Ste 210	PO Box 83720	Boise	ID	83720
Office of the Attorney General	Kwame Raoul	100 W Randolph St		Chicago	IL	60601
Office of the Indiana Attorney General	Todd Rokita	Indiana Government Center South	302 W Washington St Rm 5	Indianapolis	IN	46204
Office of the Attorney General	Kris Kobach	120 SW 10th Ave 2nd Fl		Topeka	KS	66612
Office of the Attorney General	Russell Coleman	700 Capitol Ave Suite 118		Frankfort	KY	40601
Office of the Attorney General	Liz Murrill	PO Box 94005		Baton Rouge	LA	70804
Office of the Attorney General	Andrea Campbell	1 Ashburton Pl 20th Fl		Boston	MA	02108
Office of the Attorney General	Anthony G Brown	200 St Paul Pl		Baltimore	MD	21202
Office of the Attorney General	Aaron Frey	6 State House Station		Augusta	ME	04333
Department of Attorney General	Dana Nessel	PO BOX 30212		Lansing	MI	48909
Office of the Attorney General	Keith Ellison	445 Minnesota St Ste 1400		St Paul	MN	55101
Missouri Attorney General's Office	Andrew Bailey	207 West High Street	PO Box 899	Jefferson City	MO	65102
Mississippi Attorney General	Lynn Fitch	PO Box 220		Jackson	MS	39205
Office of the Attorney General	Austin Knudsen	215 N Sanders 3rd Fl	PO Box 201401	Helena	MT	59620
Attorney General's Office	Josh Stein	9001 Mail Service Ctr		Raleigh	NC	27699
Office of the Attorney General	Drew H Wrigley	600 E Boulevard Ave Dept 125		Bismarck	ND	58505
Nebraska Attorney General	Mike Hilgers	2115 State Capitol	PO Box 98920	Lincoln	NE	68509
Office of the Attorney General	John Formella	NH Department of Justice	33 Capitol St	Concord	NH	03301
Office of the Attorney General	Matthew J Platkin	25 Market Street	PO Box 080	Trenton	NJ	08625
Office of the Attorney General	Raul Torrez	408 Galisteo St	Villagra Bldg	Santa Fe	NM	87501
Office of the Attorney General	CAFA Coordinator	28 Liberty Street 15th Floor		New York	NY	10005
Office of the Attorney General	Dave Yost	30 E Broad St Fl 14		Columbus	OH	43215
Office of the Attorney General	Gentner Drummond	313 NE 21st St		Oklahoma City	OK	73105
Office of the Attorney General	Ellen F Rosenblum	Oregon Department of Justice	1162 Court St NE	Salem	OR	97301
Office of the Attorney General	Michelle A Henry	16th Fl Strawberry Square		Harrisburg	PA	17120
Office of the Attorney General	Peter F Neronha	150 S Main St		Providence	RI	02903
Office of the Attorney General	Alan Wilson	PO Box 11549		Columbia	SC	29211
Office of the Attorney General	Marty Jackley	1302 E Hwy 14 Ste 1		Pierre	SD	57501
Office of the Attorney General	Jonathan Skrmetti	PO Box 20207		Nashville	TN	37202
Office of the Attorney General	Ken Paxton	PO Box 12548		Austin	TX	78711
Office of the Attorney General	Sean D Reyes	PO Box 142320		Salt Lake City	UT	84114
Office of the Attorney General	Jason S Miyares	202 N 9th St		Richmond	VA	23219
Office of the Attorney General	Charity R Clark	109 State St		Montpelier	VT	05609
Office of the Attorney General	Bob Ferguson	800 5th Ave Ste 2000		Seattle	WA	98104
Office of the Attorney General	Josh Kaul	PO Box 7857		Madison	WI	53707
Office of the Attorney General	Patrick Morrissey	State Capitol Complex Bldg 1 Room E 26	1900 Kanawha Blvd E	Charleston	WV	25305
Office of the Attorney General	Bridget Hill	109 State Capital		Cheyenne	WY	82002
Department of Legal Affairs	Fainu'ulei Falefatu Ala'ilima-Utu	American Samoa Gov't Exec Ofc Bldg Utulei	Territory of American Samoa	Pago Pago	AS	96799
Attorney General Office of Guam	Douglas Moylan	Administrative Division	590 S Marine Corps Dr Ste 901	Tamuning	GU	96913
Office of the Attorney General	Edward Manibusan	Administration Bldg	PO Box 10007	Saipan	MP	96950
PR Department of Justice	Domingo Emanuelli Hernández	PO Box 9020192		San Juan	PR	00902
Department of Justice	Gordon C. Rhea	3438 Kronprindsens Gade Ste 2	GERS BLDG	St Thomas	VI	00802

CAFA Notice Service List

Email

Appropriate Official	Contact Format	State
Office of the Attorney General for Connecticut	All documents sent to CT AG at their dedicated CAFA email inbox.	CT
Office of the Attorney General for Nevada	All documents sent to NV AG at their dedicated CAFA email inbox.	NV

CAFA Notice Service List
UPS

Appropriate Official	FullName	Address1	Address2	City	State	Zip
US Department of Justice	Merrick B. Garland	950 Pennsylvania Ave NW		Washington	DC	20530
Office of the Comptroller of the Currency	Michael J Hsu	400 7th Street SW		Washington	DC	20219

Attachment 2

CAFA NOTICE ADMINISTRATOR

HILSOFT NOTIFICATIONS
10300 SW Allen Blvd
Beaverton, OR 97005
P 503-350-5800
DL-CAFA@epiqglobal.com

August 12, 2024

VIA UPS OR USPS PRIORITY MAIL

Class Action Fairness Act – Notice to Federal and State Officials

Dear Federal and State Officials:

Pursuant to the Class Action Fairness Act of 2005 (“CAFA”), codified at 28 U.S.C. § 1715, please find enclosed information from Defendants USAA Federal Savings Bank and USAA Savings Bank relating to the proposed settlement of a class action lawsuit.

- **Case:** *Bulls v. USAA Federal Savings Bank, et al.*, Case No. 5:21-cv-00488-BO.
- **Court:** United States District Court for the Eastern District of North Carolina.
- **Defendants:** USAA Federal Savings Bank and USAA Savings Bank.
- **Documents Enclosed:** In accordance with the requirements of 28 U.S.C. § 1715, please find copies of the following documents associated with this action on the enclosed CD:
 1. **Per 28 U.S.C. § 1715(b)(1) – Complaint and Any Amended Complaints:**
 - Class Action Complaint (filed November 24, 2021); and
 - First Amended Complaint (filed May 27, 2022).
 2. **Per 28 U.S.C. § 1715(b)(2) – Notice of Any Scheduled Judicial Hearing:** The Court has not scheduled a preliminary approval hearing or a final approval hearing or any other judicial hearing concerning the settlement agreement at this time.
 3. **Per 28 U.S.C. § 1715(b)(3) – Notification to Class Members:**
 - Short Form Notice (*Exhibit D to the Settlement Agreement and Release*); and
 - Long Form Notice (*Exhibit E to the Settlement Agreement and Release*).
 4. **Per 28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** The following documents are included:
 - Settlement Agreement and Release;
 - Distribution Plan (*Exhibit A to the Settlement Agreement and Release*);
 - [Proposed] Order Granting Preliminary Approval of Class Action Settlement (*Exhibit B to the Settlement Agreement and Release*); and

CAFA NOTICE ADMINISTRATOR

HILSOFT NOTIFICATIONS
10300 SW Allen Blvd
Beaverton, OR 97005
P 503-350-5800
DL-CAFA@epiqglobal.com

- [Proposed] Order Granting Final Approval of Class Action Settlement (*Exhibit C to the Settlement Agreement and Release*).
- 5. **Per 28 U.S.C. § 1715(b)(5) – Any Settlement or Other Agreements:** There are no other Settlements or Agreements between the parties.
- 6. **Per 28 U.S.C. § 1715(b)(6) – Final Judgment or Notice of Dismissal:** To date, the Court has not issued a final order, judgment or dismissal in the above-referenced action.
- 7. **Per 28 U.S.C. § 1715(b)(7) – Estimate of Class Members:** A Geographic Analysis of potential Class Members is included on the enclosed CD.
- 8. **28 U.S.C. § 1715(b)(8) – Judicial Opinions Related to the Settlement:** To date, the Court has not issued any written judicial opinion relating to the materials described under subparagraphs (3) through (6) above.

If you have questions or concerns about this notice or the enclosed materials, please contact this office.

Sincerely,

CAFA Notice Administrator

Enclosures

Attachment 2

From: noreply_usaabankclassaction <noreply@usaabankclassaction.info>
To: [REDACTED]
Subject: Important Information About a Class Action Settlement

[Click here](#) to view this message in a browser window.

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH
CAROLINA

You are receiving this notice because a class action settlement may affect your rights.

You May Be Eligible For Payment from a Class Action Settlement.

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

A Settlement that will pay the Class approximately \$64 million has been reached in a class action lawsuit alleging, among other things, USAA Federal Savings Bank and USAA Savings Bank (“USAA Bank”) failed to properly reduce the interest rate on the accounts of servicemember customers as required by the Servicemembers Civil Relief Act and as represented by USAA policy among other alleged violations of law, equity, and breach of contract. USAA denies each and all of the claims and allegations of wrongdoing made by the Plaintiffs.

Your legal rights will be affected whether you act or do not act. Please read this notice carefully.

How do you receive payment? If you have received this notice, you do not need to do anything to receive a settlement payment. You will be sent a payment if the Court approves the Settlement and it becomes final. You may visit www.USAABankClassAction.info for more information, to request electronic payment, or to update your address for check payments.

Who is included in the Settlement? If you received this notice, you are in the Class.

The “Class” is defined as: “All USAA Bank customers who (1) received and deposited a

remediation check as a result of the Servicemember Civil Relief Act Lookback Review for the period of March 31, 2013 through March 13, 2019 (“SCRA Remediation”) or the Military Lending Act Remediation for the period of October 3, 2016 through October 1, 2018 (“MLA Remediation”), or (2) were identified to receive a remediation check based upon the SCRA Remediation, the MLA Remediation, the Extended Vehicle Protection Remediation for the period of July 12, 2010 through June 30, 2021 (“EVP Remediation”), or the Debt Protection Remediation for the period of May 4, 2009 through July 31, 2021 (“DP Remediation”), but did not successfully cash or deposit such remediation payment.”

If you have other questions about the Settlement, visit the Settlement website at www.USAABankClassAction.info or call the toll-free number, 1-888-378-7406. You may also send questions to the Settlement Administrator at info@USAABankClassAction.info.

Please do not email, call, or send questions to USAA Bank or to the Court. USAA Bank will direct you to the Settlement Administrator for answers to any Settlement questions.

What does the Settlement provide?

- **The Settlement Amount** of approximately \$64 million will be used to pay court-approved attorneys’ fees and costs, service awards to Class Representatives, all settlement administration costs, and taxes and tax expenses (if any). The remainder of the Settlement Amount will be distributed to Class Members. For more detailed information about how the Settlement Amount will be used and distributed, please visit the case website to review the full-length Notice and Settlement Agreement.

How can I determine what my payment will be? Information regarding how the payments for each group will be calculated can be found in the distribution section of the Settlement Agreement posted on the case website, www.USAABankClassAction.info.

What are my Legal Rights and Options in this Settlement?

- **If you do nothing, you will receive a settlement payment as a Class Member.** You will give up your right to participate in other litigation against USAA Bank about the issues, claims, and allegations made in this case.
- **Request Exclusion.** You will receive no benefit from the Settlement. This option allows you to retain your rights to participate in other lawsuits against USAA for the claims in this case.

- **Object.** If you are a member of the 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 Awards to the Class Representatives.
- **Go to a Hearing.** You have the option to request to speak at the Final Approval Hearing, but you must send a letter informing the Court of your intention to appear and speak.

Detailed instructions regarding how to exercise your legal rights and options can be found on the case website, www.USAABankClassAction.info, or can be obtained by calling the toll-free number, 1-888-378-7406.

Final Approval Hearing. The Court has scheduled a Final Approval Hearing before Judge Terrence W. Boyle at 11:00 am on January 7, 2025, in Courtroom 2 of the Eastern District of North Carolina United States Courthouse located at 310 New Bern Avenue, Raleigh, North Carolina, 27601. The hearing date and time is subject to change. Updates to the date and time will be posted on the case website at www.USAABankClassAction.info.

At the hearing, the Court will consider granting final approval of the Settlement based on whether it is fair, reasonable, and adequate. The Court may also consider requests by Class Counsel for attorneys’ fees and expenses related to the litigation and administration of the Settlement and Service Award for the Class Representative. If there are objections, the Court will consider them at the hearing as well.

1-888-378-7406

www.USAABankClassAction.info

Name: [REDACTED]

UniqueID: [REDACTED]

Name: [REDACTED]

UniqueID: [REDACTED]

AK581_v05

Copyright © 2024 Bulls v USAA
Our address is P.O. Box 2939, Portland, OR 97208-2939

[Click here](#) to unsubscribe from emails about the Bulls v. USAA Class Action Settlement.
(You can also send your request to **Customer Care** at the street address above.)

Attachment 3

Bulls v USAA Settlement Administrator
P.O. Box 2939
Portland, OR 97208-2939

PRESORTED
FIRST-CLASS MAIL
AUTO
U.S. POSTAGE
PAID
PORTLAND, OR
PERMIT NO. 2882

UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF NORTH CAROLINA

You are receiving this notice because a class action settlement may affect your rights.

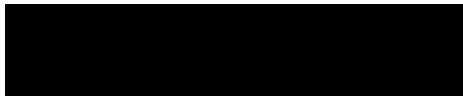
You may be eligible for payment from a class action settlement.

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

A Settlement that will pay the Class over approximately \$64 million has been reached in a class action lawsuit alleging, among other things,

USAA Federal Savings Bank and USAA Savings Bank (“USAA Bank”) failed to properly reduce the interest rate on the accounts of servicemember customers as required by the Servicemembers Civil Relief Act and as represented by USAA policy among other alleged violations of law, equity, and breach of contract. USAA denies all the claims and allegations of wrongdoing made by the Plaintiffs.

Your legal rights will be affected whether you act or do not act. Please read this notice carefully.



1
1



How do you receive payment? If you have received this notice, you do not need to do anything to receive a settlement payment. You will be sent a payment if the Court approves the Settlement and it becomes final. You may visit usaabankclassaction.info for more information, to request electronic payment, or to update your address for check payments.

Who is included in the Settlement? If you received this notice, you are in the Class. The “Class” is defined as “All USAA Bank customers who (1) received and deposited a remediation check as a result of the Servicemembers Civil Relief Act lookback review for the period of March 31, 2013, through March 13, 2019, (“SCRA Remediation”) or the Military Lending Act Remediation for the period of October 3, 2016, through October 1, 2018, (“MLA Remediation”), or (2) were identified to receive a remediation check based upon the SCRA Remediation, the MLA Remediation, the Extended Vehicle Protection Remediation for the period of July 12, 2010, through June 30, 2021, (“EVP Remediation”), or the Debt Protection Remediation for the period of May 4, 2009, through July 31, 2021, (“DP Remediation”), but did not successfully cash or deposit such remediation payment.”

If you have other questions about the Settlement, visit the Settlement Website at usaabankclassaction.info, or call the toll-free number +1 888 378 7406. You may also send questions to the Settlement Administrator at info@usaabankclassaction.info. **Please do not email, call, or send questions to USAA Bank or to the Court. USAA Bank will direct you to the Settlement Administrator for answers to any Settlement questions.**

What does the Settlement provide?

- **The Settlement Amount** of over \$64 million will be used to pay Court-approved attorneys’ fees and costs, service awards to Class Representatives, all Settlement administration costs, and taxes and tax expenses (if any). The remainder of the Settlement Amount will be distributed to Class Members. For more detailed information about how the Settlement Amount will be used and distributed, please visit the case website to review the full-length Notice and Settlement Agreement.

How can I determine what my payment will be? Information regarding how the payments for each group will be calculated can be found in the distribution section of the Settlement Agreement posted at the Settlement Website, usaabankclassaction.info.

What are my legal rights and options in this Settlement?

- **If you do nothing, you will receive a Settlement payment as a Class Member.** You will give up your right to participate in other litigation against USAA Bank about the issues, claims, and allegations made in this case.
- **Request Exclusion.** You will receive no benefit from the Settlement. This option allows you to retain your rights to participate in other lawsuits against USAA for the claims in this case.
- **Object.** If you are a Class Member, 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 Awards to the Class Representatives.
- **Go to a Hearing.** You have the option to request to speak at the Final Approval Hearing, but you must send a letter informing the Court of your intention to appear and speak.

Detailed instructions regarding how to exercise your legal rights and options can be found at the Settlement Website, usaabankclassaction.info or by calling the toll-free number.

Final Approval Hearing. The Court has scheduled a Final Approval Hearing before Judge Terrence W. Boyle at 11:00 a.m. on January 7, 2025, at the Eastern District of North Carolina United States Courthouse located at 310 New Bern Avenue, Raleigh, North Carolina 27601. The hearing date and time is subject to change. Updates to the date and time will be posted to the Settlement Website, usaabankclassaction.info.

At the hearing, the Court will consider granting final approval of the Settlement based on whether it is fair, reasonable, and adequate. The Court may also consider requests by Class Counsel for attorneys’ fees and expenses related to the litigation and administration of the Settlement and Service Award for the Class Representative. If there are objections, the Court will consider them at the hearing as well.

Attachment 4

You are receiving this notice because a class action settlement may affect your rights.

You May Be Eligible for Payment From a Class Action Settlement.

The Parties have settled a class action on behalf of all USAA Bank customers who (1) received and deposited a remediation check as a result of the Servicemember Civil Relief Act lookback review for the period of March 31, 2013, through March 13, 2019 (“SCRA Remediation”), or the Military Lending Act Remediation for the period of October 3, 2016, through October 1, 2018 (“MLA Remediation”), or (2) were identified to receive a remediation check based upon the SCRA Remediation, the MLA Remediation, the Extended Vehicle Protection Remediation for the period of July 12, 2010, through June 30, 2021 (“EVP Remediation”), or the Debt Protection Remediation for the period of May 4, 2009, through July 31, 2021 (“DP Remediation”), but did not successfully cash or deposit such remediation payment. All USAA Bank customers who fit these terms are the “Class.”

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

- A settlement providing payment of approximately \$64 million to the Class has been reached in this class action lawsuit. Plaintiffs in the lawsuit allege, among other things, that USAA Federal Savings Bank and USAA Savings Bank (together, “USAA Bank”) failed to properly reduce the interest rate on accounts of servicemember customers as required by the Servicemember Civil Relief Act (SCRA) and as represented by USAA Bank policy in violation of the SCRA, the Military Lending Act (“MLA”), the Truth in Lending Act, the Nevada Deceptive Trade Practices Act, and the Florida Uniformed Servicemembers Protection Act, and in breach of contract.
- The Settlement provides for payments to all Class Members in accordance with a Distribution Plan described below.
- USAA Bank denies each and all of the claims and allegations of wrongdoing made by the Plaintiffs.
- Your legal rights will be affected whether you act or do not act. Please read this notice carefully.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

Do Nothing and Get a Payment Automatically	The Parties have identified all Class Members. If you have been identified as a Class Member, you do not need to do anything to receive a payment. Your payment will be automatically sent to you if the Court approves the Settlement and it becomes final. If you do not exclude yourself from the Settlement, you give up your right to participate in other litigation against USAA Bank about the claims made in this case. You may visit USAABankClassAction.info to request electronic payment or to update your address for check payments.
Exclude Yourself	If you exclude yourself, you will not receive benefits from the Settlement. This option allows you to retain your right to participate in other lawsuits against USAA Bank regarding the claims made in this case.
Object	Write to the Court if you do not approve of the Settlement.
Go to a Hearing	You may ask to speak in Court about the fairness of the Settlement.

- These options—and the deadlines to exercise them—are further detailed in this notice.
- The Court assigned to this case still has to decide whether to give Final Approval of the Settlement. If the Court grants Final Approval and appeals (if any) are resolved, payments will be sent to Class Members.

**QUESTIONS? Call 1-888-378-7406 or visit
USAABankClassAction.info.**

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**QUESTIONS? Call 1-888-378-7406 or visit
USAABankClassAction.info.**

A. Basic Information

1. Why am I receiving this notice?

Judge Terrence W. Boyle of the United States District Court for the Eastern District of North Carolina authorized this notice because you have a right to know about a proposed settlement of this class action lawsuit and all your options before the Court decides whether to give Final Approval to the Settlement. This notice explains the litigation, the Settlement, and your legal rights.

Judge Boyle is overseeing this case. This lawsuit is known as *Bulls v. USAA Federal Savings Bank et al.*, Case No. 5:21-cv-00488-BO. The people who initiated the litigation are the “Plaintiffs.” USAA Bank is the “Defendant.”

2. What is the litigation about?

Plaintiffs allege, among other things, that between March 31, 2013, and March 13, 2019, USAA Bank failed to properly reduce the interest rate on accounts of servicemember customers as required by the SCRA and as represented by USAA Bank policy in violation of the SCRA, the MLA, the Truth in Lending Act, the Nevada Deceptive Trade Practices Act, and the Florida Uniformed Servicemembers Protection Act, and in breach of contract.

USAA Bank denies each and all of the claims and allegations of wrongdoing made by the Plaintiffs and denies that it has violated any law, contract, or other duty.

The filed Complaint in the lawsuit can be viewed at USAABankClassAction.info. The Complaint includes all allegations and claims asserted against USAA Bank.

3. Why is this a class action?

A class action lawsuit allows a large number of people with a common claim in a matter to sue collectively while only being represented by a few members of the group called “Class Representatives.” In this case, a group of servicemembers and veterans who are customers of USAA Bank have brought the suit on behalf of themselves and any other people with similar claims.

The Court has appointed the following servicemembers to act as Class Representatives: Philip Bulls, Dean Brink, Carmin Nowlin, Nicholas Padoa, and Raphael Riley.

4. Why is there a Settlement?

The Court has not decided in favor of the Plaintiffs or USAA Bank. The Parties have agreed to a Settlement.

By agreeing to the Settlement, the Parties avoid the costs and uncertainty of a trial, and Class Members receive the benefits described in this notice. The proposed Settlement does not mean that any law was broken or that USAA Bank did anything wrong. USAA Bank denies all legal claims and allegations of wrongdoing in this case.

Class Representatives and their lawyers think the proposed Settlement is best for everyone who may be affected by the alleged improper interest charges and other claims in the lawsuit.

B. The Settlement

5. Who is included in the Settlement?

The Settlement Agreement defines the Class as:

“All USAA Bank customers who (1) received and deposited a remediation check as a result of the SCRA Remediation or the MLA Remediation, or (2) were identified to receive a remediation check based upon the SCRA Remediation, the MLA Remediation, the EVP Remediation, or the DP Remediation, but did not successfully cash or deposit such remediation payment.”

**QUESTIONS? Call 1-888-378-7406 or visit
USAABankClassAction.info.**

Excluded from the Class are USAA Bank; USAA Bank's officers and directors at all relevant times, as well as members of USAA Bank's immediate families and legal representatives, heirs, successors, or assigns; and any entity in which USAA Bank has or had a controlling interest. Also excluded from the Class are federal, state, and local governments and all agencies and subdivisions thereunder, and any judge to whom this Action is or has been assigned and any member of his/her/their immediate family.

"Class Member" means any person included in the Class who does not opt out of the Class in the manner described in this notice.

6. How do I determine whether I am part of the Settlement?

If you are not sure whether you are in the Class, or have any other questions about the Settlement, visit the Settlement Website at USAABankClassAction.info or call the toll-free number, 1-888-378-7406. You may also send questions to the Administrator at info@USAABankClassAction.info. **Please do not email, call, or send questions about the Settlement to USAA Bank or to the Court. USAA Bank will direct you to the Administrator for answers to any Settlement-related questions.**

C. The Settlement Benefits

7. What does the Settlement provide?

The Settlement Amount of approximately \$64 million will be used to pay Court-approved attorneys' fees and costs, Service Awards to the Class Representatives, all Administrative Costs (including notice costs, escrow and settlement administration services, distribution costs, etc.), and taxes and tax expenses (if any).

The remainder of the Settlement Amount ("Net Settlement Amount") will be distributed through a three-step Distribution Plan.

Step One will consist of the payment of Thirty-Three Million, Four Hundred and Two Thousand, Eight Hundred and Thirty-Three Dollars and Fifty-Nine Cents (\$33,402,833.59) to Class Members who were previously sent a remediation payment pursuant to previous remediation payments for the SCRA, MLA, EVP, and DP Remediations, but who did not successfully deposit that payment ("Group 1"). Next, a minimum payment of Fifty Dollars (\$50.00) per applicable account will be paid to each Class Member who was previously sent a remediation payment pursuant to the SCRA Remediation and/or MLA Remediation ("Group 2" and "Group 3"). The approximate amount of the remaining Net Settlement Amount will be paid to Class Members who were previously sent a remediation payment pursuant to the SCRA Remediation, allocated pro rata in proportion to such prior SCRA Remediation payment ("Group 2").

Step Two provides that any Group 1 payments from Step One that remain uncashed 180 Days after issuance ("the Waterfall Date") shall be escheated by the Administrator.

The remainder of uncashed settlement checks from Step One, Groups 2 and 3, and all interest proceeds earned on any Settlement Amounts held by the Administrator will be distributed as a second round of payments to Class Members who successfully received a Step One payment (cash check or received a payment made by electronic means) in excess of \$250, allocated pro rata based upon the amount of the previous successfully received payment.

Step Three will consist of the payment of any unforeseen costs of settlement administration and payment of any untimely requests for reissuance of Step One or Step Two payments. If any Net Settlement Funds remain, they will be distributed to a not-for-profit organization(s) approved by the Court providing services to military servicemembers and veterans.

8. How can I determine what my payment will be?

If you are eligible to receive payment from the Settlement, the amount will be based upon the criteria described for each group defined in Section 7 above, but the average settlement payment is estimated to exceed \$200.

More detailed information regarding how the payments for each group will be determined can be found in the distribution section of the Settlement Agreement posted at the Settlement Website USAABankClassAction.info.

**QUESTIONS? Call 1-888-378-7406 or visit
USAABankClassAction.info.**

9. How can I determine when I will receive payment?

The Parties are using a distribution process that maximizes the likelihood that Settlement payments are received and successfully deposited. Class Members who are entitled to payments will receive their payments by direct deposit, mailed check, or by other widely available electronic means if the Class Member so chooses. Most payments will be issued only after the Court grants Final Approval to the Settlement and after any appeals are resolved. If there are appeals, resolving them can take time. It is prudent to check the Settlement Website often for updates regarding the status of the Settlement and options for selecting how your funds will be delivered.

10. What rights am I giving up by remaining a member of the Class and receiving payment?

Unless a member of the Class submits a request to be excluded from the Settlement, he or she is bound by the terms of the Agreement and cannot be part of any other lawsuit brought against USAA Bank for the same issues, claims, and allegations in this case. The Settlement Agreement is available at USAABankClassAction.info and describes what rights you will give up if you remain a participant in the Settlement.

D. How To Receive a Payment

11. What do I have to do to receive payment?

If you have been identified as a Class Member entitled to payment, you do not have to take any action to receive the payment. Payments will be issued automatically as described in Section 9 above.

12. Can I choose the method by which I will receive payment?

If you have a qualifying direct deposit account with USAA Bank, your Class Member Award will be paid by direct deposit. Otherwise, you will be mailed a check unless you visit USAABankClassAction.info to choose an electronic form of payment.

13. Can I update my address so you send my check to the right place?

Please visit USAABankClassAction.info to update your address. You will be required to provide proof of identity in order to change your address.

E. Excluding Yourself from the Settlement

14. What do I do if I do not want to participate in the Settlement?

If you do not want to receive payment from the Settlement and instead want to retain your right to participate in other lawsuits against USAA Bank for the same legal issues in this case, then you must take the steps to request exclusion from the Settlement. This action is also referred to as “opting out” of the Class.

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

1. Your name, address, telephone number, and Unique ID printed on the email or postcard notification sent to you
2. A statement that you wish to be excluded from the Settlement, including the case name and number
3. Your signature

You must mail your request, postmarked no later than November 21, 2024, to Bulls v USAA Administrator, P.O. Box 2939, Portland, OR 97208-2939. You cannot request exclusion by phone or email.

15. If I do not request exclusion, can I sue USAA Bank for the same claims later?

No, you cannot. Unless you request exclusion from the Settlement, you give up the right to sue USAA Bank for the issues, claims, and allegations this Settlement resolves. You must exclude yourself from the Class in order to maintain your own lawsuit.

**QUESTIONS? Call 1-888-378-7406 or visit
USAABankClassAction.info.**

16. If I request exclusion, can I still receive a payment?

No. You will not receive a payment if you request exclusion from the Settlement.

F. The Lawyers Representing You

17. Do I have a lawyer in this case?

The Court has appointed the following law firms to represent you and all Class Members. Together the law firms are called “Class Counsel,” and they are:

SMITH & LONEY PLLC 2317 E. John Street Seattle, Washington 98112	HAGENS BERMAN SOBOL SHAPIRO LLP 1301 Second Avenue, Suite 2000 Seattle, Washington 98101
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You will not be charged for contacting these lawyers. If you would prefer to be represented by your own lawyer, you may hire one at your own expense.

18. How will the lawyers receive payment for their services?

Class Counsel may submit an application or applications for distributions from the Settlement Amount for (a) an award of attorneys’ fees and reimbursement of expenses incurred in connection with prosecuting the Action (the “Fee and Expense Application”), and (b) Service Awards to the Class Representatives. The amounts awarded as attorneys’ fees and expenses and Service Awards will be decided by the Court.

Class Counsel has agreed with USAA Bank that the Fee and Expense Application will not seek an amount in excess of twenty-seven and one-half percent (27.5%) of the Settlement Amount. When filed with the Court, the Fee and Expense Application will be posted to the Settlement Website at USAABankClassAction.info.

Class Counsel and Plaintiffs Philip Bulls, Dean Brink, Carmin Nowlin, Nicholas Padoa, and Raphael Riley agree that they will apply to the Court for a Service Award of up to \$20,000 each for their participation in the Action and their service to the Class as Class Representatives. USAA Bank has agreed not to oppose such applications.

G. Objecting to the Settlement

19. How do I inform the Court if I object to the Settlement?

If you are a Class Member, 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 Awards to the Class Representatives. For an objection to be considered, the objection must set forth

- the name of the Action (*Bulls v. USAA Federal Savings Bank et al.*, Case No. 5:21-cv-00488-BO (E.D.N.C.));
- the objector’s full name, address, and phone number;
- an explanation of the basis upon which the objector claims to be a Class Member;
- all grounds for the objection, accompanied by any legal support for the objection;
- the identity of all counsel who represent the objector in this matter, including any former or current counsel who may be entitled to compensation for any reason related to the objection;
- whether the objector intends to appear at the Final Approval Hearing and, if so, the identity of all counsel representing the objector who will appear at the Final Approval Hearing. Any counsel who will appear at the Final Approval Hearing must contemporaneously enter a written Notice of Appearance of Counsel with the Clerk of the Court;
- a list of all other class action settlements to which the objector or their counsel has filed an objection;
- a list of any persons who will be called to testify at the Final Approval Hearing in support of the objection; and
- the objector’s signature (an attorney’s signature is not sufficient).

**QUESTIONS? Call 1-888-378-7406 or visit
USAABankClassAction.info.**

Class Members who wish to object to any aspect of the Settlement must file with the Court this written statement prior to the Opt-Out/Objection Deadline and include all evidence and legal support for the objection. You must mail your objection to each of the following three addresses, and your objection must be postmarked by November 21, 2024.

Clerk of the Court U.S. District Court for the Eastern District of North Carolina P.O. Box 25670 Raleigh, North Carolina 27611	Knoll Lowney SMITH & LOWNEY PLLC 2317 E. John Street Seattle, Washington 98112 Shayne Stevenson HAGENS BERMAN SOBOL SHAPIRO LLP 1301 Second Avenue, Suite 2000 Seattle, Washington 98101	Daniel T. Plunkett Megan S. Ben'Ary Andrew M. Albritton MCGLINCHEY STAFFORD 601 Poydras Street, Suite 1200 New Orleans, Louisiana 70130
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20. What is the difference between objecting to the Settlement and requesting exclusion?

Objecting is notifying the Court that you do not like something about the Settlement. You can only object to the Settlement if you are a Class Member. Requesting exclusion from the Settlement is notifying the Court that you do not want to remain a member of the Class. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

H. The Final Approval Hearing

The Court will hold a hearing to make a decision about whether to grant Final Approval to the Settlement and any requests for attorneys' fees, expenses, and Service Awards related to the Settlement. You may attend and you may ask to speak, but it is not a requirement.

21. When and where will the Court decide whether to grant Final Approval of the Settlement?

The Court has scheduled a Final Approval Hearing before Judge Terrence W. Boyle on January 7, 2025, at the Eastern District of North Carolina United States Courthouse, located at 310 New Bern Avenue, Raleigh, North Carolina 27601. The hearing date and time is subject to change. Updates to the date and time will be posted on the Settlement Website at USAABankClassAction.info.

At the hearing, the Court will consider granting Final Approval to the Settlement based on whether it is fair, reasonable, and adequate. The Court may also consider requests by Class Counsel for attorneys' fees and expenses related to the litigation and administration of the Settlement. If there are objections, the Court will consider them at the hearing as well.

After the hearing, a decision will be made whether to grant Final Approval of the Settlement, but it is not known at this time how long it will take for the Court to decide. Class Members should visit the Settlement Website USAABankClassAction.info to stay updated about the current case status.

22. Do I have to attend the hearing?

Attending the hearing is not required, but you are welcome to attend at your own expense.

If you filed an objection, you do not need to attend the hearing to discuss its validity. As long as the objection was filed in accordance with the guidelines described within this notice and on the Settlement Website at USAABankClassAction.info the Court will give it consideration.

You may also pay your own lawyer to attend the hearing, but it is not required.

**QUESTIONS? Call 1-888-378-7406 or visit
USAABankClassAction.info.**

23. How do I request to speak at the hearing?

You have the option to request to speak at the Final Approval Hearing, but you must send a letter informing the Court of your intention to appear and speak. The letter for your Notice of Intention to Appear must include the following:

- Your name, address, and telephone number
- A statement identifying the letter as your “Notice of Intention to Appear” at the Final Approval Hearing for *Bulls v. USAA Federal Savings Bank et al.*, Case No. 5:21-cv-00488-BO (E.D.N.C.)
- The reasons you intend to appear along with any supporting documentation or evidence
- Your signature

You must send copies of your Notice of Intention to Appear, postmarked no later than November 18, 2024, to all three addresses listed in Question 19 above. **Please note: you may not speak at the hearing if you file a valid request for exclusion from the Settlement.**

I. Getting More Information

24. How and where can I get more detailed information?

This notice is a summary of the proposed Settlement. More detail regarding the terms of the Settlement can be found in the Settlement Agreement posted on the Settlement Website at USAABankClassAction.info. **You may also contact the Administrator with questions toll-free at 1-888-378-7406 or by mail at Bulls v USAA Administrator, P.O. Box 2939, Portland, OR 97208-2939.**

**QUESTIONS? Call 1-888-378-7406 or visit
USAABankClassAction.info.**

Attachment 5



Exclusion Report
Bulls v USAA

Number	First Name	Middle Name	Last Name
1	Elio	T	Giannetti
2	Estate of Alfred S. Gima		
3	Estate of Paul A. Beams		